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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Monday, September 30, 1996*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. WALKER].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
September 30, 1996.

I hereby designate the Honorable ROBERT S. WALKER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of the beloved hymn by Isaac Watts:

O God, our help in ages past,
Our hope for years to come,
Our shelter from the stormy blast,
And our eternal home.

We pray, gracious God, that Your blessing will be with those who seek to do their daily work in ways that help other people. As the words of the hymn remind, we know that we can place our trust in Your grace and in Your goodness for Your mercy gives us hope and our eternal home. So bless each one and strengthen us with your abiding hand.

The Lord bless us and keep us,

The Lord make His face shine upon us and be gracious unto us,

The Lord lift up His countenance upon us and give us peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois [Mr. HASTERT] come forward and lead the House in the Pledge of Allegiance.

Mr. HASTERT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment bills, a joint resolution, and concurrent resolutions of the House of the following titles:

H.R. 543. An act to reauthorize the National Marine Sanctuaries Act, and for other purposes;

H.R. 1031. An act for the relief of Oscar Salas-Velazquez;

H.R. 1734. An act to reauthorize the National Film Preservation Board, and for other purposes;

H.R. 2297. An act to codify without substantive change laws related to transportation and to improve the United States Code;

H.R. 2579. An act to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States;

H.R. 3916. An act to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings.

H.J. Res. 197. Joint resolution waiving certain enrollment requirements with respect to any bill or joint resolution of the One Hundred Fourth Congress making general or continuing appropriations for fiscal year 1997;

H. Con. Res. 221. Concurrent resolution correcting the enrollment of H.R. 3159; and

H. Con. Res. 229. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 1004.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3668. An act to extend certain programs under the Energy Policy and Conservation Act through September 30, 1996.

The message also announced that the Senate had passed bills of the following titles in which the concurrence of the House is requested:

S. 2158. An act to set the time for counting electoral votes; and

S. 2159. An act to set the time for the convening of the One Hundred Fifth Congress.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1004), "An Act to authorize appropriations for the United States Coast Guard, and for other purposes," and that the Senate agrees to the amendment of the House to the bill (S. 1467), "An Act to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes."

ELECTION OF THE HONORABLE ROBERT S. WALKER AS SPEAKER PRO TEMPORE THROUGH LEGISLATIVE DAY OF TUESDAY, OCTOBER 1, 1996

Mr. SOLOMON. Mr. Speaker, I offer a privileged resolution (H. Res. 553) electing the Honorable ROBERT S. WALKER of Pennsylvania to act as Speaker pro tempore, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 553

Resolved, that the Honorable Robert S. Walker, a Representative from the Commonwealth of Pennsylvania, be, and he is hereby, elected Speaker pro tempore through the legislative day of Tuesday, October 1, 1996.

SEC. 2. The Clerk of the House shall notify the President and the Senate of the election of the Honorable Robert S. Walker as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SWEARING IN OF THE HONORABLE ROBERT S. WALKER AS SPEAKER PRO TEMPORE DURING ABSENCE OF THE SPEAKER

The SPEAKER pro tempore. Will the gentleman from New York [Mr. SOLOMON] please come to the well of the House and administer the oath of office.

Mr. WALKER took the oath of office administered to him by the gentleman from New York [Mr. SOLOMON], as follows:

> Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

CONGRATULATIONS TO ASTRONAUT SHANNON LUCID

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I am absolutely delighted with Newsweek because you know what it says? Here we have this wonderful picture of Shannon Lucid and it said: Forget the fighter jocks. At 53 years of age, Shannon Lucid has the new right stuff. To be in space 188 days is almost as long as this Congress has been in session and I must say I am very proud of the fact I held the first hearing here when we asked NASA why there were no women and they tried to explain to us, because you had to be tough and strong and it was back when the jock-ocracy was ruling that. Well, I pointed out I was a pilot and I understood it really was more like milking a mouse. They kind of swallowed hard and we finally moved on with moving women into that era. And now we have her defining the norm for the future. I think that is very exciting.

Mr. Speaker, I congratulate Shannon and NASA for having the vision to move there and I think all of us as Americans are terribly proud of her accomplishment and very few of us would want to have changed places with her during those 188 days.

TRIBUTE TO HON. ROBERT WALKER ON HIS RETIREMENT FROM CONGRESS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, a few minutes ago I had the privilege to swear you in as Speaker pro tempore for the next 2 days. I just want to say to the body when I came here 18 years ago, BOB WALKER had been here for a while, and over the years there is no one who has mastered the parliamentary procedures of this floor more than BOB WALKER, but even beyond that, this man has been a watchdog of this body. He is a man of the highest integrity, and we are so sorely going to miss him. Today will probably be the last day and tomorrow, that he will be a Member of this body but we wish him well and we hope he still remains available to give us his old sage advice as the years go on.

The SPEAKER pro tempore. The Chair thanks the gentleman from New York very much.

CONGRATULATIONS TO TEXAS RANGERS, CHAMPIONS OF AMERICAN LEAGUE WESTERN DIVISION

(Mr. PETE GEREN of Texas asked and was given permission to address the House for 1 minute.)

Mr. PETE GEREN of Texas. Mr. Speaker, the Texas Rangers are the champions of the American League West. I know I speak for all of Texas when I say congratulations to the Ranger players, coaches and management.

I particularly want to make mention of my friend Tom Schieffer, the managing partner of the Rangers. Under his leadership, the team has given us the magnificent Ballpark at Arlington and now has filled the park with a champion. We wish you the best as the playoffs begin.

Texas Rangers, you are champions. Thank you for a great year.

TRIBUTE TO HON. ROBERT WALKER

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I also want to come to the well this afternoon and commend the Speaker for the next 2 days, the Honorable ROBERT WALKER of the great Commonwealth of Pennsylvania. He came to this Congress in our bicentennial year as I did, an unusual class, Vice President AL GORE was in that class, Democrat leader DICK GEPHARDT was in that class, former Vice President Dan Quayle was in that class. Mr. Speaker, NEWT did not come until 2 years later. BOB WALKER set the ground for NEWT over those 2 years and he has been what Mr. SOLOMON said, a master of parliamentary procedure. Through tough times and smooth times, he has been the conscience of the House at least on our side of the aisle. He is going to be sorely missed.

He and I are Korean-war-era veterans. By our birth date, we missed the combat in Korea but we did not miss the combat here. Mr. Speaker, your two decades here set the stage, I think, for the Republicans to take the House on November 8, 1994, and probably to retain it about 36 days from now. Please keep coming back and keep us on the straight and narrow.

The SPEAKER pro tempore. The Chair thanks the gentleman from California.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HOUSE TO INSTITUTE RANDOM DRUG TESTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, there is something happening throughout this country which is so discouraging, and that is the escalating illegal drug use by Americans, particularly young Americans. We have seen the reports just recently that among 12- and 13-year-olds that illegal drug use is up by 137 percent over the last 4 years. In youth 14 and 15 years of age it is over 200 percent. It is a situation that seems to be getting worse and worse.

Now it is estimated that 75 percent of all the crime against women and children, the abuse of women and children, is drug-related. Mr. Speaker, that is just absolutely intolerable. Studies have shown in the past that 75 percent of all the drug use in America is used not by the inner core areas of the country where we seem to see all the killings taking place, but 75 percent of all the illegal drug purchases in America actually come from outside the inner core cities. It comes from the suburbs of our cities where even the upper-middle-class people are driving in, purchasing these drugs, taking them back and using them on a recreational weekend; and, Mr. Speaker, that is what props up the price of illegal drugs in this country and that is why we have to make an all-out effort with everything that we can do in government to try to prevent this from happening.

That is why on the opening day of this Congress next year, I will be offering an amendment to the rules of the House which will require random drug testing of all Members of Congress, and of their staffs as well, both on the committee staffs and personal staffs. It is not because I think that there is any wide abuse by Members of Congress or even of their staffs with using illegal drugs but, Mr. Speaker, we have to help set the example for the rest of the country. Back in the early 1980's—1983 and 1984—President Reagan at the urging of myself and others implemented random drug testing in our military. At that time there was an estimated drug use of 25 percent by our active military personnel. Within several years of random drug testing, that average had dropped from 25 percent down to less than 4 percent, to what it is today. If we could lower that 4 percent throughout the entire Nation, what a difference that would make. That is why major corporations like the General Electric Co. and IBM and others have random drug testing of their employees.

We need to set the example in this Congress and make it a condition of employment that if they are going to work for the House of Representatives, that they are going to submit as a condition of their employment to random drug testing. That way there can be no violations. It simply is a question of their duty as a part of being paid to submit to the random drug testing. If we could do that, if we could do it throughout the Federal Government, and if we could do it at the State and the county and the town and village and city levels, just think what that would be with all those massive employees. And then if we could encourage the rest of the private sector to do the same thing, it would then become very unhip for people to be using drugs. If they knew they were going to go to a hockey game, a football game, a basketball game or to a cocktail party and people were going to turn up their noses at them when they were using these drugs recreationally, let me assure you they would soon stop doing it, especially if they thought that their good job was going to be affected.

Mr. Speaker, I wanted to call attention to the Members that that rule change will be taking place on January 3 when this Congress reconvenes. I thank the Speaker for his time. I also thank him for his leadership over all these years of helping me with legislation that we have implemented on the floor of this Congress dealing with this particular issue of illegal drugs.

□ 1415

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I take this time to proceed out of order for the purposes of asking something about the scheduling with the gentleman from Illinois [Mr. HASTERT], and the gentleman from New York [Mr. SOLOMON].

Mr. Speaker, because the chairman of the Committee on Rules is on the floor and Mr. HASTERT, another one of the leaders on your side of the aisle, I am very concerned that the Senate apparently has not yet passed the omnibus appropriation bill, or the CR, whatever we are calling the vehicle we are using to fund the balance of Government. The concern obviously is, as the chairman knows, the fiscal year ends in essentially 9 hours 45 minutes.

Can the gentlemen sort of enlighten us as to where the Senate might stand, what are the prospects of making sure we pass something by tonight, so that we do not put the Federal employees and the Federal Government to the test of shutting down and opening up?

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, let me say to the distinguished gentleman from Maryland, who is a strong defender of the Federal employees of this country, as well he should be, because 99 percent of them are good, loyal Americans and hard working people, and he should be concerned.

Let me just say I was about to pose the same question to him. As the gentleman knows, we constructed an unusual rule, an innovative rule, which sent over to the other body not only the omnibus appropriation conference report, taking care of all of the unfinished appropriation business, but at the urging of the other side of the aisle, the gentleman's side, we also sent a freestanding bill consisting of the exact language.

The reason for that was that there were Members that wanted to offer some amendments. As I understand it, and I talked to Mr. LOTT not too long ago, they are going to pursue that out of courtesy and fairness to the Democrat side of the aisle. Should any of those amendments I guess be enacted, I think they would pull that freestanding bill and then pass the conference report well before midnight tonight.

How long it is going to take to go through this amendment process, I do not know. In the meantime, as the gentleman knows, there are a number of other unfinished matters. Some are terribly important to some Members. We are operating under a unanimous-consent rule now. Those are being negotiated.

To answer the gentleman's question, I feel confident from my conversations with the other body that they are going to act on the final conference report before midnight tonight, which would solve the concerns of the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his answer. Obviously I think all of us believe that ought to occur, and hopefully it will occur. I am pleased that the focus is on that so that we do not pass this deadline.

Mr. SOLOMON. Why do not you and I just kind of lurk through the halls and kind of give them a little push and make sure it happens.

Mr. HOYER. I am sure they will look forward to that.

TRIBUTE TO DR. JOHN N. LEIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. DICKS] is recognized for 5 minutes.

Mr. DICKS. Mr. Speaker, I rise today to honor Dr. Jack Lein, who has been a great friend to me and my office over the years during his long, distinguished career at the University of Washington. During Jack's 32-year career at the University of Washington, he has served in many capacities which encompass most aspects of modern medicine, medical and health sciences education, university administration and Federal relations. At the end of this year, Jack will begin a well-earned retirement. The many skills that he brought to his job will be hard to replace. I want to join the many people in the University of Washington family to express our debt of gratitude to Dr. Lein for his decades of conscientious service.

Jack has spent most of his life in the State of Washington, having been born in Spokane. He received his MD degree from the University of Washington in 1955. After finishing his internship and residency in 1960, Jack returned to Spokane to begin an obstetrics and gynecology practice. After 4 years in his medical practice, Jack began his distinguished career at the University of Washington.

Although Spokane lost a good physician, the University gained a tremendous asset and advocate. Dr. Lein founded the University of Washington School of Medicine Continuing Medical Education Program and was its first director for 19 years. He was also assistant dean and then associate dean of the School of Medicine. From 1965 through 1969, he was the director of the Washington/Alaska Regional Medical Program and was one of the founders of the widely acclaimed WAMI Program which set up a regionalized medical education system for Washington, Alaska, Montana, and Idaho.

From 1970 until 1984, Jack was the State legislative liaison for the health sciences. For the past 29 years, he has coordinated all Federal relations for the University. Dr. Lein served as vice president for health sciences for 10 years, making him the highest ranking administrative official ever to graduate from the University of Washington Medical School. Since ending his service as vice president in 1992, he has been the first full-time director of Federal relations, reporting directly to the university president. At the same time, he has continued to be a professor of obstetrics and gynecology.

During the years that Dr. Lein has headed up the Federal relations efforts, the University of Washington has become the No. 1 recipient of Federal contract and grant dollars among State universities nationwide. When Jack began his tenure, the University received $40 million in Federal dollars. For each of the last 3 years, these Federal monies have totaled more than $400 million.

Dr. Lein's understanding of the relationship between a world-class university and the Federal Government reminds me of the dedication of the Warren G. Magnuson Health Science Center. Jack remarked to Senator Magnuson that he had better keep the Federal money flowing to the University or else we had just dedicated the world's largest Christian Science reading room.

The research that this money has helped fund has produced some very impressive results. Over the last decade, the University of Washington research programs have produced Nobel Prizes in medicine and physics, along with medical advances in bone marrow transplantation and the Hepatitis B vaccine. Other achievements include assisting key State and regional industries through research into advanced materials and methods for aerospace and electronics manufacturing and for the growing biotechnology industry. The university has been key to advancements made in developing new methods for sustainable management of our fisheries and forest resources, which is vitally important for the district I represent. The university's research has led to patented technologies for more than 20 startup companies. And perhaps most importantly, this research has provided training for more than 8,000 graduate and professional students each year. These successes testify to the legacy that Dr. Lein is leaving the University of Washington.

As Jack prepares to begin his retirement, I want to wish him all the best. I know, Jack, that you will be missed. Every happiness to both you and your family. As a graduate, I want to thank you for your dedicated service to the University of Washington.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I want to thank the gentleman from Washington for talking about Dr. Lein. I wanted to congratulate this wonderful doctor, because he has brought another dimension to the gentleman from Washington. We usually hear you talking about the Huskies. This shows that you have tremendous allegiance to all sorts of parts of that university. I thank you, and I thank you for being such a wonderful friend of it.

Mr. DICKS. Well, I appreciate very much the very kind comment of my distinguished friend from Colorado, who will also be missed from this House, and who has done so much for women's issues in this country.

Dr. Lein, of course, would appreciate those remarks, and I appreciate them very much as well.

I would also like to say this: You mentioned the Huskies. Dr. Lein and I, I hope over many, many years to come, will be able to spend a little time on Saturday afternoons watching those University of Washington Huskies, and hopefully they are going to have a great future, as they hopefully will have a great season this year.

Dr. Lein, you will be missed. Thank you for the great job you have done for the University of Washington and for our country.

DRUG USE INCREASES UNDER CLINTON ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House as we wrap up our work and leave Washington to report on one of the final hearings that will be held before the Congress tomorrow morning. This is a hearing that I requested, and I want to thank Chairman ZELIFF of the Subcommittee on National Security, International Affairs and Criminal Justice of the Committee on Government Reform and Oversight, on which I serve, for holding that hearing. I want to thank Chairman CLINGER for his outstanding leadership, particularly on the drug issue.

Our Committee on Government Reform and Oversight and our specific subcommittee has tried for the last 18 or 20 months, since we took control of the committee and the Congress, to make a real national drug policy a priority of this Congress and this country.

The reason for the hearing tomorrow is really quite disturbing. I found in reports that I received that shortly after assuming the office of drug czar, that General McCaffrey, who was appointed to that position by the President, did in fact, and we are learning more of the facts and we will find out all of the information tomorrow at the hearing, but did in fact receive a report, and I have finally gotten a copy of the report. The report was requested by the Secretary of Defense and prepared for the Deputy Assistant Secretary of Defense for Drug Enforcement Policy and Support.

This report was presented in March at a meeting shortly after General McCaffrey assumed the office of drug czar, and I am told that in fact he ordered that no one was to release the contents of this report. In fact, this report was extremely critical of the Clinton administration's drug strategy, a failed drug strategy that in fact had dismantled interdiction, that had dismantled the use of our military, our Coast Guard and other assets in stopping drugs cost effectively at their source.

This report in fact was given to General McCaffrey, and we are going to find out tomorrow if in fact he ordered that report buried. If he did indeed, it is a disgrace, and it is a sad commentary on his first step as drug czar, and I think he needs to answer for that.

We are seeing the results of this failed drug policy and lack of a policy. The President, the first thing he did after taking office was in fact fire a majority of the staff, two-thirds of the staff in the drug czar's office, and then appointed a national health officer, Joycelyn Elders, who told our children, "Just say maybe."

Then we had a President who just said nothing. In fact, when he did speak, and I have seen the clips from this on MTV, he said if he had it to do over again, he would inhale. I as a parent wonder what kind of message that sends to our children, and I as a Congressman wonder what is happening when a report like this is in fact buried and kept from the Secretary of Defense and kept from this Congress, that in fact substantiates that the Clinton approach to curtailing drugs on our streets and in our neighborhoods and in our schools is an abject failure.

So tomorrow we are going to hear about that report. Now we are getting news reports, "White House buries critical drug report." The study in fact supported interdiction, supported the efforts by the Reagan administration and the Clinton administration to crack down on drugs.

Now, this Congress and the Republican majority have restored those cuts and are replacing those funds. In this budget that we have just passed in appropriations, there is a record $8 billion. Remember, the other side of the aisle, the Democrats controlled the House and the other body and the White House for the first 2 years, and it is their proposals to wreck a policy of solid accomplishment and get us into this situation where we have drug use increase among our juveniles in epidemic proportion across this land, and even in my district children and teenagers are dying of drug overdoses and heroin use and abuse.

So in every category we see the results of a failed policy, and it must be changed.

PROUD OF LIBERAL ACCOMPLISHMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am not quite sure what to call this, whether I call it a "Fem-fomercial," or "I am liberal, hear me roar," or "I am a progressive, hear me roar," or what. I wanted to take this floor one last time and say, for those who want to demean progressives or demean liberals in this body, and for those who want to hurl labels at them, I want to say I am proud to be in that category, and I wanted to say why.

□ 1430

If you look back on this last century, think of what it would have been like if there had not been progressives or there had not been liberals. There clearly would not have been any civil rights enacted. The voting rights would not have transpired. Women would not be voting. We would not be dealing with the environment the way we are now, and much more knowledgeable about it. We would not have Social Security. That, clearly, was a very stark difference. We would not have had Medicare. There was a stark difference.

We would not have had the Marshall Plan, which President Truman introduced when he was at about a 17 percent approval rating. We would not have had the nuclear test ban. We would not have had the food safety laws or the drug safety laws. We would not have had things like air bags.

I remember those fights and how people laughed at those of us who were advocating air bags and the threatening stuff we were hearing from people, and now everybody is delighted that we have them and lives have been saved.

We would not have had the educational opportunities that the Federal Government is putting out there, whether it is for Head Start to going on to college. And I could go on with a lot of things that were introduced in this century that I think made this place a better place to live.

One of my frustrations has been, in my 24 years in politics, watching the people who fought us tooth and nail on these issues, then, after they passed they start trying to get in front of the train and pretend like its theirs and say trust me, I will take care of this if you just put me in power. Well, I do not think so. And at the same time trying to hurl labels at the people who advocated these issues like there was something really terrible about it although now of course they agree with the issues.

So as we go into this election year, I hope Americans are a lot more sophisticated and start thinking about how far this country has moved in 100 years. That is hard for us as Americans because one of our strong suits is we do not really deal in the past and we really do not deal too far in the future. We deal in the here and now and reality. That is good news, but that can be bad news, because we have to at some time think about how deep is our rudder, where is our compass set, and what do we see out there on the horizon.

So I guess what I am saying is the challenge of every one of us as we start to enter this new century is to think about where is our compass set and where do we want to go, and do we want to wipe out all these people we now call liberals, liberals or progressives, that have any of these kind of ideas? Do we want to just stay right where we are, marching in place, or do we want to march backwards and start undoing things?

As you know, they are already in the Presidential campaign talking of let us undo family medical leave, we do not like that. Let us undo all sorts of things that we have made gains on. I always feel after we gain that ground, it is almost like a military campaign, we have to sit there and sleep with one eye open like the lioness at the den because we never know what could be undone.

But I hope all Americans engage in this and think about it because I do not think liberal is a bad word. I think the great progress that this country has made has been because of people who have been courageous enough to come to this floor and say this is a Nation where hope is the bottomline and the Federal Government must find a way that hope becomes reality to every American.

I have said over and over again that I was raised in a family that said we all came from countries where we were what our parents are, but in this country we are what our children become. So we desperately need to think about what our children are going to become in the 21st century and what our Nation is going to become in the 21st century and what kind of opportunities are going to be out there for everyone.

And that, I hope, is the level of debate we have this fall. I hope that that starts to be a little more of a vision thing for every voter. It is not just the vision thing for the candidates. What are the vision things of the voters? This is where the people come in, and this is where I hope they speak.

THE NATIONAL PARKS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, I am here today to talk about a national parks bill, probably the most important national parks bill, that expands the parks, protects the parks, that passed this body before we adjourned on Friday and is now being considered in the Senate.

This is a very important, bipartisan piece of legislation that the Committee on Natural Resources, majority and minority, put together, and this is the only bill that could do some substantial good for our national parks. It is critically important that the Senate move on this piece of legislation because if we do not move on this piece of legislation, we believe that not just the funding for the parks will be jeopardized but a lot of very important management decisions affecting parks, old and new, will not be made.

Let me just mention how each state is affected by this national parks legislation. In Alabama, we have the Selma to Montgomery National Historic Trail creation. In Alaska, we have the Gates of the Arctic National Park and Preserve, and you have the Anaktuvuk Pass land exchange.

In Arizona, we have the Walnut Canyon National Monument boundary modification, the Wupatki National Monument boundary adjustment. In California, we have the Old Spanish Trail addition to the National Trails System and also a unique management structure for San Francisco's Presidio.

In Colorado, we have the Yucca House National Monument boundary adjustment. We have the construction of Rocky Mountain National Park visitor's center. We have the maintenance of Grand Lake Cemetery in Rocky Mountain National Park, the Old Spanish Trail addition to the National Trail System.

In Idaho, we have the Craters of the Moon National Monument boundary adjustment and the Hagerman Fossil Beds National Monument boundary.

In Hawaii, we have the Kaloko-Honokohau National Historic Park Advisory Commission; in Kansas, a very important piece of legislation, the creation of the 11,000 acre Tallgrass Prairie National Preserve.

In Kentucky, we have got the Cumberland Gap National Historic Park. In Massachusetts, we have the Boston National Historic Park, which basically deals with materials and park adjustments to the Freedom Trail. We also have the Blackstone River Valley National Heritage Corridor boundary changes.

In Michigan, we have the Pictured Rocks National Lakeshore boundary adjustment; in Mississippi, the Corinth Battlefield interpretation center construction as part of the Shiloh National Military Park; in New Jersey, the establishment of the Great Falls Historic District in Paterson and protection for Sterling Forest.

In New Mexico, we have the Rio Puerco watershed study, and the Taos Pueblo bill that deals with including the boundaries for a new wilderness area called Blue Lake, called the bottleneck legislation.

In New York, the Women's Right National Historic Park inclusion of additional property. In New York also, the critically important Sterling Forest, the protection for the Sterling Forest. In Pennsylvania, Independence National Historic Park boundary adjustment; in Rhode Island, the Blackstone River Valley National Heritage Corridor; and in Texas, another very important piece of parks legislation, the Big Thicket National Preserve.

In Tennessee, the Cumberland Gap Historic Park; in Utah, the Zion National Park, the Old Spanish Trail edition to the National Trails System; in

Virginia, the Cumberland Gap National Historic Park and Colonial National Historic Park, also in Virginia.

In Washington State, the establishment of the Vancouver National Historic Reserve; in West Virginia; the New River Gorge National River and Gauley River National Recreation Area, the Bluestone National Scenic River.

Mr. Speaker, this is very important legislation, and this is the last day, the last day, of the session that we have to complete it. We know there are some concerns in the other body about the absence of legislation that dealt with, for some Members of that delegation, very important Alaska legislation. But I think it is critically important that we see that we have over 100 bills for all regions, for all Members of Congress, Republican and Democrat, a bipartisan compromise that was crafted by the gentleman from Alaska [DON YOUNG] and the gentleman from Utah [JIM HANSEN], and the gentleman from California [GEORGE MILLER], and many others in a very good faith basis before we adjourned.

Mr. Speaker, it is critically important that the other body take action on this legislation before we adjourn. We know that they have some concerns, particularly the Alaska delegation. We respect those, but hopefully we can address those concerns in the next session and we should not have to hold up this legislation that is up here today.

Mr. Speaker, I have been the ranking member of the Subcommittee on National Parks, Forests and Lands. We have thoroughly examined all of these bills. They are good bills. We urge the other body to push for their passage.

THE STORY OF LEN BIAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DE LA GARZA] is recognized for 5 minutes.

Mr. DE LA GARZA. Mr. Speaker, I rise to visit with my colleagues and especially to address the youngsters in our country. At home when I visit schools I tell the story of a young man named Len Bias, who lived in nearby Maryland here.

Len Bias was a great basketball player when he was a kid. He could do anything with a basketball. He could make it sing a song. Six feet tall by the time he was 10, 12 years old. Went to high school. They won the championship. He won all of the medals, he won everything. High schools were looking for him all over, and then college. He went to the University of Maryland, although he had scholarships from 20 some colleges that had offered him a scholarship.

Same thing in Maryland. Four years, Len Bias was a man of the hour in basketball. Not only in basketball, he was a leader in the church, a leader on the campus. He was a great individual.

That year the Boston Celtics won the world championship, and they were looking at him, and he went to Boston and the word is that he signed a contract for I do not know how many millions, $8 million, $10 million. Came back and was met by some friends at National Airport. They went back to the campus, and they were disobeying the rules, but someone had some liquor. He was tired, but he had the world in the palm of his hands. I do not know how many millions of dollars he had signed with the Boston Celtics, and one of the friends, supposed friends, said, "Why aren't you happy, why aren't you excited." He said, "Well, I am just tired." He said, "Here, I will give you something that will help you, take a sniff of this and you will feel good, you will feel great." He says, "No, I don't do that." "I don't do that," Len Bias said, and they kept insisting and insisting and insisting.

Finally, he said, "Okay, let me try it," and he went like that and he was dead before he hit the floor. He didn't know his body would not tolerate cocaine. This fine specimen of an individual, this hero, this now rich young man from the suburbs of Washington, he was dead because of one who professed to be his friend gave him a little cocaine.

What I would like to leave you with is we do not want any more Len Bias's. We do not want any of our youngsters to have to suffer with that, to have to suffer the family. And you know what happened? He was such a leader, when the word got out, it was past midnight, 1 o'clock in the morning. When the word got out on campus, people started coming out of the dorms and they were coming out in the square there.

☐ 1445

Some opened the gym and the gym started filling up and what happened, Len Bias died, Len Bias is dead. One of the students lit a candle. Someone started singing Negro spirituals, black spirituals, the whole college came up. What happened to Len Bias?

A friend had given him a sniff of a little white powder and then there was no more Len Bias.

We do not want any more of our youngsters to go that way. We want them to be Len Bias, the basketball player, the hero, the leader in the college, the leader in the church, the leader in the community.

I do hope that those who remember Len Bias but those that may never have heard of him, if you remember nothing else of what I say today, remember that there was a young man with a future that would not quit but a friend led him astray and now there is no more Len Bias.

Mr. RICHARDSON. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, let me just say that selflessly the gentleman from Texas has talked about somebody else when in effect this may be the last speech that truly one of the giants in the Congress, the gentleman from Texas, will be giving.

Mr. Speaker, I will ask unanimous consent that the gentleman's speech to the Congressional Hispanic Caucus be part of the RECORD of this proceeding, because what we have is truly one of the giants of the Congress in our midst, somebody who will be dearly missed, not just for the Hispanic people of this country but for all Americans, the distinguished chairman of the Committee on Agriculture.

This is truly a historic day in that he comes to the floor to talk about the tragedy of Len Bias, a young man with unlimited potential who succumbed to drugs. Yet he is probably giving the last speech of his career which is historic in that he truly has been one of the giants of this body.

The SPEAKER pro tempore. (Mr. WALKER). Is the gentleman propounding a unanimous-consent request?

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that the speech of the gentleman from Texas, [Mr. DE LA GARZA], before the Congressional Hispanic Caucus be made part of the RECORD of this proceeding.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. DE LA GARZA. Mr. Speaker, I thank my distinguished colleague for his kindness and generosity.

Mr. Speaker, this is 32 years for me. I close speaking about the youngsters. If I have improved one youngster's life, my 32 years here would have been very worthwhile, Mr. Speaker.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4194. An act to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes.

BILL CLINTON, SECURITY CLEARANCE AND COMMANDER IN CHIEF

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, good afternoon to my good friend. We are certainly going to miss him here. What a great 20 years he brought to his country's service following his reserve military service.

Mr. Speaker, I thought that the U.S. Senate might move more swiftly on Friday last and that we might adjourn sine die on Friday, the 27th of September. Then there would have been no special orders. We would have gone out sine die. My high school Latin tells me that means done, no further legislative action, House and Senate are gone, traditional call from the White House to the leader of the Senate, Mr. TRENT LOTT, and the man second in line to the presidency after the vice presidency, the Speaker of the U.S. House. But it did not happen. I thought I had done the last special order on Thursday night. Then on Friday night, since we did not go out sine die, I thought I had done the last special order on Friday night. Saturday, we were in and out, recesses, and I did not get a chance to come to the floor with something that I did not have time for Thursday or Friday that really was the most important thing I wanted to say and the core of how I wanted to personally close out the 104th Congress, as I had closed out the 102d Congress in 1992, with three of the most experienced military men in this Chamber, the only aerial ace from the Signal Corps in World War I, Army Air Corps, Army Air Force, U.S. Air Force, U.S. Navy, the only ace to ever serve in this House, DUKE CUNNINGHAM came to this floor with me for over a week with DUNCAN HUNTER, Army paratrooper, ranger from Vietnam, 2 corps area, and, of course, the greatest hero that we have serving at the current time in this House, SAM JOHNSON of Texas, savagely tortured in Hanoi, Kept in solitary confinement longer than the United States was in World War II.

World War II was a 6-year war for our Allies, nations like conquered France and brave Great Britain hanging on, desperately, before we were bombed at Pearl Harbor. Great Britain was virtually alone with exiled forces of other nations, Belgium, Netherlands and their colonies, now gone their own way around the world. Of course, free Frenchmen that had made it through Dunkirk to England, but Britain was alone but for the United States.

The war was less than 4 years in Europe, 3 years and 5 months it took us to drive Hitler to suicide, less than 3 years and 5 months. SAM JOHNSON of Dallas was in solitary confinement.

The other day I said to him, right here in this Chamber, he was standing right here, I was leaning against this desk. I said, SAM, with all the times they broke you, did you ever go on the air in Hanoi, that is an expression for taking a torture-extracted propaganda statement and running it on the radio, because I know some heroes, one of them former squadron commander of mine that was savagely tortured for months, finally broken, went on the air but you could tell the deliberate awkwardness of their statements, that they were beaten into this.

SAM JOHNSON of Dallas, standing right here, Mr. Speaker, said some incredible words to me: I never did give them what they wanted.

Then he said, you know, because this is typical of his humility, all human beings are different. He slapped me on the back of my hand. He said, some people you do that to them and they caved. We actually had two officers who were full traitors who collaborated with the enemy their entire captivity without ever having been tortured. And we had seven enlisted men. The officers were always held in Hanoi. The enlisted men had survived the medieval brutality of the camps in South Vietnam so they came to Hanoi already utterly demoralized from watching 20 or 30 of their friends shrivel up and die, and they collaborated horribly.

All of them should have been court martialed, but the Secretary of the Army, Bo Callaway, said, and he was very wrong on this, that Army people do not have to recognize the authority of Air Force or Navy commanders in a prison camp. That is totally wrong.

So he said, these Army enlisted men, getting orders from senior Air Force and Navy officers, they did not have to obey them. Once he did that, it put now Senator JOHN WARNER, who was then Secretary of the Navy, in a box. So he had to let this traitor naval commander and this traitorous marine lieutenant colonel go. I am merciful that I do not mention their names. They are burned in the front of my brain.

But from that range of collaborator traitor to psychological torture to a slap on the wrist, there were a handful, like Congressman JOHNSON, who were broken but never broken enough to make them cooperate. They might break them to bow, and some they could not even break to do that. Three men they tortured to death, beat them to death over a long period because they would not bow. But SAM JOHNSON was one of the unique 11 that were put in a small, horrible little camp in downtown Hanoi, tailored for them, called Alcatraz wherever every cell was separated by a big space or another cell so they could only communicate by coughing or the sweep of a broom. One of the men was left behind there, Air Force Captain Stewarts, Ron Stewarts. His goodbye to his Nation, to his friends, and his family was, It has been an honor serving with you, God bless you. And he tapped that out with the sweep of a broom, and his remains were returned two decades later.

Now, I tell that story to give the listeners, the 1,300,000 listeners to C-SPAN, the quality of SAM JOHNSON on this floor, with naval ace DUKE CUNNINGHAM, Army Officer DUNCAN HUNTER, and this post Korean war Air Force fighter pilot. And for 4 days we tried to get a message out to the Nation. And the message was simply that Bill Clinton, I want to say this slowly and deliberately and I defy someone to contradict me, Bill Clinton could never have gotten the security clearance to serve in the U.S. Army, my father's service, in the U.S. service, the service of five Presidents in my lifetime, the U.S. Air Force, the service of Ronald Reagan when it was the Army Air Force. He could never have been accepted into the FBI, the CIA. He could never have been a Secret Service officer, the ones who will throw their bodies in front of him to catch a bullet. He would never have been accepted in the Customs department. He would never have been accepted in any solitary U.S. Marine Corps, given in any service that requires a security clearance.

How did he get to be Commander in Chief over all of these men, of them putting their lives down for him? Why did the fathers of two Medal of Honor winners, one just died 5 days before I went down to watch the commissioning of a ship named after his hero, Delta Force, Special Forces, master sergeant's son, Gary Gordon, why did Gary Gordon's father refuse to shake Clinton's hand? Why did Herb Shughart say to him, you are not fit to be the Commander in Chief and, refused to shake his hand at the White House at the ceremony where the sons of these two fathers were posthumously being awarded the Medal of Honor? Because they sensed this.

How did he get to be Commander in Chief? You can get a top secret clearance, even if your whole life is clouded by treachery, by getting elected to the U.S. Senate, the U.S. House, being chosen Vice President on a ticket that wins or winning as the President of the United States. Article II, section 2 says, simple words, 16 words: The President of the United States shall be the Commander in Chief of the military forces. There is a comma, and then it says, he is the commander in chief when the militia is called up, militia meaning what we now call the National Guard or reserves.

Now, a hero, a survivor of the Bataan Death March tried to warn the Nation. I have his letter in front of me. He wrote to the Nation. He is the recipient of the medal next one down from the Medal of Honor. If there had been more eyewitnesses to his courage on Bataan and his bravery in the Japanese prison camps, he was in the camps about as long as SAM JOHNSON was in solitary confinement, 3½ years, SAM JOHNSON, of course, served 7. But he wrote a letter to the Nation on September 7, 1992, 4 years and 23 days ago, and he warned the Nation what would happen if Clinton was elected President of the United States. I have his letter before me, and I am going to read it.

But I also have in front of me a letter written years earlier, 1969, 23 years earlier, by Bill Clinton, supposedly at Oxford but had not even signed into his dormitory, no record that he ever went to class the second year, but drawing the $700 a month, that would be about $2,000 a month now from the Rhodes scholarship set up by the British Sir Cecil Rhodes. He was drawing the money, organizing demonstrations against his country in a foreign land.

That immediately disqualifies him from any security clearance. A footnote, one of my pals in pilot training, class 55-H, great pilot, good guy, his parents were born in the Ukraine. They came to him after he was through pilot training. He had finished everything. He had waited 7 months, as I had, as a precadet enlisted man because after the Korean war, different country, there were so many people lined up to fly F-86 Saber jets or Thunderjets or bombers or serve in our Air Force. I had to wait 7 months to start pilot training, after I had passed my test.

□ 1500

Started my test the day Stalin died, my dad's birthday, March 5, 1953.

So this young man waited all those months, got through pilot training, graduated with me near the top of his class. We are all waiting around buying our rings, and I remember going to the book store for the headquarters building at Bryan Air Force Base, College Station, TX, and he was picking up his ring, and he says, "Well, I am going to wear my ring, but I will never be an officer and I will never get my wings."

Why? He says, "Because my parents were born in the Ukraine. They are good people. They came over here. But the FBI cannot run a thorough background check on them, so I am not going to be—and I was born in America, but I am not going to get my wings or commission."

I see his picture, and I was the editor of our graduation book, pilot training, Mr. Speaker. I look at his picture there, and it says second lieutenant. I will not use his name; maybe he did not want it known; maybe he worked it out years later; I do not know.

But I think about that when I think of Clinton as Commander in Chief, with his background, organizing demonstrations, calling them the fall offensive, and not realizing that the fall offensive title came out of Hanoi.

As a matter of fact, 4 years and 23 days later, guess what I found out this week, Mr. Speaker? That it was not Hanoi who named it the fall offensive, it was the Kremlin, the KGB. I find out in documents now that were classified, they spent more money on the propaganda war, of which Clinton was a part, than they spent funding 98 percent of the war in Vietnam.

So here first is a touch of Clinton's letter, December 3, 1969, to Colonel Holmes. He wrote a letter—he drew his lottery number, 319, on the 1st of December. He wrote to Yale Law School on the 2d of December, that is all in the letter, kissing off being an army lawyer, a JAG, going through ROTC as a graduate in law school with the University of Arkanas, which he told Colonel Holmes he was going to do. That is why he went back to Oxford.

Supposedly he was to finish up being a Rhodes scholar, and come back, and then go through law school, go back to the undergraduate. It was a brand new program initiated in 1969, and he only had to do 2 years ROTC and 1 summer camp instead of what I was doing in college, 4 years and 2 summer camps.

So he writes to Yale on December 2, 1969, with all the political letters, Fulbright, Gov. Winthrop Rockefeller, all that political mentioning that helped him beat his induction showup date of July 28, 1969.

But he writes to Yale on the 2d, draws that lottery number, 319, on the 1st, and writes them the 2d, and then he has got this little bit of business to clear up to keep Colonel Holmes tamped down and to let him know how he really euchred him and pulled the wool over his eyes.

And he says—now Ted Koppel read this to the Nation on Lincoln's birthday, February 12, 1969, with Clinton sitting there, giving him his total, own "Nightline" show. He was plummeting in New Hampshire. He had dropped to third in the polls. He only had 18 percent. And Koppel gives him his own "Nightline" show all by himself.

Why would he do that? Because Charter FOB, who is down at South Carolina, at Hilton Head, at the Renaissance New Year's Day intellectual gathering; Clinton, as President, has been there 4 years in a row, and of course Rick—gosh, why would I forget his last name? It will come to me. The producer of Ted Koppel's "Nightline" show for the first 14 years was now the executive producer of—no longer the producer of "Nightline," he was now the executive producer of Peter Jennings' "Evening News," and he still is.

Rick Kaplan, K-A-P-L-A-N, calls up—he is an adviser to Clinton, FOB, friend of Bill's, and he calls up and leans on Koppel: Do this for Clinton, give him this show.

So while Clinton is sitting there Koppel, does not do what he would do to a Republican, to a Dole or a Reagan or a Bush; he reads the whole letter and says it is a remarkable document, and Clinton had to wince through a few tough periods, but they spun it and gave them the whole day to explain it away, the whole half-hour.

And then they went into overtime as though this candidate, running third in New Hampshire with 18 percent, in free fall, was Margaret Thatcher or Helmut Kohl or Bibi Netanyahu. It is unbelievable.

Here is the way Clinton starts the letter:

We did this 4 years ago. America was not listening, CUNNINGHAM, HUNTER, JOHNSON, and DORNAN. We did it, Tiger flight. I will try again solo here.

The text of the letter Bill Clinton wrote to Col. Eugene Holmes, director of the ROTC program at the University of Arkansas, December 3, 1969:

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on I will—he never wrote again—but I have had some time to think about his first letter—first letter, never a second—almost daily since my return from England. I have thought about writing about what I want and ought to say—he is still in England; that is inaccurate.

First I want to thank you not just for saving me from the draft. Colonel Holmes feels that is a terrible line, and he will quote later why. He said there are things you do not know. He says I have written and spoken and marched against the war in Vietnam. One of the national organizers of the Vietnam moratorium is a close friend of mine. That is now-prominent homosexual David Mixner who was the one that talked Clinton into his first dust-up in the press, trying to force homosexuals in the face of our Chairman of the Joint Chiefs, Colin Powell, and all the 4 CINCs who are now all retired, and the current CINCs I know personally, and they all tell me that it is a fight that is not going to go away if there is a second term.

He goes on to say no government really rooted in limited parliamentary democracy should have the power to make its citizens fight and kill and die in a war they oppose.

Now how would that have worked in World War II?

And he said a war which in any case does not involve the peace and freedom of the Nation—well, what peace and freedom for the United States is involved in Bosnia? in Haiti? in Somalia? and in Iraq? American interests are not just to defend the continental States or Hawaii and Alaska, which, by the way, we do not defend from missile attack, single missile attack, 6 missiles.

I am going to ask to put Clinton's whole letter in the RECORD, Mr. Speaker, and then I am going to quote twice more from it. May I do that?

The letter referred to is as follows:

FOR THE RECORD—TEXT OF BILL CLINTON'S LETTER TO ROTC COLONEL

The text of the letter Bill Clinton wrote to Col. Eugene Holmes, director of ROTC program at the University of Arkansas, on Dec. 3, 1969:

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month and from now on I will, but I have had to have some time to think about this first letter. Almost daily since my return from England I have thought about writing, about what I want and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America. Before Vietnam, I did not take the matter lightly, but studied it carefully and there was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.

Interlocked with the war is the draft issue which I had not begun to consider separately until early 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war, not simply participation in war in any form.

From my work I came to believe that the draft system itself was illegitimate. No government really rooted in limited parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which in any case does not involve immediately the peace and freedom of the nation.

The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified, but the draft was not for the reasons stated above.

Because of my opposition to the draft and the war I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true, we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here and would have been at Arkansas law School because there is nothing else I can do. In fact, I would like to have been able to take a year out, perhaps to teach in a small college or work in some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate then.

At that time, after we had made our agreement and you had sent my ID deferment to my draft board, the anguish and loss of my self-regard really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally on Sept. 12, I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC after all and would he please draft me as soon as possible.

I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military to which you and other good men have devoted years, lifetimes of the best service you could give. To many of us, it is no longer clear what is service and what is disservice or if it is clear the conclusion is likely to be illegal.

Forgive the length of this letter. There was so much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.

Sincerely,

BILL CLINTON.

Then Clinton writes, I have no interest in the ROTC program in itself, and all I seem to have done was to protect myself from physical harm.

Yeah, amen, that is right. He called it right there.

Also, I began to think I have deceived you, not by lies; there were none. Wrong. But by failing to tell you all the things I am writing now. I doubt that I had the mental coherence to articulate them then. When he was facing the draft, when he had suppressed his induction day of July 28, 1969.

At that time, after we made our agreement, and you had sent my ID deferment to the draft board, the anguish and loss of my self-regard really set in. I began eating compulsively and reading until exhaustion brought sleep.

While the third high school guy, Mr. Speaker, was in uniform, maybe in Vietnam; only God knows then, maybe dying, maybe wounded, maybe a young married man who lost his wife to someone else while he was gone, given the mixed up country, the culture that we had then and still do 30 years later from those middle sixties.

But he ate compulsively, and he says, I stayed up all night writing a letter to the chairman of my draft board. I have spoken to him on the phone, saying basically what is in the preceding paragraph, all the demonstrations that he led.

Let me back up. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year.

He did not write anything at Oxford. He was one of three people in his class of 32, never got his degree. And, by the way, that person from Mississippi is now a homosexual and a waiter in San Francisco, did not want to be interviewed by anybody in 1992.

One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. That is Frank Aller.

He was not his roommate; they were sleeping on the floor at Strobe Talbot's apartment at 43 Lekner Road near Oxford.

And Frank Aller came home. The FBI said, "We do not want you any more; President Nixon is downgrading the war." And Aller committed suicide, and Clinton says Aller's picture is on his wall of his bedroom upstairs on the second floor of the White House. He says Aller is one of the bravest best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

Well, is not it too bad that he killed himself like another of Clinton's friends named Vince Foster? Not a hero in my book to throw yourself back in God's face, committing the eighth deadly sin of despair unless you have serious mental problems. That is a tough call when you are riding high.

And Aller was an Oxford—although he ditched classes, like Clinton, I repeat, sleeping on the floor of the number two man in the State Department, Strobe Talbot, he was smarter. He could not have gotten into Oxford, so he had his whole life in front of him. And Vince Foster was a Catholic father of three children, a beautiful wife, at the top of his game. There better have been serious mental problems here, or he had a lot of explaining to do to Saint Peter, or the mystery deepens there.

So here it is. Clinton signs off. To many of us, it is no longer clear what is service and what is disservice, or, if it is clear, the conclusion is likely to be illegal. He was thinking he was illegal.

And this is the infamous letter where he says I wanted to keep my political options open. Forgive the length of this letter, there was so much to say, there was still a lot to be said, but I can wait. Please say hello to Colonel Jones for me.

Jones is the one who took the letter out of the ROTC file and kept it for two-and-a-half decades. Colonel Holmes did not release this letter to the press. Colonel Jones did for his own reasons.

Merry Christmas. Sincerely, Bill Clinton.

So 23 years later, a colonel sets the record straight, Bataan Death March survivor, and only the Washington Times in this city, about the seventh circulation paper in America, and a solid paper that really seeks the truth, they printed it.

But ABC, of course, after giving Clinton on Lincoln's birthday his own personal "Nightline" show, at Stephanopoulos' behest from the War Room, in the folded newspaper down a block and a half away from the Excelsior Hotel, the Paula Corbin Jones hotel, Stephanopoulos and Carville called ABC and said, "Spike it."

For people who are not familiar with print journalism, spiking a story is when you stick a well written story by one of your reporters on one of those spindles in a newsroom; you spike it. Today they just erase it off the word processor. It was spiked by ABC, of course.

I am going to slow down here now. And it was spiked by CBS. Would not that have made Fred Friendly sick? And Edward R. Murrow?

It was spiked by NBC; it was spiked by PBS. Of course, they get Federal money. And he was running ahead of Bush in the polls. It was spiked by even the—well, the Wall Street Journal did not spike it. It never got to them in time. No; sorry. Jeff Bierbaum spiked it because he lost his exclusive with the Holmes family. So he punished them because they went to ABC with this letter, and ABC spiked it, and so did he because he did not get it first, and he could have had it exclusively. And the New York Times spiked it, and of course, my L.A. Times.

I am running against the L.A. Times for the next 36 days. In my 9 races, you had 10 because, remember, I had that break in service, Mr. WALKER, so I got to finish out my 20 and see if I end up as honorably as you did; as HERNY HYDE always said, leaving this place with a little dignity instead of changing the world. You changed the world more than a little.

But when I think about the L.A. Times, my nine races with lightweight, flaky opponents, I have got another one. They build them up into opponents. That draws money to them. Then I have to raise money.

And several times I found myself in the fight for my life, 51 percent, 50.2, but a couple of 57's, 57 and one-half last year, and a 59. Always in the 50's though, because I represent a Democrat district, 50 percent Democrat; I think it has dropped to about 49 now; 39 percent Republican, and 54 percent Hispanic.

And most Hispanics, like most people of African-American heritage, have not learned yet that you have got to play with both teams. Hispanics know it better than African-Americans, but with two great African-Americans serving on the Republican side in the House and J.C. WATTS with his eloquent oratory, we are making inroads. But people know that a district that is 54 percent Hispanic is generally a slam dunk Democrat district.

So the L.A. Times, no friend of conservatives or me, faced spiked. The Washington Post, of course, did not want to hear this letter, and they are inside the beltway here. They did not print this letter.

So as I read it to America, Mr. Speaker, think of all these papers spiking this letter, and at the same time I implore you to think, if they had a letter like this against Ronald Reagan in 1980 or 1984 or a Navy attack carrier pilot with 58 combat missions named George Bush in 1988 and 1992, if they had it on him in 1992, they would have front paged it across the country. And whatever the New York Times, the L.A. Times, the Washington Post, and the Wall Street Journal do, all the rest of America's newspapers do starting with number four, the Chicago Tribune, a colonel sets the record straight September 7, 1992.

□ 1515

Memorandum for Record: Subject: Bill Clinton and the University of Arkansas ROTC Program. "There have been many unanswered questions as to the circumstances surrounding Bill Clinton's involvement with the ROTC department at the University of Arkansas."

I will not stop again, Mr. Speaker, but I want America to know they are hearing the words of a Bataan Death March survivor. I spent 4½ hours with him on February 24 last year, where the son of the gentleman from Arkansas, JAY DICKEY, is going through law school there at Fayetteville, at the University of Arkansas law school. Colonel Holmes was born in Utah with his brother, Bob. I visited Bob's grave on the last day of last month, at the Cambridge Cemetery in England, bled to death on his B–17 coming back from a raid over Hitler's fortress Europe.

This is a man who had the son of the gentleman from Arkansas [Mr. DICKEY] and myself with tears running down our faces. He told us, about a lieutenant, with his beautiful wife of 60 years sitting there, a young lieutenant in nothing but a tattered pair of underpants, smaller than an athletic supporter, skinny, coming back working in the fields all day long, they had moved him down to a camp in Mindanao, or one of the other Philippine Islands, or South Luzon, and he had a cigarette stuck in the side of this little shriveled dirty bikini strap, and they found the cigarette. And an extremely tall Japanese officer, over 6 feet, very unusual, says, raise your hands, lieutenant. And he says, when your hands come down, you die. One hour goes by, 2 hours go by, 3 hours go by, and his hands slowly start to come down from exhaustion. And the Japanese officer takes out his namboo pistol and shoots this West Pointer between the eyes. That is what Colonel Holmes witnessed.

Then he hold me about his two friends, Larry and Spike. "Do not get on the prison ship. I have got a bad feeling." They said, we have got to get out of here, we will die here. They got on the prison ship. No Red Cross markings. They were bombed by American aircraft; swimming to the beach, our aircraft strafed them. Those that made it to the beach, the Japanese took them off in the jungle and executed them. That is the end of Larry and Spike, real names.

But I remember Colonel Holmes telling those stories. We spent 3 hours on his Bataan Death March and his captivity. Anybody who fell to the side of the road to get a drink of water, bayonetted in the back, run over deliberately by trucks and tanks. One man's body, you could not tell it was a human being after all these Japanese trucks had deliberately run over him.

He saw all of this. That is whose words I am reading to my country that I love. I will see if I can go through this without interrupting myself again, Mr. Speaker. Words of Colonel Holmes, Distinguished Service Cross, Silver Star, Purple Hearts:

"Prior to this time, 1992, I have not felt the necessity for discussing the details of Clinton. The reason I have not done so before is that my poor physical health, a consequence of participation in the Bataan Death March, and the subsequent 3½ years of internment in Japanese prison camps, has precluded me from getting into what I felt was unnecessary involvement." He told me he felt intense guilt at all of the Governor's race. He said, "I have never been so relieved in my life as when Clinton lost the governorship in 1980. I thought, 'I will never have to come forward.' ".

Then, with each subsequent Governor's race, he said, I never dreamed he would survive a primary system in this country. Then when the letter came out, he could not believe he was surviving it. And Col. Clint Jones, his number two, released the letter, not Col. Holmes.

However, present polls, 1992, they show there is an imminent danger to our country of a draft dodger becoming Commander in Chief of the Armed Forces of the United States. While it is true, as Mr. Clinton has stated, that there were many others who avoided serving their country in the Vietnam war, they are not aspiring to be the President of the United States. The tremendous implications of the possibility of his becoming Commander in Chief of the U.S. Armed Forces compels me now to comment on the facts concerning Mr. Clinton's evasion of the draft.

Mr. Speaker, I must pause to remind people that Clinton was living at the home of a war criminal named Robert McNamara.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALKER). The Chair must ask the gentleman from California to suspend for a moment at this point.

The Chair would remind all Members that it is not in order to engage in personalities toward the President. Although remarks in debate may include criticism of the President's official actions, it is a breach of the order of the House to question the personal conduct of the President, whether by actual accusation or by mere insinuation.

Mr. DORNAN. Mr. Speaker, this letter I have put in the CONGRESSIONAL RECORD maybe 12 times over the years. I have discussed with the parliamentarians whether the term "draft dodger" is a pejorative term or whether it is a historical statement of fact, like drunk driving, or any combination of words in crime.

I will change this Distinguished Service Cross recipient and Bataan Death Marcher's words whenever I see the word "dodger," and I do not think it appears in the letter again, I will change it to "evasion," or "avoidance," which is less harsh on the ears, I guess.

The SPEAKER pro tempore. The Chair would remind the gentleman from California that any allegations of evasion of the draft or such things do involve personality, regardless of the origin of the allegation.

Mr. DORNAN. Would the term "student deferment," thousands of people, including leaders in both Chambers, have taken student deferments honorably when it looked like the war was winding down.

I understand in the Second World War, people would spit out the term "draft dodger," but student deferment or some other euphemism, for me to get through this Bataan Death March survivor, I will accommodate the parliamentarians that far. But I will push it beyond that, and ask for a ruling of the Chair and appeal the ruling of the Chair, if I cannot do honor to this man who is suffering down in Arkansas right now.

The SPEAKER pro tempore. The Chair simply wishes to remind the gentleman that the rule of the House involves the use of personalities in debate, that the gentleman is entitled to criticize the President's official actions or his policies. But the Chair reminds the gentleman that the breach of order is to question the personal conduct of the President, whether it is an actual accusation or whether it is an insinuation, engaging in personalities on the House floor with regard to the President or any Member of this body, is not within the rules.

Mr. DORNAN. Mr. Speaker, no one has been more of an expert on the rules of the House than the gentleman in the Chair. Out of my respect for him on one of his 2 last days, I am going to accede to that.

However, I am entitled to tell every Member of Congress and every American watching that this letter is in the RECORD 12 times, and some few other Members have put it in, over the last 4 years, maybe more. I think a lot more. I think I have put it in 15 myself. They can write to their Congressman, and I am saying this, and please, Mr. Speaker, please do not write to my poor office, I do not have any more staffers than anybody else, write to your own Congressman and write for today's CONGRESSIONAL RECORD, and ask your Congressman to call my office and find out other dates this was in the RECORD, and then they can see it in its fulsome detail.

I will do what the CIA and the DIA has done to our POW and missing-in-action families, and that is drive them to mental pain with what is called redacted documents; you know, where they black out whole sections, so you are left with a page, to whom and from whom, and it is about your son or your husband, lost in Laos, Cambodia, or Vietnam.

Then you have to beg for years for documents that are already being given to the Russians in Moscow and their intelligence people to be debunked and destroyed, not debunked, detruthed, or given to Hanoi. We have been given secret documents to Hanoi for a decade now that we would not even give to the parents.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I just want to say to my good friend the gentleman from California, BOB DORNAN, I just have great respect for the gentleman.

Many, many years ago after this Congress had passed a resolution saying that there was nothing else that could be done to bring back even not only live missing-in-action, but the remains, you and I, I recall back in 1983 or 1984, I was the chairman, if the gentleman remembers, on POW missing-in-action, and you and I and a number of others went to a place called Hanoi and a place called Vietnam.

I recall you and I sitting across the table from these Communists and begging, almost on our hands and knees, it was so embarrassing to sit there and beg, to try to get somebody by the name of Hon Vick Son, remember him, he was a foreign minister, to release the remains that were being warehoused right there in Hanoi.

Mr. DORNAN. Blocks away.

Mr. SOLOMON. It was such a humiliating experience for me. But everyone should know that that was the very beginning of getting back some of those remains, and over a period of time, more than 200 have come back. It is through nobody's effort but yours that we were able to get them back here. I want to take off my hat to you, sir.

Mr. DORNAN. Mr. Speaker, let me recall two things from this trip, to give the audience a flavor of how this is coming from deep in my heart. I do not want to come out as a blubbering baby, when I already admitted that Colonel Holmes made me cry at his dinner table with myself and with the young law student, the son of the gentleman from Arkansas [Mr. DICKEY].

But you recall, when we went to Hawaii, to the central investigative laboratory, where all the remains were identified, that we went into this room that was almost like the nave of a church, it was so quiet. And here on all these white sheets set on tables like cots were the pieced-together remains, like jigsaw puzzles, of our heroes, Marines, Army-Navy pilots, Air Force officers.

Mr. SOLOMON. I will never forget it.

Mr. DORNAN. Then they had a table of ID cards, and you will recall, I picked up one. My air officer number changed later, they changed the letters in the front. It was 3038271. This is before they went to Social Security numbers.

I picked up this card and I look at the Social Security number, I mean his

Air Force number, and it says, regular Air Force, 3038260, 11 numbers off mine. I look at the name and it is David Allison, F-105 pilot, good shoot, on the ground, gave a radio call. His remains had never come home. But there is his ID card. His military green serviceman's card was there, the only other redhead in my pilot training class, lined up with me, getting his wings, Allison ahead of Dornan.

You remember, the tears went down my face, I said, JERRY, look at this. This is one of my pals from 15 months of pilot training. Is this all his family is going to get now is an ID card, if, in fact, they ever sent it to him? They had him a prisoner. We do not have his remains back, let alone any word of what happened to him, and we know they took him prisoner.

Then I asked, can we all say a prayer here? And it wa like we were in a church, praying for all these men. And some of them, all they had was one tooth, trying to match it up with good military dental records. This has been a tough, tough end to this Vietnam conflict.

Let me see if I can get through Colonel Holmes' letter, redacted. He says, The account would not have been imperative, had Bill Clinton been completely, redacted, with the American public concerning this matter. But as Mr. Clinton replied on a news conference this evening, September 5, 1992, after being asked another particular about his, blank, the draft, almost everyone concerned with these incidents are dead, Clinton said. I have no more comments to make. They were not all dead. I talked to some of them.

"Since I may be the only person living," he is not, "who can give a firsthand account of what actually transpired, I am obligated by my love for my country and my sense of duty to divulge what actually happened and make it a matter of record. Bill Clinton came to see me in my home in 1969 to discuss his desire to enroll in the ROTC program at the University of Arkansas."

I must stop again, Mr. Speaker. I asked Colonel Holmes February 24 last year at his home, at his dinner table, let me tell you what I would ask you as a hard-bitten newsman. How would you remember this one student? He says, a fair question, Congressman. In 10 or 12 years of working with ROTC programs in my final year of active duty, never in all those 12 years, in California, in San Francisco, at USF, or at Arkansas for 10 years, did any student ever come to my home except Bill Clinton, 23-year-old Bill Clinton.

Then he called me at my Holiday Inn room later that night, at 1:30 that morning. I said, oh, my God, Colonel, I apologize for keeping you up. He said, well, you know, Irene, I said Alice earlier but his wife's name was Irene, Irene told me we might have confused you with something. I want you to know, I never let him in my house. Is that not interesting? He followed me from the backyard to the front yard for 2 hours while I did my gardening, imploring me to help him.

Interesting historical footnote. Most people in America are hearing that for the first time. Because I have never told anybody that. I may have said it on the House floor once.

☐ 1530

Clinton came to see me in my home in July 1969, just a few weeks before his introduction show-up date, July 28, 1969, to discuss his desire to enroll in the ROTC at the University of Arkansas. We engaged in an extensive, approximately 2-hour interview. At no time during this long conversation about his desire to join the program did he inform me of his involvement, participation and actually organizing protests against the United States's involvement with our allies in Southeast Asia. He was shrewd enough to realize that had I been aware of his activities, he would not have been accepted into the ROTC program as a potential officer in the U.S. Army.

The next day I began receiving phone calls regarding Bill Clinton's draft status. I was informed by the draft board that it was of interest to Senator Fullbright's office that Bill Clinton, a Rhodes scholar, not going to class, should be admitted to the ROTC program. I received many such calls.

He told me he received one from the Governor's office, Winthrop Rockefeller, liberal Republican.

The general message conveyed by the draft board to me was that Senator Fullbright's office was putting pressure on them and that they needed my help.

The draft board needed this Bataan death march survivor's help.

I then made the necessary arrangements to enroll Mr. Clinton into the ROTC program. I was not saving him from serving his country, as he erroneously thanked me for in the opening of his letter from England dated December 3, 1969. I was making it possible for what I thought was a Rhodes scholar to serve in the U.S. military as an officer.

In retrospect I see that Mr. Clinton had no intention of following through with his agreement to join the Army ROTC program at the University of Arkansas, or even to attend the University of Arkansas law school. I had explained to him the necessity of enrolling at the University of Arkansas as a student in order to be eligible to take the ROTC program with the undergraduates. He never enrolled at the University of Arkansas, but instead enrolled at Yale University after going back to Oxford.

I believe that he purposely—redacted—me, using the possibility—and the Colonel does not use obscene language, obviously, this is a redaction because it is a tough verb involving honor—he purposely—blanked—me, used the possibility of joining the ROTC as a ply to work with the draft board to delay his induction—actually destroyed his induction—and get a new draft classification which he got, 1-D.

The December 3 letter written to me by Mr. Clinton, and subsequently taken from the files by Lt. Col. Clint Jones, my executive officer, was placed by me into those files so that a record would be available in case the applicant should ever again petition to enter into an ROTC program. The information in that letter alone would have restricted Bill Clinton from ever qualifying to be an officer in any branch of the U.S. military.

The words of Jimmy Durante come to mind now: What a revolting development this is.

Even more significant was his lack of—redacted—in purposely—redacted—the military by—redacting—me, both in concealing his antimilitary activities overseas and his counterfeit intentions for later military service. These actions cause me to question both his patriotism and his integrity.

When I consider the caliber, the bravery and the patriotism of the fine young soldiers whose death I have witnessed and whose funerals I have attended—many in Arkansas he described to Tim Dickey and myself—when I reflected on not only the willingness but the eagerness that so many displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me that a man who was not merely unwilling to serve his country but actually protested against its military overseas should every be in the position of Commander in Chief of our Armed Forces.

I write this declaration not only for the living but for future generations, and for all those who fought and died for our country. If space and time permitted, I would include the names of the ones I knew personally and fought with—Bataan, the kids he sent to Vietnam, those young second lieutenants—and along with them I would mention my brother Bob.

I repeat, I stood at Bob's grave at Cambridge. My wife and I thought about Bob's grave as Clinton walked right past it with Hillary on the 50th anniversary, beginning the ceremonies over there on D-Day. On Victory in Europe Day, a few months later, Clinton was in Moscow. AL GORE went to the Cambridge cemetery for our air crews.

My brother Bob, who was killed during World War II and is buried in Cambridge, England. Bob was 23, the age Bill Clinton was when he was over in England protesting against his country.

I have agonized over whether or not to submit this statement to the American people, but I realize that even though I served my country by being in the military for over 32 years, and have just gone through the ordeal of months of combat under the worst conditions followed by years of imprisonment by the Japanese, it is not enough.

That is not enough service, Colonel Holmes says.

I am writing these comments to let everyone know that I love my country more than I love my own personal security and well-being.

Is he frightened, living in Arkansas? Given all the stories we have read over the last 4 or 5 years, the Mena Airport stories?

I am writing these comments to let—I read that—to let everyone know I really love my country. My personal security and well-being are not important. I will go to my grave loving these United States of America and the liberty for which so many men have fought and died.

Because of my poor physical condition—he is tall and handsome, he looks like John Wayne, as a matter of fact, but he has had a very slight stroke, and he is a handsome officer, he does not want to go before the press with this slight tiny little stroke problem—this will be my final statement. Except for his 4 hours with me. I will make no further comments to any of the media regardinng this issue.

So he made his beautiful daughter, who came over that night February 24, 1995, and I met her, Colonel Holmes turned this matter over to his daughter and his wife Irene to represent him with the press. I repeat, there are pictures of him in his den where he looks handsomer than John Wayne, so I can understand his reticence to go before the press and be torn up

You know what the Wall Street Journal did? And ABC, NBC, CBS, PBS, everybody, Washington Post? They said the daughter wrote the letter. After sitting there with that man for 4 hours, I can tell you Colonel Holmes wrote that letter, not his beautiful, educated daughter in her forties or later thirties. No, he wrote the letter.

But the daughter wrote the letter. There is something wrong, he will not meet with us, so they rejected it. If they had really had a reporter going for a Pulitzer prize and begged to go see him, that would have been something.

Now I think it is fitting that in these last 2 days that this be in the CONGRESSIONAL RECORD, for the record, as we say.

And I want to point out that after I left Bob Holmes' grave, the American Cemetery at Cambridge, which is not too far from Oxford, both kind of the same angle of distance away from London, Cambridge is northeast, Oxford northwest. I went up to the wall and looked at Joe Kennedy's name on the wall of the missing, thousands of men missing whose planes buried themselves vertically into a forest somewhere in Germany or France coming home, we still find them, lost in the Zuider Zee or out in the deep North Sea or anywhere in the English Channel, body washed out to the Atlantic.

I looked at Joe Kennedy's name, the oldest son of the father, Joe Kennedy, of President John F. Kennedy. Two boys were born third and fourth, two girls ahead of them: Kathleen, who died in a plane crash, Rosemary who is still alive in a home today. But Joe Kennedy was the one they picked out to be President in that family of politically motivated people, and Joe thought that to be President, he had to do something dangerous, something different.

His brother had already had his back broken and suffered with it has whole life, when on his very first mission at night, without even knowing what hit him, a Japanese destroyer cut him in two. And he said to his friend, Lilly, Lillian Thall, I will never run for anything. I guess it is up to my brother Joe, because I lost my ship on my first mission.

But he got the Navy Cross. Two of his 13 men were killed, but he rescued one, keeping him in his teeth, Kennedys are all good swimmers, dragging one of his young enlisted men who was unconscious to Kilimbangara Island, off Rendova in the west side of the Solomons.

And Joe Kennedy said, well, Jack has been wounded, has a Navy Cross. I have got to do something for my country. So he takes off, in what the Air Force called the Liberator and what the Navy called the Privateer, because it had one big single tail instead of two, in a PB-2Y Privateer, loaded with explosives, and they were going to radio control direct it right into submarine pens and bail out over the English Channel and be picked up.

And it disappeared off the rudimentary radar that they had. Senator TED KENNEDY's oldest brother Joe disappeared over the English Channel into a mist as the explosives were triggered by some electrical fault, they assume, in midair. Maybe it was shot down by an enterprising Messerschmitt pilot that was still coming that far. They did not come out over the channel much in 1944, and he disappeared into the English Channel.

I looked at that name and thought, like me, like HUNTER, like JOHNSON, like DUKE CUNNINGHAM, when I was a kid, I thought, if I am ever going to run for President, I have got to put my life on the line for my country. I do not send three high school kids in my place. I have got to do whatever is the most dangerous thing to do.

And I ended up doing it in peacetime and ejecting from jet aircraft twice, one time ended up 6 miles off the Pacific Coast, off Point Magu, no raft, no Mae West, and God has a helicopter come out, serendipity, looking at thousands of square miles of Pacific Ocean, and sees that precise 2-inch white strip down my helmet and says—two man crew—says to this guy let out of the service 2 weeks later for being overweight—at least he had good eyes, but he would not jump in—he says, keep your eye on that whitecap, now it is going away. And bingo, I am plucked out of the water, February 23, 15th anniversary of flag raising, Iwo Jimo. God says in 1960, no, DORNAN, you are at least going to have 36 more years.

That was what I thought I had to do in peacetime to be worthy of ever thinking about being commander in chief, and ordering 19 great men to die in the alleys of Mogadishu and have their bodies chopped apart and dragged through the streets, and all we get back are torsos, burned at that.

Mr. Speaker, where was Clinton when he sent the Delta Force and those heroes and Rangers and the 160th Special Forces Aviation Regiment, the best helicopter pilots in the world. The training they go through, and interviews and flight checks, is more arduous than getting through West Point, to join that 160th special ops, nighttime Delta Force helicopters up there at Fort Campbell.

He sent those people in to die in the alleys of Mogadishu from a war criminal's home on Martha's Vineyard. Clinton was staying at Robert Strange McNamara's home, and on a pay phone at a golf course, he said send in that Delta Force, whatever it is, and in they went, Operation Ranger, and a few weeks later the fathers of the two Medal of Honor winners refused to shake his hand.

Mr. Speaker, same subject, different field. Infanticide. I know 15 Republicans voted for this, two of them are not coming back, and I will always have this in the back of my mind when I deal with these 13 fellow Republicans that probably will all be reelected. They all have safe races as far as I can see.

But this issue of infanticide, how could 15 Republicans, 4 of them claiming to be Roman Catholics in their biographies, vote for a baby being delivered, 80 percent out of the womb, deliberately breech block, which is stressful to the mother. The mother is not in any danger, or they would not be holding the baby's head in the birth canal. And with the baby's little arms and legs grasping at life, stab the baby in the back of the head and remove the brains with a suction device, crushing the cranium.

Any doctor who does that is a killer, a murderer and if he does it over and over, he is a serial murderer. A serial murderer. Seven or eight Catholic Senators voted for it, six of them Irish Americans, I am sick to tell you. And over here 33 Catholics on that side of the row, four over here, but a great number of Democrats and a big vote, more than two-thirds over here to stop it; fell nine votes short in the Senate but it was still a big majority, 57 to 40-something.

And here is my pal that I first had on my television show as a young—we both had full heads of red hair then—Dr. James Dobson, founder of Focus on the Family, moved away from this Beltway and from California to be out at Colorado Springs, God's country, here is what he says about the failure to override the Clinton veto of partial birth infanticide.

□ 1545

He dated it from his office here in Washington. In reaction to today's failure, and I have to redact little of this, because we cannot comment, well, I can comment on policy, failure by the U.S. Senate to override Clinton's veto of the partial-birth abortion ban, Dr. James Dobson, President of Focus on the Family, released the following statement, and every word of this speaks for me, and I will bet for you, JERRY SOLOMON, and the Speaker.

This was a dark day in the entire history of this Nation. Forty Senators joined Clinton in turning their backs on the most vulnerable members of the human family, baby boys and girls, who are literally inches from being completely born. Because the Senate abandoned its moral duty to stop such an evil practice, these children will now continue to be murdered in the most despicable way, a procedure Congressman HENRY HYDE so aptly called revolting, even to the most hardened heart.

Dr. Dobson continues: The pro-abortion disinformation campaign, lying campaign actually by the billion dollar killing industry, murdering industry that was launched against this legislation, showed the extremism of the abortion industry in supporting abortion on demand throughout all my months of pregnancy for any reason or no reason.

Defenders of this procedure claimed it was rare, that it was only for the health of the mother, and that the baby did not feel the pain of the scissors; that the anesthesia would kill the baby, terrifying, by the way all the mothers across this country, like my oldest daughter has had three C-sections, cesareans, and had to have anesthesia. The bells went off. A red light spun. When I am waiting as the dad right there by the delivery room, what is it, the baby's cord is prolapsed, we are into surgery here, we have to take the baby C-section from your daughter, and she had to be anesthetized.

Now women are calling in, does the baby have a chance of dying if it is anesthetized? Because they do not want to admit the baby is alive when it is held in the birth canal.

Back to Dr. Dobson. They claim the baby doesn't feel the pain of the scissors entering the back of its head. But in the last 2 weeks, the media finally acknowledged none of that is true, even the Washington Post. The successful effort to kill the partial birth, partial infanticide abortion ban, shows that there is no abortion that Clinton and his allies will not try to protect.

The Senators who joined Clinton in actually defending the partial birth abortion have the blood of innocent children on their hands. I, as Thomas Jefferson said, tremble for my country when I reflect that God is just, and that his justice cannot sleep forever.

Here are the words of Cardinal, and I am going to mispronounce his name, a beautiful Spanish name, Bevilacqua, I believe he is from Senator RICK SANTORUM's State, Pennsylvania, his words speak as eloquently as Dr. Dobson's. He says, if late term abortions are legal, Cardinal Bevilacqua, he speaks, a prince of the church, I truly fear that infanticide, legal infanticide, will not be far behind, said the Archbishop of Philadelphia. No nation, no civilization, that loses its moral life, that murders its children, can possibly survive.

That day from the gallery, after he left the gallery, Dr. James Dobson, a child psychiatrist, who I guested regularly when he was at the University of Southern California on my Emmy award winning show in 1968 and 1969, in between a lot of flights to Vietnam, to see how the conflict against communism was going, he said judgment will come upon this Nation.

We have a morality test and an IQ test on November 5, Mr. Speaker. I hope the Nation passes it.

Mr. Speaker, I include the following for the RECORD.

DR. JAMES DOBSON DENOUNCES SENATE FAILURE TO OVERRIDE CLINTON VETO OF PARTIAL BIRTH ABORTION BAN

WASHINGTON—In reaction to today's failure by the U.S. Senate to override President Clinton's veto of the Partial Birth Abortion Ban, Dr. James Dobson, president of Focus on the Family, released the following statement:

"This was a dark day in the entire history of the Senate and of this nation. 40 Senators joined President Clinton in turning their backs on the most vulnerable members of the human family—baby boys and girls who are literally inches from being completely born.

"Because the Senate abandoned its moral duty to stop such an evil practice, these children will now continue to be murdered in a most despicable way—by a procedure Congressman Henry Hyde so aptly called 'revolting, even to the most hardened heart.'

"The pro-abortion disinformation campaign that was launched against this legislation showed the extremism of the abortion industry in supporting abortion-on-demand throughout all nine months of pregnancy. Defenders of this procedure claimed it was rare, that it was for the health of women, and that the baby didn't feel the pain of the scissors. But in the last two weeks, the media finally acknowledged that none of this is true. The successful effort to kill the partial birth abortion ban showed that there is no abortion the President and his allies in the Senate would try to stop.

"The Senators who joined President Clinton in actually defending partial birth abortion have the blood of innocent children on their hands. I, as Thomas Jefferson did, 'tremble for my country when I reflect that God is just and that His justice cannot sleep forever.'"

A COLONEL SETS THE RECORD STRAIGHT

Sept. 7, 1992.

Memorandum for Record:

Subject: Bill Clinton and the University of Arkansas ROTC Program:

There have been many unanswered questions as to the circumstances surrounding Bill Clinton's involvement with the ROTC department at the University of Arkansas. Prior to this time I have not felt the necessity for discussing the details. The reason I have not done so before is that my poor physical health (a consequence of participation in the Bataan Death March and the subsequent 3½ years internment in Japanese POW camps) has precluded me from getting into what I felt was unnecessary involvement. However, present polls show that there is the imminent danger to our country of a draft dodger becoming the Commander-in-Chief of the Armed Forces of the United States. While it is true, as Mr. Clinton has stated, that there are many others who avoided serving their country in the Vietnam War, they are not aspiring to be the President of the United States.

The tremendous implications of the possibility of his becoming Commander-in-Chief of the United States' Armed Forces compels me now to comment on the facts concerning Mr. Clinton's evasion of the draft.

This account would not have been imperative had Bill Clinton been completely honest with the American public concerning this matter. But as Mr. Clinton replied on a news conference this evening (Sept. 5, 1992) after being asked another particular about his dodging the draft, "Almost everyone concerned with these incidents are dead. I have no more comments to make." Since I may be the only person living who can give a first-hand account of what actually transpired, I am obligated by my love for my country and my sense of duty to divulge what actually happened and make it a matter of record. Bill Clinton came to see me in my home in 1969 to discuss his desire to enroll in the ROTC program at the University of Arkansas. We engaged in an extensive, approximately two (2) hour interview. At no time during this long conversation about his desire to join the program did he inform me of his involvement, participation, and actually organizing protests against the United States involvement in Southeast Asia. He was shrewd enough to realize that had I been aware of his activities, he would not have been accepted into the ROTC program as a potential officer in the United States Army.

The next day I began to receive phone calls regarding Bill Clinton's draft status. I was informed by the draft board that it was of interest to Senator Fullbright's office that Bill Clinton, a Rhodes Scholar, should be admitted to the ROTC program. I received several such calls. The general message conveyed by the draft board to me was that Senator Fullbright's office was putting pressure on them and that they needed my help. I then made the necessary arrangements to enroll Mr. Clinton into the ROTC program at the University of Arkansas.

I was not "saving" him from serving his country, as he erroneously thanked me for in his letter from England (dated Dec. 3, 1969). I was making it possible for a Rhodes Scholar to serve in the military as an officer.

In retrospect I see that Mr. Clinton had no intention of following through with his agreement to join the ROTC program at University of Arkansas or to attend the University of Arkansas Law School. I had explained to him the necessity of enrolling at the University of Arkansas as a student in order to be eligible to take the ROTC program at the university. He never enrolled at the University of Arkansas, but instead enrolled at Yale University after attending Oxford. I believe that he purposely deceived me, using the possibility of joining the ROTC as a ploy to work with the draft board to delay his induction and get a new draft classification.

The Dec. 3 letter written to me by Mr. Clinton, and subsequently taken from the files by Lt. Col. Clint Jones, my executive officer, was placed into the ROTC files so that a record would be available in case the applicant should again petition to enter into the ROTC program. The information in that letter alone would have restricted Bill Clinton from ever qualifying to be an officer in the United States military. Even more significant was his lack of veracity in purposely defrauding the military by deceiving me, both in concealing his anti-military activities overseas and his counterfeit intentions for later military service. These actions cause me to question both his patriotism and his integrity.

When I consider the caliber, the bravery, and the patriotism of the fine young soldiers whose deaths I have witnessed, and others whose funerals I have attended. . . . When I reflected on not only the willingness, but eagerness that so many of them displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me that a man who was not merely unwilling to serve his country, but actually protested against its military, should ever be in the position of Commander-in-Chief of our Armed Forces.

I write this declaration not only for the living and future generations, but for those who fought and died for our country. If space and time permitted I would include the names of the ones I knew and fought with, and along with them I would mention my brother Bob, who was killed, during World War II and is buried in Cambridge, England (at the age of 23, the age Bill Clinton was when he was over in England protesting the war).

I have agonized over whether or not to submit this statement to the American people. But, I realize that even though I served my country by being in the military for over 32 years, and having gone through the ordeal of months of combat under the worst conditions followed by years of imprisonment by the Japanese, it is not enough. I'm writing these comments to let everyone know that I love my country more than I do my own personal security and well-being. I will go to my grave loving these United States of America and the liberty for which so many men have fought and died.

Because of my poor physical condition, this will be my final statement. I will make no further comments to any of the media regarding this issue.

EUGENE J. HOLMES,
Colonel, U.S.A., Ret.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALKER). With respect to a possible special order which the gentleman sought for tomorrow for 1 hour, the gentleman should pursue that request with the majority leader through the Cloakroom.

Mr. DORNAN. Again to you, sir, good luck. What an honor serving with you for two decades.

The SPEAKER pro tempore. I thank the gentleman.

FAREWELL FROM THE HONORABLE JOHN T. MYERS, MEMBER OF CONGRESS

Mr. MYERS of Indiana. Mr. Speaker, it is with mixed emotions today that I take this floor. After 30 years of service in the House, if seems like only yesterday, January 5, 1967, that I sat in that chair right there, with two little girls by my side, Carol Ann, 11, and Lori, 6. We took the oath together.

It is not a easy task to say good-bye. So many times we have heard the expression, parting is such sweet sorrow. I never knew exactly what that meant. I guess I have said it myself many times.

Mr. DORNAN. May I destroy the gentleman's rhythm on that sweet sorrow for 1 second?

Mr. MYERS of Indiana. Certainly, my friend from California. It is difficult to follow the order of BOB DORNAN.

Mr. DORNAN. You will like this. You are something else, Mr. MYERS. How old were you when you were the commander as a lieutenant of a prison camp for German prisoners?

Mr. MYERS of Indiana. I spent my 18th birthday there, as a lot of people did.

Mr. Dornan. Second lieutenant at 18. Pretty darn good, commanding a German POW camp.

Mr. MYERS of Indiana. In the Air Force I would have been a captain.

Mr. DORNAN. That is right, but that is because so many guys were shot down in the chain of command. And you came in George Bush's class of '66.

Mr. MYERS of Indiana. We were together, yes.

Mr. DORNAN. With J.P. Hammerschmidt, who beat Clinton at his only other attempt at Federal office in 1974, beat him by 6,600 votes. Thirty years, 1966 to 1996. A whole decade more than BOB WALKER. I have just loved serving with you. And you put the icing on the cake, you honorable man, you, by bringing those grandkids, that look like they were drawn by Norman Rockwell onto this floor, Justin and Austin, John Austin and Justin. What an honor serving with you, JOHN. Let us stay in touch.

Mr. MYERS of Indiana. Thank you for knowing he was a little boy with that long curly hair. Grandpa wishes he has some of that.

Mr. DORNAN. Well, I gave orders that that is not to be cut until another year.

Mr. MYERS of Indiana. His mother will take care of that.

Mr. DORNAN. JOHN, keep coming back a lot. Loved serving with you.

Mr. SOLOMON. If the gentleman will yield, JOHN, I am going to say to you what I said to the honorable Speaker sitting up there, BOB WALKER, the pro tem Speaker who is going to be leaving along with you. But we certainly are gong to miss you, my friend, you and JIM QUILLEN, who is retiring. I know you are the best of friends, and the two of you sat in these two seats right here in front of me.

Mr. MYERS of Indiana. For a good many years.

Mr. SOLOMON. During every vote taken for how many years, JOHN?

Mr. MYERS of Indiana. Thirty. JIMMY served 34.

Mr. SOLOMON. I have been here 18 of those years. I just wanted to tell you, when you would come to the Committee on Rules and testify on the many bills, especially the appropriation bill on energy-water that you would bring before us, you used to do it almost being humble, and I just always admired you for it, because some of us have a tendency to be a little emotional and a little excitable. You always had that reserved presence which we all just admired so much.

So I just want to wish you and your wonderful wife all the best, and hope you do come back and lend us your advice from time to time.

Mr. MYERS of Indiana. Thank you very much.

Mr. BACHUS. If the gentleman will yield, Mr. MYERS, I wanted to say to you, you and Mr. BEVILL, and we said this on the floor of the House earlier this year, that when it came to protecting communities against floods, building levies, I do not think there is a district in the country that have a river that is not thankful to you for your many years of services on the House Appropriations Committee. A lot of people who do not know you, do not know your name, who may be viewing today, do not realize what a difference you have made in their communities. But I want to compliment again you and Mr. BEVILL for your many years of service to the communities of our nation.

Mr. MYERS of Indiana. Thank you very much for the nice remarks.

Sweet sorrow, the sweet side is the fact that the people of the 7th Congressional District, the midwest-central part of Indiana, sent me here for 30 years. I have had the privilege of representing the good folks of Indiana, and it has been a great experience.

But the sorrow is, first, I feel somewhat like I have left the staff, the personal staff we have had through the years, very loyal, I hope I have not forsaken them. But leaving them, when often they worked extra hours to carry out and help a constituent. There always has to be a time when we decide to leave, but it has been difficult to leave the staff. Then also the friends here, those that expressed their views this afternoon, it is most appreciated.

That is the sorrow side of it, of leaving friends behind. But there comes a time when we must do that.

So I say today that it has been a privilege to serve in this body. Time goes so fast, it seems like only yesterday we came here, but it does go fast. But it has been a great honor to have served with so many people.

As we leave, I have to say that back when I worked for a living, I was a farmer and a country banker, and I was president of my Chamber of Commerce. I passed the gavel to my successor. I had not been elected yet, but I felt I was going to, even the Republican National Committee did not think I was, but I will tell you all about that some day.

I passed the gavel to him, and he ran a local dry cleaning establishment, and he stood there, straightened his tie, gulped, and finally I realized that he had stage fright. So I stood up and said, "I know Ross is overwhelmed by the responsibility we are giving him today," giving him the gavel of being president of our local chamber. But I said, "Ross, say a few words. Say thank you."

He said well, "I may not appreciate this, but I sure deserve it."

Well, I do appreciate it, and I hope I deserve something here. But as we leave, we say it has been a pleasure serving with each of you, and we will never forget it. Our prayers will always be with the hard-working people here, the staff, and the Members that will serve in this Chamber in the future.

God be with you. Thank you.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 56 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1902

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. WALKER] at 7 o'clock and 2 minutes p.m.

HOUR OF MEETING ON TOMORROW

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mrs. SCHROEDER) to revise and extend her remarks and include extraneous material:)

Mrs. COLLINS of Illinois, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. DICKS, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. MOAKLEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SOLOMON, for 5 minutes, today.

(The following Member (at the request of Mr. DORNAN) to revise and extend his remarks and include extraneous material:)

Mr. CLINGER, for 5 minutes on October 1.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. RICHARDSON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MYERS of Indiana, for 5 minutes today.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House oversight, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1011. An act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio;

H.R. 1031. An act for the relief of Oscar Salas-Valasquez;

H.R. 1514. An act to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes;

H.R. 1823. An act to amend the Central Utah Project Completion Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985, and for other purposes;

H.R. 2700. An act to designate the building located at 8302 FM 327, Elmendorf, Texas, which houses the operations of the United States Postal Service, as the "Amos F. Longoria Post Office Building";

H.R. 2779. An act to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes;

H.R. 2967. An act to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes;

H.R. 2988. An act to amend the Clean Air to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency Rules;

H.R. 3074. An act to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank of Gaza Strip or a qualifying industry zone;

H.R. 3166. An act to amend title 18, United States Code, with respect to the crime of false statement in a Government matter;

H.R. 3458. An act to increase, effective as of December 1, 1996 the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes;

H.R. 3660. An act to make amendments to the Reclamation Wastewater and Groundwater Study and Facilities Act, and for other purposes;

H.R. 3871. An act to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organization;

H.R. 3916. An act to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings;

H.R. 3973. An act to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives;

H.R. 4138. An act to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes;

H.R. 4167. An act to provide for the safety of journeyman boxers, and for other purposes;

H.R 4168. An act to amend the Helium Act to authorize the Secretary to enter into agreement with private parties for the recovery and disposal of helium on Federal lands, and for other purposes; and

H.J. Res. 197. Joint resolution waiving certain enrollment requirements with respect to any bill or joint resolution of the One Hundred Fourth Congress making general or continuing appropriations for fiscal year 1997.

SENATE ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 919. An act to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes;

S. 1577. An act to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, 2001;

S. 1931. An act to provide that the United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, Tennessee, shall be known and designated as the "L. Clure Morton United States Post Office and Courthouse";

S. 2100. An act to provide for the extension of certain authority for the Marshal of the Supreme Court and Supreme Court Police; and

S.J. Res. 64. A joint resolution to commend Operation Sail for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 2816. To reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes;

H.R. 2773. To extend the deadline under the Federal Power Act applicable to the construction of 2 hydroelectric projects in North Carolina, and for other purposes;

H.R. 2695. To extend the deadline under the Federal Power Act applicable to the construction of certain hydroelectric projects in the State of Pennsylvania;

H.R. 2630. To extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois;

H.R. 3877. To designate the United States Post Office building located at 351 West Washington Street in Camden, Arkansas, as the "David H. Pryor Post Office Building";

H.R. 3546. To direct the Secretary of the Interior to convey the Walhalla National Fish Hatchery to the State of South Carolina, and for other purposes;

H.R. 2501. To extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky, and for other purposes;

H.R. 1791. To amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services;

H.R. 1366. To authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mt. Hope Waterplant Project;

H.R. 1335. To provide for the extension of a hydroelectric project located in the State of West Virginia;

H.R. 1290. To reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes;

H.R. 1014. To authorize extension of a time limitation for a FERC-issued hydroelectric license;

H.R. 680. To extend the time for construction of certain FERC licensed hydro projects;

H.R. 657. To extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas;

H.R. 2869. To extend the deadline for commencement of construction of a hydroelectric project in the State of Kentucky; and

H.R. 3259. To authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 1, 1996, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5385. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contract Reporting fro Fiscal Year 1997 [DFARS Case 96–D315] received September 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

5386. A letter from the Secretary of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund [ESF] for fiscal year 1995, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Banking and Financial Services.

5387. A letter from the Inspector General, Department of Defense, transmitting the report of fiscal year 1995 DOD Superfund financial transactions (Report No. 96–227), pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); to the Committee on Commerce.

5388. A letter from the Assistant Secretary, Department of Health and Human Services, transmitting the Department's final rule—Implementation of the Development Diabilities Assistance and Bill of Rights Act Amendments of 1990 and 1994 (RIN: 0970–AB11) received September 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5389. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenpropathrin; Pesticide Tolerance Correction [FRL–5393–8] (RIN: 2070–AB78) received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5390. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Health Claims and Label Statements; Folate and Neural Tube Defects; Revocation (RIN: 0910–AA23) received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5391. A letter from the Secretary of Energy, transmitting a draft of proposed legislation entitled "Powerplant and Industrial Fuel Use Repeal Act"; to the Committee on Commerce.

5392. A letter from the Chairman, Board of contract Appeals, General Services Administration, transmitting the Administration's final rule—Rules of Procedure of the General Services Administration Board of Contract Appeals: Standard proceedings and Expedited Proceedings (RIN: 3090–AF99) received September 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5393. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visa Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended; Application for Nonimmigrant Visa—Olympic Procedures (22 CFR Part 41) received September 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5394. A letter from the Director, Office of Insular Affairs, Department of the Interior transmitting a report entitled "The Impact of the Compact of Free Association on the United States Territories and Commonwealths and on the State of Hawaii," pursuant to 48 U.S.C. 1681 note; jointly, to the Committees on Resources and International Relations.

5395. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Waiver of Recovery of Overpayments [BPD–869–F] received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committee on Ways and Means and Commerce.

5396. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting their Department's final rule—Medicare Program; Part B Advance Payments to Suppliers Furnishing Items or Services Under Medicare Part B (RIN: 0938–AF85) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Ways and Means and Commerce.

5397. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation aimed at combating money laundering, organized crime, drug trafficking, terrorism, and other forms of international crime; jointly, to the Committees on the Judiciary, Commerce, and International Relations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of September 28, 1996]

By Mr. CRANE:

H. Res. 554. Resolution returning to the Senate the bill H.R. 400 and the Senate amendment thereto; considered and agreed to.

[Submitted September 30, 1996]

By Mr. PETE GEREN of Texas:

H.R. 4329. A bill to designate the Federal building located at 300 East 8th Street in Austin, TX, as the "J. J. 'Jake' Pickle Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY:

H.R. 4330. A bill to amend titles 23 and 49, United States Code, relating to metropolitan planning; to the Committee on Transportation and Infrastructure.

By Mr. KENNEDY of Massachusetts:

H.R. 4331. A bill to amend certain provisions of law relating to child pornography, and for other purposes; to the Committee on the Judiciary.

By Mr. LANTOS (for himself and Mr. HYDE):

H.R. 4332. A bill to prohibit United States assistance to foreign governments that provide landing rights to Libyan aircraft; to the Committee on International Relations.

By Mr. LEWIS of Georgia:

H.R. 4333. A bill to prohibit smoking in any transportation facility for which Federal financial assistance is provided; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Texas (for himself, Mr. ROHRABACHER, Mr. BEREUTER, Mr. BLUTE, and Mr. FLAKE):

H.R. 4334. A bill to amend the Internal Revenue Code of 1986 to allow individual retirement accounts to be used for expenses for post-secondary education and job retraining; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself and Mr. GINGRICH):

H.R. 4335. A bill to amend the Immigration and Nationality Act, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, to modify provisions of law relating to public assistance and benefits for aliens; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Agriculture, Banking and Financial Services, Economic and Educational Opportunities, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON:

H. Res. 553. Resolution electing the Honorable ROBERT S. WALKER of Pennsylvania to act as Speaker pro tempore; considered and agreed to.

By Mr. BARCIA of Michigan (for himself, Mr. BLUMENAUER, Mr. FRANKS of New Jersey, Mr. GEJDENSON, Mr. HINCHEY, Mr. INGLIS of South Carolina, Mr. LONGLEY, Mr. METCALF, Mr. ORTON, Mr. POMEROY, and Mr. WARD):

H. Res. 555. Resolution expressing the sense of the House urging the inclusion of Ross Perot in the 1996 Presidential debates; to the Committee on House Oversight.

MEMORIALS

Under clause 4 of rule XXII,

243. The SPEAKER presented a memorial of the House of Delegates of the Commonwealth of Virginia, relative to memorializing the Congress of the United States to propose an amendment to article V of the Constitution of the United States to provide for the calling of limited national constitutional conventions; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to the public bills and resolutions as follows:

H.R. 561: Mr. KLINK.

H.R. 1876: Ms. DELAURO and Mr. BALDACCI.

H.R. 2976: Mr. SAWYER.

H.R. 2994: Mr. MCNULTY.

H.R. 3001: Mr. STOKES, Mr. HILLIARD, Mr. DAVIS, Mr. ABERCROMBIE, and Mr. WATT of North Carolina.

H.R. 3003: Mr. CHAPMAN.

H.R. 3430: Mr. COLEMAN.

H.R. 3531: Mr. MINGE.

H.R. 3654: Mrs. MALONEY.

H.R. 3747: Mr. COYNE.

H.R. 3775: Mr. HALL of Texas.

H.R. 3798: Mr. HALL of Ohio.

H.R. 3919: Mr. MARTINEZ and Mr. SANDERS.

H.R. 4108: Mr. HERGER.

H.R. 4113: Mr. MORAN.

H.R. 4117: Mr. HILLIARD.

H.R. 4124: Mr. DOYLE, Ms. KAPTUR, and Ms. NORTON.

H.R. 4125: Mr. ENGEL, Mr. STUPAK, Mr. SANDERS, Mr. KLINK, and Ms. NORTON.

H.R. 4142: Mr. HALL of Texas.

H.R. 4145: Ms. SLAUGHTER and Mr. ACKERMAN.

H.R. 4159: Mrs. CLAYTON and Mrs. KELLY.

H.R. 4162: Mr. HINCHEY.

H.R. 4196: Mr. FATTAH.

H.R. 4308: Mr. SHAYS.

H. Con. Res. 209: Ms. KAPTUR.

H. Res. 30: Mr. HILLEARY, Mr. KIM, Mr. GILCHREST, Mr. STOCKMAN, Mr. BISHOP, and Mr. HAYWORTH.

H. Res. 486: Mr. BAKER of Louisiana and Mr. FRANKS of New Jersey.

H. Res. 513: Mr. BARCIA of Michigan, Mr. WAXMAN, Mr. CAMPBELL, Ms. HARMAN, Mr. MCDERMOTT, Mrs. JOHNSON of Connecticut, and Mr. MANTON.

H. Res. 520: Ms. FURSE, Mr. MCDERMOTT, Ms. LOFGREN, and Mr. COYNE.

SENATE—*Monday, September 30, 1996*

The Senate met at 10 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Eternal God, Sovereign of history, who gives beginnings and an end, on whom our mortal efforts depend, soon this hallowed Chamber will be silent for a time. The 104th Congress will be completed. Historians will write the human judgments of what has been accomplished, but You will have the final word about what has been achieved. It is Your affirmation that we seek. Senators in both parties have prayed to know and do Your will. Often there has been sharp disagreement on what is best for our Nation. Thank You for those times that debate led to deeper truth and compromise to the blending of aspects of a greater solution. We remember those moving moments when we sensed Your presence, received supernatural power, and pressed on in spite of tiredness and tension. Help us to forgive and forget any memories of strained relationships or debilitating differences. Preserve the friendships that reach across party lines. Father, help us to finish well. Give us strength to complete the work of this day with expeditious excellence. Renew the weary, reinforce the fatigued, rejuvenate the anxious. When it is all said and done, there is one last word we long to hear. It is Your divine accolade, "Well done, good and faithful servant." In the name of our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will immediately begin consideration of the omnibus appropriations bill. There will be debate only on that matter until 2 p.m. today. Rollcall votes could occur any time after 2 p.m., on or in relation to the omnibus appropriations bill, or other items cleared for action.

The Senate may also be asked to turn to consideration of the conference reports accompanying the Defense appropriations bill, the FAA reauthorization bill, or a parks bill. This is a different parks bill from the one that has been pending in the Senate now for several days, but it did pass the House by an overwhelming margin, I think with only seven votes against it.

A late-night session is possible in order to complete action on the omnibus appropriations bill, which must be signed by the President by midnight tonight in order to fund various parts of the Government for the new fiscal year, which begins tomorrow.

Let me say, Mr. President, again, that I am very pleased we were able to reach agreement on this omnibus appropriations bill. It is before us. It is large. But it has been reviewed by the House. In fact, the House voted to pass the omnibus appropriations bill by a vote of 370 to 37, an overwhelming vote of approval. I listened to the debate well into the night on Saturday night. In fact, I stayed up until I saw the final vote, at about 10:30. They went into a lot of detail on what is in the bill. I was somewhat surprised and impressed by the way that it was presented, the information that was given to the House Members, and by the extremely bipartisan and very gentle debate that occurred.

Congressmen who had been fighting each other vigorously for the last 2 years were praising each other and saying what a good job had been done. Any time you have a bill this large, I am sure there are some mistakes included. I am sure that any one of us can find a lot of things that we do not like about it. But it has been passed, now, by the House. The President has endorsed it in writing. His letter of endorsement is in the RECORD. I placed it there last Saturday.

Now it is incumbent upon the Senate to do our job. It is all in our hands. We must act on this before late tonight so it will have time to be put together and delivered to the President. We have a number of Senators who have questions they want to raise about it, perhaps. The conference—the Democrats will meet at 12, the Republicans will be meeting at 2. We will talk it through. It is going to take a lot of cooperation—and sacrifice, as a matter of fact, in some cases, to get work completed.

There are other issues pending. Obviously, we need to get the FAA reauthorization done. I am committed to doing that. There appear to be some Senators who are willing to have a scorched earth policy, which would work against the Federal Aviation Administration, airport safety in America, against their individual States, and over a very small provision which is actually a fix in the law that was inadvertently caused.

We need to find way to work this out. We are trying to do it, again in a bipartisan way. I know Senator DASCHLE would like to do that. I know there are Senators like Senator PRYOR and FRITZ HOLLINGS on that side, Senator MCCAIN, and, obviously, Senator STEVENS, and so where there is a will there will surely be a way. We will try to work that out.

The parks bill is a major preservation piece of legislation. Some of the parks that were controversial or were strongly opposed by the administration were taken out. But the chairman of the committee in the House, Congressman YOUNG of Alaska, spoke very strongly for it. Some of the provisions that are desperately desired are in here, such as the Presidio, Tallgrass project—a whole number of others are included in this bill. So I hope we will find a way to get through it and get passage of this parks legislation.

If we can leave tonight having passed the omnibus appropriations bill, the Defense appropriations bill, a parks bill, and the FAA reauthorization, we could go out truly on a very high note.

I know our colleagues who are leaving, like the Senator from Alabama, who I am pleased to see back with us here this morning, are prepared to speak, as well as other Senators who are retiring after many, many years of great service—they would feel very good. It would give us a little time to thank them one last time before they leave this Chamber.

WAIVING CERTAIN ENROLLING REQUIREMENTS IN H.R. 4278—HOUSE JOINT RESOLUTION 197

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 197, which was received from the House, and further, the joint resolution be considered read three times and passed, the motion to reconsider be laid upon the table.

Mr. STEVENS. Reserving the right to object, what is that?

Mr. LOTT. That is regarding hand enrollment of the omnibus appropriations bill.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

The joint resolution (H.J. Res. 197) was considered, ordered to a third reading, read for a third time, and passed.

Mr. LOTT. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of H.R. 4278, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4278) making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

The Senate proceeded to consider the bill.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I might say to the leader, that last resolution was a significant resolution. I would like to talk about that later.

In any event, Mr. President, let me yield to my good friend from Alabama for the statement he wishes to make, reserving the right to resume the floor after he finishes his short remarks.

The PRESIDING OFFICER. The Senator from Alabama.

RFD'S 100TH ANNIVERSARY AND CONGRESSMAN RICHARD HENRY CLARKE

Mr. HEFLIN. Tomorrow, Mr. President, on October 1 of this year, the Post Office will celebrate the 100th anniversary of Rural Free Delivery [RFD]. RFD now serves the whole country, some 25.5 million households and businesses in all, and it is a necessity in States like Alabama. In fact, I am proud to say that Congressman Richard Clarke of Alabama was an early leader in the effort to initiate this service. As this important anniversary approaches, I would like to recount Congressman Clarke's leadership efforts in its successful implementation.

On January 5, 1892, Representative Richard Clarke became the first Member of Congress to introduce a bill to make RFD a permanent service. He introduced bills in two succeeding Congresses, H.R. 13 in the 52d and H.R. 402 in the 53d "To provide for the free collection and delivery of mails in rural districts." He contacted many Members on the need for such legislation and made the first speech advocating the establishment of the program. When the bill was finally adopted by Congress, Mr. Clarke was engaged in a campaign for Governor of Alabama. Therefore, Congressman Tom Watson of Georgia took the lead in obtaining its passage. Although his name does not appear as the official sponsor of the legislation which ultimately created RFD, the people of his district and the State of Alabama have every right to claim that this Member of Congress was a leader in establishing RFD.

Richard H. Clarke was born in Dayton, Marengo County, AL on February 9, 1843. He attended Green Springs Academy and was graduated first in his class from the University of Alabama in July 1861. During the Civil War, he served in the Confederate Army as a lieutenant in the First Battalion of the Alabama Artillery. He later studied law, was admitted to the bar in 1867, and began practicing in his hometown. He later moved to Demopolis, also in Marengo County, where he continued to practice law. From 1872 until 1876, he served as the State solicitor for Marengo County. He was the prosecuting attorney of the seventh judicial circuit in 1876 and 1877 and later resumed his private law practice in Mobile, AL. He served as president of the Alabama State Bar Association in 1897.

He was elected as a Democrat to the 51st Congress and to the three succeeding Congresses. He served from March 4, 1889 through March 3, 1897. He served on the Rivers and Harbors Committee. Among his many legislative accomplishments was the deepening of the channel of Mobile Harbor and the establishment of Mount Vernon Hospital for the mentally ill. He ran for Governor of Alabama as a "sound money"—gold standard—Democrat in 1896, but was defeated by the silver standard candidate, Joseph Johnston. He resumed his law practice and served in the State house of representatives in 1900 and 1901. He passed away in St. Louis, MO on September 26, 1906 and was buried in the Magnolia Cemetery in Mobile. His grandson, Dr. Richard Clarke Foster, served as president of the University of Alabama in the late 1930's and early 1940's.

Of course, Congressman Clarke was by no means alone in his efforts on behalf of RFD. The Post Office says that the first rural delivery route began just after the Civil War, in a very unofficial way. In 1868, a group of families in Norwood, GA, hired a freed slave named Jerry Elliot to deliver their mail. Mr. Elliot collected his employers' sorted mail at the local post office, where future Congressman Tom Watson worked as a clerk. Apparently, Watson was highly impressed with the idea, and years later he joined as a crucial sponsor of legislation to fund the service.

The official battle over RFD began more than 20 years later and spanned four Postmaster Generals. John Wanamaker, appointed in 1889, was the first Postmaster General to urge adoption of Rural Free Delivery. Wanamaker had received a number of letters complaining that the cities received free delivery, but rural America did not. Free delivery for urban areas had begun in 1863.

At Postmaster General Wanamaker's request, the Congress passed a joint resolution on October 1, 1890, to authorize a test of the free delivery system in small towns and villages. It also appropriated $10,000 for this pilot program. The towns Wanamaker selected for the experiment ranged in size from 400 to 8,000 residents. Farmers became strong advocates of the service, realizing that they would receive daily market quotations and information about where they could sell their crops.

With the success of his experiment and the strong support of the farmers, Wanamaker continued to push for Rural Free Delivery.

The same year that Congressman Clarke introduced his second RFD bill, Congressman Tom Watson's legislation to extend RFD to farmers, rather than just villages and towns, was passed. But this measure, too, only provided for an experimental expansion. Postmaster General Wanamaker's successor, William Bissell, argued correctly that this amount was vastly insufficient to facilitate permanent RFD. In fact, Bissell refused even to continue experimentation, and a stand-off between him and Congress ultimately forced his resignation.

Bissell's successor, Postmaster General William Wilson, complained that the Post Office's funding was so small that he might only improve existing services. So, a Senator named Marion Butler from North Carolina urged passage of a further appropriation, and the Post Office began an experimental system in West Virginia. This experiment proved successful, and it led to the establishment of the current system with the help of further Congressional appropriations. By that time, Postmaster General Wilson had been succeeded by James A. Gary.

Mr. President, I am proud that a Member of Congress from Alabama—Richard Henry Clarke—was so influential in the establishment of Rural Free Delivery, a service most Americans in rural areas take for granted today. Although there are several individuals who might arguably be considered the father of RFD, I wanted to make sure Congressman Clarke's efforts did not go unrecognized. The creation of this service is very much a part of his legacy.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I see the distinguished chairman of the Appropriations Committee is here. If he wishes to make an opening statement on this bill, I will be pleased to yield to him. I have a lengthy statement to make about the subject I believe should precede this omnibus appropriations bill, the FAA conference report. If the Senator from Oregon wishes to make a statement, I will be happy to yield to him.

Mr. President, I ask unanimous consent to yield to the Senator from Oregon with the understanding that I will resume the floor when he has completed his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CONSOLIDATED APPROPRIATIONS, 1997

The Senate continued with the consideration of the bill.

Mr. HATFIELD. Mr. President, I believe that the pending business is the omnibus appropriations bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. I thank the Chair.

Mr. President, the Senate now has, as the Chair has indicated, under consideration the fiscal year omnibus appropriations bill which will conclude our action on the six fiscal year 1997 appropriations bills that have not been enacted into law, and they are: No. 1, Commerce, Justice, State, and related agencies; No. 2, the Defense appropriations bill; No. 3, the foreign operations appropriations bill; No. 4, the Interior and related agencies appropriations bill; No. 5, the Labor-HHS appropriations bill; and No. 6, the Treasury-Postal Service appropriations bill.

As Senators are aware, members of the House and Senate Appropriations Committee and their staffs worked around the clock at the end of last week to reach a bipartisan agreement with the administration on all the outstanding issues included in these bills. Our colleagues in the House adopted this bill Saturday by an overwhelming rollcall vote of 370 to 37, and the President has indicated he will sign the bill as soon as it reaches his desk.

I know that many Senators have questions and concerns about this legislation. Senator BYRD and I will be here throughout the day to address those matters as best we can. I hope and expect that when we reach a vote on final passage later today, a large majority of the Senate will vote for this legislation.

Mr. President, this will be the last appropriations measure that I will manage here on the Senate floor. For the past 16 years as chairman or ranking minority member of the full committee, I have stood here with Senator BYRD, Senator Stennis, and Senator Proxmire as we have brought to the Senate the 13 annual appropriations acts, supplementals, rescissions bills and continuing resolutions. It has been an extraordinary experience. The appropriations process has been the crucible of debate on enormous range of issues, great and small. We have carried on through the revolutionary 1981 reconciliation process, the Gramm-Rudman-Hollings Act, budget summits, and Government shutdowns. Despite it all, year in and year out, this Congress has acted on appropriations bills and sent them to the President. It is our principal constitutional duty to do so.

Mr. President, I cannot adequately express how honored I am to have been a part of this process. I owe an enormous debt to all of my colleagues with whom I have served, both here in the Senate and in the House. I am privileged to have enjoyed relationships across the aisle in both bodies that have immeasurably enriched my life, and I can only hope that I have managed to return those gifts in some way.

All of us on the Committee on Appropriations, both here and in the House, are served by an extraordinary staff. These highly capable men and women are the best there are. Before I leave Washington for Oregon later this month—I started to say later today; that perhaps is only wishful thinking at this moment—I hope to be able to thank each one personally for their contributions.

It would be impossible, Mr. President, to make a comprehensive recitation of the provisions of this legislation, and I will not try. I believe that this bill, which I hold in my hand, represents our completed product which is, obviously, a rather enormous package. I believe that various summary descriptions have been distributed. The text of the legislation is printed in the RECORD and copies are available here on the floor and in cloakrooms and in Senators' offices.

Mr. President, I wonder if the Senator from Alaska will respond to a request that he amend his unanimous-consent agreement to be recognized following my brief presentation in order to permit the ranking member, Senator BYRD, to make his opening statement as well.

Mr. STEVENS. I have just conferred with Senator BYRD, and I agree. I do amend my request that I be recognized after the Senator from West Virginia completes his statement.

The PRESIDING OFFICER. Is there objection to the amended request? Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I will yield the floor, but before I do so, I, again, want to personalize my remarks, Senator BYRD being on the floor, to say that this was a joint effort. And with Senator BYRD's vast background and expertise in the procedures of the Senate, the history of the Senate, the legislative role of the Senate, I, again, express my deep appreciation for his collaboration, his cooperation, his spirit of friendship, and the demonstration of that friendship day in and day out in achieving our mutual responsibilities to bring this bill to the floor, like all previous bills.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oregon, [Mr. HATFIELD], who is here today managing his last appropriations bill. I will have more to say during the day, I am sure, on that line.

The bill now before the Senate contains the results of very intense and difficult negotiations over the past week, and particularly over the past weekend, between the two Houses, with the administration participating with advice and suggestions. These negotiations included not only the chairman and ranking members of each of the affected Appropriations Subcommittees, but also the representatives of the House and Senate Republican and Democratic leadership, as well as the President's very able Chief of Staff, Leon Panetta, and the Director of the Office of Management and Budget, Frank Raines, and their staffs.

As Senators are aware, these negotiations were necessary because of the inability of Congress and the administration to reach agreement on six of the thirteen fiscal year 1997 appropriations bills. Over the past months, the President indicated that he would not agree to sign these appropriations bills unless funding for a number of priorities was increased by some $6.5 billion and unless certain controversial legislative riders were dropped.

And so, we found ourselves in Congress faced with having to deal with the President s requests in a very short period of time if we were to reach agreement on the six remaining appropriations bills by the beginning of fiscal year 1997, which starts at the hour of midnight.

In addition, the administration proposed a number of urgent appropriations, including some $1.1 billion to fight terrorism and improve aviation security and safety, as well as over $500 million in firefighting assistance for Western States and $400 million to assist the victims of Hurricanes Fran and Hortense.

Mr. President, I congratulate all of those Members and staffs who have worked literally around the clock over the past week, and certainly over the past weekend, in order to reach this agreement and have it prepared for consideration in the House on Saturday evening when it was agreed to, and by the opening hours of this day here in the Senate. I particularly wish to recognize the efforts of the chairman and ranking member of the House Appropriations Committee. Mr. Livingston has proved himself to be a very able and articulate chairman—and I have enjoyed immensely the opportunity to work with Mr. LIVINGSTON—he along with his equally able ranking member, Mr. OBEY.

If there were not a DAVID OBEY in the Congress, Congress would have to create one. He reminds me, in a way, of that irascible Senator McClay who was a Member of the first Senate when it met in 1789. Mr. OBEY is very knowledgeable and extremely able. And so both of these men, Mr. LIVINGSTON and Mr. OBEY deserve great credit for their work on this resolution.

They, together with my dear friend and colleague, the Senator from Oregon, who is the chairman of the Senate Appropriations Committee, Mr.

HATFIELD, deserve the lion's share of the credit for this agreement.

I know that Senator HATFIELD, as would I, would have preferred to have had each of the fiscal year 1997 appropriation bills enacted separately rather than having them conglomerated into this massive omnibus bill. Senators should not be placed in the position that we find ourselves in at this moment. We should not be backed up against the wall here on the last day of the fiscal year, facing a Government shutdown unless we adopt this massive resolution. No Senator, and I dare say no staff person, has had the time to carefully review the thousands of programs funded in this resolution, or to read and comprehend the many non-appropriations, legislative matters contained in this resolution. What we are faced with is having to rely on those members and staffs in the House and Senate with jurisdiction over each of the provisions in this resolution. To my knowledge they, along with the Office of Management and Budget and other executive branch personnel, have approved each item and provision in their respective areas.

While I applaud the efforts of all those who have worked so hard on this measure, I nevertheless abhor the fact that it, once again, has come to this. We must redouble our efforts in future Congresses to get our work done, despite the very real differences among ourselves and with the administration. The leaders of the Senate have almost impossible burdens in meeting the requests of Senators throughout every session. I urge my colleagues, on both sides of the aisle, to commit themselves to working with both leaders in ways that will enable the next Congress not to have to consider such massive, omnibus legislation as the one now before the Senate.

Mr. President, as the distinguished chairman of the committee, Senator HATFIELD, has stated, this resolution contains the necessary appropriations for fiscal year 1997 for each of the six remaining appropriation bills which have not yet been enacted into law. Namely, Title I of the resolution provides the fiscal year 1997 appropriations for the following appropriation bills: Commerce/Justice/State/ and the Judiciary; Department of Defense; Foreign Operations; Interior; Labor-HHS; and Treasury Postal.

Titles II, III, and IV of H.R. 4278 contain legislation that results in offsets totaling some $3.3 billion. Those provisions include so-called BIF–SAIF; SPECTRUM sales; and certain PAYGO savings.

Title V contains other appropriations for various departments and agencies totaling some $850 million, as well as a number of general provisions.

Finally, I should note that division C of the resolution contains the agreement on immigration reform.

Chairman HATFIELD has highlighted the important priorities contained in this resolution and, therefore, I will not repeat them.

I hope that the Senate will proceed expeditiously and that we may be able to complete action on this measure in time to send it to the President for him to sign before the hour of midnight. I shall have more to say, of course, during the day.

I thank the distinguished Senator from Alaska [Mr. STEVENS] for his characteristic courtesy in yielding to me, and I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have the greatest respect for the chairman and ranking member of our full committee, the Appropriations Committee. I certainly do apologize to them for seeking the floor ahead of them, because I knew they were coming. But I wanted to make certain that I did retain the right to alert the Senate to a very difficult problem as we proceed to consider this bill.

First, let me say I know that this is the last bill to be handled by the Senator from Oregon. He and I went on the Appropriations Committee on the same day. I have sat beside him for so many years now working on matters affecting appropriations, and we have both served with the distinguished Senator from West Virginia in a way that most people would never understand.

There is a deep friendship among those of us who worked through long nights trying to figure out how to solve the problems of keeping this Government going and at the same time pursue the objectives of policy enunciated by our leaders. It is not an easy thing.

Both the Senator from Oregon and the Senator from West Virginia have spent many more hours in conference on this bill than any other member of the Appropriations Committee, and they certainly deserve our great respect and thanks for all the work they have done to get us to this point.

As the Senator from West Virginia just said, this bill absolutely must be signed tonight. It is our intention to see to it that that takes place. I do give both the Senator from Oregon and the Senator from West Virginia great credit for what they have done and the manner in which they have handled this bill.

As a postscript, I also say I certainly do agree with the Senator from West Virginia—and I think the Senator from Oregon does too; I know he does—this is not the way to handle appropriations bills, and we must find a way to deal with our procedure to assure that bills from appropriations committees, that each bill is considered on its own merits and it goes to the President in a way that expresses the will of the Congress, and the President can express the will of the executive branch. Under our traditional system of checks and balances, that must be preserved in order to assure the freedom of this country. So I intend to work with the Senators to achieve that goal. I do, again, apologize to them for seeking the floor ahead of them because I know they are entitled to present their positions in the very beginning.

CONFERENCE REPORT TO ACCOMPANY THE FEDERAL AVIATION AUTHORIZATION ACT OF 1996

Mr. STEVENS. Mr. President, I come to the floor today to again address the question of the failure to approve the conference report on the aviation trust fund. This is the Federal Aviation Authorization Act of 1996.

Mr. President, the bill before us contains the funding for the Government. We have already dealt with the appropriations for transportation. But the conference report on the Aviation Authorization Act for 1996 contains the authority to spend the money. There currently is just $50 million, out of a $1.46 billion program, left after today to continue the work of the modernization of our airports and airways. We have worked now 2 years—a bipartisan group—to try and improve the safety and security of the Federal aviation system.

I give great credit to the chairman of the Commerce Committee, Senator PRESSLER, the ranking member, Senator HOLLINGS, and to the chairman of the aviation subcommittee, Mr. MCCAIN, and the ranking member of that committee, the distinguished Senator from Kentucky, Mr. FORD. We have, many of us, had differences of opinion on the bill. But we found a way to work it out. This bill is absolutely necessary now to proceed to strengthen the safety and security of the aviation transportation system. I am here this morning to again serve notice to the Senate that this bill must be passed before we adjourn sine die. Again, let me say, there is only $50 million left in this fund that can be expended after today.

What we are looking at, Mr. President, is a bill that has been crafted in order to meet some very important objectives of people who are very much involved with the issues of aviation safety. Let me point out, for instance, that just this past week we, once again, had a hearing with regard to the rights of those people who are survivors of victims of air disasters.

Mr. SIMON. Will my colleague yield?

Mr. STEVENS. I am not prepared to yield during this statement, Mr. President. I don't intend to take much time. I want to alert the Senate—and I know the Senator from Illinois has a matter he wishes to bring up that is quite similar to what I am talking about. But I would like to finish my statement.

We had Victoria Cummock, a survivor of a victim of the Pan Am crash. She has done a great deal to alert families who have been similarly affected of the need for Federal legislation to deal with family assistance to those that are affected by these crashes, the survivors of the victims of the crashes.

One of the things they asked us to do was to pass House bill 3923. And as I said at the hearing, I don't intend to get too personal about this, but I personally know something about victims of air crashes. I know that it is necessary for us to wake up and make sure that the Federal law does assure assistance to families of passengers involved in aircraft accidents. This bill does that. The aviation bill does that.

The bill that is in the conference report that is being held up now over one provision in the bill. It requires the Chairman of the National Transportation Safety Board to designate and publicize the name and phone number of a director of family support services to designate an independent nonprofit organization, such as the Red Cross, to assist in the taking of responsibility for coordinating the emotional care and support for those families. It has a substantial designation of assistance, such as providing mental health and counseling services, to provide it in the environment in which families may grieve in private, meet with families, communicate with families as to the role of Government agency, and arrange for a suitable memorial service after consultation with the families.

It is a bill that is absolutely necessary, as we think of the number of families that have been affected by these air carrier crashes. It will provide that unsolicited communication concerning a potential action for personal injury can't be made before 30 days after the accident. It does have a requirement that the air carrier submit plans to address the needs of families if their aircraft is involved in an accident. There is absolute necessity for this bill to pass. It establishes a task force within the Department of Transportation to assure that this will be done.

Mr. President, my main reason for addressing the issue, though, is the problem of safety at our airports. The Aberdeen, SD, runway has almost closed for safety reasons. It has no carryover money. It has to have this bill passed today so that money will be available tomorrow. In my capital city of Juneau, we have a wind shear problem. It has recently developed that the FAA wishes to change the takeoff requirements and will not allow a plane to take off until they can prove there are no wind shears in the community.

We have in this bill the authorization for the money to take wind shear equipment to Juneau. This is just one of the items. In Massachusetts, for instance, as a result of formula changes in this bill, the Commonwealth of Massachusetts will receive $3.5 million more under its entitlement, which is nearly $1.4 million greater than what it gets now. But its Boston airport entitlement and Nantucket entitlement both increase. In the State of Wisconsin, they would have an apportionment of $1.9 million more in entitlement for the airports. In Wisconsin, for instance, Madison's airport—a very interesting area—needs the money to proceed with the improvements to their airports. This bill is not only airports, but we are talking about security provisions.

We have changed, as a result of the bill that I wish to have brought up and passed today, the provisions for the authority to check criminal records for security screeners at airports; given new authority for the FAA to facilitate interim deployment of advanced aviation security technology, including the explosive detection equipment that we must have. They can make and will make vulnerability assessments of every airport in the country, and they are going to deal with new ways to develop passenger profiling. But above all, they are going to have the national academy of science work on the explosive detecting and aircraft hardening technology.

This bill cannot wait until we get back next year and organize and get around to passing bills. It would be, roughly, February 15, at the earliest, before that could be done. Under the essential air service, which is absolutely essential to maintain transportation in my State and many of the Northern States, funds could not be taken from the trust fund if this bill does not pass. There is only a 1-month carryover, which means that all of our planes that are involved in essential air service will be grounded before December if this bill does not pass.

This is the most critical bill that I can think of in terms of aviation safety. I have a whole list of items here that deal with the security requirements that are funded by this bill. Huntsville, AL; Fort Lauderdale; Fort Myers; Orlando; St. Petersburg; in Atlanta, Savannah; Valdosta, GA; Lexington, KY; Greensboro, NC; Wilmington, NC; Chattanooga, TN; Nashville, TN; in Illinois, the Springfield capital security fencing is absolutely required that it be fixed. That money is not there unless this bill passes today. It will not be there until the second quarter of the fiscal year, at the earliest.

In Minnesota, there is a firefighting building provided for. I believe that is very much associated with security.

When we go through all of these, Ohio has the largest number of security requirements in the country that are funded by this bill. In Racine, WI, there are obstructions on the field that must be removed. It has one of the highest priorities in the country to deal with this.

I made a mistake; I said Ohio had the highest number. California has the highest number of security requirements and facilities that are funded by this bill.

Mr. President, the question comes down to, "How can we get this bill up?" There are ways, Mr. President, that we can delay the present bill until the FAA bill is brought up. I do not want to do that. I appreciate, as I have already said, the work done by the leaders of our Appropriations Committee, and the joint leadership of the Congress, to see to it that there is no hiatus in funding in terms of our National Government at this time.

But the FAA bill comes before us when the country has been rocked with aviation tragedies. ValuJet is just starting to fly today. That reminds all of us of the tragedy in Florida. We still have the unexplained TWA Flight 800. We have all kinds of speculation concerning that. In the wake of the tragedy, the White House had a commission chaired by the Vice President. Many of those recommendations are in our bill. We have added to them considerably.

But, clearly, the explosive detection devices are No. 1 in regard to our joint effort to find a way to upgrade our security at our Nation's airports.

Mr. President, there is a small group of Senators that are delaying this bill because of one provision. It is just as easy for them to come in here next year and repeal that. That will not be difficult. If they have the votes to repeal it, they can repeal it next year.

The idea of delaying the safety of the Nation over one amendment—I must say, it was an amendment offered on the other side of the aisle, which most of us on this side of the aisle supported, but it is a provision that corrects a technicality in the law. And the law that was passed by Congress, as I understand it, was a mistake in the law.

But, in any event, why this bill? Why can't these Senators find a way to meet their objectives without putting the Nation's safety at risk?

I want the Senate to know that if this bill does not pass, I am going to see to it that the survivor of every victim gets the personal telephone number of the people that oppose this bill. I urge people involved in this victims' rights committee to get on the phone and call these people right now.

There is no reason for this delay. We have tried our best to work out a problem here with regard to aviation safety, and it is the basic problem which brought us to the point that we are here today; that is, that we were in disagreement as to how to finance future additions to the trust fund. There was no dispute among Members of the Senate over what we had to do to meet the security requirements, or what we had to do to find a way to increase funding. It was as to how we were to do it.

We have had disagreements whether we should have taxes, or whether we should have a new entity that replaces the aviation trust fund, or whether we should have new fees and find new funding mechanisms. The question was not whether we needed more money to modernize our system and improve safety, and particularly deal with the increased terrorist threat. The question was how to get that money. That is a separate issue, but it is not the issue that is delaying this bill.

What is delaying this bill is about three sentences in the bill that deal with an error which was made in the ICC bill passed through the Congress. I understand that some people are very disturbed about that. I have heard from some people in my State who are very disturbed about that. But my answer to them has been, look, this bill means Juneau will reopen. This means that the people who are in these areas where the money will run out will not face a closure of their airports as Juneau has been placed—it means that the essential air services will continue. And we will not have to notify the people in 170 villages in my State that, "I am sorry, you can't have Christmas transportation because the money has run out. Two or three Senators objected to a bill."

There is a procedure here, Mr. President, so that we can continue. I ask the leadership to join together and notify us. We will stay in session until we pass the FAA bill. A procedure has to be followed. It is a cloture procedure. It can take a series of days, and it will be a severe inconvenience to many Senators. But what is inconvenience to the Senators as compared to having additional crashes in this country?

I usually don't speak—I do speak loudly and angrily, but I do not speak with such personal involvement, Mr. President. I cannot conceive that anyone would stand in the way of passing legislation that might—I can't say it will, but it might—lead to the installation of safety equipment which would prevent an aircraft crash in this country.

I intend to be back and back. I seek the assurance of the leadership that we will stay in session to pass this bill. It means tomorrow, Wednesday, and probably Thursday before we can get it done. But this Senator is prepared. And I am a candidate. I would like to go home. I am prepared to stay here as long as it takes to convince these Senators that we have the authority in our rules to go around two or three Senators to get a bill passed. It may well be that.

I also urge leadership not to accept the objection of any absent Senator. Two of these Senators are not here, and they are sending in objections. I am going to start reading off their names the next time..If I have to come to the floor, starting tomorrow I am going to talk about the Senators personally who are obstructing the passage of a bill that is absolutely necessary in the interest of the safety of this country.

Mr. DORGAN. Will the Senator yield?

Mr. STEVENS. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SIMON. Mr. President, if I may have the attention of my colleague from Alaska, I agree with 99 percent of what he had to say. What happened, Mr. President, is that in conference on this very vital bill—and the Senator from Alaska is correct when he says this is a vital bill—in conference, a matter where the Congress injects itself into a labor-management issue of one corporation, an amendment that was defeated 10 to 10 in Appropriations Committee when it came up.

Mr. STEVENS. What was that?

Mr. SIMON. This is the labor-management issue that was added on. And just so there is no misunderstanding, Mr. President, I will introduce for myself and Senator KENNEDY the FAA bill with this provision stripped. I am just going to leave it at the desk. I am not asking unanimous consent to move it ahead.

Clearly, this ought to pass, but we should not at the last minute with using the cover of FAA inject ourselves into a labor-management issue that has been rejected by Congress before, and all of a sudden in the last minute we are trying to get it passed. That is not the way to do things. We ought to have hearings. If Congress wants to get in the middle of this labor-management fight, let us do it after hearings; let us do it very, very carefully.

Several Senators addressed the Chair.

Mr. DORGAN. Will the Senator yield to me?

Mr. SIMON. I am pleased to yield to my colleague from North Dakota.

Mr. DORGAN. Mr. President, there are a couple of ways for the Senate to resolve this issue. One is a cloture vote that prevails, and the other is for the provision that is currently in the legislation to be withdrawn.

I want to point out that the Congress, in my judgment, does not have the luxury of adjourning and leaving this session of Congress not having resolved this issue.

Mr. SIMON. I agree with my colleague.

Mr. DORGAN. I agree with the Senators from Alaska and Illinois, and others who are dealing with the question of aviation safety and aviation security. We have worked on this bill for a long, long while.

This bill is critically important. Whatever needs to be done must be done, because I am joining the Senator from Alaska and others to prevent the Congress from finishing its work if they believe that they can allow this Congress to end its session without advancing this bill. This bill needed to be done this year. It must be done now. Whatever can be done to resolve this issue has to be done soon.

I heard the Senator from Alaska on Saturday come to the floor. I also spoke a bit on this. I talked to Senator LOTT, the majority leader. I have talked to the minority leader. I visited with Senator MCCAIN this morning, who has a role in this. I visited half a dozen times with Senator WENDELL FORD of Kentucky.

We must solve this problem. The failure to do so will mean that this will not be a very orderly ending to this session because this involves the safety and security of the people who fly in this country. This Congress cannot end its work without solving this issue.

Mr. SIMON. Mr. President, I could not agree more with the Senator from North Dakota. The question is, Are we going to take some amendment that was not either in the House bill or the Senate bill where we move in and say we are going to take sides in a labor/management dispute? I frankly do not know whether the corporation or the labor union is right. But I do not think we ought to be moving ourselves into the middle of this thing. So, Mr. President, I offer this bill on behalf of Senator KENNEDY and myself.

The PRESIDING OFFICER. The bill will be received.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I certainly will yield to the Senator from Arizona, but I just want to say passage of that bill will kill the bill. The House is not in session.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, let me express my deep disappointment that the Senator from Illinois would do this at this time. I am a great admirer and friend of the Senator from Illinois, but I am telling you, I say this in all candor to the Senator from Illinois, you are putting in jeopardy the very lives of American citizens who fly on airlines today. You know that this was a simple mistake, a drafting error, in the Interstate Commerce Commission Termination Act of 1995 that is being corrected here. That is why the Senator from Kentucky, the Senator from North Dakota, the Senator from South Carolina, and all of us on the committee literally unanimously supported this amendment.

I say to the Senator from Illinois, you are going to cause grave danger not only to American citizens, the men and women and families who will be making use of the airlines as passengers both domestically and internationally, but you will also prevent the much-needed funding for airport improvements and security all over America including the State of Illinois. I'm talking about over $9 billion annually for national needs such as air traffic control; repair, maintenance, and modernization of our air traffic control equipment; repair and construction of runways, taxiways, and other vital aviation infrastructure; the purchase of critical firefighting equipment at our Nation's airports and the list goes on and on.

In fact, I will show the Senator from Illinois—and I will be glad to yield to him for a response. The Senator from Illinois should understand that in his State there is over $25 million in funding for improvements in the aviation system in his State which is badly needed. I do not believe there would be that $25 million, over $25 million, in improvements which are badly needed in his State, which he is now placing in jeopardy by not allowing this aviation funding bill to go forward.

I understand the clout that labor has on that side of the aisle. I understand that. I have seen it. I understand it. I know it. I am seeing it today in the form of a lot of television commercials that are being run all over the country in opposition to some of my friends on this side of the aisle. But I say to the Senator from Illinois that he is making a very serious mistake here. The Senator from Illinois has had a very distinguished career in the Senate. As I said, he has my true respect and friendship, and it is clear he has the respect of all our colleagues. The little thing we did with the bow ties the other day here in the Senate Chamber was a graphic demonstration of the enormous affection in which we hold the Senator from Illinois.

I ask the Senator from Illinois—and I will be glad to yield to him without losing my right to the floor in just a minute. I urge the Senator from Illinois not to get out in front on this. This is the Senator from Massachusetts doing; we all know it. We know it is the Senator from Massachusetts, Senator KENNEDY, who is leading the opposition to this. If the Senator from Massachusetts wants to come to the floor and deny that, I will be more than happy to yield to him for those purposes. But I urge the Senator from Illinois to understand that what we are talking about here is airline safety, airport security, ensuring that our Nation's airports will be adequately funded, and most important providing for thorough reform, including long-term funding reform, of the FAA to secure the resources to ensure we continue to have the safest, most efficient air transportation system in the world. I say to my friend from Illinois, that is what is so important in the FAA reauthorization bill—that is what is in this bill. We are talking about the aviation safety and the lives of American citizens, millions and millions of whom are using our airlines each and every day. In fact by the year 2002, more than 800 million passengers per year will be flying the Nation's skies—a 35-percent increase over today's levels. We are also talking about much-needed funding for the State of Illinois, the State of Arizona, the State of Kentucky, the State of Alaska, the State of South Carolina, the State of Massachusetts, and others.

I also wish to remind the Senator from Illinois that in the FAA reauthorization conference, the amendment was proposed by the Senator from South Carolina, Senator HOLLINGS, not by myself or the Senator from Alaska, Senator STEVENS, but it was Senator HOLLINGS, strongly supported by Senator FORD, who I think is unequaled in his advocacy for the people he represents. I think it would be a serious mistake for you to continue in your opposition to this critical aviation safety legislation.

Mr. President, I ask unanimous consent to yield the floor to the Senator from Illinois without sacrificing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, as my colleague from Arizona knows, I have great respect for him and the significant contribution he has made in so many areas. Everything he says about the necessity for passing this bill is correct. But what we are doing in this labor-management provision is bypassing the committee of jurisdiction.

I remind the Senator from Arizona—I do not think he was here when I mentioned it—this particular amendment was tried on the Appropriations Committee, was defeated in a 10 to 10 vote in the Appropriations Committee. It is a matter of real controversy. It injects the U.S. Congress into a labor-management dispute. I do not know which side is right, but I know that the committee of jurisdiction has not had a hearing on this; that the committee of jurisdiction has not acted, and all of a sudden we are adding this amendment.

I do not think that is the way we ought to legislate. As far as my friend from Alaska saying the House is not in session, the House continues to be in session. They are not going to have any more votes. If we pass this without this amendment, it will clear in the House without any objection whatsoever. The Senator from Arizona knows that. The question is not whether the FAA bill should pass. The question is whether it should pass while we insert ourselves into a labor-management dispute that maybe someone in the Chamber knows more about than I do. I do not know that much about it. But I do not think we have any business getting ourselves in the midst of that thing.

I thank my colleague for yielding.

Mr. FORD. Mr. President, will the Senator from Arizona allow me to ask the Senator from Illinois a question without his losing his right to the floor?

Mr. MCCAIN. Mr. President, I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I say to my friend from Illinois, is he aware that this piece of legislation, on this amendment he is referring to, was in the ICC statutory provisions prior to the reorganization and putting ICC in the Department of Transportation?

Mr. SIMON. Mr. President, I have to tell you I do not know much about the history of this at all other than I know we are injecting ourselves into this labor-management dispute, which we should not be doing.

Mr. FORD. In the legislation also, I say to my friend from Illinois, there is a statement which says that it shall not be narrowed or broadened; it should remain the same. With that language as it relates to the transfer of ICC, that means everything will stay the same. The bill would not have gotten out of conference, in my judgment, if this amendment had not been on it. Now we find, with an amendment on it, it may not get through Congress. So all of us were in a catch-22 position. But it is very obvious from the legal aspects—I am not a lawyer, but I am on the jury—all of the legal experts say that the express part of the ICC has been used, has been used several times, has been tested.

So leaving this out of the legislation is what persuaded some of us to try to be helpful. I want to get the bill passed. I understand that. But I think you will find that the scorched Earth policy is one that will just keep us here for a while. The Senator from Alaska, even though he is a candidate—he is up for reelection—is willing under the circumstances to encourage his leadership for us to stay here.

The point is, does the fight get completed in a reasonable time or do we have the fight prolonged? I hope, if we are going to have the fight, that the Senator and his colleagues, the two or three others, whatever number it might be, give us an opportunity to have a cloture vote tomorrow and proceed with the passage of this legislation or the defeat of it. I hope he will get in that posture so we can do these things the bill purports to do and we can go on home.

I thank the Chair, and I thank my colleague from Arizona.

Mr. SIMON. If my colleague will yield for 1 minute.

Mr. MCCAIN. I ask unanimous consent to yield to the Senator from Illinois without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. I am not trying to obstruct this thing. I hope we can work out a reasonable answer. I think the reasonable answer is that this piece of labor-management legislation ought to be considered by the Labor and Human Resources Committee when the Senate comes back into session, not stuck on a bill that was neither in the House nor the Senate. All of a sudden we are injecting ourselves. I do not think that is the way to legislate.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I finally ask unanimous consent to yield to the Senator from South Dakota for 1 minute without losing my right to the floor.

Mr. PRESSLER. Mr. President, I want to commend the Senators from Kentucky and Arizona for their great efforts and to say I will certainly stay here as long as it takes to pass this bill.

This bill is critical to pass. In my little State of South Dakota, for example, we have all the essential airport funding, we have the Federal Aviation flight service, and small States that have small airports depend on the airport trust fund. This will be a disaster to air safety across the United States. It will be a disaster to everything we have been talking about since the major air crashes that have occurred, if we cannot pass this bill.

I am privileged to chair the Commerce, Science, and Transportation Committee. Our committee, on a bipartisan basis, on a motion from our ranking member, agreed to this amendment. It was a bipartisan effort. We must pass this bill. We have worked it out in our committee. It was a long-fought, hard-fought bill, and we must pass it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from South Dakota, the distinguished chairman of the committee, without whose leadership and without whose enormous efforts we would not be where we are. Have no doubt, Mr. President, about the magnitude of this bill. In less than 14 hours the Federal Government's authority to provide critical funding to airports across the country and our national air transportation system, including safety and security, will expire, unless we pass the FAA reauthorization bill.

Before the Senator from Kentucky leaves, I wish to thank him for everything he has done. His efforts are inspiring to us all.

You know, Mr. President, the lesson in this legislation is that without bipartisan effort, including working with the Administration, especially Ms. Linda DASCHLE, the Deputy Administrator of the FAA, we would not have this legislation before us. It was truly a pure, bipartisan effort, a product of 2 years of hard work, compromise, and literally hundreds and hundreds of hours of meetings. I believe that we cannot—we cannot allow it to be derailed at this time. This would be unconscionable.

To start with, I want to correct my previous statement to the Senator from Illinois. I am sorry he has had to leave the floor. I was wrong in $25 million. The real number is, for the State of Illinois is more than $30 million which will be authorized for the State of Illinois. Specifically: $9 million is for Chicago O'Hare Airport, $1.8 million is for Chicago Midway Airport, $1.1 million is for Quad-City Airport in Moline, $860,000 is for greater Peoria Airport, $690,000 is for the University of Illinois in Champagne/Urbana, $670,000 is for the Capital Airport in Springfield, $525,000 is for Bloomington Airport, $500,000 is for Greater Rockford Airport, $500,000 is for Decatur Airport, $500,000 is for Merrill C. Meigs Airport in Chicago, $500,000 is for Quincy Municipal Airport, $500,000 is for Williamson County Airport in Marion—the list goes on and on.

I ask unanimous consent that the primary airport projects for fiscal year 1997 that will require entitlement funding for the State of Illinois, which is now being placed in jeopardy, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Rank and LOCID	Airport	City and State	PFC	1997 final entitlements after adjustments (Est.)	Conference
1 ORD	Chicago O'Hare International	Chicago, IL	#	$8,725,060	$8,615,751
39 MDW	Chicago Midway	Chicago, IL	#	1,656,606	1,824,208
146 MLI	Quad-City	Moline, IL		849,849	1,061,523
171 PIA	Greater Peoria Regional	Peoria, IL		688,534	860,028
203 CMI	University of Illinois	Champaign/Urbana, IL		552,236	689,783
209 SPI	Capital	Springfield, IL		533,829	666,791
233 BMI	Bloomington/Normal	Bloomington/Normal, IL		416,576	520,333
239 RFD	Greater Rockford	Rockford, IL		400,297	500,000
321 DEC	Decatur	Decatur, IL		400,297	500,000
329 CGX	Merrill C. Meigs	Chicago, IL		400,297	500,000
368 UIN	Quincy Municipal Baldwin	Quincy, IL		400,297	500,000
399 MWA	Williamson County	Marion, IL		400,297	500,000

Mr. McCAIN. Let us also be very clear. According to the Senate Finance Committee, absolutely no money can be spent out of the aviation trust fund without passage of this bill. Title X of the bill provides authority for money to be spent out of the aviation trust fund. That means—I want to repeat for the benefit of my colleagues—no money for aviation safety; airport security; air traffic control repair, maintenance, and modernization; repair and construction of runways, taxiways, and other vital aviation infrastructure, the purchase of firefighting equipment at our airports, Terminal Doppler Weather Radar, Airborne Collision Avoidance Systems, and research and development of new explosive detection equipment, can not be spent without this bill being passed. There is a great deal at stake here.

I emphasize, again, this is not a partisan bill. This is a bill that was worked out with the full cooperation of the administration, including the White House, the Department of Transportation, the Federal Aviation Administration, the National Transportation Safety Board, the Office of Management and Budget, the Department of Defense, the Environmental Protection Agency and others—a partnership with Senator FORD, Senator HOLLINGS, and the chairman of the committee, Senator PRESSLER. But I say to my colleagues that we will not make very critical and vital changes to aviation safety and security and thorough reform of the FAA unless we pass this bill.

Again, I point out that the technical correction amendment, which was put on the bill by the Senator from South Carolina, Senator HOLLINGS, in conference, was to correct a drafting error in the Interstate Commerce Commission Termination Act of 1995, that is acknowledged to have been a mistake and nothing else. It should have been included in the original ICC bill.

Let us have no illusion about what is going on here. What is going on here is that organized labor is flexing their muscles so they can prevent a technical correction which is being made to correct a drafting error that was made in previous legislation. Let us have no doubt—no doubt at all what we are talking about here.

Mr. President, I think it is important that we talk about what is being included in this bill as far as aviation safety and security is concerned. It ensures that the FAA and our Nation's airports, as I mentioned, will be adequately funded. I'm talking about over

$9 million annually for national aviation related needs such as air traffic control. But some of the other critical aspects of this legislation are that it directs the National Transportation Safety Board to establish a program to provide for adequate notification of and advocacy services for the families of victims of aircraft accidents.

I think we know the problems associated with the recent TWA 800 explosion in New York and the ValuJet crash in Miami and how mishandled the notification was to the families in these tragedies. We need to correct that now. We do not need to wait until next year or the year after. We need to correct the problem, and we do it in this legislation.

This legislation will enhance airline and air travelers' safety by requiring airlines to share employment and performance records before hiring new pilots.

We do this in this bill. We found out, in a previous accident of an American Airlines commuter aircraft, that a pilot did not have adequate training of the kind that was necessary to make sure that the lives of the passengers were not endangered. Indeed, they were all killed. One of the reasons, in the conclusions of the National Transportation Safety Board, was that American Airlines did not have sufficient access to their employment and performance records from a previous employment with another airline.

Additionally, this legislation will make sure that the FAA gives high priority to implement a fully enhanced safety analysis system, including automated surveillance. It bolsters weapons and explosive detection technology through research and development. It improves standards for airport security, passenger baggage and property screeners, including requiring criminal history records checks. It requires the FAA to facilitate quick deployment of commercially available explosive detection equipment. It contains a sense of the Senate on the development of effective passenger profiling programs. It requires the NTSB and the FAA to work together to develop a system to classify aircraft accident and safety data maintained by the National Transportation Safety Board and publish such data. The American public deserves to know what the safety record is of the airline that they fly on. That is part of this bill.

It requires all air carriers and airports to conduct periodic vulnerability assessments of security systems. It requires the FAA and the FBI to carry out a joint threat and vulnerability assessments every 3 years. It authorizes airports to use project grant money and passenger facility charges for airport security programs. It requires the FAA to study and report to Congress on whether certain air carrier security responsibilities should be transferred to or shared with airports or the Federal Government. This is just a few of the many safety and security related items that this legislation does.

I do not think there is anybody who believes that the present airport security procedures are adequate. That is not a conclusion that I reach; it is the conclusion that every outside aviation expert makes. There have been many hearings in the House and the Senate regarding this. Mr. President, we have to move forward with these critical safety and security provisions now.

Who should be responsible for airport security? I think it is very clear that it should not be the airlines. The bill requires the National Transportation Safety Board to take action to help families of victims following commercial aircraft accidents, as I pointed out earlier. How can anyone in this body wish to stop this legislation from going forward.

Let me just read, since we are talking about labor unions, since that is what is holding up this bill. I have a letter which was addressed to me from the National Air Traffic Controllers Association, which is a member of the AFL–CIO.

> DEAR MR. CHAIRMAN: The National Air Traffic Controllers Association (NATCA) supports the personnel reform language contained within. * * * The Air Traffic Control system continues to crumble and the safety of the system is in the balance. Your bill provides the funding stream necessary to modernize the system that is need of repair.
>
> [This bill] provides for continuation of collective bargaining agreements, representational status for NATCA and other unions and provides for the duty to bargain in good faith. Your bill allows the employees who will have to live and work under the new system the ability to develop the system. Thank you for drafting a bill which will provide the necessary reform to modernize the FAA and make it more responsive to the users.

Signed by Mike McNally, the executive vice president of the National Air Traffic Controllers Association.

This flies in the face of what some segments of organized labor are trying to do today in derailing this critical aviation legislation. I was pleased to have the opportunity of working with the National Air Traffic Controllers Association and those dedicated and outstanding men and women who sometimes operate under conditions of the most severe stress imaginable.

Here is a letter from the National Transportation Safety Board to Chairman PRESSLER. I will not read the whole letter. I ask unanimous consent that the letter, and the previous letter from the National Air Traffic Controllers Association, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION MEBA/AFL–CIO,
Washington, DC, November 9, 1995.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The National Air Traffic Controllers Association (NATCA) supports the personnel reform language contained within S. 1239. The association believes that providing the exclusive bargaining representatives with full bargaining rights over the development of a new personnel system provides a fair platform that will benefit the agency, the employees and ultimately the users of the air traffic control system.

We are aware of other efforts in substitution of S. 1239 and fear that these attempts, with all good intentions, may further delay FAA Reform that is desperately needed at this time. The Air Traffic Control system continues to crumble and the safety of the system is in the balance. Your bill provides the funding stream necessary to modernize the system that is in need of repair. We will be working with hope that S. 1239 succeeds the mark up and are encouraging the committee members to assist in this endeavor.

NATCA applauds your efforts to reform the air traffic control system. It has been a long in coming and it took your leadership to finally make it a reality.

Your bill provides the flexibility the FAA needs to meet the demands of the 21st century while protecting the interests of the men and women who operate the air traffic control system. Union support provides for continuation of collective bargaining agreements, representational status for NATCA and other unions and provides for the duty to bargain in good faith. Your bill allows the employees who will have to live and work under the new system the ability to develop the system.

Thank you for drafting a bill which will provide the necessary reform to modernize the FAA and make it more responsive to the users.

Respectfully,

MIKE MCNALLY,
Executive Vice President.

NATIONAL TRANSPORTATION SAFETY BOARD,
Washington, DC, November 8, 1995.

Hon. LARRY PRESSLER,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR CHAIRMAN PRESSLER: It is my understanding that tomorrow the Senate Committee on Commerce, Science, and Transportation will mark up S. 1239, the Air Traffic Management System Performance Improvement Act of 1995. Although the full Board has not taken a position on this legislation, I did want to share my personal views with you.

As Chairman of the National Transportation Safety Board, I see on a daily basis the immense job the Federal Aviation Administration has to accomplish. The competition for funds during a period of tighter federal budgets, the need to anticipate and justify future staffing requirements annually, and the protracted process for procurement of new equipment, are all factors that can degrade efficiency and affect the ability of the system to respond to new demands and new technology. I believe the reforms in S. 1239 remedy this deficiency, without taking the aviation trust fund off budget, and I hope the Commerce Committee will fully support this bill.

Many of the safety enhancing actions identified by the Board in the past have required research, development, procurement and installation programs that span several years. Examples are Terminal Doppler Weather Radar, Airborne Collision Avoidance Systems, airport surface surveillance and conflict detection equipment. Many of these programs have experienced development and installation schedule slippages. So, too, has the FAA's air traffic control system modernization programs. It is difficult for the Board to determine the role of budget planning in these slippages; however, it is obvious that the need to justify budgets and establish priorities during this period when the Federal government must tighten budgets could have an impact on significant safety programs. This bill would ensure the continuation of that funding in a fiscally responsible manner.

Mr. Chairman, we take great pride that America's aviation industry is the safest in the World. Without a predictable source of funds, there is the potential that new safety-related technical systems may be delayed, degrading that safety. The FAA, the agency responsible for the implementation and administration of these systems, believes that this bill will greatly improve the prospects for the acquisition of these critically important safety systems. I concur in their judgement on this matter.

Sincerely,

JIM HALL,
Chairman.

Mr. MCCAIN. I want to repeat what the National Transportation Safety Board is saying about this legislation, so the opponents, the ones who are trying to hold up this bill and perhaps derail it, understand what is at stake here. I want to repeat it so it is perfectly clear to my colleagues and to the American public who want this legislation to move forward.

I quote from the letter to chairman PRESSLER from the National Transportation Safety Board:

> Without a predictable source of funds, there is the potential that new safety-related technical systems may be delayed, degrading that safety. The FAA, the agency responsible for the implementation and administration of these systems, believes that this bill will greatly improve the prospects for the acquisition of these critically important safety systems. I concur in their judgement on this matter.

Signed by J. Hall, the Chairman of the National Transportation Safety Board.

I am not supporting this bill because I put in 2 years of hard work with Senator FORD, Senator HOLLINGS, Senator PRESSLER, Senator STEVENS, Linda Daschle, David Hinson, Secretary Peña, Jim Hall, the National Air Traffic Controllers Association, the Air Transport Association, the Air Freight Association, and people like my friend from North Dakota, Senator DORGAN, who has played such a key and important role in ensuring not only airline safety but also the access to airline service in smaller States. Few have been a stronger supporter of the Essential Air Service Program which remains a lifeline for many small communities. This bill has the funding tools in place that will be vital for financing this program in the future.

I am not talking about all that. I have worked on other issues that took a long period of time and have failed. That has been sort of one of the difficulties I have had around here from time to time.

What I am talking about is the safety and security of all Americans. If the Senator from Massachusetts, who I am sorry is not here on the floor, wants to lead the opposition, then the American people should know whose responsibility it is that we do not pass this legislation. What a small minority finds objectionable is a correction, a technical correction, to a drafting error which was contained in the Interstate Commerce Commission Termination Act of 1995 that was passed, that everybody recognized was written incorrectly. That is what we are talking about here. If we do not pass this legislation and get it done soon—in fact, by midnight tonight, in less than 14 hours—then critical funding will be cut off to airports across the country and our national air transportation system will expire. And I fear, frankly, for what can happen in the future and, frankly, I do not want to have that responsibility.

Finally, I will probably be back on the floor on this issue. I strongly urge my colleague from Illinois, for whom I have the greatest respect and affection, I strongly urge my other colleagues to understand what is at stake here and for us to get this legislation done as quickly as possible and not worry about a small technical correction to a drafting error that is all that is involved here.

So, I will be back—I hope not to be back on this issue. But I, like my colleague from Alaska, do not intend to allow the Senate to go out of session until we have this issue resolved, and will use every parliamentary method available to me to make sure that we address this bill and pass it.

I have had a conversation with the distinguished majority leader on this issue. I know he shares my view of the importance and criticality of this legislation. I hold every hope and aspiration that we will have this issue resolved as quickly as possible.

Again, expressing my deep appreciation to all of the individuals, all of the different entities that have been involved in shaping this legislation that took us over two years, I am not about to see it derailed at this point because of a minor objection that really has very little, if any, relevance to the importance of the bill.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent to address the Senate for 3 minutes, to be followed by the Senator from North Dakota for 30 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. Thank you very much, Madam President.

STILL TIME TO PASS BILLS

Mrs. BOXER. Madam President, as we can all see from the conversation that has been going on here for the last hour, we still have additional business pending before the Senate. We certainly must pass the FAA bill, and I am hopeful we can do so, while resolving the one controversial area that remains. We heard the Senator from Alaska, Senator STEVENS, say the House is out of session, implying that they couldn't act if the legislation was stripped of the controversial piece. We heard the Senator from Illinois say, "Untrue, the House is still there, they could take action." We need to find out the truth, we need to find out the answer, and we need to move forward.

Madam President, we have a wonderful opportunity yet remaining in the waning hours to pass the Presidio parks bill. After much dedicated work on both sides of the aisle over in the House and with the administration on Friday and Saturday, the House passed a Presidio parks bill with many important parts for this country in it. There is only one body that has to act on this bill, and that is the U.S. Senate. If we can all agree, we can pass, by unanimous consent, this Presidio parks bill.

As I understand it, it includes many wonderful projects all over this country. It would be an environmental gift for the people of this country, and I can tell you that my leader, Senator DASCHLE, expressed to me his great interest in seeing us do it, and from the remarks of the majority leader, Senator LOTT, I feel very optimistic that we can.

From the East to the West, the North and the South, there are parts in this bill that I think we all want. Does everybody get everything he or she might want? Of course not. It is never possible. The Presidio parks bill is one of great compromise, even on the issue that I care so much about.

On the Presidio itself, we had to compromise. So I don't think any Member can say it is a perfect bill. There may be something in there you don't love, and there may be something not included in there you want included, but I think we do have an opportunity to do something for the American people and go home and be extremely proud. The Presidio Park will become a jewel of the National Park System, and the legislation encompasses a wonderful idea that really was brought to the table from the Pennsylvania Avenue Corporation when we remodeled and rejuvenated Pennsylvania Avenue, and it is a board of trustees totally nonprofit with experts in real estate and experts in historic preservation sitting on it and overseeing it.

Congresswoman PELOSI has worked so hard on this—I used to represent the Presidio when I was in the House—as well as Congressman GEORGE MILLER, Senator FEINSTEIN, Senator MURKOWSKI, and Senator CHAFEE and many others. I do hope that we can pass the parks bill by unanimous consent, but I have asked my leader to keep us here, because I do believe if we had to vote on a cloture motion, we could carry that cloture vote, and we would overwhelmingly pass this parks bill.

Madam President, I hope we can do it quickly, but, if not, I hope we will stay here and work for the American people, resolve the FAA problem, resolve this parks bill, pass this continuing resolution and go home feeling proud that we have a safer Nation, we have a stronger Nation, and we have a more beautiful Nation.

Thank you very much. I now yield to my friend.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

THE CLINTON RECORD AND SENATOR DOLE'S ECONOMIC AGENDA

Mr. CONRAD. Madam President, we have now come to what may be the last day of the congressional session. Perhaps it will take another day or two for Congress to adjourn.

I would just like to observe that this is what we have been handed on the final day. I do not know how many pages are here. I assume it is at least a thousand pages. We are handed this massive bill—that few of us have seen—because once again Congress has failed to do its job on time.

Here we are on the eve of the next fiscal year, and six appropriations bills have to be rolled into one in order to prevent a shutdown of Government. Madam President, this is not the way to do business. I doubt there are very many Members who have any idea what is in this omnibus consolidated appropriations bill. I certainly do not.

We got this stack this morning. We are going to vote, they tell us, sometime this evening. You know, I am a pretty fast reader, but I do not think I can get this job done in time to make any kind of reasoned judgment on what is included. This is not the way we ought to do our business.

Madam President, it does seem to me to be an appropriate time to review the record of what has happened over the last several years. I would just like to start with the question of deficit reduction, because we hear a lot of talk about who is conservative and who is not conservative. Frankly, I do not think it matters so much who is liberal, who is conservative; I think what the American people are interested in is who gets results, because that is at the end of the day what really matters.

If we look at our last three Presidents on the question of the deficits, the results are now very clear. We look back to 1981, President Reagan inherited a deficit of about $79 billion. Very quickly the deficit skyrocketed to over $200 billion, and it was stuck at that figure for most of his term. At the end of President Reagan's term we saw some slight improvement, but still the deficit was about twice as high as the deficit he had inherited. So it is not surprising that the American debt grew dramatically during those years.

Then, of course, came the Bush administration. President Bush inherited a deficit of $153 billion, and it promptly went out of control. In the last year of the Bush Presidency, the deficit was up to $290 billion.

Then President Clinton came in, and in each and every year of the Clinton administration, the deficit has gone down; $255 billion the first year, down to $116 billion this year. So the President has done an outstanding job of deficit reduction.

Some have said, "Well, he doesn't really deserve any credit." It is interesting to look at what an impartial observer says. The head of the Federal Reserve, Chairman Greenspan, says the deficit reduction in President Clinton's 1993 economic plan was "an unquestioned factor in contributing to the improvement in economic activity that occurred thereafter." Certainly Mr. Greenspan is correct.

We passed in 1993 an economic plan that cut spending and that raised revenue, and that in combination reduced the budget deficit. Because the deficit was coming down, interest rates came down, and economic activity increased. Mr. Greenspan says that plan was "an unquestioned factor in contributing to the improvement in economic activity that occurred thereafter."

Perhaps this is an appropriate time to start looking at the record. What did happen? Well, one of the things we often talk about is the misery index. The misery index is a measure of unemployment and inflation.

Look what has happened to the misery index over the last 28 years. We have the lowest misery index now, after 4 years of the Clinton administration, the lowest misery index in 28 years.

The good news does not stop there. We have also seen strong economic growth under the Clinton administration. Real private-sector economic growth, under the Bush administration, averaged 1.3 percent. Under the Clinton administration, real private-sector GDP growth has averaged 3.2 percent; a very good record and a dramatic improvement over what we have seen previously.

Real business fixed investment. I think one of the best measures of whether an economic plan is successful is what happens to real business fixed investment. We can see that under President Clinton, we have the best rate of increase in real business fixed investment of any President since World War II. If we look at the last 4 years—since the Clinton administration took control, since we passed the 1993 economic plan—we see a dramatic increase in business fixed investment, in fact, the best record that we have seen in decades.

President Clinton delivered on his promise to reduce the deficit—we can all recall he said he would cut it in half. It was $290 billion in the year before he took office. He has more than met that promise. He has reduced the deficit to $116 billion, a 60-percent reduction.

That is not the only promise he has delivered on with his economic plan. He said his plan would deliver 8 million new jobs. But instead, we now have over 10 million new jobs created during the Clinton administration.

Let me just turn to one other matter because unemployment is also a very significant measuring point as to how well an economic plan is doing.

Back in December 1992, before Bill Clinton came into office, the unemployment rate in this country was 7.3 percent—7.3 percent. In June of this year it was down to 5.3 percent, a dramatic reduction in unemployment. In fact, we now know the unemployment rate fell to 5.1 percent in August 1996. That is the lowest level of unemployment that we have had in 7 years.

Last week we got more good news with respect to what was happening in the economy. The Census Bureau issued its analysis of what has been occurring. What we found is that incomes have been going up and poverty has been coming down, another good measure of whether or not an economic plan is working. In fact, what we saw was that median household income is up the largest increase in a decade.

We saw the largest decline in income inequality in 27 years.

We saw 1.6 million fewer people in poverty, the largest drop in 27 years.

We saw the poverty rate for elderly Americans at 10.5 percent, its lowest level ever, lowest level ever in terms of the number of elderly living in poverty; again, I think a good measure of how well this Clinton economic plan has worked.

I might say, I was proud to have voted for that plan. We had a tie vote here in the U.S. Senate, broken by a vote of the Vice President of the United States. Our friends on the other side of the aisle said this economic plan, the results of which I have just reported on, would crater the economy.

That was their commentary at the time. They said it would increase the deficit. They said it would increase interest rates. They said it would increase unemployment. They were wrong on every count. They were wrong on every single count.

Madam President, we have seen the results of the Clinton economic plan. I think that raises the question of what would the Dole economic plan do?

Senator Dole, running for President, has said that he has a plan, and the cornerstone of that plan is a $550 billion tax cut. I thought, in order to put in perspective what the Dole plan is likely to do, that we ought to look ahead to the next 6 years, because his plan covers the next 6 years.

It is very interesting. If one looks at what we are facing in the next 6 years, from 1997 to 2002, this is the projected spending of the United States under current law. We would spend $11.3 trillion. But this is our income. Our income is only $9.9 trillion. So we are going to be adding $1.4 trillion to the national debt—debt held by the public.

The first thing Senator Dole says we ought to do is cut the revenue another $550 billion, reducing it to $9.4 trillion. So, now the gap between income and outgo is bigger. He is digging the hole deeper before he starts filling it in. He is adding to the debt. That is going in precisely the wrong direction.

If one looks at what is necessary for an economic plan to add up, one finds the following: We would need $584 billion of spending cuts necessary to balance the unified budget. That includes all spending and all revenues—that is the unified budget. That includes the Social Security surpluses that we are scheduled to run over the next 6 years. So we would need $584 billion of spending cuts in order to balance the unified budget. But Senator Dole says he wants a $551 billion tax cut. So now we would need $1.1 trillion of cuts in order to balance the unified budget and prevent adding to the debt held by the public over this next 6-year period.

It does not stop there. Senator Dole's plan assumes that he is going to count all of the Social Security surpluses over the next 6 years to help balance the budget. That is $525 billion of Social Security surpluses. Now, if we were really going to honestly balance this budget, we would need the $584 billion of spending cuts just to balance the unified budget, then we need the $551 billion to cover his tax cut so we do not add to the debt, then we need another $525 billion so that we are not raiding the Social Security trust funds. So now we need $1.6 trillion in spending cuts.

Madam President, we will look at what Senator Dole is proposing and see if he meets those tests. Does he come up with $1.1 trillion of cuts to prevent adding to the debt with his tax cut? Or does he honestly balance with $1.6 trillion of cuts necessary to prevent raiding the Social Security trust fund? What are the cuts he has come up with? Has he come up with anything close to $1.1 trillion to prevent adding to the debt to cover his tax cut, or to really do the job and have $1.6 trillion of cuts to prevent raiding the Social Security trust fund?

Here is the spending that is outlined over the next 6 years under current law. Social Security, $2.1 trillion, about 20 percent of projected spending over the next 6 years. Interest on the debt, nearly as much, $2 trillion. Defense, $1.7 trillion. Of course, Senator Dole says defense is off the table. He will not cut defense, he will not cut Social Security. Medicare is $1.6 trillion projected over the next 6 years. Medicaid, almost $1 trillion over the next 6 years. Other entitlements—student loans, food stamps, child nutrition—those are other entitlements. Then we have nondefense discretionary, which is $1.7 trillion over the next 6 years. Nondefense discretionary is roads, bridges, law enforcement, jails, parks—all of that is in nondefense discretionary.

Now, we will look for a moment at whether or not Senator Dole's plan adds up. Taking the savings he has talked about, he said he will take a sliver out of the $1.6 trillion of Medicare, and he has that savings of $158 billion. So that is in the cookie jar. We will see when we are done if he has $1.1 trillion of cuts or the $1.6 trillion necessary to prevent raiding the Social Security trust fund. We have so far in the cookie jar $158 billion of Medicare cuts. He says on Medicaid, he will take a sliver out of that, which is the equivalent to $72 billion, and we will put that down and it is in the cookie jar. That is $72 billion of Medicaid cuts. He also says he will take a chunk out of other entitlements, which is right here. He will take a chunk out of this spending category. And, again, he is talking about $124 billion of other entitlements—again, that is child nutrition and a number of other areas we have talked about, including food stamps, Federal retirement, student loans. He has $124 billion there. We will put that in the cookie jar. Then he says he will cut nondefense discretionary. That is one of his biggest cuts, nondefense discretionary. He has $300 billion that we can put in the cookie jar out of nondefense discretionary spending.

What is nondefense discretionary spending? That is an area in which we are projected to spend $1.7 trillion over the next 6 years. He has $300 billion in cuts out of that category. That is roads, bridges, airports, education, law enforcement. That is the biggest place he is cutting.

Does that make sense? Is that where we want to cut in this country—education, roads, bridges, airports, law enforcement? Well, Senator Dole says cut that $300 billion. He is not done yet because he also has some interest savings, a little sliver of interest savings. That is $50 billion of interest savings.

Then Senator Dole sees he is nowhere close to adding up so he goes back to the spending pie and he says, "I have to take some more out of 'other entitlements.' I have to take some more out of child nutrition, student loans. I have to take some more out of Federal retirement." So he comes up with another $66 billion of other entitlements. But still he is nowhere close to adding up. He is at about $750 billion so far, so he is way short of adding up to the $1.1 trillion necessary to keep from adding to the debt to finance his tax cuts. So he is way short.

What he does is go back to nondefense discretionary spending again, hits that again. Education, roads, bridges, airports, law enforcement, environmental protection. He says take another $150 billion out of that category and put it in the cookie jar.

Now, one can see he is drastically cutting this category of spending. Senator Dole started with $302 billion in nondefense discretionary cuts, and then he took another $150 billion out of this category. So he is up to $450 billion out of nondefense discretionary spending, which is $1.7 trillion to begin with. We are talking about cutting education, roads, bridges, airports, law enforcement, and jails by 30 percent in the Dole economic plan. But still it does not add up. Still it does not add up. If you add up all of what he has talked about cutting, he is just over $900 billion. And we showed on the previous chart that you need $1.1 trillion in cuts in order to prevent adding to the debt because of his tax cut. And you need $1.6 trillion of cuts if you are going to avoid raiding the Social Security trust fund.

So if $1.1 trillion is the test, Senator Dole has a $200 billion gap here in terms of spending cuts. Even with that, he has taken huge chunks out of education, roads, bridges, airports, law enforcement. He says he is going to be tough on law enforcement, but he takes 30 percent of the money that we are projected to spend over the next 6 years out of the category that law enforcement spending comes from. If he is not going to cut law enforcement as much, he is going to have to cut education more. He is going to have to cut roads more or airports or bridges more. Still he is nowhere close to adding up.

Madam President, it just seems to me that the Dole plan is at least $200 billion short of adding up, and that even assumes that Senator Dole is going to use all $525 billion of Social Security surpluses.

Well, it doesn't take an awful lot of mathematical calculation to figure out the problem. We remember the last budget that was offered by his party had $245 billion of tax cuts, and in order to help finance that, they had $163 billion in reductions to Medicaid. All you have to do to reality test here is ask what would be the Medicaid cuts necessary to finance the bigger Dole tax cut? Because instead of a $245 billion tax cut, he is now talking about a $550 billion tax cut. How big would the Medicaid cuts have to be? They were $163 billion to accommodate a $245 billion tax cut. How big would they have to be to accommodate a $550 billion tax cut?

Domestic discretionary spending. The same way. Under the previous Republican budget, they had $245 billion of tax cuts. They had domestic discretionary cuts of $440 billion. In order to accommodate the tax cut and move toward a balanced budget, how big would those domestic discretionary cuts have to be to accommodate a $550 billion tax cut?

The same question can be raised about Medicare. Medicare, they proposed reducing $270 billion. I know some say, well, it is not a cut. Well, how did they save $270 billion if it is not a cut? How did they save $270 billion if they didn't cut anything? Of course, they cut something. They cut from what current law provides. Why? Because they needed to accommodate their $245 billion tax cut and move toward a balanced budget. How big would the Medicare cuts have to be if you are going to have a $550 billion tax cut instead of a $245 billion tax cut? Obviously, something has to give here. Either the cuts have to be much deeper, or the Dole plan is actually going to add to the deficit, add to the debt. That would be a profound mistake, in my judgment.

Senator Dole has said Social Security is off the table. Is it really? Is it really off the table? I showed the chart that indicated in his plan he is counting on using $525 billion of Social Security surpluses in the next 6 years in order to help move toward balance. Very interesting. Madam President, $525 billion out of Social Security surpluses and a $550 billion tax cut. Does that make any sense? Does it make sense to take every penny of Social Security surplus and turn right around and give it out in terms of a tax cut—a tax cut that disproportionately goes to the wealthiest among us?

You know, we hear that claim made. What is the evidence? So I had this chart prepared. The Dole tax cuts—who benefits? Who are the big winners? This looks at all of his tax cut plans put together. If you are in the under $10,000 a year category of income, and 19 percent of American families are in that category, you get $5 on average. If you are in the $10,000 to $20,000 a year category, that is 21 percent of the American people, you get $120 a year, $10 a month, on average. If you are in the $20,000 to $30,000 category, about 16 percent of the American people, you get $400 a year, about $30 a month, on average. Look at the top end here. The top 1 percent of the American people. Those earning over $200,000 a year. What do they get? Well, they get the cake. They get, on average, $25,000 a year of tax reduction. Madam President, $25,000 a year of tax reduction.

So if you are in the 50 percent of the American people that have less than $30,000 a year of income, you are going to get anywhere from $5 a year to $30 a month, on average, at the top end of that scale. But if you are up here and you earn over $200,000 a year, you are going to get a $25,000 reduction, on average. Is that fair? Does that make any sense? Does it make any sense to add to the debt, add to the deficits, so we can give a $25,000 a year tax break to the top 1 percent, who earn over $200,000 a year? Is that what we ought to do in this country? Does that make sense?

Does it make sense to take $525 billion of Social Security surpluses—money we are going to need to get ready for when the baby boom generation retires, and give it all out in a tax cut, the vast majority of which goes to people earning over $200,000 a year? Does that make any sense? Does it make any sense to propose a plan that has $900 billion in spending cuts, when you need at least $1.1 trillion of spending cuts to accommodate Senator Dole's tax cut and not add to the debt? And you would need $1.6 trillion of spending cuts not to raid the Social Security trust fund. And he only comes up with $900 billion of cuts. The cuts he has come up with come out of nondefense discretionary spending. He is cutting that category 30 percent, even though his plan doesn't add up. The part that he is really hammering is education, roads, bridges, airports, law enforcement, jail construction. Does that make any sense for America's future?

Madam President, when one looks at where the money is going over the next 6 years, it is very interesting. Defense spending $1.7 trillion. Social Security $2.1 trillion. Interest on the debt $2 trillion. Medicare $1.6 trillion. Medicaid just under $1 trillion. This is where the money is going. Other entitlements—that is child nutrition, student loans, that is food stamps, and nondefense discretionary, $1.7 trillion, as I have said. That is education, roads, bridges, airports, law enforcement.

I just think we have to ask ourselves: What works? What do we know works? We know, based on the evidence I provided earlier, that the Clinton economic plan that we passed in 1993 has worked. It is undeniable. Four years in a row of deficit reduction. Let us go back to the chart that we began with. I think it is a good place to end. We know what works. The plan that we passed in 1993 reduced the deficit every year for 4 years in a row. More than a 60 percent reduction. We need to stay on that course, because we face the demographic time bomb of the baby boom generation. When they retire, the demands on Federal programs are going to explode. That is why we need to stay on this course of deficit reduction. It is one reason that this course of deficit reduction that is paid off so handsomely. Not only have we reduced the deficit but unemployment got reduced.

All of the things that you would like to see going up are going up. Jobs are going up. Income is going up. Business investment is going up. The things you would like to see going down are going down. Poverty is going down. Unemployment is going down. The deficit is going down.

This is a plan that has worked. And I believe it would be a profound mistake to go in this direction—this radical direction—that Senator Dole has prescribed that clearly doesn't add up. Either he is going to have much bigger cuts in things like education, Medicare, Medicaid, roads, or bridges that he has already outlined—and he has already outlined massive cuts in those areas—or he is going to absolutely explode this deficit. And that would be a profound mistake for this country's future.

I hope over the coming weeks that we in this country will have a serious national debate about these issues because this is critical to America's future. We have a chance to stay on course. We have an opportunity to keep moving this country in the right direction. I very much hope that, as we go through these last 5 weeks of the political campaign, that the American people will keep in mind the progress that has been made. We have made important progress—strengthening our national economy. We cannot go back to a failed policy that put this country in the ditch once before, that exploded the deficits, that exploded the debt, and that weakened America; that put us in a condition of economic decline against our competitors. That would be a tragedy.

Hopefully, we have learned from our failures of the past and the more recent successes that we have enjoyed since the Clinton economic plan was passed.

I thank the Chair.

I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FAA REAUTHORIZATION BILL

Mr. DORGAN. Madam President, the pending business before the Senate is the continuing resolution, the large appropriations bill. But there are a couple of other items—one of which we discussed earlier this morning—that must be resolved by this Congress.

I wanted to just mention again why the FAA reauthorization bill is critical. We have talked about the issue of aviation safety and security this morning. But I want to mention to my colleagues one other item that is in this bill that I think is critically important. It deals with the issue of the essential air service program, and the ability to provide airline service to even rural areas of our country.

I have said before—and I know it is repetitious but I want to say again—that, in my judgment, the issue of airline deregulation has been terribly hurtful to many rural States in our country.

Prior to airline deregulation, the State which I represent here in the Congress had numerous jet carriers serving the airline service needs of North Dakota. We had the old Western Airlines, we had Republic Airlines, the old North Central which later became Republic, Northwest Airlines, Frontier Airlines, and Continental Airlines. At various times we have had a wide range of jet carrier service in North Dakota.

But since airline deregulation we now have one carrier serving our State with jet service—Northwest Airlines. Northwest is a fine carrier. I think they provide good service. But, as all of us know, the market system works best only when you have competition. Competition means that people vie for the customers' business by better service and/or lower prices. And when you have one carrier you do not have price competition.

We put in place an essential air service program when airlines were deregulated in this country some 15 or so years ago, and the essential air service program was designed to try to provide some basic protection for rural areas recognizing that the deregulation may mean that the major airlines will go compete between Chicago and Los Angeles, Los Angeles and New York, and New York and Miami. They are not going to rush to go compete between smaller cities and smaller markets.

So the essential airline service program was developed. It was originally developed and authorized, and expended about $80 million a year; then down to $70 million; then $50 million; and, then $30 million. Now it is down to about $25 million a year just providing a skeleton of support for airline service in small communities in our country.

This piece of legislation creates a new and unique way to permanently resolve the essential airline service program at a healthy rate of funding—fully financed—that will be helpful to rural areas all across this country.

Madam President, if I were to leave Washington, DC, today to fly to Los Angeles, CA, and I purchased a ticket with a 2-week advance, with a Saturday night stay and with all of the requirements that the airlines have on those who purchase these tickets, it would cost probably in the neighborhood of $250 to fly from here all the way across the country to California. The Commerce Committee framed it in terms of going to see Mickey Mouse at Disneyland in Anaheim, CA—about $250. Then I showed the members of the Commerce Committee a picture of the world's largest cow that sits on top of a hill outside of New Salem, ND. It is called Salem Sue. A giant cow sits on a hill out there not so far from Bismarck. If I wanted to see not Mickey Mouse but Salem Sue instead, and wanted to fly from here to North Dakota half as far as flying from here to Los Angeles, and I made reservations to do that, I would pay twice as much.

In other words, we are left in a circumstance in this country with airline deregulation where—at least with respect to rural areas—if you want to fly twice as far you can pay half as much going to an urban area, but fly to a rural area and fly half as far you will double your ticket price.

Does anyone think there is any rational basis for that? I do not. If you believe that transportation is sometimes repetitious of universal need, and you believe the need for transportation service is relatively universal, it does not make sense to say, "Well, if you live in a very large area of the country you get dirt cheap prices but if you live in a small area of the country, what happens is you just pay through the nose."

What I proposed in the FAA reauthorization bill was an essential air service program that is funded by a fee that is assessed on overflights in this country by foreign carriers. Virtually every country in the world assesses a fee on airlines overflying their space by foreign carriers—virtually every country except the United States. We do not have such a fee. We were intending to promote such a fee, and I propose that when a fee is proposed we attach it, at least part of it, to the essential air service program so that it generates a sufficient amount of money each year; rather than have to go to the Appropriations Committee and seek diminished funding every year for that program, which is essential in providing airline service to rural areas, we would have a permanent source of funding to fill in where airline deregulation is injuring rural States and smaller communities.

That is what we put in the FAA authorization bill. I authored the piece of legislation. It was supported on a bipartisan basis by Republicans and Democrats. It will permanently solve this problem in a significant way and provide opportunity through better air service in rural parts of our country that have been injured by deregulation. It is simple but effective in solving a real problem.

That is part of this bill. And if this bill dies, that goes. A lot of work over a long period of time to solve a very real problem is going to be gone.

We mentioned earlier this morning that the major issue here, however, is aviation safety and security. The responsibility to pass an FAA authorization bill is one that cannot be abrogated. We cannot end this session of Congress without passing this legislation. I know there is a controversial piece that was attached in conference. Whatever excuse one might want to find for one reason or another to say this is going to have to be delayed, it cannot be voted on now or then, the fact is this Congress cannot adjourn and cannot leave town without addressing this issue. Reauthorizing the functions of the FAA are critical in addressing the aviation safety and security issues that this Congress is obligated to address.

The Senator from Alaska, the Senator from Arizona, and others have spoken this morning, and I would add my voice to theirs, although I might make some different characterizations than I heard in a couple of instances today about what is at stake in this fight, but I would say this. There is no disagreement about the fact that this Congress cannot adjourn unless it resolves this issue. And there will be some of us standing here at the end of this week preventing this Congress from ending its session if it has not enacted an FAA authorization bill that deals with the issue of safety and security in air travel in this country.

I began simply mentioning that there are many other things in this bill which escape a lot of notice, one of which is a critically important piece dealing with improving airline service in rural States and smaller communities across this country which I think is critically needed.

Madam President, I know there are others who want to speak. I did want to add my voice to those who spoke earlier this morning on this FAA reauthorization bill.

I yield the floor.

The PRESIDING OFFICER (Mr. KYL). The Senator from California.

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mrs. FEINSTEIN. Mr. President, I rise to speak on the continuing resolution and, specifically, the immigration bill, which deals with illegal immigration and which has been added as a portion of that bill.

Few issues are more clearly and unequivocally the responsibility of the Federal Government than the issue of immigration, whether it be lawful or unlawful. Legal immigration, the threads from which our Nation's rich tapestry is woven, is a matter of national policy, and, in fact, no nation on Earth has as a liberal policy and takes in more people from other countries each year than does the United States of America.

The ability to absorb newcomers becomes a question of resources, a reflection of our values, values of self-sufficiency, responsibility, respect for our laws, family unity, and the legacy of this country as a Nation of immigrants.

Illegal immigration, however, is a matter of law enforcement —whether it is enforcing our borders, enforcing our laws against working illegally or hiring someone to work illegally. It is the Federal Government's responsibility to enforce these laws.

Unfortunately, this job has not been done well over the years, and the prohibitions against illegal immigration, while on the books, have meant very little in reality. The cost of the failure to act on this responsibility has been very high.

Warning signals have been coming for years:

Communities are demanding action against: the growing crowds of illegal workers looking for day labor on street corners; lawsuits demanding Federal reimbursement for the cost of incarcerating, educating or providing health care for illegal aliens. "English only" laws are being discussed, expressing concerns about the inability of teachers to teach in schools. Many in California have dozens of different languages. As a matter of fact, there has been a report that 67 different languages are spoken in a single elementary school. It is very difficult for teachers to teach under these circumstances. There is also a rise in discrimination, and even vigilantes at airports looking for illegal immigrants.

A study just released by the Public Policy Institute of California sheds some light on the rise in animosity toward illegal immigrants. The study shows that the level of illegal immigration into California during the 1980's was substantially higher than previously thought.

Researchers estimate that as many as 2.2 million illegal immigrants settled in California during the 1980's, their migration soaring along with the California economy, comprising as much as 22 to 31 percent of all newcomers to the State during that period.

This is the point. As the State's economy stalled in the 1990's, the research indicates, interestingly enough, that illegal immigration dropped to about 100,000 a year. So as the economy of a given area gets stronger, the job magnet attraction for illegal immigration increases. When an economy worsens, that job magnet attraction clearly decreases.

I came to this body in 1993 after having run for Governor of my State 3 years before. I knew then as I traveled through my State—and I learned it very clearly—in 1989 and in 1990 that this was going to be a growing issue, and that the need for change was becoming more urgent.

As a newcomer to this body, I stood in the Chamber on June 30, 1993, and told my colleagues that I believed we needed to take action to stem illegal immigration, that the impact on my State had become enormous, and that failure to do so would only bring about a backlash.

At that time, I introduced a bill to beef up our borders and stiffen penalties for document fraud and for employing illegal workers. I tried to get myself on the Immigration Subcommittee of the Judiciary Committee, where I have served with the distinguished Presiding Officer these past 2 years. But this body did not act. The House did not act.

Within a year, in California, organizers were circulating petitions to put proposition 187 on the ballot—by far, the most draconian and punitive anti-immigration measure seen in this country for many decades, and for the first time it targeted children. It took the approach of requiring that teachers and doctors report anyone suspected of being here illegally.

Essentially, if a youngster were in school and looked different or talked different and the teacher suspected they might be illegal, it was that teacher's law-given obligation to report that youngster to the INS. If that youngster was born in this country and therefore a citizen but the parents might have been born in another country and came here illegally, it was that teacher's obligation to report that youngster.

Most amazingly so, the same prerequisites and obligations were imposed on doctors and health care workers. Therefore making it a real risk, if a child had measles or chicken pox, to even take that child to a doctor. Believe it or not, that proposition passed with a substantial majority in the State, and it won in most minority communities. As a matter of fact, even in those communities where it did not win, it received a substantial plurality.

A poll taken by the Los Angeles Times, right after the election, asked voters why they supported proposition 187. Nearly 80 percent of the initiative's supporters said it was to send a message to Washington. More than half said they hoped this would force Washington to do something about illegal immigration. Less than 2 percent—believe it or not—cared for the specific measure that denied education to illegal children in that now infamous initiative.

I did not support that measure, but the message was unmistakably clear. People should not have to force the Federal Government to live up to its responsibilities to enforce our borders and our laws. Period. We do not have the luxury of debating this issue for another 2 years or 4 years. Rather, we have the responsibility to take action now. And the bill in this continuing resolution does offer strong reform. This is not a perfect bill, but its major thrust is to stop illegal immigration. And carried out and enforced, I believe it can make a major step forward in that direction.

Let me just quickly talk for a few moments about some of the key provisions. Mr. President, both you and I strongly supported the provision to add 1,000 new border patrol agents each year for the next 5 years and allow the Attorney General to increase support personnel at the border by 300 per year, over the same period. This effectively doubles the strength of the Border Patrol.

I think this works. Since 1993, Border Patrol, along our southwest border, has increased by 50 percent in personnel. And, as a result, apprehensions of illegal immigrants rose more than 60 percent in 1 month at the beginning of this year. Clearly, the presence of added Border Patrol makes a difference in controlling illegal immigration.

This bill improves border infrastructure, authorizing $12 million for new equipment and technologies for border control, including building a triple fence in appropriate areas, and new roads. This would be in one of the most highly traveled and difficult to patrol areas along the southwest border.

The bill adds 600 new INS investigators in 1997 alone to enforce our laws. I have heard critics criticize this bill, saying it does not do enough in that direction. However, there will be 150 more investigators to investigate employer violations, 150 to investigate criminal aliens, and 300 designated to investigate visa overstays in 1997.

You and I know that one-half of the people who come into our country illegally have visas and they just simply overstay that visa. And the visa, up to this point, has had no teeth. If they disappear into the fabric of the society, it is very difficult to find them to enforce that visa. This bill dedicates 300 new INS investigators to visa overstays. It is the first real effort this Congress has made to control one of the biggest problem areas in illegal immigration.

And the bill allows the Attorney General to establish an automated entry and exit control system, to match arriving and departing aliens and identify those who overstay their visas.

It precludes a person who overstays his or her visa from returning to this country for up to 10 years. This gives meaning to a visa. In a sense, in a great sense, I am sorry we have reached this day and age in our very free society. But, you know, there is one thing I deeply believe and that is, we are a country of laws. We do not have the liberty to pick and choose which laws we enforce or do not enforce. But the departments of our Government should be bound to enforce the laws that are on the books.

We, if we do not like those laws, have the ability and the opportunity to change those laws. I am very disappointed this bill does not increase penalties for employers who violate the law as the Senate bill did, but penalties do exist. I have just taken a look at those penalties. As I mentioned earlier, there are also 150 INS agents, investigators specifically designated to investigate employers. The penalties essentially go from $250 to $10,000 in civil penalties for each alien, increasing with the number of offenses. And, on top of these fines, if the employer has a pattern of violations, he or she can also be subject to a maximum of $3,000 per alien and 6 months in prison for each transaction. And the Attorney General may also issue an injunction against the employer for repeated offenses.

If you think about it, these are strong penalties. But what is the problem? The problem is they have not been enforced. So this bill, once again, must be enforced if it is to have teeth.

Let me speak of worker verification. This is another disappointment because the heart of any effective system to prevent the job magnet from working is verification of documents that show legal authority to work. Any employer who can have their prospective employee, while being interviewed, present up to 29 documents, really cannot tell which is real and which is false. I know that. I have been in that position. I know how difficult it is to tell. This bill establishes three pilot programs for employment verification in five of the highest-impact States. So this is a step forward.

I want to speak for just a moment about document fraud, because probably there is no more greater problem in the United States in this area than document fraud. It is wholesale. It is rife.

It is just all over the place. Just recently, INS shut down a major document fraud ring in Santa Ana, CA. They confiscated 22,000 fake green cards, Social Security cards and driver's licenses. These were all first-rate forgeries, and they were meant to be sold in California and throughout three other States. It is a major underground industry in my State, and this bill does begin to deal with this problem.

It reduces the number of documents that can be used to establish an individual's employment eligibility, and it increases the maximum penalties for document fraud from 5 to 15 years in prison. That is the maximum, and it sets security standards for key identification documents, such as birth certificates and driver's licenses, to prevent fraud and counterfeiting.

If I had my way, we would cut the number of documents down to a basic number and make every green card, every Social Security card and every birth certificate counterfeit-resistant.

So the compromise in this bill is not all I wanted or think we need, but, again, it will be light years better than the situation we now have with employers having to struggle to recognize up to 29 different documents.

The bill also stiffens penalties for aliens illegally entering or attempting to enter the United States, and makes high-speed flight from an INS checkpoint a felony punishable by up to 5 years in prison. I think most Members of this Senate have seen the results of high-speed chases, certainly in my State, where people can die by the dozens in car crashes, in overcrowded vans, as innocent victims of high-speed-pursuit chases by law enforcement. And, of course, one very notorious incident resulted in law enforcement officers in a county taking out their frustrations physically upon some of the people who were being carried in the van.

Let me just for a moment speak about title V. This was a controversial title. It included some provisions for illegal immigrants and several provisions for legal immigrants. It was meant to tighten up income requirements and do some other things. Basically, I very much agree with the changes made to title V—with some exceptions, and I am prepared to support it. There is one area which was not changed and with which I have a major problem, and that is the section that deals with refugee assistance. A provision was deleted from the conference report that would have corrected a glaring inequity in the allocation of refugee assistance funds.

Under the funding formulas in the current law, funds for refugee assistance are not allocated on the basis of need or numbers or where the refugees are. My State, California, has 60 percent of all of the refugees in the United States of America. We receive $31 per refugee under this bill, while other States receive as much as $497 per refugee. That is just plain wrong. It is not the way this Government should exist, with cushy deals for some States and other States really ending up down and out.

This provision costs California $7 million in Federal funds. The withdrawal of the language that I submitted, to see to it that refugee dollars went based on where the refugees are, is not included in the immigration bill. It went with some kind of a political plum. I certainly intend to readdress this issue at the first available opportunity in the next Congress.

In conclusion, Mr. President, I must say, I am very pleased that the Gallegly amendment is out of this bill. I also think that fair changes have been made to the immigration bill, and I particularly thank the members of the Immigration Subcommittee. I think both you and I would agree that the markup of this bill on the Senate side was something very unusual. Members listened to each other, and it went on hour after hour, day after day. I think we produced a very good bill on the Senate side.

This bill has been changed somewhat. I think it still remains a very strong Federal tool giving the Departments of the Federal Government both the license they need, as well as the tools they need, to see that we do what we should do: guarantee that the borders of our country are enforced against illegal immigration.

I, for one, being the product of legal immigrants, really believe that it is important that the richness of our tapestry continue to be woven through people who come to this country from many other places. The fact that the legal immigration quotas remain as they are, extraordinarily broad, and I think liberal, is important, and that we say to the people of this Nation, "We are a nation of laws, and we will abide by them."

I thank the committee. I particularly thank the chairman of the Immigration Subcommittee, Senator SIMPSON, who worked very hard and very diligently, who has studied this issue and which legislation bears his name. I think he has been a person of great integrity and credibility on the issue for a long, long time. When he retires from this body, I guess at the end of this year, he will leave a legacy of fairness and a striving for laws in this area which are sustained by that credibility and integrity.

Finally, I want to address sponsor income requirements. In addition to being enforceable, sponsor contracts must also be realistic. I support raising the income requirement for sponsors of immigrants.

The purpose of the sponsor income requirement is to ensure that people who sponsor immigrants into this country have the ability to provide for them. Tell me how someone supports a family of two on $10,360 per year—which is the current poverty-level requirement.

A person can barely support himself or herself on $10,360 per year—that's why it's called the poverty level.

This bill makes what I think is a modest change in the income requirement: If you have an income of $12,950 per year for a family of two, you can bring your spouse and minor children into this country.

California—and all States who bear the burden of illegal immigration—

need this bill. I strongly urge my colleagues to support this legislation by voting yes.

I thank the Chair and yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the omnibus appropriations bill that is now before the U.S. Senate includes 6 of the regular appropriations bills out of 13, but includes, by far, the largest amount of money directly appropriated by the Congress for discretionary purposes during the course of the year, as 2 of those 6 bills are the appropriations bills for our national defense and for all myriad activities coming under the rubric of labor, health, and human services.

These appropriations, nevertheless, represent only a modest proportion of the money the people of the United States spend through their taxes and through their borrowing because, of course, it does not involve major changes in any of the entitlement programs which continue to grow almost without any significant control.

Nevertheless, this is a responsible appropriations bill. It is the work of a bipartisan compromise, actually a tripartite compromise, involving the Republican leadership in both Houses of Congress, with input from the Democratic minority, all subject to the will of the President of the United States who has said he will sign the bill.

By and large, it is a commonsense solution, it is a reasonable appropriations bill, and it is one that I will certainly vote to pass.

This set of appropriations does dramatically reduce the spending for discretionary purposes by the Government of the United States. It does at least begin to move in the direction of reducing the burdens that we impose on the people of the United States and reducing at least the growth in the debt that we load on the backs of our children and grandchildren. It changes the direction that 40 years of a Congress dominated by the Democratic Party led this country in. To that extent, it represents a very important change.

Even so, Mr. President, last-minute negotiations have included in this proposal, in my opinion, $3 billion or $4 billion of the $6.5 billion demanded by the President over and above the earlier plans of the budget that is unnecessary spending. It is, in essence, the price that we pay for ending this debate on the last day of the fiscal year and not threatening a closedown of the Government. That is a relatively high price, $3 billion or $4 billion, but it pales to relative insignificance when compared with the more than $50 billion that we have saved from the normal growth of previous programs over the course of the last several decades.

We are heading in the right direction, in other words, but we have not achieved our ultimate goals.

We on this side of the aisle have as a priority to make the Federal Government live within its own means, to cut wasteful Government spending, to end, to terminate the time at which we continually add to the burdens of those who will come after us. We have made it a priority to return power to the people and to their local and State governments.

But in spite of these gains, Mr. President, do most people really think that we have clipped the wings of the bureaucrats here in Washington, DC, and returned power to them? I think not, Mr. President. And I believe that that perception, that reality, shows not only what we have gained in the last 2 years, but how far we still have to go.

It is time and it is our purpose to return common sense to Government, to give individuals a greater degree of influence over their own daily lives, to change the direction of the last decades, to examine programs which have gone unexamined for a decade, two decades, three decades, four. When programs are not working, Mr. President, they should be changed or terminated.

But overall, as I said, as I began these remarks, this is a good appropriations bill. It does move us in the right direction. It is one that it is appropriate for us to pass. And I am convinced that before the evening is out, we will have passed it.

At this point in my remarks, Mr. President, I have the details of that portion of this bill that comes under the influence of the Subcommittee on Appropriations for the Department of the Interior and related agencies. In that connection, Mr. President, the bill is almost identical to the bill that we were considering here on the floor of the Senate at the time at which nongermane amendments, by the legion, were offered, and the bill was taken down.

That proposal was worked out in a totally bipartisan fashion, with the help and the assistance and the approval of my most distinguished colleague, the senior Senator from West Virginia, ROBERT BYRD. It is a very responsible answer to questions in connection to our national parks, our national forests, our energy resources, our cultural institutions and the like.

As you will recall, the Interior bill was brought up and debated briefly on September 6, 9, and 10, before being put aside. With little possibility of passing a separate bill in time for the start of the fiscal year, the Interior bill has been combined into the omnibus appropriations bill. Following the Senate floor action, Senator BYRD and his staff and my staff and I worked with our House counterparts to iron out the differences between the House-passed and Senate-reported bills. The bill before you reflects the product of those discussions as well as negotiations with the White House to ensure that a final product would be signed by the President.

This bill represents compromises. No one received everything he or she wanted. However, I believe it is in the interest of the Nation to move forward so vital operations of the Government can continue uninterrupted as the new fiscal year begins. It includes $12,504,798,000 in discretionary budget authority and approximately $13,176,000,000 in outlays. The President's budget request is $377 million above the level included in the omnibus bill in budget authority and $494 million above it in outlays. As a starting point, the discrepancy in House and Senate 602(b) allocations was resolved by splitting the difference between the two allocations.

The Interior bill includes an additional $150 million for programs that the Congress and the administration agree are priorities, and for which additional funding should be provided. These programs include areas such as Indian education, energy conservation, Indian health services and facilities, the National Endowment for the Humanities. Amendments were expected to be considered on the Senate floor that would have added funding to these same programs. The administration has expressed concern regarding specific legislative provisions within the bill and many of these provisions have been dropped or modified.

Emergency funding is included to address the devastating wildfires in the West and hurricane, flood-related and other disaster damages in the East and West. Only $88.2 million for Forest Service fire suppression is proposed in the President's fiscal year 1997 request. The agency's 10-year annual average expenditure for fire suppression is $296.4 million, leaving a $208.2 million shortfall if fiscal year 1997 proves to have an average fire season. In addition, the Forest Service currently owes the Knutson-Vandenberg Trust Fund (K-V) $571 million for current-year and past-year fire suppression activities. The agency cannot borrow additional funds from the KV fund without deferring statutorily required reforestation activities. Recognizing the severity of this fire season, the unrealistic budget request, and the critical juncture of the fire and KV programs, an additional $120.5 million above the budget request is added for fire suppression activities, bringing the total to $210.5 million. Also, included in the Interior portion of the omnibus bill is $550 million to repay the borrowed KV funds. Another $100 million is included for the Department of the Interior's fire suppression activities. Funding of $48 million for damage caused by floods, hurricanes, and other natural acts is included. Within the Interior section, $17 million is provided for counterterrorism.

The Interior bill presents difficult choices. The needs of the various agencies funded through the Interior bill are great, from the operations and facilities requirements of the national parks, forests, refuges, public lands, and museums to the basic health care, tribal government, and education services provided to native Americans. In assembling this bill, we have attempted to strike a balance between these competing interests and between the various interests of the Congress and the administration.

Now, let us turn to the recommendations before you today. Among the items of interest are:

LAND MANAGEMENT

The omnibus bill provides additional funds above the fiscal year 1996 amounts for the operational accounts of the land management agencies.

Bureau of Land Management: plus 1 percent.
Fish and Wildlife Service: plus 5 percent.
National Park Service: plus 6 percent.
Forest Service: plus 1 percent.

The construction accounts for the land management agencies have increased $38.5 million, or about 11 percent, above the fiscal year 1996 level. The majority of the construction projects involve the completion of ongoing projects and the restoration or rehabilitation of existing facilities. While it may seem that this is a large increase for construction, I would remind my colleagues that the facility backlogs for these land management agencies are approximately $9 billion.

Overall funding for land acquisition for the land management agencies totals $149.4 million, which is about $11.2 million, or 8 percent, over the current level; $49.4 million above the House level; and $3.6 million below the Senate committee recommendation. The omnibus bill has identified specific projects, even though the House bill did not.

SCIENCE AGENCIES

Funding for the Office of Surface Mining is increased slightly, while the Minerals Management Service is maintained at the fiscal year 1996 level through the increased use of user fees.

CULTURAL ACTIVITIES

Within this category, the first priority was to provide adequate resources to those cultural institutions, such as our Nation's museums, for which the Federal Government has primary funding responsibility.

Among the many competing needs of our cultural agencies, the subcommittee continues to place particular emphasis on repair and renovation work that is required to keep these institutions open to the public and collections preserved safely. Budget estimates from the Kennedy Center, the National Gallery of Art and the Smithsonian Institution have been met in full to facilitate this work.

DEPARTMENT OF ENERGY

Energy conservation programs are funded at $570 million. This number is an increase from the initial House-Senate conference agreement, reflecting the committees' response to the funding priorities identified by the administration late last week.

Within the amount provided for energy conservation, the weatherization program is increased by $9 million over the fiscal year 1996 level and the State energy conservation program is increased by $3 million.

Fossil research and development is down 4.5 percent from the comparable fiscal year 1996 level.

The sum of $123 million is rescinded from the Clean Coal Technology Program, substantially less than the $325 million rescission proposed in the budget. The rescission included in the conference agreement reflects a careful consideration of the needs of projects remaining in the program, funds made available by the recent termination of some projects, and the $200 million rescission that was enacted last year.

Funding for the naval petroleum and oil shale reserves is set at $143.8 million. While this amount is above both the House and Senate passed levels, it is still $5 million below the prior year level and does little to address the increased demands placed on the program by the potential sale of the Elk Hills field. I also note that the administration estimated that the original House and Senate funding levels would have resulted in a revenue loss of $45 million over the next 2 years.

Operations of the strategic petroleum reserve are funded by oil sales from the reserves, $220 million.

INDIAN PROGRAMS

In aggregate, Indian programs total $3,765,645,000 in the Interior portion of the bill, which is an increase of about $112 million above the fiscal year 1996 funding level and about $16.5 million above the Senate committee recommendation.

BIA.—Funding for the Bureau of Indian Affairs increases by about $34 million above the fiscal year 1996 funding level, and $68 million above the House amount.

Tribal priority allocations.—Emphasis has been placed on providing additional funding to tribal priority allocations, which is $26.7 million—plus 4 percent—above fiscal year 1996 and $4.2 million above the Senate committee recommended level. Within the tribal priority allocations, the committee has included an increase of $4 million for small and needy tribes and a general increase of $19.5 million.

School Operations.—The omnibus bill also places emphasis on elementary and secondary school operations and funding has been increased by $41.3 million—plus 10 percent—above the fiscal year 1996 level and almost $23 million above the Senate Committee recommended level. The omnibus bill funds all BIA-funded elementary and secondary school operations at the budget request, with the exception of a small reduction—$2 million—below the President's request for the Indian School Equalization Program [ISEP] formula.

Indian Health Service.—Total funding for the IHS is increased by $67 million—3.4 percent. The increase is for staffing of recently completed facilities, a portion of pay costs to maintain service levels, and funding for replacement of a health care facility in Montana that recently burned to the ground.

LEGISLATIVE PROVISIONS

Several provisions have been removed that were included in either the House or Senate versions of the Interior bill, but which were opposed by the administration. The following provisions have been removed: General Accounting Office review of the Tongass land management plan; Pennsylvania Avenue (section 115); funding distribution formula for the Bureau of Indian Affairs (section 118); Cook Inlet Region, Inc. (section 121); Mount Graham Red Squirrel (section 317); Istook amendment—tax collections (section 322).

Another provision (section 329) dealing with sovereign immunity had been removed previously during Senate committee consideration of the Interior bill. During negotiations last week on the omnibus bill, a proposed provision was dropped that would have imposed a moratorium on any rulemaking by the Secretary of the Interior for class III tribal-State Indian gaming compacts.

As I mentioned, one of the provisions removed from the Interior bill was the Mount Graham provision concerning the construction of a large binocular telescope on Mount Graham, AZ. The provision amended Public Law 100-696, the Arizona-Idaho Conservation Act of 1988 [AICA] to permit the use of the alternative site 2 on Emerald Peak of Mount Graham. This provision was contained in the fiscal year 1996 omnibus appropriations bill (Public Law 104-134) as well and brought the site fully within AICA's exemptions from otherwise applicable laws.

On June 17, 1996, the U.S. Court Appeals for the Ninth Circuit in *Mount Graham Coalition* v. *Thomas*, 89 F. 3d 554 (9th Cir. 1996) validated the congressional action in the fiscal year 1996 Omnibus Appropriations bill. The provision effected a permanent change in AICA to ensure the prompt construction and operation of the telescope. Since AICA has been amended and has been validated by the Ninth Circuit Court of Appeals, it is no longer necessary to include the provision in the fiscal year 1997 appropriations act.

A gaming amendment is included that would amend the Rhode Island settlement law to clarify that for the purposes of the Indian Gaming Regulatory Act (IGRA), Rhode Island settlement lands should not be treated as Indian lands. At the time that IGRA was passed, a colloquy was entered into that clearly stated the intent for the protections of the Rhode Island Indian Claims Settlement Act should remain in effect and that the Narragansett Indian Tribe should remain subject to the civil, criminal, and regulatory laws of the State of Rhode Island. These laws include the State prohibition against casino gambling. Other settlement laws exempt specific tribes or settlement lands from IGRA.

GRAND STAIRCASE-CANYONS OF THE ESCALANTE NATIONAL MONUMENT

Mr. President, I am very concerned that the administration recently created the Grand Staircase-Canyons of the Escalante as one of the largest national monuments in the continental United States without the consultation of Congress and without public comment. I expect the Secretary to fully comply with the provisions outlined in the proclamation dated September 18, 1996. Pursuant to the proclamation, it is my understanding that the Secretary will manage through the Bureau of Land Management.

As chairman of the Interior Appropriations Subcommittee, I would remind the administration that the designation of a national monument implicitly implies significant future funding obligations. In a period when funding requirements and maintenance backlogs are at an all-time high at the Department of the Interior, the need for a public policy debate over creating new national monuments, particularly as large as the Grand Staircase-Escalante National Monument, is extremely important. Ultimately, public input into the process serves the public good and assists the committee in its challenging funding priorities. I urge the administration to use the public process outlined in numerous environmental statutes dating back to the 1970's in order to designate such a large tract of land as this.

Due to the serious impacts of the national monument designation to the people of Utah and on budget allocations, it is my view that no other national monument should be designated in Utah until the management plan and final issues regarding the Grand Staircase-Escalante National Monument are resolved.

I am concerned about the lack of details on the monument beyond the information contained in the proclamation, including estimated costs to manage the monument and provide for a potential increase in visitors to the area. As a result, I am requesting the Secretary of the Interior to submit a report by February 1, 1997 that details the costs associated with the monument, the process for developing a management plan, and a detailed description of how affected parties will be involved in the process of developing the management plan. Also, I am requesting that the Secretary submit by April 1, 1997, a plan for implementing an exchange of the school trust lands located within the monument.

Mr. President, I said in these earlier remarks that as important and as widespread as this appropriations bill is, it neither represents all of the triumphs and change of direction in this Congress or all of the areas that remain undone.

We have accomplished a great deal in this Congress. We have saved some 50-plus billions of dollars in appropriated accounts, money that will not go on the credit card to be charged to later generations.

For our citizens, for our constituents, who were angry and upset with the current welfare system because it discouraged work and encouraged dependency, we have acted, if you are able-bodied, you will not be able to receive endless Government checks in the future.

Under the plan passed by Republican Members, with Democratic assistance in both bodies and signed by the President, if you can work, you will work or at least you will be off of the public welfare rolls. The gravy train is over. Reform that was only discussed in the abstract in past Congresses is a part of the law now.

For those of our citizens who wanted health care reform, without the massive bureaucracy that was proposed here just over 2 years ago, we have also acted. You will be able to change your jobs and take your health care with you. You will not be prohibited from getting health care insurance by reason of preexisting conditions. The changes that the people of this country actually wanted 2 years ago, but were overwhelmed by the complexity of the President's proposed system, the changes that they actually wanted are there. The overwhelming Federal control is not.

A line-item veto, talked about for years, but a reality in this Republican Congress.

A constitutional amendment to mandate a balanced budget, passed by the House of Representatives, and failed by only a single vote here in the U.S. Senate, and I think extremely likely to pass in the course of the next Congress.

Imposing on Congress the rules we have imposed on others, talked about in the past and become an accomplishment of this Congress.

A real crime bill, not the phony promise of 100,000 new police officers, a promise that was never kept, not midnight basketball, but an actual law, Megan's law, to protect children from sexual predators has passed and has become law.

Victims rights legislation, new antiterrorism bills, and most importantly, laws that will terminate or at least shorten the endless appeals in capital punishment cases, all passed.

Opening up our telecommunications system to new competition, talked about for a decade, passed under this Congress.

New safe drinking water laws for the people of the United States, important food safety measures, and the like, all accomplishments of this Congress that were only thought of or discussed in theory in Congresses in the past.

Mr. President, matched against these accomplishments, however, are those areas in which the job has not yet been completed. Some of these are the most important: A desperate attempt last year not just to reform our Medicare system, but to preserve and protect it for future generations of citizens, to postpone or to cancel the impending bankruptcy of the hospital insurance trust fund, the desire to see to it that Medicaid becomes more rational and less burdensome on our taxpayers and on our States.

All of these failed, Mr. President, in spite of being a part of the massive bill that would have balanced the Federal budget with these reforms and with tax relief, all failed because of the veto of the President of the United States.

We can look forward, Mr. President, if we have a Congress like this one, to another serious attempt to meet these most vital challenges to our future during the course of the next Congress.

Unfortunately, we have been faced by an administration, at least, and many Members of the Democratic Party who prefer the status quo. In fact, the great struggle during this Congress was between those who were in the majority for so many years who created these problems and who liked the status quo and those of us who felt that a major change in direction was important for us to reflect the views of the American people and regain their trust.

We must change these entitlement programs. We must see to it that they are available to the future without overwhelming the present and without overwhelming the generations who in fact through their work must pay for them.

But most of all, Mr. President, we need to provide tax relief for the American people. And no difference between the two parties can be greater than those who are perfectly content with the present system, with the present burdens, and those who feel that tax relief is necessary for working American families, and for those of us who beyond that feel that even significant amendments to the present Tax Code are very similar to putting Band-Aids on a corpse, and that what we really need to do, Mr. President, is to junk the present system, to repeal the present system, and to begin over again, and to create a system which is fair and which is productive, which is simple and understandable, so that literally tens of thousands of employees of the Internal Revenue Service, and of all the organizations and professions throughout the United States who make their livings by finding loopholes in the Tax Code, can become accustomed to more productive and more constructive work in a growing society.

Mr. President, we must abolish the IRS as we have known it, but this is not so much a criticism of the IRS and the hard-working people who are employed by it, as it is of us, those of us who have created a system that is so susceptible to misuse, to unfairness, and to complexity, and to create a discontent in and among the American people.

So, Mr. President, as we finish this Congress, we have this vitally important and positive appropriations bill before the Senate. I believe we must also pass a bill relating to our parks and recreation areas that is now before the Senate in two different forms from the House of Representatives and, of course, the Federal Aviation Administration authorization bill so necessary to combat terrorism, to make our airways more secure, to provide for the construction of new airport facilities and new navigation facilities.

I hope we can accomplish all of that during the remainder of this day, but if we cannot, I hope our leadership will keep us throughout the week until each of these vitally important initiatives has become the law of the land so we can go home and tell the American people we have started to change the course in which this country is going. We are shifting it to a better and more responsible and more responsive direction, but we need more than 2 years to make up for all of the follies of the last two to four decades. With that, I recommend the passage of this bill.

I yield the floor.

Mr. SPECTER. Mr. President, I have sought recognition to comment on the pending legislation as we approach in the course of some 11 hours the end of the fiscal year at 12 o'clock midnight. We are faced with an appropriations process which I believe has severely undermined what we are supposed to be doing as legislators.

I just heard my distinguished colleague, Senator GORTON, make a comment about the price we are paying for what he considers to be extra appropriations on certain lines because we have not had an opportunity to consider the items in detail. I agree with him about that. My suggestion is we are paying even a higher price because we have not permitted the appropriations process to run its course because of the political differences and the very deterioration of our Senate process.

It was illustrated on the Interior appropriations bill where the majority leader had to take down the bill because of maneuvering—one side trying to gain an advantage on some politically popular items like education, something I have long supported in my capacity as chairman of the Appropriations Subcommittee which deals with appropriations. Then the bill which I have the chairmanship of, Labor, Health, Human Services, and Education, was never brought to the floor because of insufficient time and because of the determination that the bill could not be enacted in due course.

Instead, we have come to a situation where everything is rolled into one omnibus appropriations bill, which is a take-it-or-leave-it proposition, with the alternative being to close down the Government. The procedural posture today is that there is a second measure which can come before the Senate which is the Department of Defense conference report where the omnibus appropriations bill has been rolled in, as well as the immigration bill, which would not even allow an opportunity for amendment during consideration of any of the individual items if that is to be called up as the order of the day.

It is my hope, Mr. President, when we reconvene for the 105th Congress, we will take a look and change the rules of the Senate to prohibit bringing up extraneous, nongermane matters on appropriations bills. If that were to be the case, when we consider Interior, it is an Interior bill alone. When we consider Labor, Health, Human Services, and Education, we then direct our attention to that so we do not get into a situation where at the last minute we have no alternative but to say yes or no to such a massive bill. Or, when the extraordinary procedure is used of having a conference report, either to say yes or no without any amendment there.

I have spoken on this at some great length on Saturday, the day before yesterday, Mr. President, and at that time expressed my concern about a procedure which blurred the lines of separation of powers between the Congress, which is supposed to do the appropriations, then sending a bill to the President for his consideration, and a procedure in which the Chief of Staff, representing the executive branch, was party to negotiations with Congress before the bill was passed. This was an aberration, really a corruption, of the constitutional process of separation of powers, where each House acts, there is a conference, we send a bill to the President, and he makes the decision, signing or not, and then the Congress has the power to override.

What we have really seen, as I said at great length on Saturday, is a procedure where we have had the delegation of the President's authority to the Chief of Staff, with it being impossible for the President to know what was being agreed to on his behalf, again, I think, raising serious constitutional questions as to whether the President may delegate the authority in that way.

FOREIGN AID

Mr. SPECTER. Mr. President, I now want to comment for a moment or two about one aspect of the appropriations process. That is the issue of foreign aid, which is tied into U.S. policy in the Mideast, and what is happening today in Israel and the conflict between Israel and the Palestinians, the PLO and the forthcoming summit with leaders from the Mideast, which is to be held in Washington tomorrow and the day after.

I commented on this issue on Saturday as well, Mr. President. It is my hope that the parties, Israel and the Palestinian Authority, will be able to work out their problems. They are now coming to Washington with additional leaders from the Mideast in an overtone which may suggest pressure on the parties, pressure specifically on Prime Minister Binyamin Netanyahu.

It is my view, Mr. President, that it is intolerable to have a situation where the Palestinians are firing on Israeli soldiers. The Palestinians are firing on Israeli soldiers with rifles and ammunition provided by the Israelis, pursuant to the Oslo Accords, so that the Palestinian police can contain the areas in Gaza and the other areas in which they have been given a limited amount of local authority. There was never any intention that those Palestinian police were to be an army to engage in what is, in effect, virtual warfare against the State of Israel.

This makes us pause as we see a demonstration of what might occur if the peace process goes forward and if there is great authority for the PLO, the Palestinian Liberation Organization, now known as the Palestinian Authority, as to what they may hope or seek to accomplish with a separate Palestinian state. That certainly is not part of the agreement on the Oslo Accords.

A few months after the signing on the White House lawn of September 13, 1993, I and others from this body went to take a look at what was happening, and we had a chance to meet with Chairman Arafat, had a chance to visit Jericho and Gaza, and we saw the flags of a Palestinian state which was already being assumed when the ink was barely dry on the Oslo Accords signed a few months earlier. That was not what was intended.

Now we have a de facto Palestinian state with a police force estimated between 30,000 and 40,000, which is a veritable army. That context, I submit, Mr. President, is simply an intolerable situation.

Going back to September 13, 1993, when I saw Arafat honored on the White House Lawn, it was a very, very difficult day considering that this was the man who was implicated in the murder of the United States charge in the Sudan in 1974. This is the man who was implicated in massive killings and terrorism against Israel. This is the man who led the hijacking of the *Achille Lauro* leading to the murder of Mr. Klinghoffer, who was pushed off the deck of the *Achille Lauro* in his wheelchair. It was pretty hard to sit on the White House Lawn and watch that man honored.

It seemed to me that if Prime Minister Rabin and then Foreign Minister Peres were willing to shake Arafat's hand, considering that Israel had suffered the most at the hands of PLO atrocities, then the United States ought to try to be helpful.

But now we see that a summit is planned. And, as this morning's press quotes, Arafat is betting that Prime Minister Netanyahu will come under pressure from President Clinton. If this is the case, I think it is time to rethink precisely what we are doing.

Israel voted for the Likud-Netanyahu government this past election expressing their concerns for security. It is very easy for people thousands of miles away from the locale to say, "Well, there ought to be pressure, and there ought to be in effect a determination, if not a dictation, as to what the Israeli elected officials ought to do."

It is my sense that Prime Minister Netanyahu can hold his own and make decisions for himself. But it is also my sense that there ought to be a statement made that the situation is intolerable with the Palestinians firing on Israeli soldiers, and that the United States ought not to exert pressure as to what the Israelis are to do in terms of their own security.

I had a chance to meet with Chairman Arafat last month in Gaza. And when he asked about aid from the United States, I reminded him about the provisions of our law which require the Palestinian authorities to change the PLO charter before such aid will be granted. He brought me a document which simply said that all provisions of the charter inconsistent with the September 13, 1993, agreement were invalid, which hardly reaches the issue about the provisions of the PLO charter calling for the destruction of Israel. It was obviously insufficient.

Then there are the provisions of American law which call upon the Palestinian authorities to take strong steps against terrorism. I think they have not done that. The closing of the border is difficult with Romanians and others coming in to handle jobs in Israel. But when the open borders mean terrorism, and destruction of Israeli buses, it is not hard to understand why as a matter of security those borders are closed.

When I discussed with Chairman Arafat the issue of terrorism, he discussed Abu Nidal, somebody that he knows well—had known well—and Abu Abbas who was implicated in the *Achille Lauro* hijacking and is under a 30-year sentence in absentia from the Italian court. Chairman Arafat said that Abu Abbas raised his hand to change the PLO charter. Those are matters which require a lot of consideration as to just what may be expected of the Israeli Government in terms of trusting the PLO and trusting the Palestinian authorities.

Do the leopards change their spots? Here we have the Palestinian police firing on Israeli soldiers with guns and bullets provided by the Israelis.

So let us take a look at what we expect to be done. Certainly the matters ought to be subject to negotiation. But we really ought not to allow the Palestinian authority and Arafat to get what they want at the bargaining table by rioting and warfare.

(The remarks of Mr. SPECTER pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I thank the Chair. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. INHOFE. Mr. President, it appears that this afternoon we are going to be asked to vote on something in the form of an omnibus consolided appropriations bill which may be attached to the Defense appropriations bill.

This is it, Mr. President. This is the 2,000-plus pages that have been put together and assembled since last Friday. I would suggest there is not one Member of this body who has read this. But we go through that quite often and quite often we vote on things that we have not read in their entirety. But the reason that we are going to do this is because we on the majority side are somewhat held hostage. At least in the minds of many Members we are. We are talking about $6.5 billion more that we are going to agree to spend to respond to the President's request for programs that he was not able to get funded during the normal process—$6.5 billion with a "b", Mr. President. So we are talking about a major, major amount of expenditures.

All of this goes back to this horrible fear that we seem to be laboring under that—if we do not do this and we pass our appropriations bills, as we would normally do through the deliberative process, and the President vetoes these and we come to an impasse—the Government will stop at the end of the fiscal year which is taking place at this historic time right now, and that the Republicans would be responsible for it.

Last night I was watching a debate that took place wherein the distinguished minority leader, Senator DASCHLE, was talking about what happened when the Republicans shut down the Government. And I was waiting for a response because the Republicans did not shut down the Government. The Republicans only did those things that were responsible in the normal process that we live under here.

I remember so well in the other Chamber when the President of the United States, Bill Clinton, gave his State of the Union Message. And in that he had a very dramatic time during that 1 hour and 6 minutes—whatever it was—when he said, "And don't you ever shut down Government again," looking at us as if we were the ones who shut it down.

Well, anyway, apparently the vast majority of the American people believed that.

So, in fear for that and in responding to that, we are agreeing to fund a lot of his programs to the extent of $6.5 billion, programs such as the Goals 2000 Program.

You know, a few years ago I came home. And at that time my son was in the fourth or the fifth grade. I can't remember. And he was just beaming. I said, "Jimmy, something good must have happened today." He said, "Well, you know, dad. I am in the fourth grade." I said, "Yes. I know that." He said, "Dad, you know that in reading I am in the fifth grade." I said, "How does that work?" He said it was a brand new Federal program. "It is a pilot program we are trying. It is a system that is set up where if you accelerate in a certain area that you can then compete with those who are in perhaps a grade or two above you."

I remember it so well back many years ago. I was in grade school. I was in the first grade. It was a little country school named Hazel Dell. And there were eight grades in one room. There were eight rows. Back in those days, every time you missed a spelling word, you would walk up to the front of the class and they would swat you with a paddle. So I was a good speller, and I was in the first row because I was in the first grade. My brother was in the second row because he was in the second grade. My sister was in the eighth row because she was in the eighth grade. But every time they got around to me they had me sit over in the third row because I was a good speller.

Here is a brand new, innovative program that Government came up with here centralized in Washington. I would suggest to you that the Goals 2000 Program is one that has as its goalposts to bring the curriculum as close to Washington because our wisdom is so much greater here than it is out in the local areas. I do not agree with that. And yet what we are doing today, if we do—and I think it is going to happen—is we will extend the funding of that by $255 million.

I see here that another $87 million is going to go to EPA. Now, I am on the Environment and Public Works Committee. I can tell you that our effort with the Republican majority has been to stop some of this foolishness that comes out of Washington and have, for instance, real Superfund reform, Superfund reform where we would repeal retroactive liability, repeal joint and several liability, bring the remedies from the Federal Government back to the State. The average Superfund cleanup that is supervised by the Federal Government is something like 8½ years, and yet we have some that are being done, or proposals being made that if we can do it under local jurisdiction with everyone involved such as in Bossier City, LA, where one of the oil companies had actually had a cleanup—they admitted they were the responsible party, so they made a proposal to the State of Louisiana, and it was agreed to by the State of Louisiana, by the city of Bossier City, by all of the local officials, by all the consumer groups, by everyone they could get together to clean it up in a year and a half, and yet the EPA in Washington said no. Now we have got it reversed. But at first they said no, and so it would take another 8 to 9 years to do.

And so with this thrust that we are trying to get to bring the remedies and bring as much back to the local area, we find we are increasing EPA by $87 million, and that is in addition to the $170 million that the Agency received above the fiscal year 1996 levels.

So, first of all, we have increased them by $170 million. Now we are increasing that by $87 million. So all these programs where the people are upset Government is coming, the EPA, and saying you are guilty of messing up the Superfund site when you sold used crankcase oil 10 years ago to a licensed contractor; therefore, we are going to fine you, this kind of abuse of the responsible and law-abiding taxpayers is going to continue.

The same is true with endangered species, wetlands. And I notice on this, if this is correct, that of the $6.5 billion, about half of that is coming from the BIF–SAIF fund. And if you recall, Mr. President, this was an amount of money that was set up to take care of future needs, a reserve, if you will, so that we do not have to go back through the same thing we went through a couple of years ago when this so-called bailout came about. So that the S&L's will be required to put in approximately a one-time expenditure of $3.1 billion. This will go into a fund so that in the event it is called upon the money will be there, and yet in fact through accounting they are going to be using this money for some other purposes, to fund these programs, the domestic programs the administration wants.

Now, if called upon, that money would still have to come from someplace, so what we are doing through accounting, smoke and mirrors, is just delaying this payment to buy something today.

And then I think the Chair would agree with me, the distinguished Senator from Arizona, who is occupying the chair at this time; he and I have stood on this floor and expressed our concern over what is happening to our defense budget many, many times in the last couple of years. We are in fact operating with a defense budget that is far below the minimum expectations of the American people. The vast majority of the American people when asked, should we be capable of defending the United States of America on two regional fronts, say yes.

And so we had the Bottom-Up Review under this administration. We came up with some figures as to what it would cost so we would be able to meet the minimum expectation of the people of America. And yet we are cutting more and more and more. In fact, it was not too long ago before the Senate Armed Services Committee that the Chiefs of the four services testified to this committee that we are $20 billion short—that is B, billion dollars short—of meeting those minimum expectations in our procurement account.

So, in fact, Mr. President, we are not meeting those expectations. And yet we find out something between $350 million and $1 billion is going to come out of defense—more money coming out.

Right now we have been trying to revive or keep alive a National Missile Defense System. We know for a fact there are some 25 to 30 nations that are either working on a weapon of mass destruction or already have it. We know there are two missiles owned by two countries right now in existence that can reach the United States. We know there are mad people out there like Saddam Hussein who murders his own grandchildren who are working on technology, and perhaps, if they are able, buy the missile technology to deliver a weapon of mass destruction. I understand that they have, at least we suspect they do have in their possession a biological weapon of mass destruction.

When we have a National Missile Defense System that is 90 percent paid for, all we have to do is kind of reach up into that high tier with maybe some of the 22 Aegis ships that we have and be able to knock down a missile coming at the United States while we have time to do it, instead of that they have cut funding for the National Missile Defense System to the point where it is now delayed. And each year that it is delayed is a year that a threat exists to the American people. And so it is a very serious thing, and we do not know for sure how much more money is coming out of defense. We do not know where it will come from. Is it going to come out of the National Missile Defense System? I hope not.

Is it coming out of the personnel account? Two-thirds of our defense budget is spent on people, and it would stand to reason some of it would have to come out of that. And yet we have soldiers serving right now who are actually on food stamps. So we cannot knock any more out of this account. In conventional warfare, we are now No. 8 or 9, depending on how you measure it, in ground forces. I think Pakistan has passed us up. In my opinion, that makes us No. 9. So we have a very serious problem in conventional forces and force strength, and we cannot afford any more cuts.

For that reason, Mr. President, I am going to listen attentively to the debate today to see if I missed something, but I am anticipating opposing it. I think I can justify it for no other reason than to say look at that, Mr. President. This is something that did not exist 5 days ago. There it is. That is what we will be voting on in order to keep Government from shutting down if the President should elect to shut down Government in the event that he were to veto our appropriation bill.

So I do not like what we are doing. I think we are caving into $6.5 billion of the President's domestic programs that he has been promoting that this Congress, both Houses agree is money should not have to be spent. Sooner or later we are going to have to do something about all the funding we do around here, the smoke and mirrors. We have troops right now in Bosnia. We were promised by this administration that in December of this year those troops would be back, and if we did not believe it—I did not believe it, and yet when we had a motion, or a resolution of disapproval so that we could keep from sending our troops over to do humanitarian work in the country where we do not have any strategic interests facing our Nation's security and we send them on over anyway, we missed that by four votes. And I suggest, Mr. President, if we had been honest with the American people, if the President had been honest with the American people and admitted that we were not going to have the troops back in 12 months, then there would be enough pressure on the people of this body, at least four of them to vote the other way and we would not have had to send troops over there. Now they said it is going to cost $2 billion. Just last week Under Secretary of Defense John White admitted it will be closer to $3.5 and probably be double that figure. So there is another few billion dollars that are not there, not accounted for.

So, Mr. President, I do not think that I could consciously, unless something happens today, unless I learn something that my studies have not found so far, vote to spend an additional $6.5 billion on additional programs for the President.

I yield the floor.

Mr. President, I have a message from the leader if it is all right. On behalf of the leader, I ask unanimous consent that the Senate remain in status quo with respect to debate only on H.R. 4278 until 2:30 today.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object, and I will not object, I ask that we modify that to give me, if nobody else is seeking recognition, 7 or 8 minutes to speak as though in morning business.

Mr. INHOFE. Yes. Let me modify that to say not to start until 10 minutes from now, and the Senate remain in status quo with respect to debate on H.R. 4278 until 2:30 today.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

The Senator from Vermont is recognized.

RETIRING SENATE COLLEAGUES

Mr. LEAHY. Mr. President, first, I thank my friend and colleague from Oklahoma for his usual courtesy.

Mr. President, I had spoken before about various Members of this body who are retiring. But last week, as I was sitting at my home in Vermont, looking back down through the list of those retiring Senators of both parties—many of whom, incidentally, visited Vermont at one time or another—I was struck by a common thread. Let me tell you, first, of the Senators who are retiring, and then I will speak of that thread.

Senator MARK HATFIELD of Oregon, the distinguished chairman of the Senate Appropriations Committee; Senator PELL of Rhode Island, the former chairman of the Foreign Relations Committee and one of the most senior Members of this body—in fact, I believe the most senior one retiring this year; Senator SAM NUNN, former chairman of the Armed Services Committee and Senator BENNETT JOHNSTON, former chairman of the Energy Committee, both of whom came here a couple of years ahead of me; Senators DAVID PRYOR of Arkansas and PAUL SIMON of Illinois, and ALAN SIMPSON of Wyoming; WILLIAM COHEN of Maine. Senators NANCY KASSEBAUM of Kansas, HOWELL HEFLIN of Alabama, JIM EXON of Nebraska, BILL BRADLEY of New Jersey, and HANK BROWN of Colorado.

All of these people served with distinction, each for different reasons, each for their own area of expertise. But when you look down through this list, if you are one of the people who handicaps political races, you would have to say, whether you were Republican or Democrat, the thing they each have in common is that each one of these Senators would have been reelected. The Democrats in this list would have easily been reelected. The Republicans in this list would have been easily reelected. A couple have literally run without opposition in the past.

Maybe it says something about this body. To me, it says two things. One is that we have fallen, both here and in the other body, fallen into the habit of allowing things to become too partisan, too personal, and, in many instances, mean. There is too much aiming for the special interest groups of the ultraright or the ultraleft, too often looking for legislation that is designed to be a slogan, rather than to be of substance for this country.

But the people I have mentioned here are the ones who have tried to stay away from that, who have tried to bring us back to the middle, back to the center, realizing at some point Republicans and Democrats have to come together.

I think of MARK HATFIELD and what he has done, both as chairman and as ranking member of the Senate Appropriations Committee, where if there is ever a committee where individual interests sometimes go way over any question of ideology, it is in that committee. How many times he has brought us all together so we could come out for the good of the country.

Senator KASSEBAUM, who in her work, her quiet work but her steady and honest and complete work for this country and for this body, both as chair of her committee and as representative of her State, earned the complete applause of every Member of this body. There is not a Member here who is happy to see her retire. We all wish she would stay. That is obviously the way the people of Kansas feel.

Senator SAM NUNN, who is recognized by Republicans and Democrats alike as one of the foremost voices in this body on defense matters, someone to whom both Republican and Democratic Presidents have gone, as have the leaders of both parties in here, time and time again, for advice and help and support—again, one who brought Republicans and Democrats together.

BENNETT JOHNSTON, who is probably as able a legislator as I have ever served with, again, as both chairman and ranking member, taking legislation through this body that would have stymied anybody else.

ALAN SIMPSON, a person with whom I share a great friendship, as well as, I might say, the same barber. He has an ability and a very candid, some would say earthy style of bringing us together. He is also a person who has always kept his word to both sides of the aisle.

BILL COHEN is a man who brings a legislator's expertise but a poet's soul to this body. He has worked so often with me and with others on this side of the aisle to craft bipartisan solutions to some of the most difficult issues in this body, ranging from the use of our intelligence agencies to our worldwide power.

HOWELL HEFLIN, with whom I sat in both the Agriculture and Judiciary Committees, the wise judge who, when we are unable to reach a solution, somehow seems to come up with one—again, that brings us together.

CLAIBORNE PELL, one of the most distinguished Members of this body, and most loved Members, a quiet man who, again, always seems to do what is right.

PAUL SIMON, historian, at the time when this body is losing so much of its sense of history, again, he will bring us back, over and over again, not only to what is right but also what is historically right.

You see HANK BROWN, BILL BRADLEY, JIM EXON, people with whom I have either served on committees or committees of conference with them or as cosponsors of their legislation, again, understanding that at some point we have to come together.

I believe I mentioned all in this list, except for Senator DAVID PRYOR. It is no overstatement to say DAVID PRYOR is the friend of all of us. We all understand DAVID'S motivation in leaving, both for his health, and for his family—primarily for family. DAVID PRYOR would not have been contested this year. He would have won virtually by acclamation in Arkansas.

There is hardly a Member in this body who has not gone to DAVID at some point and said, "How do we get out of this impasse? How do we work it through?" I must say, President Clinton, in good days and in bad days, has been fortunate to have DAVID PRYOR here, as one he could speak to and from whom he could get an honest assessment, and also one we could speak to, whether we had good news or bad news for the President.

All of these people will be missed, but I don't think we can overstate that what we have lost by these Senators leaving. They leave behind a body that grows increasingly polarized, and the country suffers, the Senate suffers. I have said so many times—it is a mantra almost to me—this body should be the conscience of the Nation. The conscience is one where we come together collectively and speak to the best instincts in the greatest democracy history has ever known. This requires men and women of good will in both parties to recognize the differences in each other's region of the country, in each other's philosophy, sometimes in each other's goals * * * but, through all that, to understand ultimately it is the United States' goals that must be met. It is this country's goals that must be met, but it is also the history and the integrity of this body that must be preserved.

We are making decisions for our children and for our grandchildren. They are going to live most of their lives in the next century. Our decisions should be for that next century, not just for this week's partisan gain or this election's partisan gain or this evening's news.

So I hope when we come back into session in January—and I will be one who will be here—that all of us, Democrats and Republicans alike, will pledge to follow the examples of so many of these Senators I have talked about, and work to come together, not to further polarize, both this body and the other body. In the end, neither party gains or loses an advantage by that polarization, but the country does lose—it loses badly.

Every one of us will say goodbye with fondness and affection to these Members of the Senate. Each one of us will miss these Members of the Senate, no matter which party we belong to. But I might add, if we want to honor their distinguished service in this body, let's do it by pledging, as we come into the 105th Congress, that we do it with more a sense of comity, of accommodation, of bipartisanship and upholding the Nation's interests and the responsibilities and respect and proud history of the U.S. Senate.

TRIBUTE TO JOHN A. DURICKA

Mr. LEAHY. Mr. President, I ask unanimous consent that an Associated Press article about John Duricka, written by my friend, Jim Abrams, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

[See exhibit 1.]

Mr. LEAHY. Mr. President, John Duricka was not only one of the finest photographers I ever knew, but also one of the best reporters of the Capitol. His photos will illustrate our history books for decades and generations to come. He was a man who suffered greatly in the last few months of his life with cancer, but few of us knew how badly it was.

I had a conversation with him at the beginning of the summer in which he talked of going to the Republican and Democratic Conventions. I told him I was looking forward to seeing him at ours and would probably be asking him for tips on exposures and angles for my own photography at that convention. It became too much, and he did not make it there, and more is the pity.

Last week, there was a memorial service for him there. Many spoke in eulogies of him. They spoke of a man who always had to get the photo but never forgot there were other photographers he worked with. Over and over, I saw him in a committee room where he would come in—you always get a nice smile from him—and I would see him go over, find a great angle, take a couple shots, and often, if there was a new photographer there, he would point that angle out to him.

The article that is printed at the end of this from the Associated Press speaks far better about him, as I think Mr. Abrams is far more eloquent than I, and that is why I want it included.

I was pleased to see the distinguished majority leader, Senator LOTT, also spoke about him last week. He well deserves that.

EXHIBIT 1

[From the Associated Press, Sept. 24, 1996]

AP PHOTOGRAPHER PRAISED

(By Jim Abrams)

The Senate and House opened their sessions Tuesday with tributes to AP photographer John A. Duricka, a veteran of Capitol Hill photo coverage who died Monday.

"The Senate and all Americans lost a true professional yesterday," Senate Majority Leader Trent Lott, R-Miss. "The measure of John's professionalism and dedication is he was on the job almost up to the time of his death doing what he loved and doing it wonderfully well."

Lott spoke of Duricka's "combination of mature demeanor and tough determination" and added: "All who treasure our freedoms of the press and free expression will miss his outstanding contributions to that end."

In the House, Rep. David Dreier, R-Calif., said Duricka was "a great friend to me." Dreier recalled that he delivered the eulogy at the funeral of Duricka's brother, a photographer at the San Gabriel Valley Tribune who was killed in a plane crash several years ago.

"John Duricka was a great man and he took wonderful photographs and he's one of those institutions in this Capitol who will be sorely missed," Dreier said.

Jonathan Wolman, AP's Washington bureau chief, said: "From Bobby Byrd to Newt Gingrich, John captured all the great figures of Congress. He illustrated the legislative process with pictures of leaders, lobbyists and hundreds of ordinary citizens who appeared in committee hearings."

Duricka was "a professional's professional," Sen. Patrick Leahy, D-Vt., recalled Monday. "His work was seen by millions who never knew his name. He was a familiar presence on Capitol Hill and I always looked for him among the photographers. He was a friend to many, and he will be missed."

Duricka, 58, had a 30-year career as an AP photographer. He was chairman of the congressional Standing Committee of Press Photographers, which represents the interests of still photographers.

Mr. LEAHY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. HATCH. Mr. President, we are coming on to the end of this session. It is a very, very important session. I think we have accomplished a lot in this Congress. We have made changes, seen major changes in how the budget is going to be handled. We now have the President of the United States talking, for the first time—a Democratic President talking for the first time—in 60 years about balancing the budget. I do not think we have any choice in the matter. We have to move toward a balanced budget.

But we have to see change in welfare reform. For the first time we have actually done something to entitlement programs. We have certainly passed a whole raft of other bills that are outlined in the newspapers almost on a daily basis. I think people are amazed what a terrific and important Congress this has been.

I would like to just take a few minutes this morning to address some of the measures in the omnibus bill before the Senate. One such measure is the vast bulk of the immigration conference report. The American people expect the Federal Government to control our country's borders. We have not yet done so. The American people expect Congress and the President to strengthen the national effort against illegal immigration.

Despite the last-minute political gamesmanship of the President, we have included in the omnibus measure provisions dealing with the problem of illegal immigration. This omnibus measure includes the conference report on H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, with certain modifications to title V of the conference report. The legislative history of the immigration portion of this measure includes the legislative history of H.R. 2202 and S. 1664, with their accompanying committee reports and floor debates and, in addition, a joint explanatory statement of the committee of conference in Report 104–828.

The American people should make no mistake about it. There is no thanks owed to President Clinton for this achievement.

On August 2, 1996, President Clinton wrote to Speaker GINGRICH. Remarkably, he said unequivocally he would veto this bill even with the significantly modified Gallegly provision on public education for illegal aliens, a compromise which was not even yet at that point in final form. Republican conferees removed that provision from the proposed conference report, a draft of which was initially circulated on September 10, 1996. It was the only issue upon which the President said he would veto this bill.

The President had 2 weeks before the actual conference to register other objections to the draft conference report. Yet, only after the conference committee met and filed its report did the President interpose final objections related to title V of the conference report, which addresses immigrants' financial responsibilities. The President was apparently willing to shut down the Government or kill the immigration bill on his last-minute demands. The immigration measure in this appropriations bill now contains further concessions to the President. We have finally cleared away the obstructions, and it is my understanding that he no longer has any major objections.

This bill is an important bill. It cracks down on illegal immigration. Among other things, it builds up and strengthens the Border Patrol. It authorizes 5,000 new agents and 1,500 new support personnel for the Border Patrol over the next 5 years. This increase basically doubles the size of the Border Patrol. The proposal adds as many as 450 investigators and related personnel to combat illegal alien smuggling into our country over 3 years. The bill provides 300 personnel to investigate those who overstay their visas and thus remain illegally in our country.

The conference report requires the Attorney General to establish an automated entry and exit control system to match arriving and departing aliens and to identify visa overstayers. It authorizes acquisition of improved equipment and technology for border control, including helicopters, four-wheel drive vehicles, night vision scopes and sensor units, just to name a few things.

The bill adds civil penalties to existing criminal penalties against aliens illegally entering our country. Criminal and civil penalties for document fraud are increased. Criminal penalties against those who smuggle aliens into our country are also increased. High speed flight from an INS checkpoint is a felony punishable by up to 5 years imprisonment under this bill.

The bill makes it illegal to falsely claim American citizenship with the purpose of obtaining any Federal or State benefit or service or for the purpose of voting or registering to vote in any Federal, State or local election.

This bill gives the INS, the Immigration and Naturalization Service, wiretap authority in alien smuggling and document fraud cases.

The bill broadens the definition of "aggravated felony" for purposes of our immigration laws, even beyond the new Terrorism Act, to include crimes of rape and sexual abuse of a minor. It lowers the fine threshold for money laundering from $100,000 to $10,000. It decreases the imprisonment threshold for theft, violence, racketeering, and document fraud from 5 years to 1 year. That is the threshold. The broadened definition of aggravated felony adds new offenses related to gambling, bribery, perjury, revealing the identity of undercover agents, and transporting prostitutes. What does this mean? More criminal aliens will be deportable and fewer will be eligible for waivers of deportation.

To assist in the identification and removal of deportable criminal aliens, the bill authorizes the registration of aliens on probation or parole; requires that the criminal alien identification system be used to assist Federal, State, and local law enforcement agencies in identifying and locating removable criminal aliens; and authorizes $5 million per year from 1997 to 2001 for the criminal alien tracking center. The bill also provides that funds under the State Criminal Alien Assistance Program may be used for costs of imprisoning criminal aliens in State or local facilities.

This bill also provides that the fee for adjustment of status be increased to $1,000 and that at least 80 percent of those fees be spent on enhancing the Immigration and Naturalization Service's capacity to detain criminal aliens and others subject to detention. The bill also authorizes $150 million for detaining and removing deportable and inadmissible aliens.

To facilitate legal entry, this measure provides for increased full-time land border inspectors to ensure full staffing of border crossing lanes during peak crossing hours. The bill will result in the establishment of preinspection stations at a limited number of foreign airports.

These provisions are desperately needed to stem the tide of illegal immigration.

I note that I am not happy with all of the immigration bill's provisions, but I have to say, I do not think anybody is. The vast majority of them, however, are good provisions. But let me give you a couple of illustrations that I am not very happy about. It adds, for example, personnel for the enforcement of employer sanctions. I believe we ought to repeal employer sanctions outright as a costly, counterproductive failure. I cannot help but note that President Clinton has gone much further than even this bill proposes by signing an Executive order penalizing Federal contractors who violate the employer sanctions law. In doing so, he not only throws more good money after bad, he is inadvertently fostering more discrimination against those ethnic minorities in our society who look and sound different from the majority.

I am no fan of verification schemes, and I am skeptical that the pilot programs provided for in this bill will be worthwhile. Here again, the President is already using existing authority to implement verification projects, which I do not believe can work on a national scale.

Despite my great reluctance, I have agreed to allow the Attorney General to certify to Congress that she cannot comply with the mandatory criminal alien detention provisions of the recently enacted terrorism law, antiterrorism law, thereby obtaining a 1-year grace period which could be extended or can be extended under this bill for 1 additional year on top of that 1-year grace period. The Clinton administration has been tenacious in pleading with Congress to ease this criminal alien detention requirement. I would have preferred that the administration find facilities necessary to implement these provisions.

On balance, though, the immigration bill is a very worthy measure, and I am pleased that it has been included in the omnibus spending bill.

I ask unanimous consent a statement of legislative history be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIVISION C: STATEMENT OF LEGISLATIVE HISTORY

Division C shall be considered as the enactment of the Conference Report (Rept. 104–828) on H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, with certain modifications to Title V of the Conference Report.

The legislative history of Division C shall be considered to include the Joint Explanatory Statement of the Committee of Conference in Report 104–828, as well as the reports of the Committees on the Judiciary, Agriculture, and Economic and Educational Opportunities of the House of Representatives on H.R. 2202 (Rept. 104–469, Parts I, II, and III), and the report of the Committee on the Judiciary of the Senate on S. 1664 (Rept. 104–249).

The following records the disposition in Division C of the provisions in Title V of the Conference Report. (The remaining Titles of the Conference Report have not been modified.) Technical and conforming amendments are not noted.

Section 500: Strike.

Section 501: Modify to amend section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) to insert the provisions in section 501(c)(2) of the Conference Report relating to an exception to ineligibility for benefits for certain battered aliens. Strike all other provisions of section 501

Section 502: Modify to authorize States to establish pilot programs, pursuant to regulations promulgated by the Attorney General. Under the pilot programs, States may deny drivers' licenses to illegal aliens and otherwise determine the viability, advisability, and cost effectiveness of denying driver's licenses to aliens unlawfully in the United States.

Section 503: Strike.

Section 504: Redesignate as section 503 and modify to include only amendments to section 202 of the Social Security Act, and new effective date. Strike all other provisions.

Section 505: Redesignate as section 504 and modify to amend section 432(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide that the Attorney General shall establish a procedure for persons applying for public benefits to provide proof of citizenship. Strike all other provisions.

Section 506: Strike.

Section 507: Redesignate as section 505.

Section 508. Redesignate as section 506 and modify. Strike subsection (a) and modify requirements in subsection (b) regarding Report of the Comptroller General.

Section 509. Redesignate as section 507.

Section 510. Redesignate as section 508. Modify subsection (a) and redesignate as an amendment to section 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Strike subsection (b).

Section 511. Redesignate as section 509. Modify to change references to "eligible aliens" to "qualified aliens" and make other changes in terminology.

Section 531. No change.

Section 532. Strike.

Section 551. Modify to reduce sponsor income requirements to 125 percent of poverty level. Strike subsection (e) of Immigration and Nationality Act (INA) section 213A as added by this section. Make other changes to conform INA section 213A as added by this section to similar provision enacted in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Strike subsection (c).

Section 552. Modify to amend section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to include the provisions in section 552(d)(1) and 552(f). Strike all other provisions.

Section 553. Strike.

Section 554. Redesignate as section 553.

Section 561. No change.

Section 562. Strike.

Section 563. Redesignate as section 562.

Section 564. Redesignate as section 563.

Section 565. Redesignate as section 564.

Section 566. Redesignate as section 565 and modify to strike (4).

Sections 571 through 576. Strike and insert sections 221 through 227 of the Senate amendment to H.R. 2202, as modified.

Section 591. No change.

Section 592. Strike.

Section 593. Redesignate as 592.

Section 594. Redesignate as 593.

Section 595. Redesignate as 594.

Mr. ABRAHAM. Mr. President, I would like to ask the Chairman of the Judiciary Committee a few questions to clarify the changes made in the asylum provisions of the Senate immigration bill when the House and Senate conferees adopted the conference report on H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. These provisions are included in this omnibus appropriations measure. Senator HATCH was a conferee on this legislation and was deeply involved in the development of this provision.

Section 604 of the conference report would add to the Immigration and Nationality Act a new section providing that an alien may not apply for asylum unless he or she demonstrates by clear and convincing evidence that the application has been filed within 1 year after the date of the alien's arrival in the United States. That section also includes two important exceptions—one for changed circumstances that materially affect the applicant's eligibility for asylum, and the other relating to the delay in filing an application. Would the Chairman explain the meaning of these exceptions?

Mr. HATCH. The conference report does include a 1-year time limit, from the time of entering the United States, on filing applications for asylum. Conferees also adopted important exceptions, both for changed circumstances that materially affect an applicant's eligibility for asylum and for extraordinary circumstances that relate to the delay in filing the application.

Like my distinguished colleague from Michigan, I too supported the Senate provision, which received overwhelming, bipartisan support in the Senate. In fact, that provision was adopted by an amendment in the Judiciary Committee that passed by unanimous consent. The Senate provisions had established a 1-year time limit only on defensive claims of asylum, that is, those raised for the first time in deportation proceedings, and provided for a good cause exception.

Let me say that I share the Senator's concern that we continue to ensure that asylum is available for those with legitimate claims of asylum. The way in which the time limit was rewritten in the conference report—with the two exceptions specified—was intended to provide adequate protections to those with legitimate claims of asylum. I expect that circumstances covered by the Senate's good cause exception will likely be covered by either the changed circumstances exception or the extraordinary circumstances exception contained in the conference report language. The conference report provision represents a compromise in that, unlike the Senate provision, it applies to all claims of asylum, whether raised affirmatively or defensively.

Mr. ABRAHAM. Would you say that the intent in the changed circumstances exception is to cover a broad range of circumstances that may have changed and that affect the applicant's ability to obtain asylum?

Mr. HATCH. Yes. That exception is intended to deal with circumstances that changed after the applicant entered the United States and that are relevant to the applicant's eligibility for asylum. The changed circumstances provision will deal with situations like those in which the situation in the alien's home country may have changed, the applicant obtains more information about likely retribution he or she might face if the applicant returned home, and other situations that we in Congress may not be able to anticipate at this time.

Mr. ABRAHAM. It is my understanding that the second exception, for extraordinary circumstances, relates to legitimate reasons excusing the alien's failure to meet the 1-year deadline. Is that the case?

Mr. HATCH. Yes, the extraordinary circumstances exception applies to reasons that are, quite literally, out of the ordinary and that explain the alien's inability to meet the 1-year deadline. Extraordinary circumstances excusing the delay could include, for instance, physical or mental disability, unsuccessful efforts to seek asylum that failed due to technical defects or errors for which the alien was not responsible, and other extenuating circumstances.

Mr. ABRAHAM. If the time limit and the exceptions you have discussed do not provide sufficient protection to aliens with bona fide claims of asylum, I will be prepared to work with my colleagues to address that problem. Is my understanding correct that you too will pay close attention to how this provision is interpreted?

Mr. HATCH. Yes. Like you, I am committed to ensuring that those with legitimate claims of asylum are not returned to persecution, particularly for technical deficiencies. If the time limit is not implemented fairly, or cannot be implemented fairly, I will be prepared to revisit this issue in a later Congress. I would also like to let the Senator from Michigan know how much I appreciate his commitment and dedication on this issue.

Mr. ABRAHAM. Thank you. I would likewise thank the Chairman of the Judiciary Committee for his diligent efforts on this issue in conference and his explanation of the conference report's provisions.

Mr. HATCH. I will note, briefly, that the bill modifies the antiterrorism law's provisions on summary exclusion, in order to better assure that those who are bona fide asylees are not erroneously compelled to leave this country.

On a related point, the Clinton administration has recently announced its plans to cut refugee admissions next year to 78,000. I oppose this cut. In fiscal year 1995, the level was 110,000. Last year, the level of refugee admissions was set at 90,000. I believe we should set the same level of 90,000 refugee admissions for next year. A further cut is unwarranted, especially with the renewed steps against alien immigration embodied in the bill. Moreover, I think it sends the wrong signal to the world.

A Hatch-Biden substitute for my Child Pornography Protection Act, S. 1237, has been included in the omnibus measure. I thank the appropriators on both sides of the aisle for their cooperation in including this important measure in this omnibus bill. The legislative history of the child pornography provisions of this bill includes the legislative history of S. 1237, including the report of the Committee of the Judiciary, Report 104–358.

Senators FEINSTEIN and GRASSLEY have important provisions in the child pornography provisions of this measure and I want to thank them, as well as Senator BIDEN, for their important work on these matters. They have done a very good job, and I have a lot of respect for my colleagues.

CHILD PORNOGRAPHY PREVENTION ACT

Mr. HATCH. Mr. President, modern computer imaging and morphing technology has made possible the production of pornographic depictions of minors which are virtually indistinguishable to the unsuspecting viewer from unretouched photographs of actual children engaging in sexually explicit conduct.

Such computer generated child pornography has many of the same harmful effects, and thus poses the same threat to the physical and mental health, safety and well-being of our children and of our society as pornographic material produced using actual children. However, because current Federal law pertaining to the sexual exploitation of children and the production, distribution, possession, sale, or transportation of child pornography is limited to material produced using actual children engaging in sexually explicit conduct, computer generated child pornography is presently outside the scope of Federal law.

The omnibus bill includes the Child Pornography Prevention Act of 1996. This act will close this computer generated loophole and give our law enforcement authorities the tools they need to protect our children by stemming the increasing flow of high-technology child pornography.

The Child Pornography Prevention Act, as introduced, as S. 1237, addresses the problem of "high-tech kiddie porn" by creating a comprehensive statutory definition of the term "child pornography" to include visual depictions of sexually explicit conduct: First, produced using children engaging in sexually explicit conduct; Second, computer generated depictions which are, or appear to be, of minors engaging in sexually explicit conduct; or Third, materials advertised, described, or otherwise presented as a visual depiction of a minor engaging in sexually explicit conduct.

The act establishes a new section in U.S. Code Title 18, §2252A, prohibiting the distribution, possession, receipt, reproduction, sale, or transportation of child pornography. The act contains congressional findings as to the harmful effects of child pornography and the threat to the physical and mental health, safety, and well-being of children and society posed by child pornography, both computer generated depictions and depictions produced using actual children. The act also increases the penalties for child sexual exploitation and child pornography offenses.

At the Judiciary Committee markup of S. 1237, Senator BIDEN expressed concern that the bill, as introduced, may not be upheld by the courts. Specifically, Senator BIDEN was concerned as to the constitutionality of the provision in the bill's definition section that classifies as child pornography a visual depiction which appears to be of a minor engaging in sexually explicit conduct, even if no actual child was involved in its production.

In *New York* v. *Ferber*, 458 U.S. 747 (1982), the Supreme Court, while upholding prohibitions on child pornography, not otherwise obscene, where the pornography included actual minors, noted that "distribution of descriptions or other depictions of sexual conduct, not otherwise obscene, which do not involve live performance or photographic or other visual reproduction of live performances, retains First Amendment protection."

Senator BIDEN, and some others, worried that, to the extent the bill reached both child pornography that is within Ferber's four corners, i.e., material produced utilizing actual minors, and visual depictions of those who merely appear to be minors—through the use of computer "morphing," for example—it could be struck down. In light of this concern, Senator BIDEN wanted to include in the bill a separate section expressly covering pornography involving identifiable minors, so that if the broader appears to be provision is struck down, coverage of identifiable minor child pornography will survive.

I am confident that the Child Pornography Prevention Act's prohibition on computer-generated visual depictions which appear to be of a child engaging in sexually explicit conduct would be found constitutional, a view shared by the Department of Justice and other legal experts in this field, and the definition of child pornography contained in this legislation would be upheld by the courts in its entirety.

I believe the Supreme Court, in light of technological advances since the Ferber decision and the record Congress has established with respect to the harmful effects of computer-generated material which appears to be of a child engaging in sexually explicit conduct, including the use of such material to seduce children for sexual abuse and exploitation, will find it constitutional.

At the same time, I agree that it would be reasonable to include in the act a fall-back provision specifically covering only identifiable minor material. Since this type of material involves a depiction of, and is therefore likely to result in harm to, a real child, i.e., the child being depicted, such a provision is indisputably constitutional under Ferber and would provide an enforceable weapon against at least some computer-generated child pornography in the event that the act's broader prohibition on computer-generated material which appears to be of a child engaging in sexually explicit conduct is overturned by the courts.

Despite concerns about the method proposed by Senator BIDEN to address the problem of identifiable minor pornographic material, I agreed at the markup to accept his amendment, with the understanding that we would work together to improve the way we are achieving his objective.

Senator BIDEN's amendment added to S. 1237 another new statutory section, as 18 U.S.C. §2252B, which is directed at one particular type of computer-created or generated images—visual depictions which have been created, adapted or modified to make it appear that an identifiable minor was engaged in sexually explicit conduct. The term identifiable minor was defined to mean a minor who is capable of being recognized as an actual person by, for example, his face or other distinguishing feature or physical characteristic, although a prosecutor would not be required to prove the minor's actual identity.

Section 2252B duplicated, with respect to identifiable minor material, the prohibitions and penalties established under §2252A for the distribution, possession, receipt, sale or transportation of material which would be classified as child pornography under this bill. The bill, as modified in the Judiciary Committee, however, did not expressly include identifiable minor material in the statutory definition of "child pornography," although such material could be classified as child pornography under the definition's "appears to be" language.

I agreed with the goal of Senator BIDEN's amendment. Visual depictions of a minor engaging in sexually explicit conduct can haunt that person for his or her entire life. In addition, there is the threat that a child molester or pedophile could take pictures of a child he finds sexually desirable and then produce pornographic depictions featuring that child engaging in sexual conduct—depictions which he can use to stimulate his own sexual appetites, sell or distribute to others, or use in an effort to seduce that child or others into submitting to sexual exploitation.

The threat posed by, and the harm resulting from, visual depictions of identifiable minors which have been created or altered so as to make it appear that the minor is engaging in sexually explicit conduct is sufficiently distinct and serious to warrant inclusion in the act of language specifically addressing this type of material.

My concern regarding the Biden amendment was directed solely at the method used to achieve the goal of prohibiting pornographic material which uses the image or depiction of an identifiable minor as a clearly separate offense. It was, in my view, unnecessarily duplicative to enact two virtually identical statutory sections, 2252A and 2252B, to deal with computer created or generated child pornography, as the committee-passed bill with Senator BIDEN's amendment did.

Further, it was inconsistent and potentially very confusing specifically to address identifiable minor pornographic material in the context of this bill, to treat such material in the identical manner as material formally classified as child pornography under this bill, but not to include identifiable minor material in the bill's statutory definition of child pornography. It seemed to me that there is a far stronger case for the creation of one new section to deal with the new technology of child pornography, rather than two.

In addition, if we included in this legislation a provision dealing specifically with identifiable minor material, but failed to include such material in the bill's definition of child pornography, this fact could be seized upon by child pornographers and pedophiles to make the legal argument that identifiable minor material cannot be considered child pornography within the meaning of federal law. This could have an adverse impact on law enforcement efforts where, for example, an individual's involvement with or prior conviction for child pornography was relevant to an investigation or prosecution, or a factor in sentencing.

Following continued discussions, Senator Biden and I concluded that the most appropriate and effective method of dealing with identifiable minor material, and that most compatible with the framework for dealing with all forms of child pornography set out by the act, is to include in the proposed statutory definition of the term child pornography a subsection specifically covering such material. The Child Pornography Prevention Act contained in the omnibus bill is the Hatch/Biden substitute.

Under this bill, a visual depiction would be classified as child pornography if such visual depiction has been created, adapted or modified to appear that an identifiable minor is engaging in sexually explicit conduct. The term identifiable minor would be defined as a person who was a minor at the time the visual depiction was created, adapted, or modified, or whose image as a minor was used in creating, adapting, or modifying the visual depiction, and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature, but such term does not require proof of the minor's actual identity.

Modifying the definition of child pornography to include identifiable minor child pornographic material, eliminates any need to establish an additional section in title 18 pertaining specifically and exclusively to that particular type of material. Since identifiable minor material would be classified as child pornography, its distribution, possession, receipt, reproduction, sale or transportation would, like all other material so classified pursuant to the Act, be prohibited under the section 2252A created under this bill.

The act also resolves any concern as to the severability of the definition's identifiable minor provision in the event the definition's appears to be language were to be struck down.

S. 1237, as introduced, resolved the question of severability by the bill's severability clause, which explicitly states that if any provision of this act, which would include the legislation's definition of child pornography, is held to be unconstitutional, the remainder of the act shall not be affected. In order to set to rest any lingering concern, however, the Hatch/Biden substitute amended the act's severability clause to specifically state that if any provision of section of the definition of the term child pornography is held to be unconstitutional, any remaining provision or section of the definition shall not be affected.

We know that child pornography aggravates child sexual molestation. We must take steps to deal with this latest technological challenge to our laws protecting children. I believe that the Child Pornography Prevention Act shows that the intent of Congress is not to stand idle and thereby abet this pernicious activity. I urge all senators to support this act.

I ask unanimous consent a section-by-section analysis of the child pornography provision be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

CHILD PORNOGRAPHY PREVENTION ACT OF 1996

SECTION 1

This section sets forth the short title for the legislation, the "Child Pornography Prevention Act of 1996."

SECTION 2

This section sets forth a statement of Congressional findings with respect to child pornography and computer-generated depictions of, or which appear to be of, minors engaging in sexually explicit conduct. Child pornography is a form of sexual abuse and exploitation which can result in physical or psychological harm, or both, to children. Child pornography permanently records the victim's abuse, can cause continuing harm to the depicted individual for years to come, can be used to seduce minors into sexual activity, and is used by pedophiles and child sex abusers to stimulate and whet their own sexual appetites.

New photographic and computer imaging technologies are capable of producing computer-generated visual depictions of children engaging in sexually explicit conduct which are virtually indistinguishable to an unsuspecting viewer from unretouched photographs of actual minors engaging in such conduct. The effect of such child pornography on a child molester or pedophile using the material to whet his sexual appetites, or on a child shown such material as a means of seducing the child into sexual activity, is the same whether the material is photographic or computer-generated depictions of child sexual activity. Computer-generated child pornography results in many of the same types of harm, and poses the same danger to the well-being of children, as photographic child pornography, and provide a compelling governmental interest for prohibiting the production, distribution, possessing, sale or viewing of all forms of child pornography, including computer-generated depictions which are, or appear to be, of children engaging in sexually explicit conduct.

SECTION 3

This section amends the definition of the term "visual depiction" at 18 U.S.C. §2256(5) to include stored computer data.

This section further amends Title 18 of the United States Code by adding a new subsection, as 18 U.S.C. §2256(8), establishing a definition of the term "child pornography," which is defined as "any visual depiction, including any photograph, film, video, picture, drawing or computer or computer-generated image or picture, which is produced by electronic, mechanical or other means, of sexually explicit conduct, where: (1) its production involved the use of a minor engaging in sexually explicit conduct, or; (2) such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct; (3) such visual depiction has been created, adapted or modified to appear that an "identifiable minor" is engaging in sexually explicit conduct; or (4) it is advertised, distributed, promoted or presented in such a manner as to convey the impression that it is a visual depiction of a minor engaging in sexually explicit conduct."

The term "identifiable minor" would be identified in 18 U.S.C. §2256(9) to mean a minor who is capable of being recognized as an actual person by, for example, his face or other distinguishing feature or physical characteristic, although a prosecutor would not be required to prove the minor's actual identity.

SECTION 4

This section adds a new and distinct section to title 18 of the United States Code, as 18 U.S.C. §2252A. This section makes it unlawful for any person to knowingly mail, or ship, or transport child pornography in interstate or foreign commerce; to receive or distribute in interstate or foreign commerce child pornography, or material containing child pornography that has been mailed, or shipped, or transported in interstate or foreign commerce; or to reproduce child pornography for distribution through the mail. This section further makes it unlawful in the special maritime and territorial jurisdiction of the United States, or on any land or building owned or controlled by the United States, or in the Indian territory, to knowingly sell, or possess with intent to sell, any child pornography; or to possess any book, magazine, periodical, film, videotape, computer disk, or any other material that contains 3 or more images of child pornography.

Section 2252A mirrors with respect to "child pornography" (as that term is defined under Section 3 of this bill) the prohibitions on the distribution, possession, receipt, reproduction, sale or transportation of material produced using an actual minor engaging in sexually explicit conduct contained in 18 U.S.C. §2252. The penalties in §§2252 and 2252A would be identical. Violation of paragraphs (1), (2), or (3) of §2252A(a) pertaining to the distribution, reproduction, receipt, sale or transportation of child pornography would be fined or imprisoned for not less than 15 years, or both; a repeat offender with a prior conviction under Chapter 109A or 110 of Title 18, or under any state child abuse law or law relating to the production, receipt or distribution of child pornography would be fined and imprisoned for not less than 5 years nor more than 30 years. Any person who violates paragraph (4) of §2252A(a) pertaining to the possession of child pornography would be fined or imprisoned for not more than 5 years, or both; a repeat offender with a prior conviction under Chapter 109A or 110 of Title 18, or under any state law relating to the possession of child pornography would be fined and imprisoned for not less than 2 years nor more than 10 years.

This section also establishes an affirmative defense for material depicting sexually explicit conduct where the material was produced using actual persons engaging in sexually explicit conduct and each such person was an adult at the time the material was produced, provided the material has not been pandered as child pornography.

SECTION 5

This section amends 18 U.S.C. §2251(d) to increase the penalties for sexual exploitation of children. An individual who violates §2251 would be fined or imprisoned for not less than 10 years nor more than 20 years, or both. A repeat offender with one prior conviction under Chapter 109A or 110 of Title 18, or under any state law relating to the sexual exploitation of children would be fined and imprisoned for not less than 15 years nor more than 30 years; an individual with two or more prior such convictions would be fined and imprisoned for not less than 30 years nor more than life. If an offense under §2251 resulted in the death of a person, the offender would be punished by death or imprisonment for any term of years or for life.

SECTION 6

This section amends 18 U.S.C. §2252(d) to increase the penalties for offenses involving material produced using a minor engaging in sexually explicit conduct. As amended, 18 U.S.C. §2252 will provide the identical penalties as 18 U.S.C. §2252A for offenses relating to the distribution, possession, receipt, reproduction, sale or transportation of prohibited child pornographic material.

SECTION 7

This section amends the Privacy Protection Act, 42 U.S.C. §2000aa, to extend the existing exemption for searches and seizures where the offense consists of the receipt, possession or communication of information pertaining to the national defense, classified information or restricted data, to include an exemption for searches and seizures where the offense involves the sexual exploitation of children, the sale or buying of children, or the production, possession, sale or distribution of child pornography under Title 18 of the United States Code, 2251, 2251A, 2252, or 2252A.

SECTION 8

This section, the Amber Hagerman Child Protection Act of 1996, amends 18 U.S.C. §§2241(c) and 2243(a) to provide for a mandatory sentence of life in prison for repeat offenders convicted of sexual abuse of a minor or aggravated sexual abuse of a minor.

SECTION 9

This section includes in the bill a severability clause providing that in the event any provision of the bill, specifically including any provision or section of the definition of the term child pornography, amendment made by the bill, or application of the bill to any person or circumstance is held to be unconstitutional, the remainder of the bill shall not be affected.

Mr. HATCH. Mr. President, in addition, we were able to include a measure I sponsored which reimburses Billy Dale and the other members of the White House Travel Office for the legal expenses they incurred in defending themselves against the Clinton administration's politically generated investigation into the office. I am pleased that the Congress will soon pass this measure.

I want to commend Senator GREGG of New Hampshire for his efforts in securing $1.4 billion in funding for our Federal antiterrorism effort. As well, this bill enhances the Federal commitment to combat illegal drugs by providing a significant increase in our drug control budget. I have to say that Senator GREGG has played a significant and pivotal war in the antiterrorism fights of this past Congress. He has done a terrific job and he deserves a lot of credit for the strides we have been able to make. I want to pay public acknowledgment to him for the good work he has done.

With regard to the significant increase in our drug control budget, for example, the bill provides $140 million in funding for five new high intensity trafficking area task forces, one of which the Judiciary Committee expects will serve several Rocky Mountain States.

An additional $197 million for the Drug Enforcement Administration, $46 million more than the President's request, has been provided as well as a significant increase in funding for the Office of National Drug Control Policy, the drug czar's office.

Further, the omnibus bill also contains legislation which I introduced to allow the Office of Independent Counsel to obtain an additional 6-month extension for travel expenses. Ken Starr needs this time extension, and I am pleased the leadership saw fit to include this measure.

As well, the bill contains $11.4 million in funding for the first phase of construction of a long-needed annex for the Federal courthouse in Salt Lake City. This has been a priority of the judicial branch for some time and it is a highly warranted expenditure.

Moreover, I urged the negotiators to include a provision which clarifies the effective date of an important change to the rules of evidence which allows evidence of prior conduct to be admitted into evidence in Federal sex offense cases. This was a much needed clarification which Senator KYL and Congresswoman MOLINARI urged be adopted. I am very pleased it was included.

Finally, I express my opposition to the medical patents provision which was included in this bill. This measure was added notwithstanding the fact that there were no Senate hearings, and over the objections of myself, the chairman of the Finance Committee and the U.S. Trade Representative. It is an unprecedented change to our patent code and it is my intention to closely scrutinize the implementation of this new law.

Mr. President, before I close, I wanted also to make a few comments about a provision tucked inside this omnibus legislation which is of great concern to me. The provision would functionally eliminate the patenting of medical procedures.

I know that the authors of this provision are doing what they think is in the best interest of our citizens.

Nevertheless, I take exception to their amendment on medical process patents. I think this amendment is bad patent policy and questionable trade law.

A patent that is not enforceable is like no patent at all. That is simply what this issue boils down to.

And further, to exempt large multi-million-dollar organizations such as HMOs from the reach of patent code enforcement, flies in the face of the American tradition of encouraging individual initiative.

My final concern, a very serious concern, is about the Uruguay Round Agreements Act [URAA], the General Agreement on Tariffs and Trade [GATT] implementing legislation. Substantial questions have been raised about whether this provision is consistent with the Agreement on Trade-Related Intellectual Property [TRIPs]. In fact, it now appears that the amendment may not be consistent with TRIPs, a grave matter of international import.

I also have concerns about the process implications of inserting this language in the appropriations bill. As chairman of the Judiciary Committee, I try to take special care of all of the statutes under the Committee's primary jurisdiction such as the patent code.

As a member of the Finance Committee, I am also charged with the responsibility of upholding the laws that affect our Nation's international trade.

In this regard, after serious study of this issue, on September 27, Chairman ROTH and I wrote to our colleagues, Senators LOTT, DASCHLE, HATFIELD, and BYRD, and indicated our concern about inserting this provision in the final legislation due to its unstudied impact.

Mr. President, I ask unanimous consent that a copy of that letter be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 27, 1996.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: As Chairmen of the Senate Finance and Judiciary Committees, we strongly oppose inclusion of proposed section 616 in the omnibus appropriations bill.

Inclusion of the provision, which concerns medical procedure patents, is inappropriate for several reasons.

Section 616 implicates U.S. obligations under an international trade agreement, specifically the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) administered by the World Trade Organization (WTO). As a result, this aspect of section 616 falls under the Senate Committee on Finance's jurisdiction on international trade agreements.

Moreover, the provision raises serious questions regarding U.S. compliance with its obligations under TRIPs. It could also establish a precedent which other countries might invoke to deny or weaken patent protection afforded to U.S. industry under the TRIPs. The Committee on Finance has not had an opportunity to hold a hearing on this matter to consider these broader ramifications for U.S. trade policy.

Section 616 is very controversial and constitutes a significant departure from principles of American patent law that have been on the books for over two hundred years. The amendment would preclude a certain class of patent-holders from enforcing their patent rights against infringement, a change that renders these patents virtually meaningless. That there is no consensus on this significant change in U.S. patent law is underscored by the fact that the Clinton Administration, the American Intellectual Property Law Association, the Intellectual Property Owners, and the Intellectual Property Law Section of the American Bar Association are on record as opposing the provisions contained in section 616.

As noted, section 616 has not been properly vetted through the Committees of jurisdiction. This is exactly the type of complex, technical provision that should not be hastily included in end-of-the-session omnibus legislation. As two Committee Chairmen with jurisdiction over this provision, we urge that you not include this provision in the bill.

Sincerely,

ORRIN G. HATCH,
Chairman, Committee on the Judiciary.
WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance.

Mr. HATCH. In short, this letter said, that as chairmen of the committees with jurisdiction over key substantive issues raised by the medical process patent amendment, we did not think that this complex, technical legislation with such a substantive impact should be included at this time and in this vehicle given there has been no study by the relevant authorizing committees. I feel it would have been preferable to look carefully before we leap into this legislative abyss which has such far reaching precedential significance.

Subsequent to that letter, I received a letter from the General Counsel of the Office of the U.S. Trade Representative [USTR] stating, in sum, that the proposed policy may run afoul of the TRIP's agreement and also encourage our trading partners to follow this example to discriminate against other types of technologies.

I ask unanimous consent to place in the RECORD at this point a copy of this September 27, 1996 letter from the Office of the U.S. Trade Representative with respect to the application of articles 27, 28 and 30 of TRIP's and how our trading partners may use this unfortunate precedent. I wish to commend the staff at USTR for their work on this vexatious issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE U.S. TRADE REPRESENTATIVE, EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, September 27, 1996.

Hon. ORRIN G. HATCH,
U.S. Senate, Senate Judiciary Committee,
Washington, DC.

DEAR CHAIRMAN HATCH: You have requested the Office of the U.S. Trade Representative's views on whether the proposed limitation on patient infringements relating to a medical practitioners performance of a medical activity are consistent with U.S. obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement). As I understand the proposal, it would generally deny the remedies available under title 35 for infringement of patents on diagnostic, therapeutic and surgical techniques.

USTR has serious concerns about the consistency of this provision with the TRIPs Agreement. Moreover, we believe that the proposal sets a damaging precedent that other TRIPs Members might apply to other technologies.

Although TRIPs Article 27:3 permits Members to exclude diagnostic, therapeutic and surgical techniques from patentability, we believe that if a member makes patents available for this field of technology, a Member must accord the full rights required under the TRIPs Agreement. Article 27:1 requires that patent rights be enjoyable without discrimination as to the field of technology. Those rights are specified in Article 28 and include the right to prevent third parties from the act of using a patented process. Moreover, TRIPs Articles 44 and 45 specify remedies, including injunctions and damages; that must be made available to address patent infringement.

While TRIPs Article 30 permits Members to provide limited exceptions to the exclusive rights conferred by a patent, such exceptions must not unreasonably conflict with the normal exploitation of the patent and must not unreasonably prejudice the legitimate interests of the patent holder. Precluding the grant of damages and injunctive relief for patent infringement under the circumstances set forth in the proposed legislation, goes far beyond other exceptions provided in title 35 and raises questions about whether the exception is covered by Article 30.

We are particularly concerned because other TRIPs Members might follow this example and apply this type of exception to other technologies. We could be seen as endorsing this type of action.

Please contact me or my staff if we can provide further information or assistance.

Sincerely,

JENNIFER HILLMAN,
General Counsel.

Mr. HATCH. Now that this amendment will become law, I hope that those who interpret the bill as being consistent with TRIP's are correct. For if they are not, we will have unwittingly shown the way for our trading partners to absolve themselves of their responsibilities under TRIP's.

The stakes are high. Virtually every trade expert believes that worldwide adherence to TRIP means jobs for American workers, and lowered costs for American consumers as piracy of products is reduced and others pay their fair share of research and development costs.

Let me take a few moments to explain my concern about the impact that this provision will have on the patent code.

Section 101 of the patent code has been essentially unchanged since 1793. Section 101 broadly states: "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent * * *"

One leading Supreme Court case, Diamond versus Diehr, decided in 1981, quoted approvingly from the Judiciary Committee bill report on the 1952 recodification of the patent code, and emphasized that patentable subject matter under section 101 "includes everything under the sun invented by man" and noted that process patents have been available since 1793.

Judge Giles Rich of the Federal Circuit is one of America's greatest all-time experts in patent law. Circuit Judge Rich drafted the 1952 recodification in which the word "process" was substituted for "art"—the first and only change in section 101 since 1793.

Incidentally, I am told that Thomas Jefferson apparently helped draft this statute and in his capacity of Secretary of State had a ministerial role in actually issuing some of our Nation's first letters patent.

In a leading decision in the area of biotechnology, In Re Chackrabarty, written in 1979 by Judge Rich—then of the predecessor Court of Customs and Patent Appeals —and affirmed by the Supreme Court in 1981, Judge Rich noted that a broad interpretation of what is patentable under section 101 has served our Nation well through out history:

> The present recital of categories in section 101. . . has been the same ever since the Patent Act of 1793, except for substituting "process" for "art" and defining it . . . to include art. For nearly 200 years since, those words have been liberally construed to include the most diverse range imaginable of unforseen developments in technology. The list is endless and beyond recitation. We merely suggest that the Founding Fathers and the Congresses of the past century could not have foreseen the technologies that have allowed man to walk on the moon, switch travel from railroads to heavier- than-air craft, fill the houses with color TV, cure normally fatal diseases with antibiotics produced by cultures of molds . . . and give to schoolchildren at small cost pocket calculators with which they can produce square roots on an . . . integrated circuit so small the circuits are not visible to the naked eye

> . . . We believe section 101 and its predecessor statutes were broadly drawn in general terms to broadly encompass unforeseeable future developments.

In contrast to this soaring rendition of why a policy of broad patentability is beneficial to society, comes now this cleverly drafted and hastily adopted medical procedure patent amendment.

Although the amendment goes through the back door of the enforcement provisions of section 287, when all is said and done the practical effect is to preclude an important class of endeavor—medical procedures—from protection under section 101.

Somehow I cannot help but think that Thomas Jefferson and Judge Rich and many others will be disappointed in this shrinking of the patent code.

Putting aside my major concerns about the trade ramifications, in terms of pure patent law, I think there should be a very heavy burden on those advocating change of a law that appears to be working well and has worked well for a long time.

In my view, this burden has not been met.

What is broken? Can anyone show me an actual example of health care negatively affected due to the existence of a procedure patent?

How can we be sure that research on tomorrow's medical procedures will continue apace absent patent protection?

Frankly, I find it odd that in the case that precipitated this alleged "crisis" that compels adoption of this particular amendment before there has been even one hearing—the Pallin "stitchless" cataract surgery process, the patent was not upheld by the courts.

Some argue that such process patents will drive up health care costs. But in the Pallin case the requested $4 per operation fee was much less than the $17 per stitch charge, so money was saved.

Where is the crisis that justifies inviting considerable mischief by our trading partners in dragging their feet in implementing TRIP's?

If we have unwittingly misinterpreted TRIP's, we will all be asking down the road, where was the Finance Committee and the Ways and Means Committee when this happened?

Before we set this precedent by adopting the curious rule that you-can-have-a-patent-but-you-just-cannot-enforce-it, would it not have been better for the Judiciary Committee and full Senate to study and carefully debate the merits of this proposal?

While this rule may be good in the short run for physician organizations, the health care products industry and large organizations like HMO's and hospitals, can we say for certain that categorically taking away the incentives to patent medical procedures is in the interests of the American public?

One allegation that has been stressed repeatedly by the authors of this amendment is that "pure" process patents cost very little to develop, and thus, patent protections for such processes should not lead to substantial royalties. What this somewhat simplistic argument fails to consider are cases in which there has been substantial R&D for a process, at a cost to the inventor. For now, under the language we will approve today, any incentive for inventors to patent those discoveries will be removed, and very possibly, the incentive for research and development as well. Medical research, and medical progress, can only suffer.

Over the course of the last few days, when it became clear that the negotiators for the omnibus bill might include this medical process patent provision in the final compromise, I sent three dear colleague letters in opposition to the provision. I regret that my colleagues were either unaware, or unpersuaded by, my arguments.

Mr. President, I ask unanimous consent that those letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD; as follows:

SEPTEMBER 26, 1996.

DEAR COLLEAGUE: H.L. Mencken once said, "There is always an easy solution to every human problem—neat, plausible, and wrong." I am afraid that this is the case with the Ganske/Frist amendment on medical procedure patents.

As Chairman of the Committee with substantive jurisdiction over the patent code, I urge your opposition to inclusion in the omnibus appropriations bill of the Ganske/Frist amendment, a provision that would effectively preclude the enforcement of medical process patents. With all due respect to my colleagues Congressman Ganske and Senator Frist, this language, either as passed by the House or in a more recent form, raises significant procedural and substantive questions, and should not be adopted without a full review by this body.

PROCEDURAL CONCERNS

Authorizing Language on Appropriations Bill: The Ganske/Frist amendment circumvents the normal Committee process by misusing the appropriations mechanism to amend a highly technical and very complex area of substantive patent law. This is precisely the type of non-germane amendment that Senators Hatfield and Byrd and others have admonished the Senate not to incorporate within this type of omnibus appropriations vehicle.

Not Reviewed by Judiciary Committee: The language of the latest Ganske/Frist compromise has never been the subject of a hearing or mark-up by any Committee of Congress. The Senate Judiciary Committee and the full Senate should have the opportunity to carefully consider and meaningfully debate this issue before final action is taken on this provision.

The original Ganske proposal, which would have excluded surgical and medical procedures from patentability, was the subject of a 1995 hearing of the House Judiciary Committee, Subcommittee on Courts and Intellectual Property. The bill, H.R. 1127, was opposed by the Biotechnology industry Organization, the Section of Intellectual Property Law of the American Bar Association, and the American Intellectual Property Law Association.

An amendment to bar the Patent and Trademark Office from spending its funds to issue such patents was adopted on the Commerce-State-Justice appropriations bill in the House on July 24, 1996. Joining those opposed to this amendment were the Intellectual Property Owners, the Pharmaceutical Research and Manufacturers of America, and Chairman Moorhead and Ranking Member Schroeder of the Subcommittee that conducted the earlier hearing.

SUBSTANTIVE CONCERNS

Administration Opposition: The Commissioner of Patents and Trademarks, Bruce Lehman, testified before the Senate Judiciary Committee on September 18, 1996, and stated that the Administration opposes both the Ganske Amendment and the latest Ganske/Frist compromise. Commissioner Lehman noted that the area of medical technology is particularly patent-dependent and expressed his concern that we not overreact in a fashion that jeopardizes "the goose that lays the golden egg".

Impact on Medical Research: The supporters of the Ganske/FRIST compromise can provide no assurance that enactment of this legislation would not impede timely future development of critical "pure" medical procedures. As Commissioner Lehman has testified, patents are often useful in attracting investment capital. It is impossible to state categorically today, as the Ganske/Frist legislation seems to presume, that tomorrow's advances in "pure" medical procedures will take place as expeditiously as possible absent patent protection. As Commissioner Lehman told the Judiciary Committee: "It would be really quite tragic if we were to find that a very large loophole were to be opened in the patent system that would cause investment in some of the most important technology—not just from an economic point of view but from a life-saving point of view, to cause that investment to dry up."

Biomedical researchers, physicians, and other health care professionals are to be saluted for their rich tradition of public disclosure and free exchange of ideas. That this long-standing iterative educational process often acts to preclude compliance with the strict legal requirements of the patent system does necessarily lead to the conclusion that all medical processes should not be patentable. In no other field would one suggest that the incentives of the patent system be eliminated in the hope that technical progress would proceed unabated.

Patent Protection Available to All: For these reasons, the Administration is joined in opposing this legislation by the Section of Intellectual Property Law of the American Bar Association which believes the proposals:

" . . . violate a fundamental principle of our law under which patent protection is available without discrimination as to field of invention or technology. The Frist/Coalition approach is doubly discriminatory in that it would achieve this result by discriminatory treatment based on the identity or profession of the infringer. . . The Section of Intellectual Property Law believes that it would be both unfair and counterproductive to single out one area of creativity—the creation of new and improved medical procedures—and deny rewards to those creators while providing them to all others."

The Case for Changing the Law Has Not Been Made: Section 101 of the patent code—which broadly defines the subject matter eligible for patenting—has been essentially unchanged for over 200 years. The Ganske/Frist initiative reverses this long history of statutory and case law and, without adequate justification, precludes the patenting of an extremely important field of endeavor—medical processes. The patent code should not be changed on the basis of anecdotal evidence.

It is particularly perplexing that in the case that precipitated the current controversy, the Pallin suture-less cataract operation, the system worked, and the patent has not been enforced by the courts.

Moreover, to the extent that the Ganske/Frist compromise is designed to reduce litigation costs, it is difficult to see how it accomplishes this goal. Where a medical process involves any type of instrument, a motion for summary judgment could likely involve contested issues of fact that would subject physicians to the expenses of litigation, even where they would ultimately not be subject to remedies.

A Right Without a Remedy: The latest Ganske/Frist compromise provides the right to patent medical procedure without a remedy against the most likely class of infringers (medical practitioners). This violates one of the most fundamental benefits of the United States patent system—the right to exclusive use. Severely limiting the remedies available under section 287 of the patent code is tantamount to amending what is patentable under the 200 year old language of section 101. A patent without a meaningful remedy against infringement is like no patent at all.

Individual Inventors vs. Multi-Million Dollar Corporations: By extending protection to organizations that employ physicians such as health maintenance organizations, the Ganske/Frist legislation raises equity questions concerning the proper balancing of rights of individual inventors versus large corporations. We must think carefully before we take away the rights of individual inventors by not allowing enforcement against patent infringement by multi-million dollar corporations.

Trade Implications: The House-passed Ganske amendment to limit the authority to expend funds to issue medical procedure patents undercuts the hard fought gains of the GATT Treaty TRIPS provisions (Trade-Related Intellectual Property Rights). The House language invites, however unintentionally, our trading partners to adopt intellectual property protections that comply with TRIPS but, at the same time, functionally nullifies these apparent gains by simply not appropriating administrative funds. If this technique were used by our foreign trading partners not to enforce American-owned patents on, for example, pharmaceuticals or automobile parts, Congress and the public would demand action.

Not Reviewed by Finance Committee: This latest Ganske/Frist compromise raises novel, complicated, and sensitive issues of far-ranging precedential significance relating to Articles 27, 28, and 30 of TRIPS. These issues need to be thoroughly examined and merit careful consideration and debate by the Judiciary Committee, the Finance Committee, and the full Senate. There is no consensus on these issues. We have not had an opportunity to hear from the United States Trade Representative or the Secretary of Commerce on these matters. For example, the American Intellectual Property Law Association has noted that this amendment:

". . . would be very deleterious to the patent law and raises serious questions regarding the compliance by the United States with its obligations under TRIPS. This amendment . . . should be rejected. The proponents have failed to demonstrate a need for this amendment. The amendment would proclaim an open season for exceptions to patent protection to address other alleged problems. Moreover, it would clearly be inimical to the interests of American industry for the United States to take the lead in weakening the patent protection required under Articles 28 and 30 of the TRIPS."

OPPOSE THE GANSKE/FRIST AMENDMENT

Oppose the Ganske/Frist Amendment: In sum, the laws that allow the patenting of the broadest possible range of subject matter coupled with the three basic legal requirements of novelty, utility, and nonobviousness have proven effective over the long run. Our current statutory framework has met the Constitutional charge "to promote science and useful arts" and has helped make the United States the world's leader in medical technology. We should not change these laws absent a demonstration of a compelling need, and we should not use the omnibus appropriations vehicle for such a controversial change in substantive patent law.

Sincerely,

ORRIN G. HATCH,
Chairman.

SEPTEMBER 27, 1996.

SUBSTANTIAL OPPOSITION VOICED TO GANSKE/FRIST AMENDMENT

DEAR COLLEAGUE: In view of the upcoming debate on the omnibus appropriations bill, I thought you would want to be aware of several compelling arguments raised in opposition to proposed language barring medical procedure patents or their enforcement. I continue to oppose this proposal on both procedural and substantive grounds. Here's what some top intellectual property authorities are saying:

The Clinton Administration: The Clinton Administration opposes the Ganske/Frist amendment both as it passed the House and in its more recent version. In a July 17, 1996 letter to the House Appropriations Subcommittee, the Commerce Department stated,

"We continue to oppose enactment of H.R. 1127 (the Ganske bill) and any amendment that contains the substance of it. We still believe that it is premature to adopt such drastic steps when we have the opportunity to adopt administrative measures to mitigate the problem."

Moreover, in September 18, 1996 testimony before the Senate Judiciary Committee, PTO Commissioner Bruce Lehman expressed opposition to the latest compromise and the unprecedented loophole it would establish. PTO Commissioner Lehman said,

"I, personally, the Office, and the Administration are against the Ganske amendment, and we would be against a variation of that, too, and let me tell you why."

Commissioner Lehman's major points in opposition were:

This could be a case of overreaction to a specific circumstance. Even though that situation may be controversial, it is important not to kill the "goose that lays the golden egg," that is, the incentive for medical research;

There is no requirement that patent applications be filed. Historically, surgical procedures are not patented. When they are, it is usually because it is required as part of a business plan to attract the necessary capital for research and development;

We would not have the wonderful therapies we have right now in this country—we wouldn't have the medical and pharmaceutical industry that leads the world, that provides a level of health care second to none, if it weren't for the patent system. It is one of the most patent-dependent industries that there is, and so we have to be extremely careful in tampering with that system.

PTO Commissioner Lehman concluded, "It would be really quite tragic if we were to find that a very large loophole were to be opened in the patent system that would cause investment in some of the most important technology—not from an economic point of view, but from a life-saving point of view—to cause that investment to dry up."

ABA Section of Intellectual Property Law: In the attached letter, the ABA's Intellectual Property Section strongly opposes the original Ganske and Frist bills (H.R. 1127/S. 1134), as well as the Ganske amendment adopted in the House as part of the Commerce Department appropriations bill and a more recent variation advanced by the Medical Procedures Patents Coalition. The ABA Intellectual Property Law Section says:

"All the proposals violate a fundamental principle of our law under which patent protection is available without discrimination as to field of invention of technology. The Frist/Coalition approach is doubly discriminatory in that it would achieve this result by discriminatory treatment based on the identity or profession of the infringer."

The Intellectual Property Law Section raises several concerns about the latest proposal, concerns which have not been examined by any committee of Congress. These concerns include: the negative impact on the America's world leadership in scientific and technological development by singling out one area of creativity and denying rewards to those creators while providing them to all others; the international impact of making this change to accommodate narrow domestic interests; and the unworkability and ineffectiveness of the proposals.

The American Intellectual Property Law Association: In a September 16, 1996, letter, the American Intellectual Property Law Association said,

"This amendment, which would limit the remedies available against physicians and health care organizations for infringing medical procedure patents, should be rejected. The proponents have failed to demonstrate a need for this amendment. The amendment would proclaim an open season for exceptions to patent protection to address other alleged problems.

"Moreover, it would clearly be inimical to the interests of American industry for the United States to take the lead in weakening the patent protection required under Articles 28 and 30 of TRIPs."

The Intellectual Property Owners: The Intellectual Property Owners' Association represents companies and inventors who own patents, copyrights and trademarks in all fields of endeavor. In a letter expressing strong opposition to the Ganske amendment, the IPO has said,

"The amendment will harm members of our association who are investing in medical research. Moreover, the amendment amounts to a full employment law for attorneys. Attorneys and the U.S. Patent and Trademark Office will spend huge amounts of money litigating the scope of the amendment, adding to the already too high cost of obtaining and enforcing patents."

Further, in a separate letter commenting on a more recent version of the amendment, the IPO says,

" The proposal made by the American Medical Association and pharmaceutical and biotechnology trade associations to limit remedies for patent infringement by physicians and medical organizations is a dangerous precedent. It could undercut the efforts of the United States to strengthen patent rights in countries throughout the world in all fields of technology. We hope Congress will not rush to judgement with legislation that will cause expensive litigation or diminish the strong incentives that the United States has traditionally provided for medical research."

Accordingly, I urge you to join these leaders in the field of intellectual property in opposing inclusion of this unstudied proposal in the end-of-the-year appropriations bill.

Sincerely,

ORRIN G. HATCH,
Chairman.

AMERICAN BAR ASSOCIATION,
Chicago, IL, September 11, 1996.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express the opposition of the Section of Intellectual Property Law of the American Bar Association to S. 1134, the "Medical Procedures Innovation and Affordability Act", and to a similar proposal recently advanced by the Medical Procedures Coalition (hereafter referred to as "the Coalition proposal"). These views have not been considered or approved by the House of Delegates or Board of Governors of the American Bar Association.

S. 1134 and the Coalition proposal are two of four proposals currently pending in Congress, or which Congress has been asked to consider, to curtail patent rights for medical and surgical procedures. H.R. 1127, the "Medical Procedures Innovation and Affordability Act," introduced in the House on March 3, 1995 by Mr. Ganske, would prohibit patenting of inventions relating to certain medical and surgical procedures. On July 24 of this year, an amendment by Mr. Ganske relating to these issues was adopted in the House during consideration of H.R. 3814, the FY97 Commerce, Justice, State Appropriations Act. The Ganske amendment would achieve a ban on patenting of medical procedures similar to that called for in H.R. 1127 by a restriction on use of appropriated funds. H.R. 3814, including the Ganske amendment, is pending in the Senate.

The Ganske bill and the Ganske amendment attempt to insulate medical practitioners from liability for infringement of patents on medical procedures by denying patent protection to such procedures. Senator Frist's bill, S. 1134, and the Coalition proposal attempt to achieve the same result by denying legal remedies to owners of patents on these procedures when their patents are infringed by medical practitioners. We oppose both approaches and we oppose all four proposals. All the proposals violate a fundamental principle of our law under which patent protection is available without discrimination as to field of invention or technology. The Frist/Coalition approach is doubly discriminatory in that it would achieve this result by discriminatory treatment based on the identity or profession of the infringer.

The Section of Intellectual Property Law believes that it would be both unfair and counterproductive to single out one area of creativity—the creation of new and improved medical proceures—and deny rewards to those creators while providing them to all others. Our world leadership in scientific and technological development, a leadership which most particularly includes leadership in development of improved medical technology and procedures, has been achieved in large part because of, not in spite of, the controls and rewards which our system gives to our innovators.

For decades the United States has urged all nations to adopt laws protecting intellectual property fully and without discrimination. These efforts have been largely successful, but are by no means over. In the ongoing talks regarding a Diplomatic Conference on Certain Copyright and Neighboring Rights Questions, critical issues regarding legal protection for emerging new areas of innovations are being addressed. The United States would be sending a dangerous message to these efforts by carving out a glaring exception to our system of uniform protection in order to accommodate narrow domestic interests which can be addressed, and are already being addressed, with far less radical measures.

S. 1134 and the Coalition proposal are apparently designed to address earlier criticism of H.R. 1127. However, they attempt to fix a fundamentally unsound and conceptually flawed proposal by narrowing its exclusionary provisions so that patent protection is not denied in areas where that denial presents policy or political impediments to enactment of the legislation. We believe that our legal framework for the promotion and protection of intellectual creativity, the finest and most successful that the world has known, would not be strengthened by such short-sighted statutory gerrymandering.

We also believe that the proposals based on restrictions on remedies are unworkable and would not achieve the intended results. As we understand it, the objective of these proposals is to provide a legal framework in which to prevent successful lawsuits against medical practitioners for the practice of certain medical procedures. Ideally this would be achieved by such suits never being filed. However, since plaintiffs control the filing of lawsuits, a more realistic objective seems to be to provide for early identification and expedited procedures for the dismissal or other disposition of such cases. If such a "gatekeeper" system is not functioning, the legislation would be of little utility. For example, if lengthy and costly discovery proceedings are required or permitted before a case can be weeded out, the legislation will provide little if any relief of the nature sought by medical practitioners and their supporters. In fact, such legislation might very well increase litigation and litigation costs, through a combination of failure to reduce existing litigation and additional litigation over the meaning and effort of the legislation itself.

We believe these are precisely the results which would flow from the enactment of these proposals. In this regard, we note that the Coalition proposal provides a number of exceptions to the general rule that legal remedies are not available for infringement arising out of the performance of medical or surgical procedures by medical practitioners, as well as an even broader, over-arching exclusion of coverage of certain activities relating to commercial development and distribution and the provision of pharmacy or clinical laboratory services.

One key exception in the proposal, relating to patented use of a composition of matter, provides that the exception does not apply to such use unless the use "directly contribute(s) to achievement of the objective of the claimed method." This is clearly an issue which is fact bound to a high degree, and not one that is likely to be resolved at the pleadings or motion stages of litigation. Proponents of the Coalition proposal suggest that legislative history can be treated to establish legislative intent that these fact intensive questions can be decided by motion to dismiss or summary judgment. However, legislative history accompanying amendments to title 35 are unlikely to be found to be controlling legislative intent regarding application of Rules of Civil Procedure which are unchanged by the legislation, particularly when the intent expressed is in conflict with the express language of the Rules themselves. (The Coalition suggests that a movant for summary judgment under Rule 56 may prevail by showing by a "preponderance of evidence" that certain essential facts exist. However, Rule 56 states that such a motion may be rendered only if "there is no genuine issue as to any material fact").

We strongly urge you to oppose all four versions of this legislative proposal.

Sincerely,

JOHN R. KIRK, Jr.
Chair.

SEPTEMBER 28, 1996.

DEAR COLLEAGUE: I am writing to urge you to reject the Frist/Ganske proposal that would effectively prohibit medical procedure patents.

If you were in a car crash and ended up in the emergency room would you care whether your life was saved with a drug, or with a medical device, or with a surgical procedure? No, all you would care about is that the your life was saved through the most appropriate, up-to-date medical technology.

Why, then, should we adopt the untested Frist/Ganske amendment and suddenly reverse 200 years of patent law by rendering patents on life-saving medical procedures meaningless? Do you really want to take the chance that your doctor or the emergency room will be stuck with yesterday's technology because we hastily amended the patent law today?

My good friend, Senator Frist, recently posed the question: "Should the Heimlich maneuver be patentable? Imagine someone collecting a dollar every time someone used this or any other 'pure' medical procedure!" The fact is that many people would pay a dollar rather than take the risk of choking to death before they could get to the hospital. If you had a choice between the Heimlich Maneuver and an emergency tracheotomy, which would you choose? And, given the costs of emergency room visits, I am sure that the insurance company would opt for the simple, cost-effective procedure.

But, of course, the Heimlich maneuver, like most medical procedures, is not patented. We owe a debt of gratitude to Dr. Heimlich and all the other pioneers in medicine and health care practitioners, including Senator Frist and Representative Ganske, who are primarily motivated not to make money, but to save lives. We should also salute the tradition in the medical sciences of sharing information and freely exchanging ideas concerning the latest advances in medicine.

There is often an iterative educational dialogue that takes place during the medical research process. These interactions can act to defeat patentability because the strict legal requirements of demonstrating novelty and nonobviousness can not be satisfied by incremental or publicly discussed scientific achievements.

For example, in his recent Roll Call article, Representative Ganske criticized a patent issued in the area of breast reconstructive surgery. If, as Dr. Ganske states, "[this particular type of] breast reconstructive surgery had been in widespread use for at least 15 years. . .", then this patent should not have been issued in the first place and will not withstand court challenge.

The case that has fueled the current debate involved a patent issued to Dr. Samuel Pallin for a "no-stitch" cataract procedure. In a suit to enforce this patent against another surgeon, Dr. Jack Singer, a consent decree invalidating the patent was sanctioned by a court on grounds that the technique was already in use. In other words, the result feared by Senator Frist and Representative Ganske did not occur; the procedure failed the test for patent protection.

Senator Frist contends that "health care costs would explode if doctors charged licensing fees for every new surgical or medical technique. . ." And, on the issue of finding ways to reduce health care costs, I appreciate and generally agree with my colleague's suggestions. But the facts of the *Pallin* case reveal that—even with the requested $4 per operation fee—appreciable cost savings are achieved when it is taken into account that each stitch not needed saves an estimated $17.

Senator Frist takes the position that the basic rationale behind the American patent system—the encouragement of innovation—"does not apply to innovations in pure medical and surgical procedures because such innovations will occur without the benefit of patent law."

Many leading experts in intellectual property law take exception with this viewpoint. For example, the Commissioner of Patents and Trademarks, Bruce Lehman, expressed the Clinton Administration's opposition to the Frist/Ganske amendment by cautioning Congress not to overreact to the controversial *Pallin* case. As Commissioner Lehman recently explained his reasoning to the Senate Judiciary Committee:

"Historically, in the area of surgical procedures, people oftentimes don't file patent applications. When people file for patents, it is usually because they have to file a patent in order to get the financing to make that technology a reality * * *

"It would be really quite tragic if we were to find that a very large loophole were to be opened in the patent system that would cause investment in some of the most important technology—not from an economic point of view but from a life-saving point of view, to cause that investment to dry up."

In contrast to the view that "these innovations would occur anyway," consider the assessment made by William D. Noonan, M.D., J.D., concerning the importance of patent protection for attracting private investment into the research that resulted in the surrogate embyro transfer (SET) procedure:

"The research that developed the SET procedure was financed with $500,000 of venture capital because the National Institutes of Health (NIH) would not fund the research. It seems unlikely that the inventor of the SET process would have gotten this private funding if the process was not patentable subject matter."[1]

Moreover, Dr. Noonan points out that, "it is a questionable generalization to condemn all the therapeutic procedure patents merely because * * * [of the *Pallin* 'no stitch' suture patent]" and that "there are instances in which medical advances may not be made if patent protection for a therapeutic method is not available."

At this point in time, there are simply too many unanswered questions about the Frist/Ganske amendment to justify sweeping this provision into the "end-of-the-session" omnibus appropriations legislation. Among these questions are:

Since there is no purported "emergency" need for the legislation (e.g., the *Pallin* cataract patent has not been enforced), and there has never been a hearing or mark-up in either the House or Senate on the language of the Frist/Ganske amendment, would it not be prudent for the respective Judiciary Committees' of each chamber to consider this legislation?

Given the precedent setting nature of this legislation for U.S. trade policy, particularly with respect to the proper interpretation and application of Articles 27, 28, and 30 of the GATT Treaty TRIPs provisions, would it not be preferable for the Senate Finance Committee and House Ways and Means Committee to examine this issue in close consultation with the United States Trade Representative?

In a September 27, 1996 letter, the Office of the United States Trade Representative stated, "USTR has serious concerns about the consistency of the provision with the TRIPs Agreement. Moreover, we believe that the proposal sets a damaging precedent that other TRIPs Members might apply to other technologies." Why should we act in such haste in a way that may run afoul of the TRIPs agreement, and provide a roadmap for our trading partners who may use this example to justify the creation of broad exceptions for other technologies?

How can we be certain that costly and risky research will continue on tomorrow's seminal "pure" medical procedures in the absence of patent protection?

Why should the incentives associated with the patent system for research into medical procedures be any less or different than the incentives for research into drugs and medical devices?

As overall federal budgetary pressures constrain the growth of NIH funding, is this the time to decrease private sector incentives to invest in certain types of biomedical research?

What policy objectives are advanced by the Frist/Ganske amendment that prefers the rights of large corporate entities, such as HMOs, over the interests of individual inventors?

What are the implications of the provisions of the Frist/Ganske amendment that nominally allow medical procedure patents but then do not permit these patents to be enforced against the most likely infringers?

Until we know more about the answers to these and other questions, and we are able to get the answers on the record for all senators to consider, I urge my colleagues to oppose inclusion of the Frist/Ganske amendment on medical procedure patents in the omnibus appropriations bill.

Sincerely,

ORRIN G. HATCH,
Chairman.

SEPTEMBER 18, 1996.

Hon. JUDD GREGG,
Chairman, Subcommittee on Commerce, Justice, State and Judiciary, U.S. Senate, Washington, DC.

DEAR JUDD: I have significant concern about an amendment which was adopted during House consideration of H.R. 3418, the House Commerce, Justice, State appropriations bill. That amendment, authored by Rep. Greg Ganske, would limit the use of funds to approve patents for surgical or medical procedures or diagnoses. I want to express my appreciation to you and your staff for your efforts to defer consideration of this contentious issue pending review by the Judiciary Committee.

I understand the concerns which motivate the amendment and I am sympathetic to the issues which have been raised. However, I believe myriad questions can be raised about this proposal and its impact. The effect of this amendment would be to bar process patents for a certain industry, an exception never before made to our 200-year old patent law. A more recent version of the bill would allow the patents, but bar enforcement rendering the patent but an empty shell. Both of these would create tremendous precedents in patent law, precedents which are not supported by the intellectual property community. At a Judiciary Committee hearing today, Patent Commissioner Bruce Lehman also indicated that the Administration could not support either the Ganske provision or the recent variation.

In sum, I think that this issue needs to be more fully considered by the Congress, and in particular, by the Senate Judiciary Committee. I believe that passage of the Ganske provision, or the recent Frist modification, without adequate consideration of its long-term implications for intellectual property rights would be extremely unwise.

Let me hasten to add that I understand your special interest in this issue, and I am sympathetic to the need to examine further the impact of medical process patents. My study of the Singer case, in which the patent was overturned, leads me to believe that the Patent and Trademark Office's procedures could be improved in the area of medical patents. This is something that I will be pursuing, and I welcome your input into this process.

Sincerely,

ORRIN G. HATCH,
Chairman.

Mr. HATCH. Mr. President, in closing, I must reiterate my profound disappointment and my objections to including this medical process patents provision in the omnibus appropriations bill. This is a serious matter and a serious precedent. We will have to look very carefully at its implications in the months to come.

ALTERNATIVE MEANS OF DISPUTE RESOLUTION ACT OF 1996

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4194 which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4194) to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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[1] William D. Noonan, M.D., J.D., "Patenting of Medical and Surgical Procedures," Journal of the Patent and Trademark Office Society, August, 1995, at 656–57.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5421

(Purpose: To make amendment and to establish concurrent jurisdiction for purposes of hearing bid protests between the district courts of the United States and the United States Court of Federal claims and sunsetting bid protest jurisdiction of the district courts of the United States and other purposes)

Mr. GRASSLEY. Senator COHEN has an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. COHEN, proposes an amendment numbered 5421.

Mr. GRASSLEY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following:

SEC. 12. JURISDICTION OF THE UNITED STATES COURT OF FEDERAL CLAIMS AND THE DISTRICT COURTS OF THE UNITED STATES: BID PROTESTS.

(a) BID PROTESTS.—Section 1491 of Title 28, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a) by striking out paragraph (3); and

(3) by inserting after subsection (a), the following new subsection:

"(b) (1) Both the United States Court of Federal Claims and the district courts of the United States shall have jurisdiction to render judgment on an action by an interested party objecting to a solicitation by a Federal agency for bids or proposals for a proposed contract or to a proposed award or the award of a contract or any alleged violation of statute or regulation in connection with a procurement or a proposed procurement. Both the United States Court of Federal Claims and the district courts of the United States shall have jurisdiction to entertain such an action without regard to whether suit is instituted before or after the contract is awarded.

"(2) To afford relief in such an action, the courts may award any relief that the court considers proper, including declaratory and injunctive relief except that any monetary relief shall be limited to bid preparation and proposal costs.

"(3) In exercising jurisdiction under this subsection, the courts shall give due regard to the interests of national defense and national security and the need for expeditious resolution of the action.

"(4) In any action under this subsection, the courts shall review the agency's decision pursuant to the standards set forth in section 706 of title 5."

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on December 31, 1996 and shall apply to all actions filed on or after that date.

(c) STUDY.—No earlier than 2 years after the effective date of this section, the United States General Accounting Office shall undertake a study regarding the concurrent jurisdiction of the district courts of the United States and the Court of Federal Claims over bid protests to determine whether concurrent jurisdiction is necessary. Such a study shall be completed no later than December 31, 1999, and shall specifically consider the effect of any proposed change on the ability of small businesses to challenge violations of federal procurement law.

(d) SUNSET.—The jurisdiction of the district courts of the United States over the actions described in section 1491(b)(1) of title 28, United States Code, (as amended by subsection (a) of this section) shall terminate on January 1, 2001 unless extended by Congress. The savings provisions in subsection (e) shall apply if the bid protest jurisdiction of the district courts of the United States terminates under this subsection.

(e) SAVINGS PROVISIONS.—

(1) ORDERS.—A termination under subsection (d) shall not terminate the effectiveness of orders that have been issued by a court in connection with an action within the jurisdiction of that court on or before December 31, 2000. Such orders shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by a court of competent jurisdiction or by operation of law.

(2) PROCEEDINGS AND APPLICATIONS.—(A) A termination under subsection (d) shall not affect the jurisdiction of a court of the United States to continue with any proceeding that is pending before the court on December 31, 2000.

(B) Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if such termination had not occurred. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, set aside, or revoked by a court of competent jurisdiction or by operation of law.

(C) Nothing in this paragraph prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that proceeding could have been discontinued or modified absent such termination.

"(f) NONEXCLUSIVITY OF GAO REMEDIES.—In the event that the bid protest jurisdiction of the district courts of the United States is terminated pursuant to subsection (d), then section 3556 of title 31, United States Code, shall be amended by striking "a court of the United States or" in the first sentence.

Mr. COHEN. Mr. President, the amendment I am offering this morning to H.R. 4194, a bill to reauthorize alternative means of dispute resolution in the Federal administrative process, is the result of a compromise reached last night with the other house.

The amendment deals with the issue of bid protest jurisdiction in the Federal district courts and the U.S. Court of Federal Claims. The amendment will expand the bid protest jurisdiction of the Court of Federal Claims. It should be noted, however, that this amendment in no way expands the jurisdiction of the Court of Federal Claims beyond bid protests or changes the standard of review in any other area of jurisdiction of the Court of Federal Claims.

Currently, the Court of Federal Claims only has jurisdiction over bid protests which are filed before a contract award is made. My amendment provides for both pre- and post-award jurisdiction. The Federal district courts also have jurisdiction over bid protests. Prior to a 1969 Federal court decision, however, the Federal district courts had no jurisdiction over Federal contract awards. A Federal district court, in Scanwell Lab., Inc. versus Shaffer, held that a contractor can challenge a Federal contract award in Federal district court under the Administrative Procedures Act.

It is my belief that having multiple judicial bodies review bid protests of Federal contracts has resulted in forum shopping as litigants search for the most favorable forum. Additionally, the resulting disparate bodies of law between the circuits has created a situation where there is no national uniformity in resolving these disputes. That is why I have included provisions in this amendment for studying the issue of concurrent jurisdiction and have provided for the repeal of the Federal district courts' Scanwell jurisdiction after the study is complete in 2001.

The chamber of commerce fully supports this language as do our colleagues in the other chamber.

I would like to express my deep gratitude for the willingness of my colleagues and their staffs in both houses to work with me and my staff to develop this compromise.

Mr. LEVIN. Mr. President, we all want a government that works better and costs less. In the rush of closing business in this Congress, I am pleased that the Senate has made time for legislation authored by myself and Senator CHUCK GRASSLEY to encourage faster, less costly ways to resolve disputes with the Federal Government. This bill, which has gone through several versions, is now before us as H.R. 4194, and has been approved by both sides of the aisle in the Senate and the House. I am hopeful that, by the end of the day, this legislation will be on its way to the President.

It's a fact of life that many people have disputes with the Federal Government. In the late 1980's, of the 220,000 civil cases filed in Federal court, more than 55,000 involved the Federal Government in one way or another. Resolving these disputes costs taxpayers billions of dollars.

Resolving them before they become courtroom dramas is one way to make a dent in this billion-dollar drain on taxpayer funds. Mediation, arbitration, mini trials and other methods offer cheaper, faster alternatives to courtroom battles.

That's why, 6 years ago, Senator GRASSLEY and I cosponsored the Administrative Dispute Resolution Act of 1990. It is why we have teamed up again this year to reauthorize and fine-tune that Act and make it a permanent part of U.S. law. Perhaps the most important improvement we would make is to expand the alternative dispute resolution or ADR tools available to Federal agencies by making binding arbitration a more attractive option. The bill takes two steps to do so. First, it would eliminate a one-way escape clause that allowed Federal agencies, but not private parties, unilaterally to vacate a binding arbitration award that disadvantaged the government. In the 5 years this escape clause has been on the books, no one has ever agreed to an arbitration proceeding with the Government on this basis. Eliminating this unilateral escape clause is expected to encourage more private parties to agree to use binding arbitration as a cost-saving alternative to civil litigation. Second, the bill would put into place several safeguards to protect the United States from improper or unwise use of this ADR technique, including requiring agencies to think through, ahead of time and in writing, when binding arbitration should be used; requiring every agreement to use binding arbitration to be in writing and to specify the maximum dollar award that an arbitrator may award against the United States; and ensuring that agency officials cannot even offer to use binding arbitration unless the official already has authority to settle the matter.

Also, to ensure that binding arbitration remains a voluntary procedure, the bill maintains the provision in the ADR law, 5 U.S.C. 575(a)(3), which prohibits Federal agencies from requiring individuals to agree to use binding arbitration to settle disputes as a condition of entering into a contract or obtaining a benefit. Both the bill sponsors and the authorizing committees intend this provision to include prohibiting an agency from requiring a party to submit to binding arbitration as a condition of Federal employment or to relinquish rights under other laws such as the Civil Rights Act. It is not the intent of the bill to coerce anyone into using binding arbitration.

The bill makes a number of other refinements in the ADR law as well, including clarifying the confidentiality of ADR proceedings; clarifying agency authority to hire mediators and other ADR neutrals on an expedited basis; allowing agencies to accept donated services from State, local and tribal governments to support an ADR proceeding; adding an explicit authorization for appropriations; removing a ban on Federal employees' electing to use ADR methods to resolve certain personnel disputes; and eliminating special paperwork burdens on contractors willing to use ADR to resolve small claims against the Government under the Contract Disputes Act. The bill would also reassign the task of encouraging and facilitating agency use of ADR methods from the Administrative Conference of the United States, which has been terminated due to a lack of appropriations, to an agency or interagency committee to be designated by the President.

In addition to reauthorizing the ADR law, the bill also includes the Levin-Grassley amendment to reauthorize the Negotiated Rulemaking Act of 1990. The Negotiated Rulemaking Act is another reform effort that seeks to interject common sense and cost savings into the way the Federal Government does business. In essence, it allows a Federal agency to form an advisory committee with its regulated community, public interest groups and other interested parties to draft regulations that everyone can support and live by.

As its name implies, the point of the law is to get parties to negotiate with each other and the Federal Government to devise sensible, cost effective rules. No one is required to participate in a negotiation, and no one gives up their rights by agreeing to negotiate. It is a voluntary, rather than a mandatory, process.

Agencies and others have discovered that, in many rulemaking situations, negotiation beats confrontation in terms of cost, time, aggravation, and the ability to develop regulations that parties with very different perspectives can accept. One industry participant in a negotiated rulemaking involving the Clean Air Act put it this way: "It's a better situation when people who are adversaries can sit down at the table and talk about it rather than throwing bricks at each other in courtrooms and the press." An environmental journal reached the same conclusion, summing up a negotiated rulemaking involving the Grand Canyon with the headline, "See You Later, Litigator." The Washington Post has called negotiated rulemaking "plainly a good idea," while the New York Times has called it "an immensely valuable procedure that ought to be used far more often."

Like ADR, the bill would make the Negotiated Rulemaking Act a permanent fixture in Federal law, while fine-tuning some provisions. The improvements include facilitating agency hiring of neutrals, called convenors and facilitators, on an expedited basis; providing an explicit authorization for appropriations; clarifying the authority of agencies to accept gifts to support negotiated rulemaking proceedings; and reassigning the responsibility for facilitating and encouraging agency use of negotiated rulemaking from the Administrative Conference of the United States, which has been terminated, to an agency or interagency committee to be designated by the President.

If enacted during this Congress, the bill would avoid a lapse in the negotiated rulemaking law which is otherwise scheduled to expire in November. That is why it is so important to pass this legislation before Congress closes its doors for the year.

Finally, the bill would address the unrelated issue of judicial jurisdiction over procurement protests. At present, the Court of Federal Claims reviews some procurement protests, while the Federal district courts have responsibility for others. This overlapping authority has led to forum shopping and has resulted in unnecessary and wasteful litigation over jurisdictional issues. For this reason, the January 1993 report of the Acquisition Law Advisory Panel (the so-called section 800 Panel) recommended that:

> There should be only one judicial system for consideration of bid protests and that forum should have jurisdiction to consider all protests which can now be considered by the district courts and by the Court of Federal Claims. * * * The Court of Federal Claims should be the single judicial forum with jurisdiction to consider all protests that can presently be considered by any district court or by the Court of Federal Claims.

The original Senate bill contained a provision that would have implemented this recommendation and consolidated Federal court jurisdiction for procurement protests in the Court of Federal Claims.

The revised bill we are taking up today contains a compromise provision that would consolidate the jurisdiction of the Court of Federal Claims and the district courts. For 4 years, the consolidated jurisdiction would be shared by the Court of Federal Claims and the district courts. Each court system would exercise jurisdiction over the full range of bid protest cases previously subject to review in either system. After 4 years, the jurisdiction of the district courts would terminate, and the Court of Federal Claims would exercise exclusive judicial jurisdiction over procurement protests. These provisions addressing Federal court jurisdiction over procurement protests would not affect in any way the authority of the Comptroller General to review procurement protests pursuant to chapter 35 of title 31, U.S. Code, and they would not affect the jurisdiction or standards applied by either the district courts or the Court of Federal Claims in any area of the law other than the procurement protests to which they are addressed.

Mr. President, I would like to thank Senator GRASSLEY, and in particular his staffer, Kolan Davis, for the hard work and leadership he has shown to renew and strengthen the ADR and negotiated rulemaking laws. I would also like to thank Senator GLENN, Senator COHEN, and Senator STEVENS, from the Governmental Affairs Committee for their continuing support. And this bill would not have had a chance without the hard work, persistence, and creative effort of three House Members and their outstanding staffs, and I would like to thank Congressmen JACK REED, George Gekas, and HENRY HYDE for getting this legislation to the floor despite a crowded calendar. This bill shows that bipartisanship is alive and functioning in this Congress.

Alternative dispute resolution methods and negotiated rulemaking provide new and better ways to conduct government business. They cost less, they're quicker, they're less adversarial, they develop sensible solutions to problems, and they free up courts for other business. They are two success stories in creating a government that works better and costs less.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be deemed read for the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The amendment (No. 5421) was agreed to.

The bill (H.R. 4194), as amended, read the third time, and passed.

OMNIBUS CONSOLIDATED APPROPRIATIONS, 1997

The Senate continued with the consideration of the bill.

Mr. GRASSLEY. Mr. President, I want to speak on the bill that is before us and just on a very small portion of it, the immigration bill. Obviously, the immigration bill is not just a small portion of the bill that is before us. It is perhaps one of the most important aspects of the bill before us. But what I meant was, I do not want to speak to the appropriations part of the bill.

I want to voice my strong support for the illegal immigration bill. This has been included, as everyone knows, as part of the continuing resolution. Senator SIMPSON, chairman of the Immigration Subcommittee, has worked diligently to bring this bill forward.

I am very pleased to have worked with him in creating solutions to the immigration problems that our country is facing today and, also, to take time to compliment Senator SIMPSON for the hard work that he has given for the people of his State of Wyoming to the United States as a Member of the U.S. Senate. He is now retiring. Those of us who have served with him on the Judiciary Committee, and a considerable amount of time together with him on the Immigration Subcommittee, are surely going to miss his leadership in this area.

This bill that is before us even under these extraordinary circumstances of its being part of the omnibus bill, even under those circumstances, should not detract from the hard work that has gone on in this Congress on this legislation that Senator SIMPSON has put together. He has produced a very strong bipartisan bill that will help us make a huge impact on the problems of illegal immigration.

In the last 2 years, Senator SIMPSON has made a great effort to deal with illegal immigration. We have done it by providing over $1 billion in new funding. But we all know that comprehensive legislation, like the bill before us, is necessary before we are ever going to be successful, or whether or not even that additional billion dollars in the war on illegal immigrants is going to be successfully spent.

Provisions of the bill provide for more effective deportation measures, increased border and investigative staffing, and stricter employment and welfare standards. It is exactly measures such as these that are necessary to combat the growing problem of illegal immigration.

Illegal immigration is an issue that has been in the forefront of public debate for some time right now. It is a growing problem that affects even the smallest towns in the Midwest.

The problem became graphic to me in January 1995 when an Iowa college student named Justin Younie was murdered by an illegal alien who had been removed from the State of Iowa once before because of his illegal status. Unfortunately, this particular illegal alien came back to the United States and to my State of Iowa without any problems. That is the case with so many illegal aliens returning, only this time, this person, this illegal alien, ended up committing murder. This person has since been convicted of this horrible crime. That does not bring back the life of Mr. Younie. But it does set the stage for a very important provision that I have in this bill allowing local law enforcement people to be involved in the arrest of an illegal alien if the only thing they have done wrong is being in this country illegally. I know it is not understandable to people who for the last 20 years, there has been a regulation saying that local law enforcement people cannot arrest an illegal alien just because they are here illegally. But that is the situation.

We have another example beyond this murder of the reach of illegal immigration, and it was featured in the U.S. News & World Report of September 13, 1996, and on the cover story. It addressed illegal immigration and its effects on the small town of Storm Lake, IA. Specifically, the article focused on the meatpacking industry, which, since its opening in 1982, has experienced a large influx of illegal immigrants. The effects on the town of Storm Lake have been very significant. Along with a population increase has come increased crime rates, increased education expenditures, racial problems, and economic concerns causing great resentment within the community.

According to the article, the increase in illegal immigrants to the town can be attributed to the job opportunities offered by this meatpacking industry. Apparently, workers are recruited by immigrants already working at the plant. Once these workers are recruited, they illegally cross the border, obtain a false identity, and begin work. As workers are injured, or the plant is raided by the INS, new workers are hired to fill the empty positions. This process ensures a continuous demand for workers which has been so steady that it has reportedly spawned a sort of underground railroad from Mexico to the town of Storm Lake, IA.

It is because of situations like these—the meatpacking story in Storm Lake and the murder of Justin Younie in Iowa—that the illegal immigration conference report is being discussed here today. Provisions in this act address illegal immigration problems at every level, from Border Patrol to deportation. The act takes direct steps to reduce crime associated with illegal immigration and provides States with incentives to do the same.

Among the hundreds of provisions in this bill are a number of initiatives that I fought for as a member of the Judiciary Committee and, as well, as a conferee. For instance, this bill allows the Attorney General to enter into agreements with local law enforcement, permitting, as I said, for the first time since 1977 local authorities to apprehend, detain, and transport illegal aliens. This is an especially important step for the interior States, such as my State of Iowa, that are distant from the borders.

Just a few weeks ago local police had to release a truckload of illegal aliens because the INS wouldn't—or, as they might say, "couldn't"—respond just then. But they used the argument that there were less than 20 illegals in the group. So it was too small of a group for them to mess around with. Obviously, it is better from that judgment to wait until they find their way into a job and into the underground economy, get lost, and then spend thousands of dollars more to apprehend the very same people. But they were in the custody for a short period of time of these local law enforcement people.

So it is obvious that local law enforcement needs more tools like we are now providing to fight illegal immigrants.

In addition, because of my insistence, the conference included a guarantee that each State will have at least 10 agents. This will help States like Iowa that do not have any agents right now when illegal immigration is growing at a rapid pace.

The conference committee also included a provision of mine to exempt nonprofits and churches from the time-consuming and costly paperwork of verification and deeming. Unfortunately, the administration made the mistake of demanding the provision be changed in the last-minute negotiations last week on title V.

I might say at this point that my staff got a call about 1:30 Saturday morning to discuss some changes in this language. That is not a very good way to write a piece of legislation. And we are going to pay the consequences for it on this because this resulting language is inferior to what I had agreed to in conference, and that was a bipartisan agreement.

At least on the face of it, nonprofits will be exempt from the new provision. But the question of when and how people can be served by nonprofits and any resulting paperwork requirement will unfortunately be left to regulations promulgated by the Attorney General. The former conference language that we had worked out provided protections from regulations. But the administration language does not. I think this will have to be remedied in legislation next year because we are going to have potential problems on this.

Nevertheless, I am satisfied with another provision concerning congressional participation.

This provision requires that when we proceed with the verification pilot projects for employers, Congress and the Federal Government will be a part of those projects. The only way that we are going to know if these really work or not is if we, in the Congress, are a part of them. That is a followup of my legislation, the first bill passed by a Republican Congress in 40 years, the first bill signed by President Clinton going way back to January of 1995, a bill where after 6 years we finally ended the exemption that Members of Congress as employers had from Federal law—civil rights, labor and safety legislation, among others, which we had exempted ourselves from that apply to the rest of the country.

That legislation has passed, so we are no longer exempt from those laws. There is no longer two sets of laws, one for Capitol Hill and one for the rest of the United States. There is one set of laws that applies equally.

When it comes to this verification pilot project for employers, it seems to me that we in the Federal Government ought to be participating in these projects and then we are going to know firsthand the redtape that small business or large business even has to go through to meet the requirements of our immigration law. Then in a few years when we go down the road to making a final decision whether or not this new verification procedure goes into place, we are going to do it not from the standpoint of just what our constituents are telling us, as so very important as that is, we are also going to know firsthand what is involved with this project and the impact it is going to have upon employers of America because we are employers in the sense that we, as Members of Congress, hire staff. And if the small business people ought to go through a certain process under this project, we ought to as well so we know firsthand what the situation is.

In conclusion, Mr. President, anyone who does not support this bill is just not serious about dealing with illegal immigration. Although many of the provisions of this bill could have been tougher, there has been a strong effort to achieve bipartisan support. I look forward to this bill becoming law, and I commend Senator SIMPSON for the incredible job he has done with this legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent to be permitted to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

"CHOOSING GOOD GOVERNMENT"

Mr. BOND. Mr. President, as we have launched into the high-pitched rhetoric and the harsh charges and countercharges of the fall political campaign season, I found it very interesting when I heard a sermon preached by Dr. Craig Barnes, the pastor of the National Presbyterian Church, on Sunday. It so happens that his sermon topic was "Choosing Good Government." I asked Dr. Barnes if he would mind if I shared this with my colleagues and with those who are interested, because I think Dr. Barnes laid down some very good principles for people of faith, people who contend they are religious believers, regardless of their particular sect or denomination or even their religion, to consider in choosing those who seek to represent us in November.

Dr. Barnes is not one to recommend one party or another or one candidate or another, nor have I heard him in his sermons attempting to influence the choices that those of us in the legislative bodies make when we deal with controversial issues, but I think he had a couple of very good points to consider and to apply based on our tenets, our beliefs and judgment as to how these standards should be applied. He gives us a framework for making the choices that are very important to all of us in this election year because, as he points out, we are subject to the rule of man by reason of the authorization from God for man to establish laws and rules over one another.

Dr. Barnes points out that we have to choose a system which is in conformity with God's will if we are to choose a government that is consistent with the principles that have been laid down by our God and by our faith.

The two main points that Dr. Barnes makes are, first, to choose God's leader is always to choose godly character. And he points out that we live in an era when character and integrity have sometimes gotten off the table for consideration. You try bringing up an issue like personal morality and they say that is nobody's business.

Dr. Barnes points out that as King David discovered,

> People who do not make good personal choices are compromised in their ability to make good public choices. Biblical leadership is never seen as a job. It is a calling. It is a way of life for which the leader is a symbol. People who choose to live by the Bible," or by the other directives that they have receive from that higher being in whom they have belief, "are given rather clear standards of ethical behavior. Some things are right. Some things are wrong. [It is] not wrong because it is ineffective or unpopular. But [it is wrong] because it isn't the right thing to do. To choose God as your authority is to resist the current privatization of morality and to choose a leader who is clearly trying to be led by God in his or her own life.

The second point that Dr. Barnes makes is that choosing a leader is always a choice about a particular vision for our life together. And we have heard lots of talk about vision: Do we have vision in the campaign? What is the vision?

We all know the maxim that, "Without a vision, the people perish." But, according to some polls, almost 90 percent of us claim to believe in a God, and to pray. But we seem to be spiritually empty. And the reason we may be that is because we are no longer able to call for the sacrifice or discipline necessary to live by the teachings.

We, as Americans, cherish not only our freedom but our vision of life under God. That is what brought the pilgrims and the Puritans here. That was what native Americans and Hispanics had before we came, life under God. Slaves that were dragged here found a vision, that they could build a new life in the Biblical stories of God's deliverance.

So those who will now lead us have to offer some vision of our life together. This has to be more than just helping each person to get a piece of the pie. It has to be something that will, again, inspire sacrifice and commitment to the common good, something that will make us refuse to accept "the way it is said" and commit ourselves to "the way it can be."

Mr. President, I urge my colleagues who may be interested, and anyone else who is concerned about choices we make this fall, to read and ponder this sermon.

I ask unanimous consent it be printed in the RECORD.

There being no objection, the sermon is ordered to be printed in the RECORD, as follows:

CHOOSING GOOD GOVERNMENT

(By Dr. M. Craig Barnes)

Americans have always been ambivalent about authority. We know we need it. We honor and respect it. But we are still suspicious of it.

This is not surprising for a nation whose founding documents include a Declaration of Independence, which we cherish. But that independence has also been written on our hearts. It was what propelled us to explore the frontier and tame it with our hands. It was what almost split the nation in two over a Civil War. Our spirit of independence has led us to honor innovation and creativity, and a competitive economy where we are free to improve ourselves. It has even sent us overseas to fight tyranny and aggression, because we cannot stand the thought of people not being free. Every healthy American teenager knows about the longing to be free, and that longing never goes away.

So we are very careful about giving even some of this freedom away. But we know we have to. We give it to parents and teachers, to employers and to the elders of the church, and we give it to the government who can tell us what to do. They can restrict our activities with laws and regulations and they can direct us toward a particular future. We give these leaders power over our lives because we know we cannot live together without some authority. But we don't really like it.

One of our favorite American beliefs is that the real authority still lies with the individual who at least chooses the people to lead us. Very conscious of this, leadership today has tried to move beyond the hierarchial models of the past where the person at the top ran the show. Now, the last thing anyone wants to be accused of is being authoritarian. So we have developed a new emphases on "participative management" and "building consensus." But we are discovering this can digress into little more than servicing complaints. In essence, many leaders today are saying, "I'm must here to give you what you want." ("So I can stay here.") This has led many social and political commentators to ask who really has authority in a free society? The leader or those who are led?

According to Romans chapter 13, the answer is neither one. "Let every person be subject to the governing authorities; for there is no authority except from God." Now that is a rather strong statement. And just in case we want to gloss over it, Paul says the same thing three times in this passage. "There is no authority except from God . . . Those authorities that exist have been instituted by God . . . Whoever resists authority resists what God has appointed."

At first we want to object by asking what about tyrants like Hitler or Stalin? What about the boss or teacher who abuses their power. Is there authority from God? But then we remember that the Apostle Paul, who was inspired to write these words, lived under incredible tyrants like Claudius and Nero. Paul knew about leaders who abused authority, but he also knew about the sovereign power of God.

As a Jew, Paul was steeped in the Old Testament understanding of God's Kingdom—God's reign on earth which is greater than the kingdoms of earth and uses the kingdoms of earth for his own purposes. Which means all governments are under God. To the degree that human leaders obey God they are being faithful to their calling. To the degree that human leaders break God's commandments they are stepping outside of their authority, which can only come from God.

Actually the Bible is filled with illustrations of people who because they obeyed God could not obey their leaders. When Pharaoh ordered the midwives to kill all the Hebrew babies, they began to hide them and Moses' life was preserved. When Nebuchadnezzar ordered everyone to bow before his image. Meshach, Shadrach, and Abednego refused to obey. When Darius outlawed praying, Daniel continued to pray. When Herod ordered the death of the children in Bethlehem, Jesus' parents fled to Egypt with their son. When Peter was told by the Sanhedrin to stop preaching, he told his religious leaders, "We have to obey God rather than man." In everyone of those cases, people of faith were making heroic choices about who would govern them. And in every case, the choices were guided by a prior commitment to serve God the only real authority we have.

The Bible says nothing about either covenants or contracts between people and their leaders. That makes for good social and political theory, but it is not how the Bible orders our life together. The Bible claims both the people and the leader are under a common obligation to live under God, and the leader is but an instrument of divine purposes. Thus, we must help our government succeed in its calling to serve God. We cannot disregard the laws and direction of our leaders just because we had other preferences. We must still honor good leaders even when they make bad mistakes. In the words of B.B. King, "Only a mediocre man is always at his best." The only time we can refuse to obey our government is when in a great crisis in conscience we become convinced it has determined to lead us away from life under God's authority.

Rev. Michael Cassidy, a leader of the South African church's resistance to apartheid tells about the time he was summoned to appear before President P.W. Botha in Pretoria. When he entered his office, the president stood and began reading Romans 13. Botha claimed the passage called for unequivocal support of the Nationalist Government apartheid policy. Rev. Cassidy responded by reminding the president he too had read the Bible and began quoting from Revelation 13, which describes governments that become dragons when they devour God's people. The authority doesn't lie in the leader. The authority lies in God, whom the leader also serves.

Here in the land of the Free, we are given a wonderful opportunity to make choices about who will lead us. We can elect leaders. We can choose an employer, or a church, or a politician. Behind each of those choices. for people who believe in God, is a decision about which leader will bring us closer to the reign of God. Let me offer two guidelines to help us in our choices about who will lead us closer to God's kingdom.

1. To choose God's leader is always to choose Godly character. We live in an era when the issues of character and integrity have somehow been taken off the table for consideration. Try bringing up the issues of personal morality of a leader at work and you are likely to be told, that is a private issue. The question is can he or she do the job." But as King David discovered people who do not make good personal choices are compromised in their ability to make good public choices. Biblical leadership is never seen as a job. It is a calling. It is a way of life for which the leader is a symbol.

People who choose to live by the Bible are given rather clear standards of ethical behavior. Some things are right. Some things are wrong. Not wrong because it is ineffective or unpopular. But wrong because it isn't the right thing to do. To choose God as your authority is to resist the current privatization of morality and to choose a leader who is clearly trying to be led by God in his or her own life. The evidence of that is not only in things like sex and money, but also in the morals we don't talk about as much in Washington—like humility, and graciousness, and the refusal to become mean just because it helps you survive.

2. Choosing a leader is always a choice about a particular vision of our life together. In a recent article in the journal First Things, Thomas Reeves asks why does our country seem to be so spiritually empty when according to the Gallup poll 90% of us claim to believe in God and to pray? One of his suggestions is that our religious leaders no longer have a vision of another way of life. Thus, we are no longer able to call for the sacrifice or discipline necessary to live by the Spirit. So the prayers of the people have become self-indulgent expressions of consumerism, where we keep asking God to give us something we can't get for ourselves.

John Updike's novel, In the Beauty of the Lilies, begins with a Presbyterian preacher named Clarence Wilmot who loses his faith at the turn of the century. For Rev. Wilmot it seems Christ is still hiding in the beauty of the lilies across the sea from us. He cannot find the Savior. He's overwhelmed by urban poverty and the injustice of his own parishioners. He finds no answers in the new liberal theology that adores scientific and cultural potential, but has little to say about God. Eventually he drops out of the ministry and becomes an unsuccessful encyclopedia salesman. No longer able to proclaim truth, he now peddles information.

The novel then traces how this loss of faith and vision is visited upon his children and grandchildren. Clarence's son becomes frightened of life. The author writes, "Nothing made Teddy indignant. He was curious about the world but never with any hope of changing it. He had no faith to offer. Only the facts of daily existence." Clarence's granddaughter became what the author calls a ego-theist who is preoccupied with herself. She doesn't seem to be troubled by morals, but finds it useful to pray to God for success. His great grandson became so lost and disillusioned that he fell easy prey to a cult leader who destroyed his followers in a fire.

Throughout the novel, the reader watches these characters make one bad choice after another. The book ends without any redemption or hope, but simply with two words, "The children." I was so upset, I slammed the book shut and threw it across the room. It was an awful book. But it's true. Without a vision of life, without something more than our current preoccupation with information and success, we are destroying not only ourselves, but our children.

To be American means to cherish not only our freedom, but also our vision of life under God. That was what brought Pilgrims and Puritans here. That was what Native Americans and Hispanics had before we came—Life under God. Slaves that were dragged here, found the vision to build a new life in the Biblical stories of God's deliverance. Immigrants that piled into the land came with the vision that there was a life here for them too—as Americans under God.

So those who will now lead us have to offer some vision of our life together. This has to be something more than just helping you get your piece of the pie. It has to be something that will again inspire sacrifice and commitment to the common good, something that will make us refuse to accept the way it is and commit ourselves to the way it can be.

Where will our leaders find a vision with that kind of authority? From their own faith in God. The only authority we have.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NEED FOR A COMPREHENSIVE APPROACH TO BATTLING METHAMPHETAMINES

Mrs. MURRAY. Mr. President, in recent years, there has been been one issue that, perhaps more than any other, has sent waves of fear through our communities—the scourge of illegal drugs and the threat they pose to our children and families. As the 104th Congress comes to a close, I want to reflect on one aspect of this growing threat: the increasing use and manufacture of methamphetamines.

The use of this drug is increasing among youth and young adults. According to the most recent Drug Abuse Warning Network, methamphetamine-related deaths increased nationally by 145 percent between 1992 and 1994 and methamphetamine-related emergency room cases are up 256 percent since 1991. In addition, methamphetamine-related hospital visits more than tripled between 1991 and 1994, with the largest increases occurring in Los Angeles, San Francisco, Seattle, and Denver.

In case my colleagues are not familiar with this drug, it is commonly called, in its various forms, speed, crank, ice, and meth. It's cheap, easy to get, highly addictive, and very, very dangerous.

This drug can be inhaled, injected, ingested, or smoked. Its effects include feelings of alertness, euphoria, self-confidence, and impulsiveness. It can lead to rage, depression, paranoia, delusions,weight loss, abnormal heartbeat, insomnia, confusion, and auditory hallucinations. It has increased its purity in recent years and its effects can be sustained for up to 8 hours. Abusers may remain awake for days or weeks after a binge, then enter the most dangerous phase, know as tweaking, where they as most likely to suffer hallucinations, dramatic mood swings, and extreme violence.

While all drugs are cause for concern, the increase of methamphetamines pose unique problems for law enforcement and communities, namely clandestine labs.

In recent months, I have met with groups of law enforcement officials including Washington State Patrol Chief Annette Sandberg, U.S. Attorney Kate Pflaumer, and representatives of many local law enforcement agencies, including Shoreline Polices Department, Snohomish County . Sheriffs Department, Lynnwood Police Department, Everett Police Department, Marysvill Police Department, and Mukilteo Police Department. Without exception, all mentioned the increasing numbers of clandestine laboratories used to manufacture methamphetamines.

These labs are easily assembled in hotel rooms, trailer homes, or other small structures in both rural and urban settings. Using a quick, easy and cheap method, dubbed the Nazi method because of its invention by the Germans to keep soldiers alert in World War II, legal ingredients are harnessed to create a potent form of methamphetamines.

Once these labs are located, local law enforcement officers must disassemble them, often at great risk to themselves. The chemicals used to make this synthetic drug include red phosphorous, iodine, hydrochloric acid, and, most importantly, ephedrine. These chemicals or their combination create hazardous waste and can be deadly if officers are overexposed to them.

According to the Drug Enforcement Agency, the clandestine nature of the manufacturing process and the presence of ignitable, corrosive, reactive, and toxic chemicals have led to explosions, fires, toxic fumes, and irreparable damage to human health and the environment. The so-called cooks or chemists in these clandestine labs simply dump hazardous chemical wastes on the ground, into streams or lakes, into sewage systems or septic tanks, or underground.

Law enforcement officials or firefighters require special training in health, safety, and disposal methods to deal with these labs. The cleanup of these dangerous sites is complex, expensive and time consuming. The contaminated materials and evidence can weigh up to several tons. The substances to which these law enforcement officers are exposed present very real health risks.

In addition to the danger posed to officers and the environment, unwitting future tenants of the motels, homes, or trailers may be exposed to toxic vapors that have permeated plaster and wood of buildings. Children may play in the soil or water onto which these chemicals have been carelessly or intentionally dumped. Passersby also may inhale these vapors as they pass a clandestine lab. Finally, chemicals may be stored in rental lockers or other semi-public places that lack proper ventilation or temperature controls. These improperly stored chemicals increase the likelihood of fire, explosion, and human exposure.

So, Mr. President, what should we do? I am in strong support of S. 1965, the Comprehensive Methamphetamine Control Act passed by the Senate 2 weeks ago and the House this weekend. That bill takes a multifaceted approach to the problem by addressing, among other things, importation of chemicals used to make the drug; increased penalties for manufacturing, possession of manufacturing equipment, and trafficking; higher civil penalties for firms that knowingly supply precursor chemicals; restitution for cleanup of clandestine lab sites; development of an interagency task force; public health monitoring; and public-private education programs.

I congratulate Senators HATCH, BIDEN, and FEINSTEIN on their efforts to help this Congress address the problem. I ask unanimous consent that my letter to Senators HATCH and BIDEN be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 25, 1996.

Senator ORRIN HATCH,
Chairman, Judiciary Committee.

Senator JOE BIDEN,
Ranking Member, Judiciary Committee.

DEAR ORRIN AND JOE: Last week, the Senate passed a bill you sponsored, the Comprehensive Methamphetamine Control Act of 1996. I understand the House intends to make up a similar bill this week. I strongly support the Senate bill, S. 1965, and urge you to work to ensure it becomes law this year.

In these last two months, I have visited with representatives of local, state and federal law enforcement. Over and over, these officials voiced concerns about the increasing manufacture, potency, and availability of methamphetamines. Local and state law enforcement officers said they felt particularly ill-equipped to safely and cost-effectively deal with clandestine labs and the hazardous chemicals they contain. The high cost, technical expertise and time required to investigate and eliminate these labs are hampering law enforcement's ability to protect our young people and communities from the threat not only of methamphetamines, but of other illegal drugs as well.

I pledge my support in any way I can to helping ensure this bill, S. 1965, becomes law. I also intend to work within the Appropriations Committee to see that coordination efforts are strengthened and our law enforcement officials have the tools they need to combat this growing threat.

Thank you for all of your work to date on this issue. I look forward to working closely with you on this important public safety issue.

Sincerely,

PATTY MURRAY,
U.S. Senator.

Mrs. MURRAY. Mr. President, I ask unanimous consent that I be added as a cosponsor of S. 1965.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Another important piece to solving this puzzle in the Pacific Northwest is designation of a high-intensity drug trafficking area. I am happy to announce that contained in this bill is $3 million for the newly created Pacific Northwest HIDTA. This will help enormously as we try to coordinate our efforts among Federal, State, and local law enforcement to fight not only methamphetamines, but all other illegal drugs and drug trafficking in our region.

The Department of Justice has also developed the National Methamphetamine Strategy—April 1996. This report is referenced in a colloquy I will have, in conjunction with this omnibus spending bill, with Chairman HATFIELD and Senator HOLLINGS about the need to address methamphetamines. This plan, which will be partially implemented when S. 1965 becomes law, lays out a legislative, law enforcement, training, chemical regulation, international cooperation, environmental protection, public awareness, educational, and treatment strategy. The multidisciplinary, multijurisdictional program provides the needed comprehensive approach to this problem.

Finally, money is critical. While I do not support simply throwing Federal dollars at this problem, the need for Federal support to help in coordination activities, technical assistance, and training cannot be minimized. In the bill we have before us, we make some major improvements in our war against these and other drugs. The DEA's budget was increased by 23 percent—that's a start. The U.S. Attorneys Office received funding for additional attorney's, which are critically needed. The Office of National Drug Control Policy received new money and additional HIDTA's. So, I believe this budget moves us in the right direction.

As I have suggested in the colloquy, I intend to work with my colleagues in Congress and in the administration to develop a funding and technical assistance strategy to address the unique problems posed by methamphetamines and clandestine labs. Our local and State law enforcement officials simply must have adequate money, training, and technical expertise to address the costly and dangerous threats posed by clandestine labs. I will then work to ensure funds are targeted to this vital area in the fiscal year 1998 budget.

Mr. President, as with all social and criminal problems, change can only occur if and when we all do our part. I pledge to work with Federal, State and local law enforcement, community leaders, my colleagues, and others to find a way to stop the spread of illegal drugs, including methamphetamines. I am committed to improving the quality of life, safety, and security of our children and communities. I look forward to continuing this important work in the 105th Congress.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COATS). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent to proceed as in morning business for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts is recognized for a time period not to exceed 15 minutes.

FEDERAL EXPRESS ANTI-LABOR RIDER TO FAA REAUTHORIZATION BILL

Mr. KENNEDY. Mr. President, I strongly support the FAA reforms, but I strongly object to the anti-labor rider that the Republican leadership has attached to this bill.

This controversy is a good example of why the sun is setting on the Republican majority in Congress. As their parting shot at American workers in the closing hours of this Congress, the Republican leadership is demanding that an unacceptable anti-labor rider be attached to this needed aviation security bill.

That riders is special interest legislation of the worst kind. It is designed to help Federal Express Corp. block the ongoing efforts of its truckdrivers in Pennsylvania to join a union.

Federal Express is notorious for its anti-union ideology—but there is no justification for Congress to become an accomplice in its union-busting tactic. I intend to do all I can to see that this anti-worker rider does not become law. It has no place on the FAA bill, and it deserves no place in the statute books.

I believe that as the facts of this controversy become widely known, working men and women across America will be shocked at the lengths to which the Republican majority in Congress is willing to go in their attempt to enact their anti-worker ideology into law.

Why is Federal Express willing to go to such drastic lengths to force this rider into law? Because they see the sun setting on the Republican anti-worker majority in Congress, and they know there is no hope that their special interest provision will be enacted by a Democratic proworker majority in Congress.

On September 26, under the guise of a technical correction to the Railway Labor Act, an unacceptable special interest provision was attached to the FAA reauthorization bill.

This provision is in no sense a technical correction. It makes a significant change in Federal law to give the Federal Express Corp. an edge in its blatant attempt to stop some of its employees from joining a union.

Under present law, airline employees are covered by the Railway Labor Act, which requires employees to form a nationwide bargaining unit if they wish to have a union. Truck drivers, however, historically have been subject to the National Labor Relations Act, which allows smaller bargaining units to be established on a more local basis.

This split coverage makes sense. It has been national labor policy since the 1930's, when the National Labor Relations Act was passed and the Railway Labor Act was amended to cover airlines as well as railroads.

United Parcel Service, which has both airline and trucking components of its business and competes with Federal Express, is covered by the Railway Labor Act for its airline operations and by the National Labor Relations Act for its trucking operations. UPS truck drivers formed local unions decades ago pursuant to the National Labor Relations Act, and are members of the Teamsters Union.

Federal Express truck drivers are not unionized. However, truck drivers at the Pennsylvania facilities of Federal Express have been trying for nearly 2 years to organize and become members of the United Auto Workers. The drivers filed a petition for a union election with the National Labor Relations Board in January 1995.

Federal Express challenged the petition, arguing that the entire company, including its truck drivers, is covered by the Railway Labor Act, not the National Labor Relations Act, and that therefore the bargaining unit for its truck drivers must be nationwide. The Board has not yet decided the issue.

This is a matter that is currently in litigation, even while we are here today. We ought to let the litigation move forward. But the action that was taken on the FAA bill has preempted effectively the litigation which is under consideration even as we meet here this afternoon.

In the final days of this Congress, Federal Express is trying to short-circuit the NLRB process by including an amendment in the FAA reauthorization bill to guarantee that its truck drivers are covered by the Railway Labor Act, and thereby block local union-organizing efforts by its truck drivers in Pennsylvania and elsewhere.

You can say, "Why not just let them proceed under the existing law, either they have the support and have the votes or they don't?" And let the National Labor Relations Board make a judgment as to whether the Railroad Act applies to them or whether they would be treated under the National Labor Relations Act.

Just under 3 weeks ago, the Senate Appropriations Committee defeated an attempt to add the Federal Express rider to the Labor-HHS appropriations bill. The attempt failed on a 10 to 10 tie vote. Earlier, in the House of Representatives, Republicans tried to add the provision to the railroad unemployment compensation bill, which had overwhelming bipartisan support. The attempt created so much controversy that Republicans quickly abandoned the effort.

It makes no sense to tie this objectionable provision to important legislation like the FAA bill. This bill authorizes the FAA's programs for 2 years. It provides for needed improvements in the Nation's airports. It streamlines the FAA's construction program to improve its efficiency and make it less complicated.

The bill also contains important safety measures, including needed provisions to improve security at the Nation's airports. It is a good bill, deserves to pass, without the special interest rider for Federal Express.

Supporters of the Federal Express rider claim that it is simply a technical correction. That is false. In 1995, as part of the act terminating the Interstate Commerce Commission, Congress deleted the term "express company" from the Interstate Commerce Act and the Railway Labor Act.

We deleted that term because the last express company, the Railway Express Agency, went bankrupt in the early 1970's. In a true "technical correction," Congress deleted this obsolete language from the statutes where it appeared.

> The deletion of "express company" from section 1 of the [Railway Labor Act] does not appear to have been inadvertent or mistaken.

This is the conclusion of the Congressional Research Service. We had distributed to us a number of pieces of paper from some of the House Members who had been active in initiating these provisions. They make the point that this was really a technical amendment and was really because it was inadvertent that this language was left out of the restructuring of the interstate commerce legislation in 1995 when we eliminated the Commission.

This is, according to the Congressional Research Service, their conclusion of analyzing the history of this proposal:

> The deletion of "express company" from section 1 of the [Railway Labor Act] does not appear to have been inadvertent or mistaken. To the contrary, the deletion appeared to be consistent with the statutory structure and the intent of Congress. Since the [Railway Labor Act] coverage had been triggered by federal regulation of express companies, it appears logical and necessary to eliminate the cross-reference to Title 49 from the RLA to preclude ostensible coverage of nonexistent express companies. The elimination of "express company" from the RLA therefore appears to have been a necessary step in harmonizing the RLA with the revised Title 49 of the U.S. Code.

So here is the Congressional Research Service, when they are asked—as this is an action that was just taken on Friday of last week—whether the changing of this with the legislation is just correcting a technical oversight or whether the elimination of those words of art "express company" was intentional, their review of the history shows it was intentional.

It passed virtually unanimously in the House and the Senate for the reasons that have been expressed in their memoranda. We will include that as a part of the RECORD. So this was not a technical correction.

But Federal Express was not and is not an "express company" within the meaning of the Railway Labor Act or the Interstate Commerce Act. They define exactly what is an "express company" and what has not been. They have been defining that for a long period of time, for a period of years. And they have made that judgment to date.

The Interstate Commerce Commission defined that term as a company that provided expedited services in handling small, highly valuable packages over regular routes and by a regular schedule. The ICC did not consider FedEx to be an express company because it did not use regular routes and a regular schedule. Instead, the ICC viewed FedEx as a "motor carrier."

Federal Express argued to numerous courts that it was a so-called express company, but no court ever adopted the arguments, and at no point did the ICC ever set rates for Federal Express as an express company.

Federal Express claims it is an express company because it is the successor to the Railway Express Agency. A Federal Express subsidiary bought some of Railway Express' operating certificates in the 1970's, but those certificates covered motor carrier operations and not express company operations. In any event, Federal Express never operated under those certificates. Even if Federal Express were a successor to Railway Express' motor carrier operations, it is not a successor to its "express operations."

In closing, it is important to look beyond the legal technicalities and talk about what is really at stake here. Hundreds of truckdrivers in the State of Pennsylvania want to join the United Auto Workers and bargain with Federal Express over the terms and conditions of their employment.

Federal Express is trying to deny those employees their right to organize. That is basically the issue. We are being asked, as an amendment to the Federal Aviation Act, to intercede in terms of a labor dispute. That is a decision that we have to make. It is only for the benefit of one particular company. That is Federal Express. It does not have application to any other company. Just one company. Just one company. That particular provision was put in here at the end of last week, just hours before we are supposed to adjourn. It will have a very significant and important impact in terms of that particular company over a significant period of time in its ability to compete with other companies.

UPS, for example, certain parts of it deal with the Railroad Act with regard to its air carrier provisions. Those provisions that apply to trucking deal with the National Labor Relations Act. They have a division. They have been able to make that kind of adjustment. But not Federal Express. They want to be able to have the legislation of the Railway Act to apply to the trucking industry. That has a special significance at the present time that will effectively legislate the outcome of a particular labor difference.

We here in the Senate ought to be about passing this FAA bill. This FAA bill is enormously important for the airlines, the communities all across this country. I heard great eloquence earlier today about the importance of this legislation in terms of smaller rural communities. I am in strong support of it.

None of us who support the position which I have outlined, which is effectively to strike this language and send the whole FAA authorization over to the House—there is every indication they would be willing to accept it. There was a relatively close vote over in the House of Representatives on this particular item. The House narrowly accepted the technical changes, the alleged technical changes, which have been included here.

But I do not know why we should be delaying airline safety for a special-interest provision. We ought to pass the airline safety provisions and get them down to the White House and get the President to sign those provisions, rather than taking the time of the Senate to skew the legislation to a particular outcome with regard to a labor dispute, and that is what is happening here.

We are asked about whether we are prepared to hold this legislation up. The fact of the matter is this FAA legislation could pass as far as I am concerned immediately with unanimous consent this afternoon, right now.

Federal Express is the one that is holding this up. They are the ones that are holding this up. We will have a chance to get into that in greater detail over these next few days to see whether they are justified in that particular provision. I do not believe they are justified in it.

The effective impact, Mr. President, is, as we know, that if it is defined that this particular group, those who drive trucks, are going to be defined as being air carriers—which is effectively what they want to be able to try to do because air carriers have the requirements of having a national board or a national group in order to be able to bargain collectively, because of the definition of "air carrier." But we have not done that with regard to the trucking industry.

We have not done that with regard to the trucking industry. Now, Federal Express wants to have that same application for local trucking companies, and the local truck companies say, "Let us bargain. Let us become a union. Let us make a judgment decision whether we favor to become a union or not and if we do, let us be able to bargain collectively." Federal Express says, "No, you have to have a national organization. You truckers that are there in small towns have to be able to get the people in the Far West, every community in this country that is served by Federal Express, get every local trucking driver and get a national organization or a national board." That is what Federal Express wants to be able to do.

Now, that is such a convoluted interpretation of what the history and the interpretation of either the Railway Act or the National Labor Relations Act is as to be stunning. And they want to do it on this legislation. They are not even prepared to let it go to the committee and have hearings and hear about it. No, they want it on this legislation, and they want to do it for this one company, for this one company.

So, Mr. President, we are asked to just roll over. That is the effect. This idea that it is just an oversight, as I mentioned earlier, I think we ought to not look just at what the proponents are trying to suggest, but for the analysis done by the Congressional Research Service that has reviewed the history. There will be those that will say this is not really affecting workers' rights. Of course it does. It affects a particular situation that is taking place today in Pennsylvania that is under review in litigation today. Are we prepared to say, "Let the litigation come to end?" No, no, we are not. We are prepared to impose, we are prepared to impose a legislative answer on that.

I yield the floor.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from South Carolina.

Mr. HOLLINGS. I ask unanimous consent to continue now for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION ACT

Mr. HOLLINGS. Mr. President, I just returned to the city a short time ago, and I am sorry I did not hear the arguments earlier today relative to the FAA authorization bill, nor did I have an opportunity to hear my distinguished colleague from Massachusetts and all of his comments, but I was interested as I walked in to hear him talk about safety.

Mr. President, there is a special interest. My colleague was talking about a special interest. There is a special interest that I would like to represent that is best delineated by none other than Mark Twain. Mark Twain said, "Truth is such a precious thing it should be used very sparingly." I represent that special interest of truth on this particular matter, and the facts will sustain it.

What happens is we had the ICC Termination Act last year, and in the engrossing, the final drafting up of the document for the President's signature, everyone had gone. There was just staff there checking. Here is a case of the railway express being sent to the lawyer at ICC who said, "I think you can just leave that out." The two little words "express carrier" were deleted from the ICC Termination Act.

However, there is no question, no one knows of this. I challenge the Senator from Massachusetts who feels so strongly and wants to tell us about cases he can read to the Members, I challenge the Senator to point to me, the Senator point to me, the House Member, who said I wanted to make sure I introduced it, or I brought it up or I discussed it.

The reason I emphasize that, because my colleague now talks about jamming, and at the last minute changing and whatever it is. What the Senator from South Carolina wants to do is correct that jamming, if that is what it was. He said it was intended. I have not seen the CRS opinion, but I will get it. That specifically is in contradiction to the Termination Act.

I will read from the act of 1995, December 15, just last year, section 10501 "General Jurisdiction." "The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees and employers by the Railway Labor Act."

So, there is a manifest intent of the Congress. They were not affecting rights that now we are trying to grab and change around. Heavens above, since this institution, Federal Express is an air carrier, has been, to the surprise of many, governed by the Railway Labor Act.

In fact, they had a hearing on the day he is talking about over in Philadelphia and they have already ruled. They ruled November 22, 1995, that Federal Express had taken the right position. They did not rely on the express language in the ICC Act, but general law where they find them both as an air carrier and as an express carrier. Everyone that has practiced in this particular field will tell you that is the format of law. Some will contend, what is the matter if the law has not changed? I am trying to change an ambiguity, but more than that, I am trying my best to forestall an assault on the truth and the facts, an assault a bunch of Washington lawyers trying to take advantage of a mistake.

Teamsters—I keep hearing in the Halls, "the Teamsters, the Teamsters, the Teamsters" have the Senator from Massachusetts all balled up on this and he has to go to bat for them. I have more Teamsters than any kind of Federal Express, just with regular delivery services, I imagine. We have $100 million United Parcel Service facility there and the finest Teamster crowd you have ever seen. We have them at Owens Corning and Mack Truck, and otherwise they have been very supportive of this Senator. They have not told me of a conflict. Another Senator earlier today said just exactly that.

The idea that we are coming here at the last minute—what happened after that, the mistake was determined at the end of February or the beginning of March over on the House side. When they learned that, Mr. President, they put in a measure which was blocked. I was asked—because I am the ranking member of the particular committee with the ICC, as the distinguished Presiding Officer knows—"Well, it happened on your watch; do you mind correcting this mistake," and I say, "Not at all."

I presented it in the Appropriations Committee we had an 11–11 vote, not 10–10. I did not have the proxies or we would have passed it, and the mistake would have been corrected. I did not bother with it. I thought everybody would want to correct an innocent mistake.

Come now, Mr. President, with the idea we are trying to jam or hold up safety legislation or the FAA bill, or this is not the place for it, and everything else at the last minute is totally out of the whole cloth. They know differently. They are playing their political strength.

I do not know that Federal Express has got much political clout because they are not in South Carolina, and I am not that familiar with them, but I do know that I am not only keenly interested in the truth but I am interested in the operation. I might as well plead guilty on this score because, Mr. President, 10 years ago when I was trying to find hay for the farmers and their herds down in South Carolina I finally located some up in Massachusetts. I called over to the White House, as other Senators were calling, and the White House said, "Senator, there is no hay for you." "There is no plane for you." I said, "Come on, Senator so and so." "You do not understand, Senator, there is no plane for you."

I said heavens above, I commented in the cloakroom to a few of my colleagues, that was a heck of a note. I had the hay. I had the cattle that were starving and the farmers that were ready. But the phone rang and there was a fellow named Freddy Smith from Federal Express. He had heard about it and we called, and the next thing you know, he had two planes, Federal Express planes, bring it down one Sunday.

I had my commission of labor—the 4-H Club, and all of us there, my wife and myself—and we unloaded the hay all Sunday morning and afternoon. I said, "I will never forget that fellow." So when they told me about the innocent mistake and told me it involved Freddy Smith, I got a very, very strong feeling about this.

I am not going to yield to the nonsense and mythical chicanery that is coming about here because they have the political clout. I know he said Republican. No Republican put this in. Democrat HOLLINGS put it in. It was not sneaked in or jammed in. We discussed it several times. It was an appropriate measure for it. In the conference, it was 8 to 2 in the vote to put it in. It passed by a strong vote on the House side.

He is trying to make it a partisan thing, which is unfortunate, because right is right and wrong is wrong. Here is the intent put in there, and I am going to get the decisions made because I have been called over now. I didn't think we were going to have to try to cave in for the truth around here. But right this minute as they talk about that case, the mediation board back in November 1995 ruled against them. It isn't trying to try a new practice. If you can get a choke point in one little town and close down a whole thing, you have no express service. And in the interest of express service, that is what is intended by the Congress. We are not trying to get anything new. We are trying to get something contained and maintained in the law that has allowed this particular airline carrier to flourish and grow. There is nothing new about this. We are trying to get it back.

As stated in the statute itself—I emphasis by reading it the second time—the enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees and employers by the Railway Labor Act.

Now, who is trying to sneak in or jam or get something changed? If it is HOLLINGS, he is trying to get it for the truth. He is trying to get back to the facts. He is not trying to get an advantage or disadvantage. He is trying to get back to the intent of Congress.

We were there. The Senator from Massachusetts is not on that committee. He is not on that conference. But he talks like now we are jamming it, and everything else of that kind. I am not going to let that rat-a-tat go by on this floor. I have got good time here. I know about the FAA. It is on my committee. I can tell you that right now. The FAA has not only its grants given to the airports, it has its trust funds to operate in a certain measure the airports. It has its trust funds for the safety devices and otherwise in there.

So I can tell you, it is not done for one company, and we have to have hearings. Come on, that ought to be ashes in their mouths. Have hearings? When did they have hearings to delete? Who called the hearings? Name the Senator. Name the House Member. Name the committee. They have the unmitigated gall to come here and act like it is orderly procedure; now let us get hearings when they have done the sneaking and they have done the jamming. They ought to be ashamed of themselves.

I yield the floor.

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. GRASSLEY). The Chair recognizes the Senator from Indiana.

Mr. COATS. Mr. President, I defer to the chairman of the Appropriations Committee.

Mr. HATFIELD. If the Senator will withhold for a moment, we want to get a unanimous consent so we can adopt the appropriations bill.

Mr. COATS. I yield to my opportunity to be recognized by the Chair. I would be happy to withhold for a moment while the chairman of the Appropriations Committee and the ranking member discuss it.

Mr. HATFIELD. I thank the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Mr. President, the majority leader and the minority leader have worked out a unanimous-consent agreement.

The ranking member of the Appropriations Committee, Senator BYRD, and I have gone over this. And we also concur.

So, at this time, Mr. President, with Senator BYRD's presence on the floor, I would like to propound the unanimous-consent request.

I ask unanimous consent that final passage of H.R. 4278, the omnibus appropriations legislation, occur no later than 6 p.m today, with the time between now and 6 p.m. equally divided between the two leaders, or their designees; and, further, that no amendments, motions, or points of order be in order.

The PRESIDING OFFICER. Is there objection?

Mr. COATS. Mr. President, reserving the right to object, I am wondering if I could slightly amend to allow this Senator no more than 5 or 6 minutes to speak on the matter that I was recognized for before the request occurred.

Mr. HATFIELD. I yield the floor for that purpose.

I would like to get the agreement first.

Mr. COATS. But, as stipulated, it would preclude my opportunity to do that. I am just wondering if the Senator would amend his unanimous-consent request so that this Senator, who had been recognized before the unanimous-consent request, would be allowed to speak as if in morning business for up to 8 minutes.

Mr. BYRD. Mr. President, reserving the right to object, the Senator will have no trouble getting time from his leader. The time is equally divided between the two leaders.

Mr. COATS. That would be acceptable to this Senator. I am not speaking on the continuing resolution. So I will speak as if in morning business. I want to make sure that I have the opportunity to get that time.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I reserved the right to object.

Was this other matter resolved?

The PRESIDING OFFICER. I am sorry.

The Senator from West Virginia.

Mr. BYRD. Was the matter resolved to the satisfaction of the Senator from Indiana?

Mr. HATFIELD. We do not want to cut out the Senator from Indiana.

Mr. COATS. I want to make sure I have the opportunity to speak.

Mr. HATFIELD. I can assure the Senator from Indiana, as we have been speaking as if in morning business, with the colloquy that was just going on which the Senator from Indiana would like to engage in, I will have no objections to whatever parliamentary request he has to make in order to speak.

Mr. COATS. That is more than acceptable to this Senator.

Mr. KENNEDY. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I believe that the minority leader will give me 5 minutes. But it is not on this related matter of the continuing resolution. It is from the minority leader's time. I wanted to have a continuing discussion on that measure. I need maybe 4 minutes or 5 minutes sometime.

So I would be glad to do whatever. The measure which they are managing is of the utmost importance. I wanted to get 5 minutes just to respond quickly to the matter. So I am glad to do it in whatever way the two leaders want to proceed.

The PRESIDING OFFICER. Is the body ready to put the question?

Mr. KENNEDY. Mr. President, I hope maybe that—reserving the right to object—out of that time we are going to have the leader to be designated to have 5 minutes.

Mr. BYRD. I hope that the distinguished Senator will include that in his request.

Mr. HATFIELD. Could I include the same as I did for the Senator from Indiana?

Mr. KENNEDY. That would be fine.

Mr. HATFIELD. That the Senator from Massachusetts be recognized to make whatever motions necessary to get the 5 minutes after we get this approved.

I would have no objection.

Mr. BYRD. Do I understand the Senator wishes to have his 5 minutes on the continuing resolution?

Mr. KENNEDY. No, just on the earlier matter being discussed. I do not want to interrupt the two chairmen on this very, very important matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I further ask unanimous consent that following the vote on H.R. 4278, the Senate proceed to vote on the adoption of the DOD appropriations conference report, all without further action, and that all points of order be waived.

Mr. BYRD. Mr. President, reserving the right to object, I shall not object, I very much advocate both of these requests. I did so in the conference earlier today, conference among Democrats. I feel that there should not be any amendments to the continuing resolution. I am not satisfied with everything that is in the resolution, but I do think the time has come to adopt the resolution without a great deal of debate this afternoon and without amendments because amendments would simply mean that the continuing resolution would go to conference, and I presume that the leader would probably take that continuing resolution down and call up the conference report, which is not amendable and therefore not conferenceable.

So it seems to me that the integrity of the Senate, the integrity of the legislative process within the Senate, the integrity of the Senate's right to amend and right to debate are all protected here, and that is what I am most interested in. We could offer amendments to the continuing resolution if we wanted. Consequently, any Senator could have objected to the request. We could debate at some length. I am sure that we Democrats do not want to be accused of shutting the Government down.

Therefore, it seems to me in the interest of all concerned—and as I say, in full view of the fact that the integrity of the process and integrity of the Senate's right to debate an amendment and amend have been fully protected—I have no objection, and I congratulate the Senator from Oregon and I also congratulate both leaders.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

Mr. HATFIELD. Finally, Mr. President, I ask unanimous consent that of the time allocated to Senator LOTT, 10 minutes be allocated to Senator McCAIN.

Mr. BYRD. Mr. President, reserving the right to object, does the distinguished Senator wish to include Mr. COATS in that request? And I will ask that the Senator from Massachusetts be included.

Mr. HATFIELD. I would be very happy to incorporate 5 minutes to the Senator from Indiana.

Would the Senator like to include 5 minutes for the Senator from Massachusetts?

Mr. BYRD. I would like to have Mr. KENNEDY accorded 5 minutes in the request, from the time under the control of the minority leader.

Mr. HATFIELD. That would be then 10 minutes for Senator McCAIN, 5 minutes for Senator KENNEDY, and 5 minutes for Senator COATS.

The PRESIDING OFFICER. Is there any objection?

Mr. PRYOR. Mr. President, reserving the right to object—I do not want to object—I do not think that I am going to ask to speak for 5 minutes, but at least if I could reserve 5 minutes in this process for myself I would appreciate very much the distinguished manager allowing me to speak.

Mr. BYRD. Include 5 minutes to come out of the time under the control of the minority leader.

Mr. HOLLINGS. Is that all right, 5 minutes also here for the Senator from South Carolina?

Mr. HATFIELD. Another 5 minutes for Senator PRYOR and 5 minutes for Senator HOLLINGS.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

Mr. HATFIELD. I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BYRD. Mr. President, I thank all Senators and particularly those who have been so courteous as to yield allowing this request to be granted.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

APPLICATION OF CIVIL RIGHTS AND LABORS LAWS TO THE WHITE HOUSE

Mr. COATS. Mr. President, I would actually like to speak briefly on a nonrelated CR matter or a nonrelated FAA matter. This is something that I was fully of the understanding would be cleared on both sides and become law after it was sent to the President in final closing action of the Congress. I have sponsored a bill along with Representative HORN from the House designed to eliminate a very dubious double standard that remains in the application of our civil rights and labor laws. That double standard was eliminated relative to this body in this Congress by application of the civil rights and labor laws which we had previously excluded ourselves from, that application now applicable to the U.S. Congress.

For too long and to the general disgust of the American people, in the laws which we passed requiring them to comply with the civil rights laws of the land and the labor standards of the land, we crafted an exemption for the Government. We said it is good enough for you but not for us. You comply with it subject to both civil and criminal penalties, but we are going to exempt ourselves.

I am proud that under Republican leadership in this Congress, we finally remedied that inequity that existed for so many years because now that same list of laws which applies to every American worker and every American under the civil rights laws and under the labor laws of this country now applies to us. The theory here is that if we have to be subject to those same requirements, perhaps we will be a little more careful before we impose egregious regulations on the American people.

I remember attending a closed meeting of Senators while we were debating this, and a Senator walked in and said, "You mean we are going to have to live by this? It is impossible. Our office cannot comply with the OSHA laws. Our office cannot comply with all these fair labor standard laws. We cannot do this." We said, "Well, now you know what the American people are complaining about. They are saying they cannot do it either. Sometimes they even conflict with each other. And maybe if we feel the pain ourselves, then we will be a little more careful when we impose that pain on others."

What I have attempted to do, along with Representative HORN, is simply apply this same standard to the White House. Today, the only exempted entity in America is the White House. The White House does not have to comply with the laws that the Congress now complies with and every other American complies with.

I was encouraged because the White House sent us a statement of administration policy which said that they support the bill offered by Representative HORN and myself, and I read this statement of administration policy which says, "We support H.R. 3452 that would apply civil rights and workplace laws to the Executive Office of the White House."

They, however, had a couple problems with that. They did not want an inspector general because they thought it raised constitutional issues, and they did not want equitable relief too, which really leaves a double standard in place, but the only way we could get this through before the conclusion of this Congress was to remove those. I did not want to remove them. Representative HORN did not want to remove them. But we were assured by the White House that if we could remove these, then they would be willing to accept this provision.

Now we find objections in the last day perhaps of the Congress. We find roadblocks. We find people stonewalling this, hoping the clock will run out so it is not passed. Talk about a double standard. Talk about a stonewalling so that the White House does not have to comply with all the rest of us. We are getting resistance. We are getting resistance from individuals who are trying to have it both ways. "Oh, yes, these ought to apply to the White House." The White House is saying, "Oh, yes, they should apply to us," whether it is the Family and Medical Leave Act, OSHA regulation, Fair Labor Standards Act. They said, "Oh, well, we comply with it in policy."

That is what we were saying around here: "Oh, we comply with it in policy. We don't need to comply by legal means."

Obviously, that is not true, and if we are going to apply that standard we ought to apply it to the American public as well. So if we are going to have a law, the law ought to apply equally to everybody in the land. It ought to apply to Congress, it ought to apply to the public, and it ought to apply to the White House. Everybody has now complied except the White House. On the one hand, they are saying, yes, we support this effort if you will make these changes. We made the changes reluctantly in order to get it through. And now they have apparently sent instructions or someone has decided that they are going to protect the White House by letting the clock run out and not let us pass this.

It passed the House 410 to 5. There were only 5 members who objected to this, and that is the tougher language they said they needed revised or weakened in order for them to support it. Reluctantly, Representative HORN and I met and agreed to drop that tougher language that had passed 410 to 5—only 5 opponents.

So it is clearly a bipartisan bill. We dropped that language and have now presented it, and we were totally under the assumption that this was absolutely cleared by everybody. If we drop the one piece of language that the White House objected to, that cleared the House by 410 to 5, then surely there would not be a problem over here. But, yet, we are getting all kinds of resistance back, in terms of passing this here in the last days.

I do not understand why we are in this situation, but—well, maybe I do understand. It was James Madison who wrote a long time ago, that "an effective control against oppressive measures by the Federal Government on the people is that Government leaders can make no law which will not have its full operation on themselves and their friends as well as on the great mass of society."

In other words, what is good for the goose is good for the gander. What is good for the public, that we impose on them, ought to be good for us. We faced up to that fact. We stepped up to the bar with that. I was proud, under the leadership of Republicans, we imposed that on the Congress. Now we have to live by it. All we are trying to do now is extend it to the White House. They say they want it, yet efforts are being made to not allow it to go through.

Mr. President, I hope as we deal with these issues here at the last, waning moments of Congress, we will take our responsibilities seriously, and whether it is FAA or public lands or White House accountability, we will deal with this before this Congress adjourns.

I urge my colleagues to accept what the White House says it wants to accept, what the House in a total bipartisan fashion has accepted, and even a weakened version here in the Senate, that applies to the White House, is ready for passage if we can lift the restrictions against it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Massachusetts.

FEDERAL EXPRESS ANTILABOR RIDER TO FAA REAUTHORIZATION BILL

Mr. KENNEDY. Mr. President, I think I am entitled to 5 minutes. I yield myself 4½ minutes, Mr. President.

Mr. President, earlier in the discussion of the FAA and the special interest provisions that were included in the conference, I want to just point out there are some who have suggested this was really technical and it was not really a big deal. I hope our Members will review the House debate on it. The House of Representatives voted for final FAA reauthorization 219 to 198; 30 Republicans voted no.

It is useful for Members to have some opportunity to review that debate. Here Mr. LIPINSKI points out, in fact, talking about the conference, "In fact, there were no discussions between the conferees in regard to this particular provision until the absolute end of the conference when everything else was decided. A Senator brought forth a provision that prevailed." I understand that. But just because it prevailed in conference among 10 members, it should not mean that this House has to accept it.

Mr. President, earlier in the debate, Mr. Oberstar pointed out,

> I thank the gentleman for yielding time. Let me just get the record straight on this express issue. The reason for ending the ICC investigation and oversight of express carriers was the concept of express carriers had become obsolete. The ICC staff itself recommended the elimination of express carrier status. It was not an oversight, it was not something someone neglected to do, something that was not negotiated in drafting, it was not a drafting error. It was done for good reason. The last express carrier went out of business in the mid-1970's.

So, since it was obsolete, there were no hearings. If you are going to expand the definition of "express carrier" to include Federal Express, and amend effectively the National Labor Relations Act and the Railroad Act, you ought to have some kind of hearings to find out what the impact is going to be. That is basically what we are talking about here, is changing and expanding.

That is the same conclusion that these Members had, with what the CRS had. The ICC staff recommended it. Now we are being asked to put in these special kinds of provisions.

The House of Representatives, in a very close vote, for some of the reasons I have mentioned here—I will have more of a chance to bring in some of the excellent comments. We do not have the time this afternoon, but I understand we will have some time later on, to be able to get into this in greater detail. We will see why this is special legislation. It is special legislation for a special company. Let us make no mistake about it.

Federal Express wants to have a requirement that every truck driver in this country has to be a part of a national group in order to be able to be considered whether they can bargain with the company. A truck driver is a truck driver. The UPS has recognized the truck drivers for UPS are under the National Labor Relations Board. Why we ought to write special legislation in the last hour on the FAA conference report, that has so many important matters, including aviation safety, and that ought to be held hostage for a special provision for a special company is, I think, untenable.

But if that is the way it has to be, that is the way it has to be.

Mr. President, I understand there has to be additional debate on the underlying matter of the continuing resolution, so we will wait our time, and I yield what time we have.

The PRESIDING OFFICER. Who seeks recognition? The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I yield myself 4½ minutes, just like the distinguished Senator from Massachusetts.

Mr. President, "On balance," I am reading:

> . . . the amendment would appear to confuse rather than clarify the question of Railway Labor Act coverage. On the one hand, it could be argued that the amendment would have no effect. Since neither Federal Express nor any other employer was certified as an express company, subject to title 49, on December 31, 1995, it would follow that no employer could come under the coverage of the proposed amendment.

That is an argument, if I were the lawyer for Federal Express, I would be delighted to make. But it shows you how totally confused, not the decision language makes it, but how confused this silly lawyer is over there. Because the ICC does not give an air carrier certification—period. They never gave one to Federal Express. He does not seem to understand that.

However, let us go to the basic law.

I read:

> The Railway Labor Act was adopted in 1926 to provide for speedy administrative resolution of labor-management disputes. Section 1 of the RLA describes employers who are subject to the act's regulations: The term

> "carrier" includes any express company, sleeping car company, carrier by railroad subject to the Interstate Commerce Act.

So, they found, then, that it was an express carrier, and then in 1936, I am reading also from the finding:

> The RLA was amended to include air carriers within its regulatory ambit.

That is exactly what was reaffirmed here in 1993:

> Federal Express Corporation has been found to be a common carrier as defined under 45 U.S.C. 151, 1st, and section 1(e)(1) of the Act.

Now they have been found both ways. We are not trying to start anything new.

For 25, 30 years now this thing has been governing all the cases, bringing it right up to date with respect to that Philadelphia case. There is no question that the National Mediation Board ruled, they ruled with respect to the Railway Labor Act. No reference was relayed on with respect to express language.

On November 22—and, procedurally, the NLRB is now making a final ruling there. So this is not any last-minute thing by Mr. LIPINSKI, saying it was brought up at the last minute. He was prepared. He said, "This will kill the bill. We will filibuster it," and everything else. They have political clout. But I think truth ought to have some political clout.

When an honest mistake is made, when no Senator and no Congressman ever even suggested it, now, in the aura of dignity, they say, "Hearings, hearings, where are the hearings?" Well, where in the world were the hearings that brought about this deletion that we are trying to correct? That is exactly the point. They did not have hearings. No one understood it. No one proposed it. They made an honest mistake.

I reserve the remainder of my time.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

TRIBUTE TO RETIRING SENATORS

Mr. SHELBY. Mr. President, this, we hope, will be the last day of this Congress, and I would be remiss if I did not have some remarks about some of my colleagues, on both sides of the aisle, who are retiring.

The first one I would like to mention is my colleague from Alabama, Senator HOWELL HEFLIN. He came to the Senate, when I came to the House, in January 1979. He had a distinguished record as a lawyer and then as chief justice of the Alabama Supreme Court. He was very involved in the reform of our judicial system in Alabama.

In the Senate, he has served with distinction and honor. He chaired the Ethics Committee for a long time. He was also very active, and has been throughout his career, as a member of the Judiciary Committee and as a member of the Agriculture Committee.

But there are a number of other colleagues, other than Senator HEFLIN, whom we will miss.

Senator SIMPSON of Wyoming, former whip, our assistant minority leader, a man of untold ability, wit, and intelligence.

Senator SIMON of Illinois, a man of, I believe, unquestioned integrity.

Senator DAVID PRYOR of Arkansas, who was on the floor just a few moments ago, a former Congressman, former Governor of Arkansas, and now ending his third term as a Member of the U.S. Senate where he, too, has distinguished himself.

Senator CLAIBORNE PELL of Rhode Island, one of our senior Senators, chairman of the Foreign Relations Committee, very active for many, many years in the area of foreign relations and international relations. He also has made his mark in the field of education. We all know about the Pell grants and other things that he has spearheaded in America.

My colleague Senator SAM NUNN of Georgia. We will certainly miss Senator NUNN, because I always thought he brought a very reasoned position to foreign relations and to the Armed Services that we all deal with from time to time. I thought he was an outstanding—and this goes without saying—chairman of the Armed Services Committee where I had the privilege to serve with him on that committee for 8 years.

Senator NANCY LANDON KASSEBAUM, a Republican from Kansas, currently the chairman of the Education and Labor Committee, a distinguished Senator in her own right. We will certainly miss her. Look at just her recent leadership, working with the Senator from Massachusetts, Senator KENNEDY, in the insurance field in which we have made tremendous reforms, thanks to her.

Senator BENNETT JOHNSTON of Louisiana, former chairman of the Energy and Natural Resources Committee. We are certainly going to miss him. He has had a distinguished career here, 24 years in the U.S. Senate.

Senator MARK HATFIELD of Oregon, the current chairman of the Appropriations Committee that I now serve on. He has served with untold distinction, too, on that committee and has been involved in recent days and nights in the negotiations with the White House on this budget resolution that we are getting ready to deal with in just a few hours.

Senator JIM EXON of Nebraska, a former Governor of Nebraska, three-term Senator from Nebraska. I had the privilege of serving with him on the Armed Services Committee where he, too, served with honor and distinction.

Senator WILLIAM S. COHEN, a Republican from Maine, a former outstanding Member of the U.S. House of Representatives before he was elected to the Senate. This is someone we will miss, not only his wit, his intelligence, his thoughtfulness, but also his writing ability at times helps us all.

Senator HANK BROWN, a Republican from Colorado. I had the honor to serve with him in the U.S. House of Representatives. What has saddened me, along with a lot of others, is, he will leave this body with such a bright and promising career after only 6 years.

Senator BILL BRADLEY of New Jersey, 18 years in the Senate, who has spent days and nights and weeks and months up here, I think not in vain, most of the time dealing with a commonsense income tax program for all Americans.

Mr. President, we will miss all these people because individually and collectively they have added a lot to this body. I wish them well in their future endeavors.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. I yield 15 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

AGE DISCRIMINATION

Mr. JEFFORDS. Mr. President, it will take weeks before we find out everything that has been included in the omnibus appropriations bill, but already we know it contains provisions that were not included in the appropriations bills of either body.

One of these provisions is section 119 of the Department of Defense Appropriations conference report, which contains amendments to the Age Discrimination in Employment Act.

This section would reinstate and substantially broaden a temporary exemption from the provisions of the ADEA given to public safety departments from 1986 through 1993.

Proponents of this language argue, and would probably like to believe, that this section does not amount to codification of discrimination. But here's how Webster's defines discrimination:

"To make a difference in treatment or favor on a class or categorical basis in disregard of individual merit."

That is a pretty clear statement. It is also a pretty good summary of the section in question. It says, in essence, that no one who is older than 55 can effectively serve as a police officer or firefighter, regardless of whether they are fit or unfit.

But you don't need to take my word for it, and you don't need to take Webster's. The Leadership Conference on Civil Rights, this country's preeminent civil rights organization, opposes this legislation as discriminatory.

Let me read from the Leadership Conference on Civil Rights' letter on the bill that formed the basis of section 119:

> This bill sanctions—indeed encourages—state and local governments to discriminate against their older workers. . . . Such conduct, which denies an individual a job based upon stereotypical and unproven assumptions about a class of workers, is precisely what Congress has prohibited in federal laws protecting employees' civil rights, e.g., Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act and other statutes.

This is the same view held by the Equal Employment Opportunity Commission, which is charged with enforcing the ADEA. In its comment on this bill in an earlier Congress, the EEOC stated that:

> "If signed into law, [the bill] would undercut years of EEOC litigation in which we routinely challenged the use of arbitrary age limitations by police and fire departments. Further, the proposed amendment to permit state and local governments to require the retirement of firefighters and law enforcement officers as early as age 55 is inconsistent with a substantial body of case law under the ADEA that prohibited mandatory retirement of law enforcement officers and firefighters on the basis of an arbitrary age cutoff.

The EEOC is of course not the final word in adjudicating these matters. But the courts have generally agreed. In fact, the Supreme Court in 1985 rejected a mandatory retirement age for firefighters in the case Johnson versus Baltimore because Baltimore had failed to establish age as a bona fide occupational qualification, or BFOQ.

This brings up the point that employers can use a mandatory retirement age under the law today if they can prove it is a BFOQ, that is, the employer is compelled to rely upon age because all or substantially all of the class would be unable to perform the work safely or because it is highly impractical to deal with employees individually.

So we are left with two possibilities. Either public employers can prove age is a necessary proxy under the law and the Supreme Court precedents, in which case this bill is unnecessary, or they cannot, in which case the argument for this bill, that age is a necessary proxy, is unfounded.

Civil rights are messy. Look at all the voting rights cases still being played out across the country today, some 6 years after the last census. The EEOC and the courts are swamped with cases of all kinds.

From time to time there has been debate on the exact standards we should use in judging these cases, or what kind of damages should be available to plaintiffs.

But today marks the first time in my two decades in Congress that we have stood on the verge of turning back the clock and rolling back civil rights protections for an entire class of individuals.

Yes, individuals. Because our civil rights laws are not supposed to be about codifying group characteristics but about preserving individual liberties. Since Asian-Americans have a lesser risk of heart attacks than whites or blacks, should they be given preference in hiring as police or firefighters? Since women have a lower risk than men, should they be preferred?

Of course not, since doing so would be rank discrimination. But by what leap of logic can we conclude that applying this same approach to age is not discriminatory? Of course there is none.

Proponents of this bill claim that they don't want to discriminate, but that, in effect, the devil makes them do it. The devil in this case is allegedly a lack of tests that can determine individual fitness for duty.

That would be a powerful and attractive argument but for one fact. It isn't true.

This bill itself speaks to why it is not true. Unlike the temporary exemption enacted in 1986, which merely grand fathered the retirement policies in effect 3 years earlier, this bill would permit any police or fire department in the country to put in place mandatory retirement, whether or not it has even had such a policy over the last decade.

The fact is, a lot of departments have not relied on mandatory retirement. Researchers from the EEOC study sent out a survey to over 400 departments across the country. It was not a scientific sample, but did produce a wide cross-section of respondents. Of the hundreds of departments that responded, 55 percent had maximum age entry limits or forced retirement policies, but more importantly, 45 percent did not. Some of these departments face challenges every bit as rigorous as any other. The Los Angeles County Fire Department, for example, does not have a mandatory retirement age, but relies on fitness testing to determine whether individuals can still do the work. That testing has survived judicial scrutiny and can be replicated or modified and put in place in every other city in the country. Reno, NV, a smaller city, has made the transition and is quite happy with it. Its system is based on the testing put together by the Cooper Institute for Aerobics Research, the same company that designed testing for Boston, New York, and jurisdictions across the country. The Massachusetts Police Association, with 17,000 members, also supports performance based retirement, as does the Police Executives Research Forum.

The fact that this testing exists should not come as a great shock. Testing is used to screen applicants in virtually every department in the country. It is used widely to certify individuals as ready for return from disability. And as I have mentioned, it is used to certify continued fitness for duty as well. It is simply untrue that testing does not exist.

This testing has both costs as well as benefits. Obviously setting up such a system, and requiring periodic screening, takes some time and money. And it cannot be easy to confront a longtime colleague with the news that he is no longer fit to serve.

But these costs are minimal compared to the benefits of avoiding a patently discriminatory approach. And if the real purpose behind this legislation were the safety of officers and the public, there is little doubt we should engage in health screening rather than arbitrary retirement.

Why? Well, let's look at the facts. Proponents of this legislation make a lot of arguments about the potential for catastrophic health accidents amongst older firefighters or police. That sounds reasonable, as we know firefighters and police work in very hazardous environments.

But as it turns out, the rate of fatal injuries is as much as 6 times greater in industries such as logging, fishing and construction. A taxicab driver is twice as likely to be killed on the job as a firefighter. Yet all those industries operate without mandatory retirement.

Firefighting is a high risk occupation, with a fatality rate 4 times the national average. But what is the best way to combat this risk?

In 1994, the last year for which data are available, there were 42 deaths for all reasons among career firefighters, while the total number of these paid, permanent positions was 265,000. Thus, the total death rate for all reasons was .0001, or 1/100 of 1 per cent. Of these deaths, a little more than half, or 26, were at the fire scene.

Most of the deaths have nothing to do with this debate. They are the result of suffocation or trauma, accidents that happen without regard to age. At the same time, there were 13 heart attacks, and 1 stroke. But contrary to the claims of proponents of this bill, none of these heart attacks occurred in firefighters over the age of 60, and the incidence for firefighters in the age 56 to 60 cohort was the same as in the 31 to 35 age cohort. In fact, the heart attacks were spread fairly evenly over all age cohorts.

Out of the thousands of firefighters over the age of 55, there were two deaths due to heart attack. This is less than the death rate for heart disease in the population as a whole, which is 357 per 100,000 for Americans aged 55 to 64.

But most importantly, most of the heart attacks among firefighters occurred in people with known heart conditions. According to the National Fire Protection Association, which gathered and studied the data:

> . . . a large proportion of the heart attack victims (approximately 8 of 13 paid firefighters) were known to have had heart conditions that should have precluded them from engaging in active firefighting duties.

If this bill were designed to improve public and occupational safety, it would attack the biggest problem, people with heart conditions that continue to fight fires. It does absolutely nothing to combat this problem. In fact, it probably makes it worse.

Fire departments now lack the authority to rely on mandatory retirement as a bad proxy for fitness. If they are going to act responsibly, they have instituted or will institute screening that should prevent people with known heart conditions from staying on the job. Such screening could have prevented 60 percent of the firefighter heart attacks in the last year for which we have data.

This bill, on the other hand, would make matters worse. Those departments that now monitor health would lose a major reason for maintaining their fitness programs, and other departments would have less reason to institute them.

This is exactly what happened in departments after the 1986 amendments, and it will happen again if section 119 is adopted.

If we want to prevent heart attacks and strokes, the effective avenues are not mysterious and do not include age discrimination. We should set up fitness programs and attack known risk factors like smoking and obesity and cardiovascular fitness.

We should reward individuals who maintain their fitness for duty rather sending them the message that it does not matter what kind of shape they are in, that they can just limp along until their mandatory retirement age.

I wish my colleagues could have heard the testimony we did in the Labor Committee from one of those individuals, Detective Bill Smith. Detective Smith is 55 going on 40. He weighs almost exactly what he did when he entered the Indiana State Police years ago, and when he testified that he remains physically and mentally fit, there was not a doubter in the audience.

Detective Smith is the State's senior hostage negotiator, and has years of training and experience that we will lose if we pass this bill.

In fact, one of the witnesses on the other side of the debate made clear that he would be proud to serve with Detective Smith, and that he didn't think that this legislation was about exceptional individuals such as the detective.

That is not an uncommon sentiment. But of course it goes to the very heart of this debate, whether we are interested in protecting the rights of those few officers who want to continue to work and are fit enough to do so.

Proponents of this legislation seem unconcerned about the individual rights at stake in this debate. Instead, they want to fire Detective Smith and thousands of other dedicated officers across the country in the interest of administrative convenience.

But it gets worse. Since 1986, state and local police and fire departments knew that mandatory retirement would become unlawful at the end of 1993. Apparently some jurisdictions maintained mandatory retirement policies, because this bill would reach back and extinguish the legal claims of individuals who were unlawfully fired over the past 3 years.

This is an extraordinary step. Under the ADEA, an individual is entitled to recover double back wages where the violation is willful, which I should think would be the case here for anyone terminated after the exemption expired.

Thus, we could be denying tens or even hundreds of thousands of dollars in back wages rightfully owed to individuals by jurisdictions that have flouted the law over the past 3 years.

We struggled mightily with the issue of retroactivity when Congress considered the Civil Rights Restoration Act a few years ago. There, the issues were fairly subtle, the courts narrowly divided, the changes by degree. Here, there is no subtlety whatsoever, there is no room for interpretation. Mandatory retirement became illegal in January, 1994—period. For any of my Republican colleagues concerned about retroactive taxation, this provision amounts to as much as a 200-percent retroactive tax on the wages due American workers.

And as for my Democratic colleagues, I would draw their attention to the Senate Democratic Action Agenda they unveiled with much fanfare some time ago. It promised action on three fronts: paycheck security, health security, and retirement security. Any of my colleagues who are truly concerned about that agenda will oppose this legislation, because it represents a retreat on all three fronts. Paycheck security. This bill is a legislative pink slip for thousands of hard working, dedicated and able Americans. No security there.

Health security. Public police and fire departments have almost universal coverage. What kind of jobs 55-year-olds will land, if any, is anybody's guess. Health coverage goes from a sure thing to a roll of the dice. Not much security there.

Retirement security. Detective Smith, if he could work a few more years, would add more than $6,000 a year to his pension. He doesn't need more laws from Washington to promote his security, he just needs us to let him do his job. Little security there.

As a footnote, one of the things the Democrats want to do is pass a tax deduction for education costs. That's great. One of the reasons Detective Smith wants to stay on the job is to help pay for his daughter's college education.

Proponents of this legislation argue that Detective Smith is simply an unfortunate casualty for the greater good, collateral damage in the words of the military.

But the tragedy is that the greater good does not require putting Detective Smith out on the street. The greatest good comes from treating him as an individual, from strengthening our public safety departments through a rational rather than an expedient personnel process.

I think the adoption of this provision is shameful. Mandatory retirement is age discrimination. If public employers could not convince the EEOC or the courts otherwise, they should not convince us.

But apparently they have. It is a sad day in the history of civil rights in this country. We have turned the clock backward.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Rhode Island.

Mr. PELL.

Mr. President, last Saturday afternoon, I joined some 15,000 of my fellow Rhode Islanders in a huge rally to welcome President Clinton to Providence. It was in Providence that the President announced his support for the omnibus appropriations bill that will soon be considered by this body. And it was in Providence that we heard the best news for education funding that we have heard in almost 2 years.

Approval of the legislation before us will increase Federal education funding by more than 12 percent over last year. Because of the President's leadership and particularly because of his commitment to education, this increase stands in stark contrast to the dire predictions of drastic cuts in education programs that marked the beginning of this Congress. It is a dramatic and encouraging end to this session of Congress.

Next year we will have the largest Pell grant in history. The maximum grant will be $2,700, an increase of $230 in one year. The number of low and middle income students receiving Pell grants will increase by 150,000. And the total number of students receiving Pell grants next year will reach 3.8 million.

We have also strengthened our commitment to education reform by increasing appropriations for the Goals

2000 program by almost 29 percent and upping funds for professional development by more than 11 percent.

We have provided a 16 percent increase in funding for Safe and Drug Free Schools. Less than 2 years ago we were fighting to keep this program from suffering a 40 percent cut.

The title I program will be increased by some $470 million next year, and two-thirds of that increase will go to our most needy and deserving schools.

Mr. President, in area after area in education we have good news and solid progress. This is an education budget we can cheer. It deserves our strong support.

We owe an enormous debt of gratitude to President Clinton and his administration for the strong leadership they have shown on behalf of education. And, we owe an equally enormous debt of gratitude to those from this body who played such an important part in helping fashion this agreement and bring forth such an encouraging education budget. In particular, I personally want to thank Senator HATFIELD, Senator BYRD, Senator SPECTER, AND SENATOR HARKIN for the vital role they have played in this dramatic achievement.

Mr. President, I hope the Senate will act with dispatch in approving this legislation

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I again express great appreciation for the statement that was made by our friend and colleague, Senator PELL, who reviewed for the Senate the various provisions in this agreement related to education. I think all of us are once again enormously impressed, as I know the people that he represents are, by his extraordinary commitment to enhancing the quality of education for young people all across this country. He diminishes his own strength by not mentioning his own very important participation and involvement over the period of recent years in maintaining a strong priority in education which is really reflected in this budget.

As a member of that committee, I commend him for all he has done over a very long and distinguished career in the area of education, and I think his tireless desire to ensure that we have a bipartisan effort in the area of education has been always a trademark of his leadership as well. So I think all of us who will read the history of this discussion about development of the continuing resolution know full well that in the area of education he played a very significant and major role, and I know everybody in the Senate understands it and appreciates it.

Mr. President, exactly 2 years ago, the late Barbara Jordan, Chair of the Commission on Immigration Reform, submitted to Congress a comprehensive set of recommendations to address the illegal immigration crisis in America. At that time, Barbara Jordan said, "Our message is simple. The United States must have a more credible immigration policy that deters unlawful immigration while supporting our national interest in legal immigration."

The bill that the Republican leadership tried to ram hastily through the Congress was weak in addressing illegal immigration and reflected the antiworker, antifamily, anti-immigrant, antirefugee, and anti-environment agenda of the Republican right wing and was an extreme Republican assault on the American worker and on working families. It did more harm to the country than good.

But after extraordinary negotiation last week involving the White House, the Republican leadership, key Members of Congress, those features of the Republican bill that came out of their conference that assaulted legal immigrants and made it impossible for working Americans to reunite their families here are now gone. Gone, too, is the unacceptable Gallegly amendment which would have allowed States to expel immigrant children from public schools and dump them on the streets. This unwise amendment would do nothing to stem the tide of immigration. It was vigorously opposed by police groups and educators because of the harm it would do to our communities. Congress is right to reject this provision.

Although the worst provisions in this bill on legal immigrants are gone, it is still not the hard-hitting crackdown on illegal immigration it ought to be. Republicans rejected our efforts to include strong provisions to punish unscrupulous employers who hire illegal immigrant workers and then exploit them with cheap labor and unsafe workplace conditions knowing they will not protest such conditions.

This bill winks at this shameful sweatshop practice. Americans will continue to lose their jobs as long as unscrupulous employers can get away with hiring and abusing illegal workers. Clearly, stronger legislation is needed if we are serious about dealing effectively with illegal immigration. And I intend to renew this battle again next year.

In addition, the provisions in this bill related to refugees and due process of law represent an improvement over the recently enacted antiterrorism law. But they still do not go far enough in restoring judicial revue and giving persecuted refugees a fair opportunity to seek asylum in America.

Most of the credit for what is before us today as part of this continuing resolution goes to our respected friend and colleague, Senator Al SIMPSON. We will miss his able leadership, vision and courage on the complex and challenging issues of immigration.

As I have said on many different occasions, immigration is not a high-profile issue in the State of Wyoming. They are not inundated with illegal immigration. There are important historical strains of legal migration in Wyoming, but certainly it is not a State that is confronted with these types of issues. But the fact that Senator SIMPSON over a very long and distinguished career in the Senate was willing to take the time, make the effort and had the energy to master the very complex policies that are affected by immigration and refugee policies and asylum reflects great national service. He was always there to make sure that no matter where the political winds were blowing, we kept our eye on the ball on matters of immigration, illegal immigration, and refugees. He and I did not always agree, but we found common ground, and everyone on that committee always found that Senator SIMPSON was willing to listen and to find the broadest of coalitions in the best interests of our country. And again the provisions that are included in this legislation to a great extent reflect the long effort on his part to make sure that we were addressing these matters in a responsible way.

I know there are provisions that were excluded that he would have favored to have included but nonetheless I would like to think that the more positive aspects of the provisions that we have included can be traced in origin back over a long period of time to the work of Senator SIMPSON, the Jordan Commission, the Hesburgh Commission, and other efforts of the committee.

Senator SIMPSON took the Jordan Commission's recommendations, conducted extensive hearings on them in our subcommittee, visited each Senator individually to obtain their views on what needs to be done, and conducted a fair and open process of debate on the bill in the subcommittee. When the full Judiciary Committee considered the bill last spring, he and Senator HATCH gave all members a full opportunity to present their views. Over 150 amendments were debated over 8 days and all members of the committee feel that the result was a much better bill.

In a similar spirit of bipartisanship, the Senate debated the bill for 2 weeks in April and May and after full and fair debate and votes on numerous amendments the result was an outstanding tribute to the leadership of Senator SIMPSON. The bill passed 97 to 3, a remarkable capstone to the commitment of this extraordinary Senator over almost 2 decades to ensure that our immigrant heritage is carried forward. As a result of his efforts, the Nation will look ahead to the next century better able to draw on the positive contributions of immigration to our country, while equipped with more effective tools to combat the unlawful immigration that is so harmful to our country.

The subsequent course of this legislation was less satisfactory for those of us who care so deeply about preserving our immigrant heritage while cracking down on illegal immigration. After extraordinary bipartisanship in passing the legislation in both the House and Senate, Democrats were suddenly shut out. Republicans sought to convert the legislation into a partisan political document to aid the Dole Presidential campaign in California.

As a result, unusual steps were necessary to reinject bipartisanship in this important legislation. The events of the past few days and the agreement achieved early Saturday morning have produced a far better bill for the Nation than the Republican conference report on which the Senate was scheduled to vote today.

President Clinton provided the strong leadership needed to persuade Republican leaders to back away from their extreme positions and come to the table to work out genuine bipartisan legislation for the good of the country.

The agreement addresses illegal immigrant head on. It reverses the serious mistakes by the Republican leadership to use illegal immigration as a pretext to attack legal immigrants.

Entirely different considerations apply to legal immigrants. They come in under our laws, serve in our Armed Forces, pay taxes, raise their families, enhance our democracy, and contribute to our communities. The original Senate bill had rightly rejected harsh attacks on legal immigrants, and so does this agreement. That is a major victory.

First, this agreement drops harmful provisions that would have made the recent welfare reforms even harsher for legal immigrants. Having banned SSI, food stamps, Medicaid, cash assistance, and other services for legal immigrants in the welfare bill, the Republican immigration bill would have expanded the restrictions to include Head Start, job training, and English classes. This was wrong, and this agreement corrects this grave mistake.

The Republican bill would have shifted the rules in midstream for legal immigrants already in America and their sponsors. The bipartisan compromise, on the other hand, retains the formulation in the new welfare law, which applies primarily to future immigrants. Without this compromise, the Nation's hospitals, clinics, and community based organizations would have been overwhelmed, and would have lost millions of dollars in Federal help.

Second, the comprehensive welfare reforms made legal immigrants ineligible for many types of assistance. The Republican bill penalized the few legal immigrants who still qualify for assistance by threatening them with deportation if they actually used the assistance.

If there are immigrants who abuse welfare—or use it illegally—they should be deported. In fact, current laws permit this step, and we should enforce them.

But it is wrong to add to the harsh new welfare reforms by saying to legal immigrants who qualify for child care assistance that if they actually use it, they can be deported. No parent should face that choice—of leaving their children home alone while the parent works or risking deportation by obtaining child care. It was right to eliminate these deportation provisions under the new bipartisan agreement.

Finally, it was wrong for Republicans to insist on putting family sponsorship off limits to lower income working American families. Under the Republican bill, 40 percent of American citizens would have been denied the right to bring in their families. The Republicans try to claim that their party is the party of family values, but this bill was a flagrant denial of such values. Under the Republican proposal, for the first time in the Nation's long immigrant history, low-income working American citizens would have been denied the opportunity to have this spouses and young children join them in America.

Republicans argue that most Americans who sponsor family members are, in fact, former immigrants, who knew when they immigrated that they would be leaving families behind. The fact is, according to the General Accounting Office, 64 percent of those sponsoring their families in any given year are native-born American citizens who were never immigrants themselves.

Republicans also argue that if we do not set high income standards for sponsors, then low-income sponsors will be pushed onto welfare because they have to support themselves and the sponsored immigrant as well.

To guard against this possibility, the bipartisan agreement establishes an income test for sponsorship at 125 percent of the poverty level. The agreement requires sponsors to sign an enforceable sponsorship contract that requires sponsors to care for those they bring in. And it requires sponsors to prove they can meet the requirement by submitting their tax returns for the past 3 years.

This is the approach which the Senate adopted in May and which was actively supported by many Republicans, including Senator ABRAHAM, Senator DEWINE and others. In fact, in June, Jack Kemp urged congressional leaders to adopt this sponsorship formula. He wrote, "The Senate bill reasonably requires that sponsors have income equal to 125 percent of the Federal poverty level," and he called on Congress to oppose sponsorship formulas that imposed stiffer burdens on sponsorship.

The 125 percent requirement ensures that very few sponsors will be pushed onto welfare. Virtually all welfare programs require 100 percent of poverty or less in order for applicants to qualify. Those with incomes above 125 percent of the poverty level qualify for very few programs. And where they do, they normally qualify for only a few dollars of help.

The price tag that the Republican bill placed on family unity was unnecessary, harsh, and punitive. It was intended as a backdoor reduction in legal, family immigration. The Republican wealth test for sponsorship was 140 percent of the poverty level for those sponsoring their spouses or young children and 200 percent for those sponsoring their parents, adult children, or brothers and sisters. The Republican plan was anti-family. It said to working Americans that their jobs were not good enough to qualify them for sponsorship. This draconian, class-based proposal would have caused unfair hardship for working American families, and was rightly rejected as part of this bipartisan agreement.

In addition, this agreement contains three other worthwhile improvements. It provides assistance to immigrants who are victims of domestic violence. It continues assistance under the Ryan White Act for immigrants with HIV infection or battling AIDS. It allows nonprofit organizations, such as Catholic Charities, church social service programs, or community-based organizations to continue to assist communities with Government funds, without having to check the citizenship and green cards of everyone who walks in their doors.

Rather than making harsh welfare reforms even harsher for legal immigrants, this bipartisan agreement provides modest but needed improvements over those reforms for battered immigrants and for charities and other nonprofit organizations that are a lifeline to immigrant communities.

As President Kennedy wrote in his book, "A Nation of Immigrants":

> Immigration policy should be generous; it should be fair, it should be flexible. With such a policy we can turn to the world, and to our own past, with clean hands and a clear conscience. Such a policy would be but a reaffirmation of old principles. It would be an expression of our agreement with George Washington that "The bosom of America is open to receive not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions; whom we shall welcome to a participation of all our rights and privileges, if by decency and propriety of conduct they appear to merit the enjoyment."

This bipartisan agreement is largely consistent with that goal. It takes a number of worthwhile steps to deal with the problems of illegal immigration, although much more significant steps could have been taken and should have been taken to deal with this serious problem. Equally important, this bill keeps the Nation's doors open, with reasonable limitation, for those who come here as legal immigrants and contribute to a stronger and better America, as they have done throughout the two centuries of our history. I commend all of those who have helped to develop this proposal and have it included in the underlying document.

I urge my colleagues to support this legislation.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from South Dakota and 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

FEDERAL AVIATION REAUTHORIZATION

Mr. PRESSLER. Mr. President, it is critically important we finish the Federal aviation reauthorization legislation before the Senate adjourns. This legislation is vital to air service in my home State of South Dakota. For example, in my State of South Dakota, the FAA bill we are struggling to bring to closure doubles the size of the Essential Air Service Program to $50 million. This is particularly important to Brookings, Mitchell, and Yankton, SD. The Essential Air Service Program provides the only air service link these communities have to the national air service network.

The FAA legislation also will make more Airport Improvement Program [AIP] funds available to small airports for safety-related repairs and improvements. For instance, under this legislation, the Sioux Falls Airport will receive an annual increase in AIP funds of at least $227,000. The Rapid City Airport will receive an annual increase of at least $170,000. The same is true for the Aberdeen Regional Airport and the Pierre Regional Airport which each will receive an increase in AIP funds of at least $100,000. AIP funds are the only source of money for safety-related repairs at these airports and that is one key reason why this legislation is so important to air service in my State.

In addition, the FAA legislation addresses a widely held concern in my home State that air fares to small cities are too expensive. The bill directs the Secretary of Transportation to study why city air fares are so exorbitant and recommend what measures can be taken to make air travel to small cities more affordable.

The FAA legislation contains many very important aviation safety measures. One such measure will ensure the flight service station in our capital city of Pierre will remain open. Constituents traveling to and from Pierre were very concerned that closing the flight service station would compromise safety at the Pierre Regional Airport. I am very pleased the provision I added to this legislation addresses this concern.

Mr. President, there is a continuing struggle over one provision in this vitally important aviation safety and security legislation which is preventing it from being considered by the Senate. I commend the leadership on both sides of the aisle for trying to bring the FAA bill to closure. We cannot leave this city without finishing the FAA bill. It is one of the most important pieces of legislation in this Congress. The air service provisions in this legislation also make it one of the most important pieces of economic development legislation for South Dakota of this or any Congress.

Mr. President, as chairman of the conference on H.R. 3539, The Federal Aviation Authorization Act of 1996, I again rise to urge my colleagues to permit the Senate to proceed to consideration of the conference report for this critically important legislation. H.R. 3539 is a bipartisan, omnibus aviation bill which reauthorizes the Airport Improvement Program [AIP], reforms the Federal Aviation Administration, improves aviation safety and security, and provides long overdue assistance to the families of victims of aviation disasters.

Mr. President, it is absolutely imperative that the Senate approves this conference report before we adjourn and that the President signs the report. Friday, the House met its responsibility to the American traveling public by passing this legislation. If the Senate fails to approve this excellent legislation which represents another significant legislative accomplishment for this body, we will have failed to meet our responsibility to the American traveling public. For example, if we do not approve this report, airports across the country will not receive Federal funding which is vital for safety-related repairs and other improvements.

If we fail to pass this report, the Senate will have neglected our responsibility to ensure the United States maintains the safest and most secure aviation system in the world. For example, the conference report implements many of the aviation security recommendations made by the White House Commission on Aviation Safety and Security earlier this month.

Mr. President, there are dozens of important provisions in this legislation, but I would like to focus my remarks on four main areas.

First, aviation safety. Air transportation in this country is safe. Indeed, it remains the safest form of travel. However, we can and we must do more. This legislation facilitates the replacement of outdated air traffic control equipment. It puts in place a mechanism to evaluate FAA's long-term funding which is critically important at a time in which enplanements continue to increase yet Federal budget constraints limit the ability of the FAA to respond to the increased needs of our aviation system. Additionally, this legislation eliminates the FAA's dual mandate. It ensures the FAA finally focuses solely on aviation safety.

A second area I want to highlight is aviation security. This conference report contains numerous provisions designed to improve security at our Nation's airlines and airports. The measure before us today incorporates many of the recommendations of the White House Commission on Aviation Safety and Security of which I am a member. In fact, this legislation provides statutory authority requested by the President to implement several of the Commission's recommendations. Passage of this bill will improve aviation security by: Speeding deployment of the latest explosive detection devices; enhancing passenger screening processes; requiring criminal history record checks on screeners; requiring regular joint threat assessments; and encouraging other innovative procedures to improve overall aviation security such as automated passenger profiling.

The third area I wish to highlight is how this legislation will help small community air service and small airports. The legislation before us today reauthorizes the Essential Air Service program at the level of $50 million. This program is vital to States such as South Dakota. By adjusting the formula for Airport Improvement Program [AIP] funds, we would now ensure that all airports receive virtually all their entitlement funds in addition to being eligible for discretionary funds. This is great news for small airports which in recent years have received far less than their full and fair share of these funds.

Also, the legislation directs the Secretary of Transportation to conduct a comprehensive study on rural air service and fares. For too long, small communities have been forced to endure higher fares as a result of inadequate competition. The Department of Transportation will now look into this issue as a result of this conference report. This follows on the important work that I instructed the General Accounting Office to initiate last year.

Mr. President, the final area I wish to highlight is the compassionate measures this legislation would put in place for the families of victims of aviation disasters. Last week, I chaired a hearing of the Commerce Committee in which the families of victims of five aviation tragedies courageously told the committee of their harrowing experiences. I promised those witnesses, as well as other families of victims in the room, that Congress finally would act this year to put in place measures to improve the treatment families receive, protect their privacy in a time of grief, ensure they receive timely and accurate information, and address a number of other concerns they eloquently voiced to the committee. The family advocacy and assistance provisions in this conference report are supported by these families and I hope the Senate will help me keep my promise to families who already have suffered enough. I hope we do not disappoint them.

Mr. President, despite all the vitally important aviation safety and security provisions in this legislation, I understand some members are troubled by one provision. I refer to the amendment the ranking member of the Commerce Committee, Senator HOLLINGS, offered in conference to correct a technical error in the Interstate Commerce Commission Termination Act of 1995. The Hollings amendment, which I strongly support, is not the partisan provision some have claimed it to be. All five Senate conferees—Senator MCCAIN, Senator STEVENS, Senator HOLLINGS, Senator FORD, and I—voted in favor of that amendment because, despite all the rhetoric, it is simply a technical correction which fairness dictates the Congress make.

I would like to briefly discuss the rhetoric that has clouded the Hollings amendment issue and, regrettably, has transformed the Hollings amendment into an issue which some now feel is more important than enhancing aviation safety and security. When the House debated the conference report, I heard a number of Members make blanket statements that the Hollings amendment is not truly a technical correction. Those same Members claimed their statements were based on their purported knowledge of the Senate's intent when it considered and overwhelmingly passed the ICC Termination Act. With all due respect to those Members of the House, I authorized the ICC Termination Act and can unequivocally say they are dead wrong. The Hollings amendment is nothing more than a technical correction. In the ICC legislation, the Senate never intended to strip Federal Express or any person of rights without the benefit of a hearing, debate, or even discussion. Now, fairness dictates we correct that inadvertent error. That is precisely what the Hollings amendment does. It is exactly why I supported it in conference. It is why I continue to strongly support it.

Today's debate should be about this truly historic piece of aviation legislation which reflects the outstanding work Congress does when it proceeds on a bipartisan basis. Unfortunately, I fear the debate regrettably will focus on the Hollings amendment which is contained in just 5 lines of a 189-page bill. All too often, Congress is criticized for losing sight of the big picture. Today, if this debate proceeds as I fear it may, the Senate will reinforce that perception.

Some members of the American public watching this debate from the gallery of a C–SPAN will understandably ask themselves "has the Senate lost sight of the goal of ensuring the safety and security of air travel in the United States?" Others will ask themselves "has the Senate forgotten the importance of safety-related repairs and other improvements of our Nation's airports?" And the family members of aviation disaster victims will correctly ask "why has the Senate failed to listen to our pleas to put in place measures to improve the treatment of families of future aviation disaster victims?"

And, Mr. President, each and every one of these questions will be perfectly valid. I would hate to be in the position of having to answer them.

We owe it to the American public to preempt these questions by resisting the invitation to lose sight of the bigger picture. Today, we are trying to pass a historic aviation safety and security bill. Let's move beyond 5 lines in a 189-page bill. Let's get the job done for the American public. I urge that the Senate immediately take up for consideration the conference report to accompany H.R. 3539.

Mr. President, earlier today I wrote the Vice President of the United States urging him to support swift and final passage of the conference report accompanying H.R. 3539. In that letter, I reminded the Vice President that two of the most important aviation security recommendations made by the White House Commission on Aviation Safety and Security—deployment of explosive detection devices at our Nation's airports and criminal background checks for baggage screeners—cannot be implemented without the statutory authorization to do so provided in this legislation. These important recommendations to enhance the security of air travel in the United States cannot wait until we reconvene next year. We must pass those two provisions before we adjourn. We must pass this legislation before we adjourn. I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION
Washington, September 30, 1996.

Hon. ALBERT GORE, Jr.,
Vice President of the United States,
Washington, DC.

DEAR MR. VICE PRESIDENT: As the Senate Majority Leader's designee to the White House Commission on Aviation Safety and Security, I am writing to urge you to actively support final passage of the Conference Report accompanying H.R. 3539, the Federal Aviation Reauthorization Act of 1996. As you know, H.R. 3539 is a bipartisan, omnibus aviation safety and security bill. It is vitally important the Conference Report passes the Senate prior to adjournment.

Based on a meeting with your staff, I understand several of the Commission's recommendations require statutory authority to be undertaken. Without such authorization, I was told these recommendations to enhance our nation's aviation security cannot be implemented. Specifically, I am referring to statutory authority to deploy government purchased explosive detection devices in our nation's airports and to conduct criminal background checks on baggage screeners.

The Conference Report to H.R. 3539 responds to the Administration's request for statutory authority in these two areas. Section 305(b) authorizes the deployment of explosive detection devices and Section 304 permits criminal background checks on baggage screeners. In addition, the legislation embraces a number of other recommendations made by the Commission which enjoy bipartisan support such as comprehensive measures to improve the treatment of the families of aviation disaster victims.

Mr. Vice President, I hope you agree the Senate must approve the Conference Report accompanying H.R. 3539 before it adjourns. Otherwise, according to your staff, two of the most important recommendations of the Commission—interim deployment of government purchased explosive detection devices and criminal background checks for baggage screeners—cannot be implemented. We must not let that happen.

I look forward to working with you to ensure this critically important aviation safety and security legislation passes the Senate as soon as possible.

Sincerely,

LARRY PRESSLER,
Chairman.

Mr. PRESSLER. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. JEFFORDS. Mr. President, I earlier spoke about the problems with this bill actually resulting in hundreds, if not thousands, of individuals actually being fired from their jobs.

I would like to turn to some good news this time about the bill about the District of Columbia. It includes important provisions for the District of Columbia. In addition to provisions on school facilities, the conference agreement improves the ability of public charter schools to operate in the city.

The condition of school facilities in the District of Columbia has reached a crisis stage. Those who live here know that. It has been front-page news in the papers for weeks.

As of Friday, four public schools still remained closed due to fire code violations, displacing almost 2,000 students. A breakdown in oversight and accountability has occurred at the expense of the children in this city.

Strong and immediate action must be taken to reverse this situation. This bill does it. Children in the District of Columbia must be able to attend public schools that are safe and free of facility deficiencies that lead to their closure. The General Services Administration estimates the cost of repairs at $88.6 million for severe facility deficiencies in fiscal year 1997. The total deficiencies are about $2 billion.

As estimated, $40.7 million will be available from existing appropriations and borrowing. Additional resources are needed to prevent unsafe conditions and school closures. But these resources cannot be provided to a school system which has demonstrated an inability to effectively manage its resources.

I have, therefore, sought inclusion of a provision in the omnibus bill to provide resources to combat facility deficiencies while placing responsibility for the expenditure of funds with the DC Financial Control Board, not the school system. In addition, the General Services Administration will provide program management services for the repairs and capital improvements.

The provision makes available an estimated $52.7 million to the control board to carry out a program of facility repairs and capital improvements. The bill makes these funds by reallocating $40.7 million to the Authority from operations funds appropriated, and capital financing authority provided, in previous appropriations acts.

The provision also makes available an estimated $12 million from the privatization of both the Student Loan Marketing Association, fondly known as Sallie Mae, and the College Construction Loan Insurance Association, commonly known as Connie Lee, as the Senator from Connecticut, who is on the floor, is well aware. We acted at his request.

The availability of these resources means that immediate action will be taken to repair facility deficiencies in DC schools. In addition, the Congress will closely monitor the progress of facility repairs and will consider providing additional funds in a supplemental appropriation during the spring of fiscal year 1997. This comes from my consultation with the chairman of the House Appropriations Committee. In the interim, the control board will be able to reprogram funds for facility repairs, if necessary.

Mr. President, I appreciate the concern that some of my colleagues, no doubt, have about any increase in Federal assistance for the District of Columbia, given its dismal track record in managing resources. However, I remind my colleagues that we have previously taken strong action to prevent future mismanagement by establishing the control board and the chief financial officer.

The additional funds provided for improving school facilities, as well as previous funds provided, will be fully managed by the control board, not the school system nor the District of Columbia government. Moreover, I must also point out that we have an obligation to the well-being of the children in the Nation's Capital. We have accepted that responsibility. This obligation includes the condition of the schools they attend.

I thank Chairman HATFIELD for including a provision for the District of Columbia in the conference agreement, given that the regular appropriations bill for the District has already been signed into law. He recognizes, as I do, and as Chairman LIVINGSTON does, the obligation of the Congress to the children of the Nation's Capital. We have a joinder on that understanding and have acted quickly and decisively to make sure what happened this year does not happen next year. I would also like to thank the ranking minority member on the Subcommittee on the District of Columbia, Senator KOHL, for working with me to include this provision.

This is only a start. There is much more we need to do for the kids in this city. As long as I am in the Senate, I assure you I am going to do everything I can to make this a city we can be proud of, especially with respect to education.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

WELFARE REFORM

Mr. DODD. Mr. President, several weeks ago, during the consideration of the welfare reform bill, I came to the floor and expressed my views on that legislation. At the time, I characterized the bill as an unconscionable retreat from our Nation's more than 60-year commitment to America's poorest children.

Unfortunately, I still believe that to be the case today. In the past 60 years, while we have disagreed and quarreled in this country on some issues, all Americans, regardless of party or ideology, understood that it was in our national interest to protect the most innocent and defenseless of our people—the 9 million children who collect Aid to Families with Dependent Children. Whether you are from Connecticut, California, Maine or Mississippi, if all else fails, your National Government would not rip the safety net from underneath a poor child's feet.

With the passage of the welfare reform bill, I believe we have abandoned that 60-year-old commitment. While the welfare reform legislation may have been, in my view, a retreat, it is by no means a surrender. A surrender would indicate that we are throwing up our arms because the struggle is over. A retreat, on the other hand, means it is a temporary setback, not the end of the battle. Unfortunately, the battle is not going to be fought in the remaining hours of the 104th Congress. But I pledge to my colleagues here that one of my first priorities in the 105th Congress will be to propose legislation that will correct what I consider to be major flaws in the welfare reform bill.

Already I have instructed the General Accounting Office to begin assessing the effect of the welfare reform bill so that Congress can closely monitor its impact on America's welfare system and particularly on our Nation's children.

While I disagree with many aspects of the welfare reform legislation, its passage brings us to a new point, I believe, in how we deal with poverty and social issues in this country. We are now waging this battle on a new front and with a new set of parameters. The blame game on welfare is over. The time has come to move beyond divisive rhetoric and to find innovative ways to make this welfare legislation work for America's poorest children. Simply passing the problem on to the States and our local communities—as if they have all the answers and all of the resources to grapple with this problem—is not a solution. It is, as President Clinton has often stated, only the beginning. There is still significant work to be done.

First and foremost, Mr. President, we must redouble our efforts to create good-paying jobs for welfare recipients striving to end the cycle of poverty and dependency. The bill that this Senate and this Congress passed, while professing to move people from welfare to work—a concept that I wholeheartedly endorse—failed to provide the funds needed to reach that goal. In fact, the Congressional Budget Office estimates that the bill is $12 billion short of funds needed to meet the bill's stringent requirements.

Consider, for example, that if today every new job in New York City was to be filled by a current welfare recipient, it would take 21 years for all these people to be absorbed into the city's economy. Does any Member of this body really think that millions of jobs offering good wages with health benefits are suddenly going to appear out of thin air? Absolutely not, particularly if we fail to focus on job creation and providing greater funds for assistance, training, and education, that give welfare recipients, in our cities and our States, the chance to achieve the self-sufficiency this bill calls for.

As important as job creation is, Mr. President, to the success of welfare reform, it will mean nothing if we do not allocate significant resources to child care. While I was pleased to see that more funds were provided for child care in the legislation than was originally proposed, more is needed on this front.

If this bill is to be successful in permanently getting people off welfare, as well as helping those already in the job market, working parents must be sure that their children will be well taken care of. The Congressional Budget Office again estimates that there is close to a $1.4 billion shortfall in the child care funds for the working poor and people in transition from welfare to work. This discrepancy has to be addressed in the next Congress if this legislation is going to succeed. So, too, must the provision allowing mothers with children between the ages of 6 and 10 to be sanctioned and potentially lose benefits if they cannot find or afford child care.

Remember, we tried to strike that provision, but we lost. And so today, if you have children between the ages of 6 and 10, and you are out trying to find work, the fact that you cannot find child care and cannot marshal the adequate resources could cause you to lose all your benefits. Again, I do not understand the wisdom of that. What happens to 6- and 7- and 8- and 9-year-olds and 10-year-olds in this situation? If their mothers cannot find child care, who is to take care of them? What happens to these children? And yet, that is not provided for in the legislation. My hope would be that this is one of the provisions we would try and correct in the next Congress.

At the absolute least, we, as a nation, should be able to guarantee to children under the age of 10 that they will not be left home alone, to fend for themselves while their parents are out trying to make the difficult adjustment from welfare to work. However, it seems that when it comes to the discussion of welfare reform in this Chamber, there seems to be a constant fundamental disconnect between rhetoric and reality. The fact is, we simply cannot ask welfare recipients, struggling to get by, struggling to make ends meet, struggling to raise a family, to keep a job if Congress does not provide adequate child care.

Of course, the issue of child care rubs both ways, for both working parents and, of course, their young children. Obviously, child care is about more than just helping working parents. It is about ensuring that our Nation's poor children will not be neglected.

When we debated the welfare reform bill, we came just short of the necessary votes of providing vouchers for children whose families reach the 5-year limit. To my colleague's credit, from the State of Louisiana, Senator BREAUX, who tried to include these vouchers so that at the end of the 5 years—whatever else you do to the parents, you do not visit that problem on the children. We lost that vote on a narrow decision here in the Senate.

Under the welfare bill which became law, States are prohibited—they are prohibited—from even providing vouchers for children from block grant funds. That we punish children because of the actions of their parents, no matter how irresponsible they may be, is, in my view, abhorrent. By not providing adequate protections for poor children, we risk doing just that.

Additionally, Mr. President, the next Congress must work to address issues of concern for food stamp recipients and legal immigrants. These food stamp cuts will be disproportionately borne by families with children. In fact, these families will absorb two-thirds of these cutbacks.

Also, as we speak, Mr. President, legal immigrants are being cut off from their food stamp benefits and SSI insurance as well. Many have no idea what is about to happen to them. The poor, the elderly, the disabled will simply lack the means to care for themselves, and, what is worse, they have no grace period to prepare for these changes.

Mr. President, to give you an idea of the practical impact of these provisions, I want to bring to my colleagues' attention the plight of some 2,000 Cambodians, legal immigrants—legal immigrants—who live in my home State of Connecticut. Of those 2,000 Cambodians, at least 250 of them suffer from concentration camp syndrome, from living under the murderous Khmer Rouge. Due to this legislation, they will lose access to SSI, food stamps, and health care benefits. What is worse, many of them do not meet the criteria for naturalization. The local Khmer health advocates estimate that people may well die as a result of this elimination of care.

Mr. President, is this how we treat the downtrodden and vulnerable legal immigrants we brought to this country because of the circumstances they faced in Cambodia? The number may not seem high, only 250 out of 2,000, but these are people we brought to America because we wanted to give them a better chance and to get away from the murderous regime of the Khmer Rouge. And now we are going to cut them off from SSI benefits and health care? I do not understand the logic of that.

These people played by the rules. In many cases, we brought them here. They pay taxes. And yet we voted to cut off essential care to these people, as well as millions of others. Who would have imagined that those Cambodians who bravely fled their nation's killing fields would now find themselves being told by the greatest democracy the world has ever known, "We're not going to help you out on basic health care needs."

Mr. President, these are mean-spirited provisions masquerading as budget cuts. Nearly every Member of this body is a descendant of immigrants. By failing to correct the flaws in this bill, we risk repudiating America's legacy of immigration which has defined our Nation for more than 200 years.

Let me also say, Mr. President, that one of the most important aspects of this bill is our constant vigilance in monitoring the impact of this legislation. Language in the welfare reform bill allows Congress to closely study how the bill is implemented. This body must ensure that the States remain accountable to the spirit of this legislation.

For example, recent press reports indicate that States will receive credit for moving welfare recipients to work simply by dropping them from welfare rolls. That is not reform. That is abandonment of our national priorities. And Congress must ensure that it does not happen.

That is why I have already talked to the General Accounting Office, as I mentioned at the outset of these remarks, about monitoring the major areas of this legislation. I will ask the General Accounting Office to examine the impact of the reductions, terminations of cash benefits, and food assistance on the well-being of children.

Also, Mr. President, I believe we need to look closely at the financial impact of this legislation on counties and cities who, under the welfare reform bill, bear new and more difficult burdens. We must be sure that we are not giving them unfunded mandates that they cannot afford to carry out. We must also monitor how States plan to implement changes in the Food Stamp Program that are allowed under this new legislation.

Additionally, Mr. President, I will ask the General Accounting Office to determine if adequate resources are being devoted to child care for the working poor and parents leaving welfare for work. These are just a few of the issues on which we as a nation, I think, are entering unchartered territory. In fact, a recent article in the New York Times notes that, not only is data "skimpy" on the impact of welfare reform measures, but also research results are largely "ambiguous, contradictory, confusing, or nonexistent," to quote that article.

This lack of empirical data underscores the need for this coming Congress to keep a close eye on how welfare policies are being implemented across the country. It is my hope, Mr. President, that when we reconvene in January we will address some of these critically important questions.

For those of us who both opposed and supported this legislation, we have a solemn responsibility to move beyond rhetoric and ensure that we fulfill the mandate to move Americans from welfare to work, from dependency to self-sufficiency, and from hopelessness to opportunity.

My hope is, Mr. President, the coming Congress will focus a lot of its energy and time on these questions so that we might correct some of the shortcomings of the welfare reform bill that was passed in this Congress.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I yield myself up to 5 minutes from the leader's time on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. FORD. Mr. President, I want to express my disappointment that the banking provisions of the omnibus appropriations bill currently before us fails to include a very important licensing provision for bank insurance sales. Over the past few weeks, I have heard from hundreds of insurance agents in Kentucky who believe it is only fair that all professionals who sell insurance, regardless of what institution one may be affiliated with, be licensed by the appropriate State agency. Regretfully, in the push to leave town and adjourn for the year, the negotiators failed to include this important measure in the banking provisions of the appropriations legislation.

The State licensing question recognizes one simple straightforward issue—the commonsense notion that anyone selling insurance should be licensed. No one questions the fact that lawyers, doctors, real estate agents, and other professionals must pass examinations and be licensed by the appropriate State authority. Insurance agents are professionals, whether they work for a bank or an insurance agency. I see no distinction.

Mr. President, the licensing standard would establish an important safeguard to ensure fair competition in the insurance marketplace. Allowing bankers or any other professional to escape licensing standards represents an unfair advantage over insurance professionals who have diligently met such standards for years. Anyone selling insurance to consumers, bankers and agents alike, should be sanctioned by the proper State authority.

Perhaps more importantly, Mr. President, this issue is about more than a level playing field for insurance agents. It is about confidence and trust. By requiring licensing for insurance sales, Congress will reassure American consumers as they seek insurance protection for their families, homes, automobiles, and their lives, that their agent has a license, meets State education requirements, and all appropriate qualifications. This is no small consideration. I believe American consumers rely on and trust the individuals they consult for financial decisions, whether that individual is an insurance agent, lawyer, or a realtor. We must ensure that minimal standards are met in order to preserve this important confidence.

Mr. President, it is my sincere hope that Congress will address this important issue next year when we return. I believe it is about common sense and fairness. However, above all, this issue represents sound, public policy and would safeguard the trust consumers place in insurance professionals. Again I say, Mr. President, I hope that Congress will take action soon after we return next year to ensure this trust continues.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. I yield myself 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. I rise today to bring to my colleagues' attention the enactment of a vital piece of consumer legislation. In fact, I believe that the Fair Credit Reform Act of 1996, which is incorporated in the continuing resolution that we are about to vote upon, marks the most significant piece of consumer legislation enacted in this Congress.

This legislation will improve the accuracy of credit reports and it will reduce the frustration of tens of thousands of Americans as they experience difficulties with inaccurate information in their credit reports and the consequent difficulties of getting that inaccurate information removed.

Mr. President, it has been more than a quarter of a century since the original Fair Credit Reporting Act was enacted by the Congress. While the credit reporting industry has initiated a number of improvements voluntarily, the time has come to update the law. Senator BOND and I have been working on problems that individuals experienced with correcting inaccuracies in their credit files for more than 5 years. Errors in consumer credit reports have been the No. 1 item of complaint at the Federal Trade Commission and States attorneys general have experienced similar levels of complaint.

That is why this legislation is so vitally needed. Credit financing has become a way of life for us in America. It is an integral part of our economy and it is hard to imagine our lives without it. Without the credit reporting system consumers would not have the easy access to credit that they now enjoy and America's economy would suffer as a consequence.

The credit reporting industry keeps files on more than 190 million Americans, sells more than 1.5 million credit reports each and every day, and makes over 2 billion new entries each and every month. With this kind of overwhelming data flow there are bound to be mistakes in the system. Most of the time, errors are unintentional but they can be very damaging. While we expect mistakes when 2 billion bits of information are entered into a credit reporting system every month, what we should not tolerate are companies that show little regard for the accuracy of the information they provide to credit bureaus, and we should not accept the frustrations that consumers experience in trying to get erroneous information removed from their records.

Mr. President, even as I speak, people are being turned down for student loans, car loans and mortgages. People are being turned down for jobs and for promotions all because of faulty information in their credit reports. While we will never eliminate human error or computer error altogether, I believe we can and should do a substantially better job. Over the past 5 years I have been working on this, the Senate has held extensive hearings on this topic. We heard that the credit reporting system, in a majority of cases, works extremely well and benefits American consumers by providing them with ready access to credit. However, we also heard from far too many consumers who endured frustrating experiences in getting errors removed from their credit files.

I remember a hearing that we had in Nevada in which two cases come to mind. One involved a Bill and Barbara Kincade from a small town in northern Nevada, McDermitt, who corrected a mistake on their credit report that arose when their bank sold their mortgage to another institution. They believed that they had corrected that information. Three years later, they discovered that the erroneous entry had reappeared on their credit history when they were turned down for a loan to finance a satellite dish. Our legislation would prohibit the reinsertion of deleted information without notifying the consumer first.

I also remember the story of Mary Lou Mobley who almost had to drop out of graduate school after she was denied a school loan because her credit report reflected that she was married to a man from Arizona with numerous financial defaults. The problem, Mr. President, is that Mary Lou had never been married, never been to Arizona. Although Mary Lou had an excellent credit history other than this erroneous entry, she was required to obtain a cosigner on a student loan and pay a significantly higher interest rate in order to process her loan. Four years later, after graduating from school, she was victimized once again by the same erroneous information and denied a car loan. These kind of stories demonstrate the need to improve our system of getting errors fixed.

There are two provisions in this legislation which are especially important to fix the gaps in the current system. First, the bill creates a consumer friendly process for removing mistakes from your file. Anyone who has tried to correct a mistake in their credit history knows firsthand the immense frustration it causes.

The consumer has to prove the information in his or her report is erroneous. This can often be exceedingly time consuming, costly and, in some cases, nearly impossible to prove the negative; namely, that the individual whose credit history is erroneously inserted in the applicant file for credit is not that same individual. Consumers should not be burdened with these costs and these frustrations.

The legislation, which we will adopt in a few hours, changes the burden of proof from the consumer to the credit reporting agency when the consumer notifies the credit reporting agency that the information reportedly contained in his or her file is erroneous. Once that notice is given to the reporting agency, the reporting agency has 30 days to verify the information. If the reporting agency is unable to verify the information, the erroneous information must be removed.

The second critical feature of this bill deals with those companies that furnish information to credit bureaus. The information in the credit bureau database is only as good as the data sent in by banks, retailers, and other furnishers of credit information. This legislation makes these furnishers of information liable if they fail to correct mistakes after consumers brought such mistakes to their attention.

While none of us want to discourage companies from supplying accurate information to credit bureaus, it is equally important to hold them accountable for the accuracy of the data they supply. This legislation will provide companies with the necessary incentives to improve their reporting and, thus, result in fewer mistakes.

Mr. President, I want to say a word about one of my colleagues with whom I have worked on this issue for the past 5 years—Senator BOND. He and I have worked closely on this legislation. With his support and that of his staff, we have been able to progress to the point where in a few short hours, this legislation will have passed the Congress and on its way to the President for signature.

Interested parties have very strong feelings about this legislation. Senator BOND and I have spent countless hours trying to bridge these differences. And I greatly appreciate his persistence and determination in working toward reform of the credit reporting system.

Let me also say, as every one of my colleagues know, major legislation such as this is not enacted without the strong and continuous support of very effective staff backup. I want to cite one of my staff members in particular, and mention some others before concluding my comments.

Andy Vermilye has given literally hundreds and hundreds of hours, a frustrating experience as progress was offset by other problems that surfaced as this legislation was processed. In the 103d Congress, we had this legislation cleared in both Houses. A change was made at the last minute, and because it was the concluding day or two of the session, one colleague was able to hold up this legislation and literally wipe out the work of Senator BOND and our respective staffs, but particularly my legislative director, Andy Vermilye.

So back again we came, and now we are on the threshold of victory. The record on this legislation should reflect that without Andy Vermilye's patience and persistence, this legislation would not have occurred.

Other staffers need to be mentioned: Kris Siglin, Maggie Fisher, and Mark Kaufman, who have gone on to greener pastures, but labored mightily in behalf of the cause. John Kamart, Susan McMillan, Doug Nappi, and Kimberly Cobb worked long and hard on this bill. Amy Friend and David Medine were instrumental in getting this passed. Michele Meier, Ed Merwinski, Emmitt Carlton, Mike MacInney, Tim Jenkins, and Barry Connely deserve recognition for their contributions on this bill as well because all sectors—both the business community and consumer interests —are involved in making this legislation a reality.

Mr. President, this legislation marks an important event for consumers in our country. We are making significant improvements in the credit reporting system, and the lives of thousands of Americans who have encountered difficulty in their credit reports will be made easier as a result of the changes made by this legislation.

Mr. President, I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

SENATOR HATFIELD'S STAFF

Mr. HATFIELD. Mr. President, I would like at this time to take a few moments to reflect on my leaving the Senate, and to comment upon the extraordinary staff that I have enjoyed over the years, the tremendous work that they do every day, and the staffs for all of the Senators I am sure would mete some of the same comments and earn some of the same accolades that I would like to extend to my staff.

I have always said that I believed that the soul of my office is really the casework where you can make a difference in the life of some individual—it may be a Social Security check that is fouled up; it may be an immigration problem in which a family can be reunited. We all have similar work in this category. But I really think that has probably more bridge-building impact upon people thinking and knowing that their Government does care and that they have compassion.

I would like to thank particularly Melanie Curtis, Chris Tye, Chris Brown, and Lisa White. They have served the people of my State in an extraordinarily capable and compassionate fashion.

My Washington office has been kept running by a dedicated group of administrative professionals led by my office manager, Lynn Baker, who, like many in this Senate, is raising a family as a single parent and juggling her workload in order to meet both her duties to the office and, more especially, to her young son. She is assisted by a dedicated group of Senate professionals as well.

I am sure that no Senator fully knows all the details that go into the creating of a daily schedule. We all carry these little cards around. We all know, too, that situations change during the day. Brenda Hart has been, for the last 5 years, my chief scheduler. She has been a confidant, she has been a political operative, and she has been the cheerleader of our office by her extraordinary talent of baking. She keeps that bakery going at her home and brings the results to the office to share, whether it is late at night or whether it is during the day. I think she is the first to arrive in my office in the morning and the last to leave. I can't believe that an office could run more smoothly than she directs. One of the newsmen the other day dubbed her the den mother for all the people in my office. I refer to her as mother superior, as she takes a very direct role by not just handing me a card, but she helps direct me.

Of course, the reason we are here is to pass legislation, and there is no legislative staff I feel that is as skilled mine. I take great pride in all parts of my office, especially the legislative staff.

For some 6 years a young lady by the name of Sue Hildick has been my legislative director. She became my legislative director at the age of 26. I doubt that history will show that a legislative director of an office has started that undertaking being so young, but she has done it as a mature professional with great judgment, along with all of her directing and coordinating of legislative staff.

Of the 14 members of my policy team, 11 started in my office as interns, including my chief of staff, Steve Nousen.

Mr. President, we all know that offices have to have a tight hand. They have to have an understanding hand, and I believe that Steve Nousen has performed that duty in such an extraordinary way in terms of efficiency and keeping a happy, well-run operation. I suppose I would say that Steve had a very good beginning. He had professional training as a schoolteacher and as a civics teacher in a high school in a small community in my State. There in small communities you know everyone. Everyone knows you. They know your strengths. They know your weaknesses and yet you have to be a good neighbor especially in school because parents in that type of school take a very active interest. As a consequence, they are watching you as well to inspire, teach, and to set the example before their children. Steve Nousen, as I say, has a great and wonderful record as my chief of staff, has my total confidence.

There are three members of my staff as part of my legislative team: Doug Pahl, Karen Matson, and Kristi Gaines. They earned their law degree while going to night school and carrying a full load during the day as staff members. I am proud of that record. Ken Hart, my current press secretary, started as an intern and finished his master's degree program at American University while serving as a staff assistant. I come from an academia background, and, of course, there is nothing that gives me more satisfaction than watching my staff grow in maturity and academic accomplishment. We have been supportive of their efforts. These are a few of them that I refer to, not every single person, because that would take us into a time beyond my allocation at this moment.

I have praised my staff on the Appropriations Committee many times because each bill we have keyed in upon the performance of the staff in charge, but let me again refer to the chief of staff of the Appropriations Committee. I have to say that he came as an intern from the divinity school at Duke University. He was headed for the Methodist ministry. I feel sort of a guilt complex here at the moment because in coming as an intern he never left. So the Methodists have suffered as a result. I have always said, being ecumenical, my previous staff director came from the Princeton seminary and never returned. I think they are doing the Lord's work when they are involved in public service, and I think we will know they affected the kingdom in a very special way at some point in the future.

Keith Kennedy came, as I say, as an intern and almost 25 years later we have reached this point of our relationship. Again, I would have to have volumes to describe the history, the experiences we have shared together. But I like to think that because we have really a comparatively low turnover, probably the least turnover—I know a few years ago there was a survey done, and we had the least turnover of any staff in the Senate. I would think the longevity of that staff adds to their abilities and the quality of their service to the citizens of this country.

I just have to say I have been blessed by the quality of the people who have served and are the working relationships that I have enjoyed. I have learned a great deal from my staff. I have learned that young people are so enthusiastic. They have so much trust and faith in the system, this great political system of ours and they are determined to make it work, and so individually and corporately I take my hat off to one of the great reasons why I have been able to stay here for 30 years and have achieved a certain degree of success in a certain number of fields.

Mr. President, I wish to take this opportunity to add to the remarks that I just made to further commend the excellent staff that we are fortunate to have here in Congress.

Over the course of the last week, I have had the opportunity to see the Appropriations process at work like few others do. Working around the clock, our negotiations with the House of Representatives and the White House was an all consuming task. Mr. Panetta and OMB Director Raines ably represented the priorities of the White House while Congressmen LIVINGSTON and OBEY did the same for the House.

I wish to highlight the efforts of three people who are the mechanics of this effort. The people who ensure that the decisions that are made are translated into words that are properly included in the bill and report and do what is intended they do.

John Mikel and Dennis Kedzior of the House Appropriations Committee and Jack Conway of the Senate Appropriations Committee are the mechanics that have so developed the confidence of both bodies that we can confidently vote on this large piece of legislation knowing that it is technically correct and properly drafted.

With over 60 years of combined service to the Federal Government, their commitment to the process and making government a better place serves as an example for all who work here.

Mr. President, I suggest the absence of a quorum to be—first of all, Mr. President, what is the time factor remaining?

The PRESIDING OFFICER. The Senator controls 58 minutes 20 seconds; the minority controls 70 minutes.

Mr. HATFIELD. Mr. President, I would suggest the absence of a quorum. I ask unanimous consent that it be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I think under a unanimous-consent agreement I am to be recognized now for 5 minutes. Is that correct?

The PRESIDING OFFICER. That is correct. The Senator is recognized for 5 minutes.

Mr. PRYOR. I thank the Chair for recognizing me.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION

Mr. PRYOR. Mr. President, I stand here this afternoon in the waning hours of this Congress urging our colleagues to support not only the FAA reform authorization bill but to urge with all my heart this body to include the language adopted by the conference offered by Senator HOLLINGS of South Carolina, the so-called Hollings amendment. I think that we should approach this rationally. I think that we should approach this matter with understanding and certainly with truth, a calm atmosphere. I know it has gotten remarkably emotional in the last several hours.

First, I hope our colleagues will know that this is not some amendment offered by the Senator from South Carolina to make it difficult for unions to organize. It is not a union-bashing amendment. It is nothing of the sort.

Furthermore, in my humble opinion, this was a mistake. It was a mistake when we phased out the Interstate Commerce Commission and moved those areas of concern and jurisdiction to other parts of our Government. Clearly, there was a disclaimer by the Congress and it said in section 10501 of the Interstate Commerce Commission Termination Act—it has been cited in the Chamber by the distinguished Senator from South Carolina. Once again I will cite that language:

> The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of the employees and employers by the Railway Labor Act.

That is precisely what I think this debate is all about. Why the so-called express carrier language was omitted in 1995, I, frankly, do not know. I think it was an error. I think it was a drafting error.

If that be the case, then I think it is incumbent upon this body to cure that error and to set the record straight. I do not believe that one person can be produced who can come and testify before this body, or tell this Senator, or perhaps any other Member of this body, that this was not an error. I do not know who that person is.

That is notwithstanding a report that is being cited freely on the floor of the Senate this afternoon by the American Law Division of the CRS, the Library of Congress.

In all due respect to whomever authored this particular rendition of what they felt the law was, I think that this is, perhaps, one of the most confusing, ambiguous memoranda that I have read from this erstwhile very, very reputable division of the Library of Congress.

This flies also in the face of the staff of the Senate Commerce Committee and also of the staff of the House of Representatives Commerce Committee.

Mr. President, I ask unanimous consent their rendition of what actually happened in this area be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 28, 1996.

Hon. ROBERT LIVINGSTON,
Chairman, Committee on Appropriations,
Washington, DC.

DEAR BOB: I understand that some questions have been raised recently concerning the effect of the recently enacted ICC Termination Act on the Railway Labor Act. The new statute replaces the ICC with a Surface Transportation Board at the Department of Transportation. It also explicitly states in 49 U.S.C. 10501(c)(3)(B) the intention of the Congress that the ICC Termination Act is not to change the coverage of any employer or employee under the Railway Labor Act. This was the clear understanding of the Transportation and Infrastructure Committee, the Senate Commerce Committee, and the members of the conference committee. If there are any ambiguities in the new law concerning its effect on the Railway Labor Act, they were created unintentionally. Any such ambiguities should not be allowed to negate the clear intent stated in Section 10501(c)(3)(B).

I hope you find this information useful. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

SUSAN MOLINARI,
Chairwoman, Subcommittee on Railroads.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 1996.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. MAJORITY LEADER AND MR. SPEAKER: We are writing to you to set out the facts regarding a technical error in the ICC Termination Act of 1995, Public Law 104–88. The mistake concerns the context in which the ICC Termination Act addressed the relationship between the economic regulation of transportation under Subtitle IV of Title 49, United States Code, and the Railway Labor Act (45 U.S.C. 151 *et seq.*).

The ICC Termination Act abolished the former Interstate Commerce Commission, reduced economic regulation substantially in both rail and motor carrier transportation, and transferred the reduced but retained regulatory functions to a new Surface Transportation Board, part of the Department of Transportation.

One form of ICC regulatory jurisdiction under the former Interstate Commerce Act was exercised over "express carriers"—as defined in former 49 U.S.C. 10102, a person "providing express transportation for compensation." This was part of the ICC's jurisdiction, since express service originated as an ancillary service connecting with rail freight service.

The Railway Labor Act included in Part I coverage of "any express company . . . subject to the Interstate Commerce Act." [45 U.S.C. 15]

In the ICC Termination Act, economic regulation of express carriers was eliminated from the statutes to be administered by the new Surface Transportation Board, on the ground that this form of regulation was obsolete. (Another category of ICC and Railway Labor Act "carrier"—the sleeping-car company—was similarly eliminated from STB jurisdiction.)

In light of the abolition of economic regulation, the ICC Termination Act contained a conforming amendment (Section 322, 109 Stat. 950) which also struck the term "express company" from the Railway Labor Act definition of a "carrier." Although unaware of any possible effects of this conforming change on the standards applied under the Railway Labor Act, Congress plainly delineated its intent in new Section 10501(c)(3)(B) of Title 49, U.S. Code [109 Stat. 808]: "The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employers and employees by the Railway Labor Act."

The apparent contradiction between the legislative intent stated in Section 10501(c)(3)(B) and the conforming Railway Labor Act in Section 322 could be interpreted to alter the legal standards by which companies are determined to be governed, or not governed, by the Railway Labor Act. Therefore, a technical correction is necessary to restore the former Railway Labor Act terminology and thus avoid any inference that is at odds with the clearly stated legislative intent not to alter coverage of companies or their employees under the Railway Labor Act.

We hope that this brief summary of the facts will provide you with information useful in your future deliberations.

Respectfully,

BUD SHUSTER,
Chairman.
SUSAN MOLINARI,
Railroad Subcommittee
Chairwoman.

Mr. PRYOR. Mr. President, it is very clear to me that there is, in fact, confusion. But the quickest and best way to eliminate that confusion is to simply support the Hollings amendment, return us to 1995, December, under that particular Act which for 62 years guided and had jurisdiction over "express carriers."

We could go into a long legal argument, and I am sure that legal arguments will be made on the floor of this body as to who is right and who is wrong. The substance of this issue must and should be debated. But now is the time, we think, that we should correct the issue, that we should go back to where we were, that we should once again set the record straight and start from there.

If hearings are needed next year, that is fine. But we should in this legislation support the Hollings amendment to the FAA Authorization and Reform Act.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield 10 minutes.

Mr. McCAIN. Mr. President, I believe under the previous unanimous consent agreement I had 10 minutes, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCAIN. Then I seek recognition.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank the Senator from Arkansas for his support of the Hollings amendment. I pray, because of the importance of this legislation, that we get an agreement and get moving on this. I again thank the Senator from Arkansas for his continued support and his statement in support of very important legislation. I hope, following the vote on the CR, we will take that bill up and get it resolved tonight. I hope.

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. McCAIN. Mr. President, I applaud the managers of the bill and the leaders for all the hard work and long hours they have put into crafting this bill. The mere size of this bill alone—if we look at it here, 2,000 pages—is testament to the immense amount of work that they have done.

I also, of course, express my special thanks and appreciation to the Senator from Oregon, Senator HATFIELD, who not only this year but every year for the previous 30 years has done such a magnificent job. He will be sorely missed, not only because of his accomplishments, but because the Senator from Oregon has always, invariably, unwaveringly been a gentleman, and his unfailing courtesy to all of us, even if there is significant disagreement, will not only be long remembered but, I am sure, from time to time deeply missed.

There is much in this bill that merits support. The bill funds six Cabinet departments and hundreds of agencies and commissions. We must fund these departments and keep the Government open and operating. That is our duty.

Before I go on, I also want to pay special thanks to Keith Kennedy, who, again, unfailingly has been courteous and considerate to me for many years now. The work he has done will never be fully appreciated except by those of us who have observed the incredible labors which he has had to go through in satisfying some pretty enormous egos, and balancing the very difficult, competing priorities that exist here. I do not know of anyone who has done the job the way that Keith Kennedy has, not only for the State of Oregon, not only for the Appropriations Committee and not only for the Senate, but for the United States of America.

Mr. President, we also have a duty not to waste the people's money. To spend simply for spending's sake is wrong. It is even more egregious to use the taxpayers' money in a manner designed to reap political and electoral gains. Unfortunately, that has occurred here.

It is common knowledge that as the end of the fiscal year approaches and Congress is forced to take up omnibus bills that must be passed, such legislation tends to be a vehicle for every Member's pet project. The term heard most often is that the bill becomes a "Christmas tree." Mr. President, this bill is definitely a Christmas tree, and a glorious one at that.

I note for the RECORD that those on this side of the aisle, while not without blame for much of the pork in the bill, did attempt valiantly to pass the appropriations bills in the normal fashion. Following the proper procedure would have allowed all the provisions of this bill to be examined and scrutinized in the light of day. Many would have been dropped, others amended or changed. Now, effectively, we do not have those options.

My colleagues on the other side of the aisle have made it so that this situation is very clear. They would offer a constant stream of nongermane, nonrelevant amendments to the appropriations bills. These amendments were designed to further a certain agenda. While such action is allowable under the rules, it was unfortunate and has resulted in the situation we now find ourselves.

I intend to vote against this bill. As I just stated, there is much in the bill that is meritorious and should be funded. However, the bill is indeed a Christmas tree, loaded with pork-barrel projects, and nonrelevant, not appropriate authorizing language. I would like to discuss many of the items I found in this bill that caused me consternation.

When a bill contains earmarks that forces the administration to spend money on one specific project, it denies other worthwhile projects the opportunity to receive funding. The following is a partial list of earmarks that I have found in the bill.

On page 16, the bill earmarks $1,900,000 for supervision of the Brotherhood of teamsters national election. While I do not question the need for Federal involvement in this matter, there is simply no need to specifically earmark and mandate that this spending occur at this exact level.

On page 92, a special trust fund is established with $60,000,000 deposited in it, for the payment of money to telecommunications carriers for burdens placed upon them due to law enforcement efforts. While I have always opposed unfunded mandates, many do in fact exist and many companies, especially many small businesses are excessively burdened by such unfunded mandates. I am concerned that while these small businessmen and women continue to be burdened, we are establishing a trust fund to pay some of our Nation's largest, most profitable companies.

This issue certainly merits debate, but not in the context of the underlying legislation. There is no pressing need that forces us to take this action at this time. This is an appropriations bill and if the Senate sees fit to establish such a trust fund, we should do so on other legislation.

This bill also contains language regarding Sallie Mae and library services and numerous other authorizing legislation that should not be here.

Mr. President, on page 126 of the bill, the funding for the Advanced Technology Program of the National Institute of Standards and Technology is funded at a level of $225,000,000. This number is an increase over the funding previously contained in legislation. This program is nothing but a corporate subsidy program. It is clear case of corporate welfare and I must object to the funding level for this program.

On page 182 of the bill $8,500,000 is earmarked specifically for the University of New Hampshire for construction and related expenses for an environmental technology facility. Mr. President, I have no way of assessing on behalf of my constituents whether this spending is meritorious or not. Further, I have no way of knowing whether other schools or entities that may engage in similar tasks and have similar or even more pressing needs.

Mr. President, numerous earmarks are contained on page 262. Three million is earmarked for the WVHTC Foundations outreach program. There is no explanation what WVATC is. Mr. President, $7,000,000 is designated for the grant to the Center for Rural Development in Somerset, KY; $1,000,000 is designated for a grant to Indiana State University for the renovation and equipping of a training facility; and $500,000 for the Center for Entrepreneurial Opportunity in Greenburg, PA.

On page 268, the State Justice Institute is funded at $6,000,000. This program was zeroed out by the House. I believe that such action taken by the House was entirely appropriate. I had hoped that we would have been able to end this program. However, due to the process in which this bill was crafted, I had no opportunity to seek to eliminate this program.

The conference report also includes a provision that waives ship building loan guarantee procedures intended to protect Federal taxpayers.

Current law requires the Department of Transportation to apply economic soundness criteria before the Federal taxpayer is asked to guarantee any shipbuilding loan under title XI of the Merchant Marine Act.

The purpose of the safeguard, of course, is to ensure that the vessel will be able to successfully compete in the market, so that Federal taxpayers are not left holding the bag for the defaulted loan.

This bill waives the economic soundness criteria for certain shipyards, making it easier to build ships that can't compete in the market. Mr. President, the provision is bad policy and it has absolutely no place in this bill.

To continue, on page 622, there is an earmark for Hot Springs, AR. On page 623, language regarding the Elwha and Glines Dams in the State of Washington is contained in the bill. On page 656 is even more language regarding the Elwha river. And on page 657, is language regarding the University of Utah. Additionally, beginning on page 659 is a series of land transfers in Nevada, New Mexico, and Oregon.

Mr. President, I note all these items not because I am questioning the integrity of the Members that requested them. But I am questioning their need, their merit, and their importance. And, unfortunately, I have no way to divine the answers to any of these questions.

This bill also contains numerous "emergency designations." When spending is designated an emergency, it does not have to be paid for—in other words, it will result in an increase to the deficit. This bill contains emergency funding to repair the damage done by Hurricane Fran and to pay for important anticrime and antiterrorism legislation.

However, I am very concerned that sometimes we are too quick to declare items emergencies. I see that $1.6 million is designated emergency spending for the Kennedy Center. The Kennedy Center is indeed a national treasure, but I must seriously question increasing the debt by $1.6 million for this funding at this time. I am sure we could find appropriate offsets to conduct the work.

When bills are crafted in this manner, there is no end to the discoveries that we might find. For example, I have fought for years to ensure that Department of Defense dollars are not wasted on international sporting events. As we all know due to the horrible terrorist act that occurred in Atlanta, there is an appropriate role for our military and police in ensuring that such events are safe.

But we must ensure that the Department of Defense budget does not become a cash cow to fund every other program. I worked with others last year to develop a manner in which DOD money used for sporting events would only be used for necessary security purposes.

I discovered when reading this bill a provision that establishes an account at DOD to support these events. Any unobligated balances appropriated for the Atlanta Games and any reimbursements received by DOD for the World Cup Games would go into this fund. The fund would then be used to fund DOD involvement in other international sporting competitions.

This account is merely a way to funnel more defense dollars to the organizers of international sporting events. It is wrong and it should not be in this bill.

Mr. President, let me now turn to the fiscal year 1997 Department of Defense Appropriations Act contained in this bill.

My colleagues are all too painfully aware of my strong feelings about wasting scarce defense resources on pork-barrel projects. For many years, I have pointed out the billions and billions of defense dollars wasted on programs and projects that have little or nothing to do with ensuring our national security, but have everything to do with the popularity of their sponsors back in their States and districts.

Sadly, this year is no different from past years. The defense appropriations bill once again represents an egregious display of pork barrelling by Members of both the House and Senate.

The Republican-led Congress has worked hard to increase President Clinton's inadequate defense budget requests, adding a total of nearly $18 billion in the past 2 years. I fully supported these increases which have slowed, although not halted, the too-rapid decline in the defense budget over the past decade. Failure to provide adequate funding for defense will seriously hinder the ability of our military services to ensure our future security and will have a deleterious effect on our Nation's ability to influence world events and maintain peace.

I believed that most of my Republican colleagues shared my deep concern about our future security when we added $18 billion to the defense budget. However, after fighting hard for this additional $18 billion on the grounds of urgent national security requirements, the Congress failed to curb its traditional tendency to send scarce defense resources on special interest, pork-barrel projects.

On its face, this defense appropriations bill appears to address the serious shortfalls in military modernization funding in the President's defense budget plan. The bill adds a total of $5.7 billion to the procurement accounts, including tactical aircraft, sealift and airlift assets, improved communications systems, surveillance and reconnaissance, and other important warfighting equipment. The bill also adds $2.7 billion for research and development, to maintain the technological edge of our military forces on the battlefields of the future, including a significant increase in both theater and national missile defense programs.

Unfortunately, a closer look at the bill reveals the same sort of earmarks for special interest programs that have resulted in the waste of so many billions of defense dollars in the past.

There are, of course, the perennial adds, such as: $780 million for unrequested Guard and Reserve equipment, including more C-130 aircraft; $15 million for continued aurora borealis research and construction of the High Frequency Active Auroral Research Program [HAARP], for which there is no current military requirement or validated use; $300 million to be transferred to the Coast Guard; $27 million for the Justice Department's National Drug Intelligence Center; $10 million for natural gas vehicles and $15 million for electric vehicles; $20 million for optoelectronics consortia; and $493.6 million for medical research.

Let me take a moment to list some of the earmarks in the medical research area. They include breast cancer, prostate cancer, and ovarian cancer—a new earmark, as well as the usual brown tree snakes, rural health care, freeze-dried blood, and a long list of other special medical programs. Again this year, we see an earmark in the bill for medical research performed by—and I quote—"private sector or non-Federal physicians who have used and will use the antibacterial treatment method based upon the excretion of dead and decaying spherical bacteria." My question is this: if this particular program shows merit in a peer reviewed competition among research programs, why is it necessary to earmark funds for it? I must assume that the program cannot stand up to examination and, therefore, must be treated specially to ensure its continuation. What a waste.

Mr. President, this litany of pork-barrel projects is all too familiar to my colleagues. But let me take a moment to explore some of the interesting, new items included in this bill: $14 million for defense conversion activities in San Diego and Monterey, CA; language directing that the Department of Defense forgive the monetary value and forego the return of 5,000 ballistic helmets loaned to the Los Angeles County Sheriffs Department since April 1993; $1.5 million to electronic rifle targeting systems from the Atlanta Olympics and install them at Fort Benning, GA; a myriad of location-specific earmarks of environmental remediation, restoration, and technology development funds, including Jefferson Proving Ground, Bremerton Shipyard, Hawaii Small Business Development Center, National Defense Center for Environmental Excellence, as well as Fort Polk, McGregor Range, and Fort Bliss; $13 million for an unnecessary, duplicative, and cumbersome bureaucracy for oceanographic research, which the Navy does not need or want; and $650,000 for marine biocatalysts for defense and industrial applications, using an organization with tropical marine microorganisms collected from two major geographical regions, one of which is the Pacific Ocean.

Mr. President, this bill also includes more than $100 million in earmarks for programs which were not in either bill and were never considered by the Senate or the House. These projects just appeared in this conference agreement, often without explanation, and there is nothing any Member can do about it.

Of course, Mr. President, the administration also sought, and achieved, inclusion of a few more provisions in this conference agreement as late as last Friday night. These include another $100 million for the Dual Use Applications Program, formerly the Technology Reinvestment Project, or TRP, which has been plagued with politization from both Congress and the administration since its inception. In addition, as I mentioned before, the administration sought and achieved the addition of a provision establishing a new account to fund DOD assistance to international sporting events. This fund is entitled to receive not only direct appropriations but any reimbursements due to the Department of Defense for services rendered in the past or the future. This provision was not considered by either House of Congress, but again, there is nothing any one Member can do about either provision now.

Mr. President, it never ceases to amaze me how innovative and creative my colleagues can be in creating and earmarking funds for these pork-barrel projects. Perhaps we should spend as much time on reducing the deficit and ensuring that our military forces have the right equipment to fight and win in future conflicts.

Mr. President, I have mentioned just a few of the earmarks and add-ons in this bill, and I ask unanimous consent that a more complete list be included in the RECORD at this point.

These pork-barrel projects total more than $2.4 billion. When added together, pork-barrel spending in the defense bills in just the past 2 years totals more than $6 billion. That is one-third of the entire increase in the defense budget—an increase for which this Republican Congress fought so hard on the basis of national security.

Mr. President, these projects have little or nothing to do with national security. They are special interest items designed to enhance the reputations of their sponsors back in their States. They are projects which serve the political and economic interests of their sponsors, rather than the security interests of all Americans.

The simple fact is that wasting money on projects like these, which have little or no military relevance, is dangerous. It takes money away from the high-priority requirements of the military services. It is counter-productive to our efforts to ensure that our troops are trained and equipped to successfully perform their missions in any future conflict. Pork-barrelling harms our national security.

The American people are entitled to know how the Congress is spending their tax money. The simple fact is that the American people are sick and tired of congressional pork-barrel politics. By continuing the practice of pork-barreling with defense dollars, we run the serious risk of further eroding the already low level of support for defense spending among the voters. But we seem unable to change our longstanding tradition of bringing home the bacon.

The American people will not stand for this type of wasteful spending of their tax dollars. If we in Congress refuse to halt the pork-barrelling, it will be more and more difficult to explain to the American people why we need to maintain adequate defense spending. I would prefer that the $2.8 billion wasted on pork-barrel projects had not been included in the bill. I hope that, next year, with the very real threat of a line-item veto of some of these items, the Congress will stop wasting defense dollars on these kinds of special interest items.

Let me conclude by saying that I believe this is a sad display of the Congress putting its Members' interests ahead of the interests of the majority of the American people. I cannot support this bill.

I am also concerned about provisions in the bill regarding native Americans and gaming. These provisions should have been considered by the Committee on Indian Affairs. This bill is not the appropriate vehicle for this debate.

Mr. President, I also want to express my concern regarding an opposition to section 330 of the general provisions of the Interior and related agencies portions of this omnibus appropriations bill because section 330 would, in a discriminatory fashion, dismantle the rights of one Indian tribe to conduct gaming activities on its lands like all other Indian tribes.

Section 330 is specific to Rhode Island. It would expressly deny to the only federally recognized Indian tribe in Rhode Island, the Narragansett Indian Tribe, the rights other Indian tribes have under the Indian Gaming Regulatory Act.

I will focus most of my remarks on why I think section 330 should be rejected as bad policy. But first, I want to say a few words about why, on procedural grounds alone, I oppose this section on this appropriations bill from my perspective as chairman of the authorizing committee of jurisdiction, the Committee on Indian Affairs.

I have the deepest respect for my colleagues from Rhode Island, Senators CHAFEE and PELL, and for the others who have been involved in shaping section 330. But I must say that section 330 of this appropriations bill is an unfair, end-run around the ongoing work of the authorizing committee.

None of the provisions of section 330 have ever before been part of any bill or introduced or amendment filed in either House or Senate. It is new language added for the first time last week by the House to the omnibus appropriations bill. Section 330 would substantially amend authorizing legislation on an appropriations measure without the benefit of any legislative hearings, without any contribution by the authorizing Committees of jurisdiction, and without any public debate by those most affected—the Narragansett Indian Tribe of Rhode Island.

Let me say that, at the same time, I appreciate the position of Senators CHAFEE and PELL and understand why they have taken it. This issue has been quite troubling to them, to Rhode Island officials, and to the Narragansetts themselves. It stems from an apparent misunderstanding about whether the Congress intended the tribe or the State to have civil jurisdiction over gaming on tribal lands acquired under the Narragansett Land Claims Settlement Act of 1978.

In 1988, Senators CHAFEE and PELL withdrew a floor amendment during consideration of the Indian Gaming Regulatory Act legislation which they had drafted to resolve this issue in favor of the State after they received what they understood to be assurances that jurisdiction over gaming resided exclusively with the State. The meaning of those assurances have been in hot dispute ever since.

This past January, I met with Senators PELL and CHAFEE at their request to review their concerns and discuss what they could do. At that time I made it clear to them that, although I opposed them on the merits, I would not use my position as chairman of the committee of jurisdiction to block a bill they would introduce to amend the Narragansett Land Claims Settlement Act to gain the clarity they sought against the tribe. Indeed, I told them I would schedule a hearing and allow the bill to move to the Senate floor for consideration. I was surprised to see that they did not take any such action during this entire session. Had they done so, we would have long ago voted on authorizing legislation, with the benefit of a full and fair hearing record.

Now, on the eve of adjournment of the 104th Congress, without the benefit of any hearing or public debate, and without any involvement of the Indian tribe directly affected, the sponsors of section 330 have attached it to an appropriations vehicle. I oppose this effort on these grounds alone, and urge my colleagues to reject it.

On the merits, I oppose any effort to deny to the Narragansetts or any other individual Indian tribe what is protected for all other Indian tribes—the right to conduct governmental gaming activity on their own lands. It is unseemly to single out one Indian tribe for discriminatory treatment in this way.

If Rhode Island finds gaming so offensive, it now has the power to enact a criminal ban on such activity, as have Utah and Hawaii, and thereby preclude under Cabazon and IGRA the Narragansett Tribe from conducting any such gambling activity. Rhode Island now permits some gaming activity within its borders. The U.S. Supreme Court in Cabazon said an Indian tribe may exclusively regulate the conduct of those games not otherwise prohibited under the criminal law of a State.

I have studied the situation in Rhode Island. I fail to see why the proponents of this section 330 feel a need to move it through on the eve of adjournment in this way. The decided trend in the courts has been favoring States over the Indian tribes. The latest decision in Seminole has meant that an Indian tribe has no effective remedy against a State for a State's refusal to negotiate.

I must say I would understand the position of the proponents of section 330 if they were to raise it early next year rather than on the eve of adjournment. For if the Secretary does issue proposed regulations in early 1997 in the way that was referenced in the 11th Circuit Court of Appeals holding in Seminole versus Florida, and if they are written in such a way as to give the tribe something the State does not support, I would understand efforts made at that time by the Senators from Rhode Island to ban gaming on Narragansett Indian lands. I would still oppose them, in principle, but again, I would not block them from having an opportunity to gain the full consideration of the Senate after a fair and full hearing of the authorizing committees of jurisdiction.

Finally, Mr. President, although as of last week this section 330 was opposed by the administration, and Interior Secretary Babbitt had warned, in a letter to Senator CHAFEE, that if this language is included in an appropriations bill he would recommend that the President veto the bill, it now appears that section 330 was approved by the administration negotiators. The apparent turnabout of the administration on this issue over the weekend, while not necessarily surprising given this administration's pattern of flipping and flopping from 1 day to the next, is highly unfortunate. I for one cannot and will not support such language.

As chairman of the Committee on Indian Affairs, I oppose section 330 and ask that both my colleagues and the administration never again condone such an assault on one Indian tribe's basic rights and responsibilities. Consideration of such a dramatic change in

Federal-Indian policy should be reserved to the deliberate care of the authorizing committees of jurisdiction.

I also strenuously oppose a new provision added late last week to the omnibus appropriations bill that would prohibit any effort to provide direct funding to an Indian tribe of that tribe's share of Bureau of Indian Affairs central office or pooled overhead general administration funds under Tribal Self-Determination or Self-Governance contracts, grants, or funding agreements.

The new language appears in the unnumbered "administrative provisions" section at the end of the funding provisions for the Bureau of Indian Affairs—page 640 of the House-passed bill. The language added is as follows:

> Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provision of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

Mr. President, I object to this language for two reasons. First, this restrictive provision surfaced for the first time over the weekend. It has not been part of any authorizing or appropriations committee bill language this year.

Second, in 1994 the Congress expressly directed, in Public Law 103–413, that these BIA central office and general administrative funds be available for negotiation into direct funding of tribal shares to all tribes asking for these funds. The new provision added during the weekend would expressly override Public Law 103–413.

I have always supported every fair and reasonable effort to shift more of appropriated funds into direct, block-grant type transfers to Indian tribes. For this reason we have steadily opened up more and more of the BIA's funding sources to tribal Self-Determination and Self-Governance negotiations, in order to allow those Indian tribes choosing to do so to receive these funds directly and administer them according to tribal priorities. Shifting funds in this way to Indian tribes is a very effective way of reorganizing more and more on the BIA. One last bastion of bureaucratic power is the BIA central office and the general administration or pooled overhead accounts maintained by the BIA. Despite Public Law 103–413, the administration has refused to transfer to Indian tribes the funds appropriated for these central office accounts on the basis that the Committees on Appropriations have objected. Now, on the eve of regulations being issued that will fully implement Public Law 103–413, the Committees on Appropriations have included express language nullifying the relevant provisions of Public Law 103–413. I object to this process and oppose the outcome.

The Committee on Indian Affairs actively addressed the issue of BIA reorganization during the 104th Congress. Early in 1996 we reported a comprehensive BIA reorganization bill, S. 814, but further consideration by the full Senate of S. 814 was precluded until last month when Senator GORTON removed a hold he had placed on the bill.

In the course of our discussions on his objections to S. 814, Senator GORTON suggested we find some areas of common agreement as an interim step that would increase the proportion of Federal funding that is placed under the direct and flexible control of tribal governments. Our efforts were partially reflected in a section 118 which Senator GORTON added to the Interior appropriations bill in committee, describing it as a "work in progress." Unfortunately, our progress in developing language to provide Indian tribes with direct and flexible control of a larger share of Federal funding ground to a halt over several fundamental differences in approach.

In our discussions concerning section 118, I maintained my firm belief that any such language must preserve an Indian tribe's choice to administer some or all of the funds appropriated for its benefit, consistent with the time-tested policies under the Indian Self-Determination Act. I insisted that section 188 should be drafted in such a way as to allow an Indian tribe to decide to take over the operation of some or all programs. For example, a tribe may in its sovereign authority choose not to take over law enforcement operations, or some other particularly problematic area. Instead of some or all, Senator GORTON insisted that section 188 authority be for all or nothing, that a tribe choosing not to do everything would be precluded from doing some things. Another issue that divided us involved some oversight language I felt was overly broad and sought to replace with a requirement that applied to Indian tribes the financial accountability requirements of the Indian Self-Determination Act, as amended. Whether or not education and transportation funds administered by the BIA should have been excluded from the formula negotiations remained another area of disagreement. Given these important differences, Indian tribes across the country asked that section 118, in its incomplete form, be removed.

I appreciate the fact that Senator GORTON agreed to remove section 118. I want to make something very clear—Senator GORTON and I have agreed that the BIA is in dire need of dramatic reorganization. He and I also have agreed that a preferred approach is to expand opportunities for tribal self-determination and tribal self-governance. And so I am glad that he agreed to lift the annual limit on the number of tribes who can be added to the 63 compacts now serving 210 of the total of 557 tribes. This amendment will permit 50 additional tribes to be added to the Self-Governance Program each year.

However, I am profoundly disturbed by the fact that, without negotiation or discussion, the Committee on Appropriations added a new provision over the weekend to completely insulate nearly 100 million dollars' worth of BIA centralized bureaucracy from any transfer of funds and associated authority to Indian tribes.

Appropriations staff say the administration asked for this provision. Well, this provision was not in the President's budget request. It was not in the official administration testimony provided to the Committee on Indian Affairs during our consideration of S. 814, the BIA reorganization bill. This provision is in direct contravention of provisions of existing law in Public law 104–413, and I oppose it.

I strenuously oppose this end-of-the-session effort to protect the BIA bureaucracy from the tribal direct-funding initiatives that are now in existing law and I ask my colleagues to join me in opposing this provision.

Mr. President, in closing, again, I want to thank the managers of the bill for all their work. It does not go unappreciated. I only wish I could support what they crafted, but for the reasons I have just explained, I cannot.

Mr. President, sooner or later we are going to stop this. We are going to stop this kind of spending, and we can do it by passing appropriations bills one at a time with proper scrutiny and amending. But, also, we can understand that our national defense and national security deserves far better.

Mr. President, I ask unanimous consent that a list of items designated as "Emergency" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ITEMS DESIGNATED AS "EMERGENCY" IN OMNIBUS BILL

[Dollars in millions unless otherwise noted]

Dollars	Item	Page
3.6m	Office of Intelligence Policy and Review	2
20m	Attorney General Terrorism	4
1m	Executive Office of Immigration	6
1.719m	Criminal Division Terrorism	12
10.9m	Terrorism and Security	16
115.6m	FBI terrorism	35
60m	Telecomm Carrier Compliance Fund	37
5m	Domestic and foreign DEA	41
15m	Aliens with ties to terrorism	47
17m	Firefighting terrorism	59
3.9m	Nonproliferation of illegal exports of chem	108
10m	Workload from terrorism	161
23.7m	Counterterrorism overseas	182
24.8m	Security improvement overseas terrorism	188
1.375m	Security—terrorism	211
25m	Hurricane relief—EDA	295
22m	Hurricane relief SBA	295
3.5m	Firefighting on public lands	729
100m	Wildland Fire Management	729
2.5m	Oregon and CA Grant Lands	729
2.1m	Resource Management	730
15.8m	Construction	730
2.3m	Operation of National Park System	730
9.3m	Construction—hurricanes/terrorism	730
1.1m	Surveys, Investigations and Research	731
6.6m	Operation of Indian Programs	731
6m	Construction—floods	731

ITEMS DESIGNATED AS "EMERGENCY" IN OMNIBUS BILL—Continued

[Dollars in millions unless otherwise noted]

Dollars	Item	Page
3.4m	National Forest System—hurricanes	732
550m	Wildland Fire Management (repayment)	732
5.2m	Reconstruction and Construction—hurricane	732
935,000	Smithsonian—Salaries and Expenses	733
1.6m	Kennedy Center—Operation and Main	733
3.4m	Kennedy Center—construction	733
382,000	National Gallery Art—terrorism	733
1m	Holocaust Memorial Council—terrorism	734
288,000	Foreign Assets Control	170N
34,000	Salaries Inspector General	170N
15m	Counterterrorism Fund	170O
1.35m	Federal Law Enforcement and Training	170O
2.7m	Acquisition, Construction	170O
449,000	Financial Management Service	170P
66.4m	Construction and Expansion of canine train	171
62.3m	U.S. Customs air carriers, airports	171
10.4m	IRS processing, assistance	172
3m	Secret Service	172
210,000	OPM—salaries and expenses	172A
112.9m	Drug interdiction	172B
63m	Watershed and flood Prevention	Title V
25m	Emergency Conservation—hurricane	Title V
57.9m	FAA security activities	Chapter 5
147.7m	Facilities and Equipment	Chapter 5
21m	Research, Engineering and Development	Chapter 5
82m	Emergency Relief—hurricane	Chapter 5
6m	NTSB—salaries	Chapter 5
1m	NTSB—emergency	Chapter 5
3m	Research and Special Programs	Chapter 5

$1.757 billion in emergency designation.

Mr. McCAIN. I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I yield myself 10 minutes on this side.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LAUTENBERG. Mr. President, the legislation before us includes a provision that I authored that will prohibit anyone convicted of a crime involving domestic violence from possessing firearms. I want to take a few minutes of the Senate's time to reflect on just what that means.

We are today about to perform a great and moral act that a human being can perform—one of the best. We are about to save the life of another person. Today, we are going to save the life of the ordinary American woman, a woman who loves her kids, a woman who loves her family. Today, this ordinary American woman is married to someone who is generally a decent, law-abiding guy, but with one exception. Sometimes when things get rough and the stresses of life build, he loses his temper because his emotions get the best of him. He loses control, flies into a rage and then strikes out violently at those closest to him.

Once he beat his wife brutally and was prosecuted, but like most wife beaters, he pleaded down to a misdemeanor and got away with a slap on the wrist.

Mr. President, next year, this fellow is going to lose his cool at work, or with the boys, and he is going to go home one day and get into another argument with his wife. As arguments often do, it will escalate, and this time, as before, it will get out of control. As their children huddle in fear, the anger will get physical, and almost without knowing what he is doing, with one hand he will strike his wife and with the other hand he will reach for the gun he keeps in his drawer. In an instant their world will change. And this woman, this loving mother, this ordinary American, will die or be severely wounded.

Later, maybe the husband will go to prison. The children will be left parentless, and the effects of the tragedy will ripple for years throughout their lives and throughout the lives of so many others.

Except, Mr. President, because of what we are about to do, this story is going to have a different ending.

Yes, the husband may lose his cool at work and, yes, maybe they will get into the same argument; yes, his rage will fly out of control; and yes, it will probably lead to violence. But when this man's hand reaches into that drawer, there will not be a gun there. So that fatal instant, that moment of fleeting madness, will never happen.

In the end, that ordinary American woman, that loving mother, will end up being bruised, maybe she will end up unconscious in the hospital. But when the next day comes, hopefully, she will awaken, she will see the morning Sun through her swollen eyes, and, if lucky, she will leave the hospital and get on with her life, a life to see that frightened child grow up and go to school. She will live to see him graduate, find a job, and create his own family. That will happen because—and only because—we are about to save her life this day.

Mr. President, over the years there will be thousands of women like this, each one with a family of loved ones, each one with their own dreams. And there will be children. And they will all live, Mr. President. They will all live because of what we do here this day.

Mr. President, you and I will never know the women and children whose lives we are about to save. They will never have a chance to thank us. They will never know that their lives were spared.

But for the rest of our lives, you and I and other Senators, we will have the privilege of knowing that we have lived up to the very highest of our own ideals. We have done nothing less than reach forward into time, put our hands around tragedy and death and remolded it back into life itself. We have done that many, many times, over and over and over again.

Mr. President, this tremendous victory for the forces of life would not have happened but for the hard work and dedication of many people. I want to express my deep appreciation to all of those who played a role.

In particular, I want to thank President Clinton, Leon Panetta, many dedicated men and women in the Clinton administration.

A moment ago, we saw the distinguished chairman of the Appropriations Committee, Senator MARK HATFIELD, on the floor. I want to thank him. He was solidly behind our effort.

The commitment of the people I just mentioned to this cause was absolutely essential to getting this done. I am grateful to the President for that support.

I also want to thank our distinguished Democratic leader, Senator DASCHLE. He supported me in this effort from the beginning, from way back in the beginning of the year. His efforts in the final hours were of great help. I very much appreciate his commitment to the victims of domestic abuse and for his friendship, notwithstanding my repeated phone calls to him to discuss this legislation.

I also want to publicly thank those who work in my office and in the Senate and many others here in Washington and around the country who have helped make this possible. Over 30 national organizations got behind this effort. Many, many people made significant contributions.

I particularly am appreciative of Sarah Brady and Handgun Control for raising this issue at the Democratic convention and giving it the public attention that it required and deserved.

I want to thank the American Bar Association, whose public statement on a weaker alternative version was critical in persuading my colleagues not to try to water down the proposal. Also, the Coalition to Stop Gun Violence, who took the initiative to build support among a wide variety of other organizations, and the Violence Policy Center, the National Coalition Against Domestic Violence, the National Network Against Domestic Violence, all of whom helped sound the trumpet about this legislation.

Many other groups also played important roles.

Mr. President, for the historical record, I would like to take the opportunity to discuss some of the history behind the domestic violence gun ban, and the changes in the legislative language that are incorporated into the final agreement.

Mr. President, I originally introduced the domestic violence gun ban as S. 1632 on March 21 of this year. After extensive negotiations with the Republican leadership, including Senator LOTT, Senator CRAIG, and Senator HUTCHISON, the proposal was then modified slightly and incorporated into an antistalking bill by a voice vote. Unfortunately, the House failed to act on the antistalking bill. I then offered the modified version of the legislation as an amendment to the fiscal year 1997 Treasury, Postal Service and general Government appropriations bill, and the amendment was approved by a vote of 97 to 2. However, Senator LOTT pulled the Treasury, Postal bill from the floor, and a version of that legislation has now been incorporated into this omnibus spending bill.

The language in the final agreement was worked out early Saturday morning, September 28, through further negotiations with the Republican leadership. Initially, opponents of my legislation had proposed to gut the legislation, primarily by inserting three major loopholes. First, they proposed to exclude child abusers from the ban, by limiting its application only to crimes against intimate partners. This outrageous proposal was withdrawn once it was held up to public scrutiny.

Second, opponents of the gun ban proposed to limit the ban only to offenders who had been notified of the ban when they originally were charged. This effectively would have exempted all currently convicted offenders from the ban. It also would have meant that most offenders in the future would escape the ban, since there was no requirement that they actually be notified. In effect, gun ban opponents wanted to say that ignorance of the law would be an excuse for wife beaters, even though it is not an excuse for anybody else. Eventually, this proposal, too, was dropped.

The third major loophole proposed by gun ban opponents was to limit the ban only to offenders who had been entitled to a jury trial. This would have rendered the ban close to meaningless, as the vast majority of these cases are heard before a judge, in a bench trial.

Those who proposed this new loophole eventually agreed to drop it entirely. Therefore, the ban will apply to all wife beaters and all child abusers, regardless of whether they were convicted in a trial heard by a judge or a jury.

Mr. President, after agreeing to drop the jury trial requirement, opponents of a strong gun ban continued to express concern that gun rights should not be lost without an assurance that offenders will be provided with all appropriate due process protections. To reassure them on this point, we agreed to include in the final agreement a provision that has no real substantive effect, but that may help to assure some people that nobody will lose their ability to possess a gun because of a flawed trial. This provision, in essence, states that the ban will not apply to someone who was wrongly denied the right to a jury trial. More specifically, the language protects from the ban anyone who had been entitled to a jury trial, but who did not receive such a jury trial, or who did not knowingly and intelligently waive his right to a jury trial.

Of course, Mr. President, if an offender was wrongly denied the right to a jury trial, he was not legally convicted. And so this language really does not change anything. But, again, as it provided needed reassurance to some, I agreed to it in order to facilitate the final agreement.

I do want to make very clear, however, that this language should not be interpreted to indirectly include any requirement of notice for a waiver to be considered to have been made knowingly and intelligently. That is, one can plead guilty or otherwise effectively waive one's constitutional right to a jury trial, and in considering the validity of such a waiver it is irrelevant whether the individual knew that a conviction will lead to a firearm ban. Although that should be clear from the face of the statute, given opponents' efforts to seek a notice requirement, I wanted to state this definitively for the record. This point was made very explicitly in the negotiations, and was agreed to by all sides.

Mr. President, the final agreement does include some minor changes to the Senate-passed version that actually strengthen the ban slightly. Let me review some of them now.

First, the revised language includes a new definition of the crimes for which the gun ban will be imposed. Under the original version, these were defined as crimes of violence against certain individuals, essentially family members. Some argued that the term crime of violence was too broad, and could be interpreted to include an act such as cutting up a credit card with a pair of scissors. Although this concern seemed farfetched to me, I did agree to a new definition of covered crimes that is more precise, and probably broader.

Under the final agreement, the ban applies to crimes that have, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon. This is an improvement over the earlier version, which did not explicitly include within the ban crimes involving an attempt to use force, or the threatened use of a weapon, if such an attempt or threat did not also involve actual physical violence. In my view, anyone who attempts or threatens violence against a loved one has demonstrated that he or she poses an unacceptable risk, and should be prohibited from possessing firearms.

Mr. President, another new provision in the final agreement clarifies that a conviction will not lead to a firearm disability if the conviction has been expunged or set aside, or is for an offense for which the person has been pardoned or has had civil rights restored. This language mirrors similar language in current law that applies to those convicted of felonies.

I would note that the language on civil rights restoration, as it has been applied in the past, and as it should be interpreted in the future, refers only to major civil rights, such as the right to vote, to hold public office, and to serve on a jury. Loss of these rights generally does not flow from a misdemeanor conviction, and so this language is probably irrelevant to most, if not all, of those offenders covered because of the new ban. But I want to make it clear that the restoration of any firearm rights under state law would not amount to a civil rights restoration for these purposes. In fact, any such State law effectively would be preempted by this language, and so could not have any legal effect.

Mr. President, I now want to take a moment to briefly discuss the implementation of this new law.

Mr. President, the final agreement does not merely make it against the law for someone convicted of a misdemeanor crime of domestic violence from possessing firearms. It also incorporates this new category of offenders into the Brady law, which provides for a waiting period for handgun purchases. Under the Brady law, local law enforcement authorities are required to make reasonable efforts to ensure that those who are seeking to purchase a handgun are not prohibited under Federal law from doing so.

Mr. President, convictions for domestic violence-related crimes often are for crimes, such as assault, that are not explicitly identified as related to domestic violence. Therefore, it will not always be possible for law enforcement authorities to determine from the face of someone's criminal record whether a particular misdemeanor conviction involves domestic violence, as defined in the new law.

Mr. President, I would strongly urge law enforcement authorities to thoroughly investigate misdemeanor convictions on an applicant's criminal record to ensure that none involves domestic violence, before allowing the sale of a handgun. After all, for many battered women and abused children, whether their abuser gets access to a gun will be nothing short of a matter of life and death. I am hopeful that law enforcement officials always will keep that in mind as they implement this requirement.

Having said this, Mr. President, I recognize that there are limits to the ability of many law enforcement agencies to conduct in depth investigations of large numbers of applicants for handgun purchases. The law requires that these agencies make a reasonable effort to investigate applicants. What is a reasonable effort depends upon the local law enforcement officials' available time, resources, access to records, and their own law enforcement priorities.

In my view, the reasonable effort requirement should not be interpreted so broadly that it would substantially interfere with the ability of a law enforcement agency to carry out its central mission of apprehending criminals and protecting the public from crime. At the same time, it should not be interpreted so narrowly that it would allow law enforcement agencies to routinely ignore misdemeanor convictions for violent crimes, without further exploration into whether these crimes involved domestic violence. So long as an agency makes a reasonable effort to do so, the requirements of the law would be met. However, again, I would strongly urge law enforcement officials to make this a top priority.

Finally, Mr. President, I want to acknowledge some of the many people who have played a role in moving this legislation forward.

As I noted earlier, I am especially grateful to President Clinton for his strong support of this initiative, which was absolutely essential to its enactment.

I also want to again thank many of the organizations and people who have supported the effort. In addition to those I mentioned earlier, these include the American Academy of Pediatrics; Children's Defense Fund; Consumer Federation of America; Family Violence Prevention Fund; the National Center on Women and Family Law; the Center for Women Policy Studies; American Ethical Union; Church of the Brethren; American Friends Service Committee; Friends Committee on National Legislation; Lutheran Office for Governmental Affairs; American Public Health Association; American Jewish Committee; AYUDA; Church Women United; Congress of National Black Churches; Evangelical Lutheran Church in America; YWCA of the USA; United Methodist Church, General Board of Church and Society; Peace Action, National Clearinghouse for the Defense of Battered Women, National Urban League; NOW; National Council of Jewish Women; Pennsylvania Coalition Against Domestic Violence; Physicians for Social Responsibility; Presbyterian Church USA; Union of American Hebrew Congregations; Unitarian Universalists Association; United Church of Christ; and Justice for Kids.

In conclusion, Mr. President, I believe that this legislation will save the lives of many battered wives and abused children. And it will send a message that, as a nation, we are determined to take the problem of domestic violence seriously.

Mr. President, getting this legislation enacted has been a long and very difficult struggle. We had to overcome intense opposition from one of the most powerful special interests in American politics. We have overcome one roadblock after the next, and there have been several times when I did not think we would make it.

But throughout it all, the supporters of this bill have always kept in mind that we were fighting for literally a matter of life and death. That knowledge has helped sustain us and make us that much more determined as we have worked our way through the legislative minefield.

So, in the end, we have a glorious victory, a victory for America's frightened, battered women, a victory for our abused children, a victory of life over death.

I am honored and humbled to have been able to play a part in this legislation. We hope that the enforcement of the law will be as rigid as the law very simply defines it. If you beat your wife, if you beat your child, if you abuse your family and you are convicted, even of a misdemeanor, you have no right to possess a gun. That is the way it ought to be. Lord willing, it will be. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for 4 minutes and Senator HELMS be permitted to speak for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I may not use all of my time.

Mr. President, first, I want to say this is not a pretty bill. There are plenty of reasons to be against it. But there are far more reasons to be for it, not the least of which is the fact that this bill will close out the appropriations for the year and the Government of the United States will continue to operate for the next 12 months.

Having said that, I think there are a couple of people we should thank: First of all, the chairman of the full committee, Senator MARK HATFIELD, for his hard work, long hours, and diligent insistence on getting this done. To our distinguished majority leader, who, in a short time as leader, has understood these processes better than most of us who have been here a long time. Indeed, he did what most of us thought was the right thing to do, and he got right in the middle of it and got this job done. My compliments go out to him.

Mr. President, I have commented here on the floor and included an amendment heretofore in the foreign operations appropriations bill with reference to the drugs that are coming across the southwest border. I have not been very congenial with the Mexican Government because I believe they are not doing everything they can to prosecute the drug kingpins residing in Mexico. I think these kingpins are going to bring Mexico's Government to a standstill in the very near future.

So, to make sure that the United States is doing its share with respect to the southwest border, where 70 percent of the cocaine comes into America—it does not come other ways, it comes right across the land of Texas, New Mexico, Arizona, and California—many of us said we better do as much as we can to make sure that the border is as well protected as possible.

I want to say to the U.S. Senate and to the people of this country that we have done that in this bill. There is total funding in this bill for the U.S. attorneys of $987 million, including a setaside of $4.6 million to prosecute cases on this southwest border where there is an enormous overload because of this drug trafficking.

There is over $1 billion for the Drug Enforcement Agency, an increase of $200 million over last year. This includes a southwest border initiative which provide the following: $9 million for cooperative efforts with the FBI to penetrate command and control communications of Mexican drug traffickers; $8 million and 50 agents to investigate leads obtained from new wiretap authority to be used against drug dealers on the border; over $2 million to focus on methamphetamine trafficking; and $4 million for classified intelligence research; $11 million for 130 new special DEA staff and field office needs to support the mobile enforcement teams on that border. The DEA funding also includes $55 million to expand the DEA's current supply reduction efforts and restore funding for international drug control Program to the same level as it was in 1992. It has been reduced since then, and it is now back to that 1992 level. Mr. President, this bill also includes $2.1 billion for the INS, including $121 million for 1,000 new Border Patrol agents, $27 million for equipment, including infrared scopes and censors to track and intercept drug smugglers, and $12 million for 150 new land border inspectors.

I believe this is an excellent commitment on the part of the U.S. Government, and when signed into law it will do as much as we can to control drugs on the border.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, when Hurricane Fran swept across North Carolina on September 5, it left a path of unprecedented destruction; thousands of citizens lost their homes, their cars, their farms, or their businesses. The cost of the damage exceeds $5 billion, making that the most devastating disaster in North Carolina's history.

I am delighted that after weeks of negotiations, North Carolina will receive a total of $1.8 billion in disaster aid. This much needed assistance will assist farmers, homeowners, and small businessmen in getting back on their feet.

From the outset, we worked closely with the North Carolina delegation and with Gov. James B. Hunt in developing a package to provide adequate funds for disaster relief. We made clear that in light of the enormous damage to North Carolina, we would seek a total of $2 billion. Last week, we secured $1.3 billion for FEMA for funds to provide emergency assistance, temporary housing, and debris removal.

Mr. President, the pending legislation allocates an additional $500 million for various programs that provide needed services. For example, the Department of Agriculture is authorized to provide emergency loans to farmers, the Army Corps of Engineers can perform debris removal, dredging, and beach renourishment, and the Small Business Administration can help out with low-cost loans.

I am deeply grateful to Senate Majority Leader TRENT LOTT, Assistant Majority Leader DON NICKLES, and the chairman of the Senate Appropriations Committee, MARK HATFIELD, the ranking member, Senator ROBERT C. BYRD, and others, for standing firm and helping preserve the $1.8 billion total.

In the process, President Clinton proposed in effect to cut North Carolina's request by $434 million. It was reported that the President sought an increase of $225 million of the U.S. taxpayers' money to be given to the United Nations and the State Department while cutting the disaster aid to North Carolina.

In the end, we worked with Senators LOTT, NICKLES, BYRD, HATFIELD, and others to ensure that sufficient funds would be allocated for disaster relief irrespective of any request for funds filed by the White House.

North Carolinians have unfailingly supported other States where disasters have struck. So we are thankful that other states have now supported our efforts to secure adequate funds for North Carolina in its effort to recover from disaster.

The road to recovery will be a long one, but I hope that these Federal disaster funds will make the process a bit easier for our citizens who have suffered so much.

Mr. STEVENS. Mr. President, I ask unanimous consent for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the bill before the Senate contains the conference agreement reached by the Defense Appropriations Subcommittee with the House on the bill H.R. 3610, the Fiscal Year 1997 Department of Defense Appropriations Act. I am proud of this bill, and urge all Members to support the conference report.

We initially reported this bill to the Senate on June 21, 1996. We passed the bill in July, and intended to proceed to conference. Sadly, the House chairman, BILL YOUNG, was temporarily out of action due to heart surgery. I am pleased to report that Chairman YOUNG's vigorous and determined leadership this past month testified to his complete recovery from the problems that caused his brief absence in July.

Despite this delay, we completed our work on Thursday, September 12, and expected the bill to come back before Congress the following week. Intervention by the White House resulted in the delay that brings the defense bill before the Senate today, as part of this omnibus appropriations package. Happily, the content of the bill remains as set by the conferees earlier this month.

The conference report provides a total of $243.946 billion in new budget authority for the Department of Defense for 1997. That total is $950 million less than the level passed by the Senate, and $1.3 billion less than the House passed bill.

Compared to the President's budget, the bill provides $9.268 billion more than he sought for 1997. But when compared to the 1996 level, including all the supplementals for Bosnia and other overseas contingencies, this bill is effectively a freeze at the 1996 level. In my view, the amounts provided in this bill are the bare minimum that can be provided for our national defense.

This conference report remains true to the priorities set by the Senate in its version of the bill. We have fully funded the pay raise for military personnel, and added funds above the President's request for housing, barracks, and health care. This conference report truly enhances the quality of life for military personnel, their families, and retirees. That is our obligation and duty, and we have discharged that responsibility in this bill.

The increases in the bill compared to the President's budget are spread among all titles. Personnel spending is increased by $233.7 million. Operation and maintenance spending is increased by $701 million. Procurement spending is increased by $5.7 billion, but remains $253 million less than the amount provided by Congress for 1996. Research and development accounts are increased by $2.7 billion, an increase of $951 over the level provided for 1996.

The increase for R&D addresses the commitment of this Republican majority Congress to put us on the path to a meaningful ballistic missile defense program. I especially note the increase of $325 million for national missile defense, including funds for the Air Force Minuteman II based national missile defense concept. We must accelerate to the maximum extent technology will permit work on a real national missile defense system. The funds in this conference report keep us on that path.

Additionally, we provide $137 million for breast cancer research in the conference report, and $45 million to establish a new prostate cancer research initiative through DOD. I want to note Chairman HATFIELD's leadership in expanding the funding in the bill to fight prostate cancer.

I want to close by thanking my friend from Hawaii, Senator INOUYE, for his commitment to getting this bill through, and working to achieve a true bi-partisan consensus. Additionally, it was a great pleasure to work once again with the House subcommittee, led by Chairman BILL YOUNG, and the ranking member, JACK MURTHA.

This conference report is a compromise. We sought to accommodate the concerns of the Joint Chiefs, our colleagues, and the Secretary to the maximum extent possible. I ask all my colleagues understanding where we were not able to fully fund their concerns—we started this conference with a difference of $16 billion between the two bills. I believe the bill reflects a fair settlement between the House and Senate positions, and I urge adoption of the conference report by the Senate.

FISCAL YEAR 1997 DEPARTMENT OF DEFENSE CONFERENCE REPORT

Mr. LOTT. If I could get the attention of the distinguished chairman of the Defense Subcommittee, I would like to discuss a matter of great importance to our National Guard and Reserve forces.

Mr. STEVENS. I am happy to engage in a discussion with the distinguished majority leader in any matter dealing with enhancements of our Reserve component forces.

Mr. LOTT. As the chairman is well aware, the primary antitank missile system deployed by Reserve component forces is the 1970's vintage Dragon missile. While the Active forces are just now beginning the initial procurement and deployment of the vastly superior Javelin missile system, the Dragon will remain the mainstay in the Reserve components' inventory well past the turn of the century. Being that this is the case, the National Guard Bureau has identified the need to develop safety and capability improvements to the Dragon system to make National Guard units more compatible with Active component forces. As I have been briefed, this will be a two part process.

The first issue the National Guard Bureau wishes to address is safety modifications to the Dragon missile. A majority of the on-hand inventory has a safety flaw that has been identified and for which a solution has already been developed. In fact, the Marine Corps has already contracted to have their Dragon assets modified to resolve this safety shortfall. There is an urgent need to apply this modification to the Army's missile inventory.

Mr. STEVENS. The majority leader is well informed about this critical safety shortfall in the Dragon missile system and because of his leadership on this issue, the Senate-passed Defense appropriations bill included $4.9 million to complete safety modification on the entire inventory of National Guard Dragon missiles. I am also pleased to inform the leader that because of his interest and support, the conference report before the Senate today includes the full amount proposed in the Senate bill for the safety modifications.

Mr. LOTT. I am very pleased the Senate was able to prevail on this critical safety enhancement for our Reserve component forces and that these funds are included in this conference report. I would, however, like to also point out that there is a capability shortfall identified by the National Guard that also need to be addressed by this body.

With the knowledge that the Dragon missile may remain in the Reserve components' inventory for as much as 10 more years, I believe it is imperative that the National Guard Bureau look at all possible modifications that can improve the range and lethality of the Dragon system. My staff and I have been briefed on a modification known as the Super Dragon that can potentially improve the current generation Dragon's capability to 95 percent of the Javelin missile system. The modification will significantly increase the Dragon's range, minimize its launch signature, double its speed, and give the Dragon missile the capability to defeat all known modern armor threats. Much of the development work has already been completed and with a modest investment of an additional $25 million, development, pre-production engineering and system qualification work can be completed in less than 16 months.

Mr. STEVENS. I am happy to inform my distinguished colleague from Mississippi that this conference report includes explicit directions to the Secretary of the Army to submit a report to the congressional defense committees, no later than April 1, 1997, detailing the requirement, cost, and schedule for the various Dragon upgrade options under consideration. Further, the conference report also includes $100 million of miscellaneous procurement funds under the direct control of the Chief of the Army National Guard, a portion of which, could be used for the Dragon development effort. If the report from the Secretary of the Army is supportive of the Dragon modification, I would expect the Chief of the National Guard Bureau to give immediate consideration to using miscellaneous procurement funds under his control to proceed with this development effort.

Mr. LOTT. I would like to thank the distinguished chairman for his support in this conference report for Dragon missile system improvements and look forward to the Secretary of the Army's report on this important issue to our National Guard forces.

ENVIRONMENTAL RESTORATION DATABASE FUNDING

Mr. SPECTOR. Mr. President, I would like to discuss with the distinguished chairman of the Defense Appropriations Subcommittee an important provision in the Defense Department appropriations conference report. In particular, I would like to confirm my understanding that the Department of the Air Force is expected to provide initial start-up funds in the amount of $72,000 for the establishment of a comprehensive database which incorporates data from current and future environmental investigations at the former Olmsted Air Force Base, to be located at Pennsylvania State University at Harrisburg, PA.

Mr. STEVENS. Mr. President, as the senior Senator from Pennsylvania knows, the conference report provides $123,000 over 5 years for establishing and maintaining the database, which is necessary for safety and hazard mitigation after the site is delisted from the national priority list of Superfund sites. I understand that the initial start-up costs are a disproportionate amount of the total $123,000 and would occur that the Department should provide at least $72,000 in fiscal year 1997.

Mr. SPECTOR. I thank my good friend, the chairman, and again express my appreciation for his effort on the Olmsted AFB cleanup issue.

FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

Mr. GREGG. Mr. President, I would like to engage my colleague and chairman on the Defense Appropriations Subcommittee about the conference report's treatment of Defense's federally funded research and development centers, or FFRDC's.

These institutions are unique in their capabilities to provide the Defense Department (DOD) with specialized scientific, engineering, and analytical knowledge important to national security.

I am very proud that New England is the home of two of the premiere defense FFRDC's: the Lincoln Laboratory operated by the Massachusetts Institute of Technology, and the Mitre Corporation. Lincoln Lab is sponsored by the Air Force, and Mitre is sponsored by the Office of the Secretary of Defense.

I want to discuss an issue affecting the Lincoln Laboratory. Lincoln Laboratory has been a leader in the fields of ballistic missile defense, communications, space and surface surveillance, and advanced electronics.

For the benefit of our colleagues, and as guidance to the Defense Department, would the chairman be willing to elaborate on the conferees, action regarding defense FFRDC's?

Mr. STEVENS. I would be happy to highlight our action. In past years, the annual Defense Department appropriations acts have included a statutory ceiling on the total amount of funds which might be allocated by the Department for its 10 FFRDC's.

In response to DOD's request that it be allowed to manage overall FFRDC resources through staff years of technical effort instead of dollars, the conference agreement for fiscal year 1997 includes such a statutory limit.

The Department is required to control its staff years to maintain total FFRDC spending at the fiscal year 1996 level, but the conferees did agree that limits on staff years were a more appropriate management mechanism for fiscal year 1997. This was a reasonable compromise which tries to address DOD's concerns while at the same time not obscuring the budgetary impacts of funding FFRDC's, which has been a concern to the Defense Subcommittee.

Mr. GREGG. As the chairman knows, the use of a statutory dollar limitation during fiscal year 1996 inadvertently perturbed the funds made available to Lincoln Laboratory to acquire industry support for major development or demonstration activities. Would the chairman comment on this situation?

Mr. STEVENS. The problem faced by Lincoln Laboratory for fiscal year 1996 was caused not by the statutory dollar ceiling but by the Defense Department. DOD chose—unwisely in my view—to assign a lower priority to the lab's allocation and a higher priority to funding the studies and analyses FFRDC's. I disagreed with that decision. I wrote to the Department and urged it to assign a much higher priority to the Lincoln Laboratory programs. The Department chose to do otherwise, and I regret its choice.

Mr. GREGG. Does the distinguished chairman believe that the conference agreement now before us eliminates this dilemma for Lincoln Laboratory for fiscal year 1997?

Mr. STEVENS. I certainly do. The limitation on staff years specifically does not apply to the funds needed by Lincoln Lab to acquire industry support for major system development or demonstrations. It is the conferees, understanding that these funds are used to contract with industry and are not used to expand staff years of technical effort at the laboratory.

Mr. GREGG. I thank the chairman for this clarification.

UNDERGRADUATE FLIGHT OFFICER TRAINING T-39N AIRCRAFT PROCUREMENT

Mr. BOND. Mr. President, I would like to engage my friend and distinguished chairman of the Defense Appropriations Subcommittee in a brief colloquy regarding section 8110 of the Defense Appropriations conference report now before the Senate.

Section 8110 governs the procurement by the Navy of T-39N aircraft to conduct undergraduate flight officer training. These aircraft currently are provided to the Navy under a services contract. The Navy needs to acquire these aircraft expeditiously in order to avoid a break in training, and procurement of the T-39N aircraft under the conditions outlined in this section is in the best interests of the Navy and of the taxpayers.

In this regard, I understand that some in the Navy need clarification about the conditions regarding this procurement contained in section 137 of the National Defense Authorization Act for fiscal year 1996 and in section 124 of the National Defense Authorization Act for fiscal year 1997.

I would like to provide this clarification by discussing the matter with the Defense Subcommittee chairman. Would the distinguished chairman agree with me that section 8110 states clearly that the procurement of these T-39N aircraft should go forward "notwithstanding any other provision of law"?

Mr. STEVENS. I agree with my friend from Missouri.

Mr. BOND. Would the chairman also agree that these words were included to waive expressly any other statutory language regarding this issue, including sections 137 and 124 of the respective authorization acts? Would the chairman also agree that the conferees agreed that procurement of these T-39N aircraft for undergraduate flight officer training is important for our national security and should occur without further delay?

Mr. STEVENS. I agree with my colleagues on both statements.

Mr. BOND. Would the chairman agree further that the inclusion of this phrase should remove any doubt in any quarters about which aircraft should be procured and under what conditions they should be procured?

Mr. STEVENS. My colleague is correct. That was the objective of the conferees in including this language.

Mr. BOND. I thank my friend for his clarifying remarks.

ATTENTION DEFICIT DISORDER

Mr. KOHL. I would like to take a moment to discuss language included in the statement of the managers to the fiscal year 1997 Defense appropriations bill conference report relating to attention deficit disorder.

First, I want to thank the managers, the distinguished chairman of the Defense Appropriations Subcommittee, the Senator from Alaska [Mr. STEVENS] and the distinguished ranking member, the Senator from Hawaii [Mr. INOUYE] for their sensitivity in recognizing the importance of this issue. I also want to thank the Senator from Minnesota [Mr. GRAMS] for his work on this issue.

Attention Deficit Disorder [ADD] and Attention Deficit Hyperactivity Disorder [ADHD], are neurobiological disorders characterized by inattention, impulsivity, and hyperactivity. In the past it was believed that these were disorders that primarily affected children. More recently, however, experts have concluded that this is not true. As many as 40 percent of children with ADD or ADHD have functionally impairing symptoms which continue into adult life. This is especially true of young males.

As the managers noted, in some cases these disorders can make successful service difficult without some accommodations, especially for those who require the moderating influence of certain prescription pharmaceuticals, the use of which is prohibited by military regulations. It is important to note, however, that many individuals with ADD and ADHD serve successfully in the military and it is not our intention to bar or discourage individuals with ADD and ADHD from military service.

Mr. GRAMS. I want to second the comments of my colleague, the senior Senator from Wisconsin, and I, too, want to thank the distinguished senior Senators from Alaska and Hawaii for their work in ensuring that the conferees addressed the issue of attention deficit disorder and attention deficit hyperactivity disorder in the military before they completed action on the fiscal year 1997 Defense budget.

Unfortunately, it came to our attention that the services had no programs in place to educate key personnel about how to recognize and treat ADD/ADHD. We became aware of this deficiency through tragic circumstances. A constituent, Thomas Swenson of Marshfield, WI, had a son who was murdered while serving in the Navy. Aaron Swenson had ADHD. As Senator KOHL noted, in its severest form, this disorder can create a dramatic level of impulsivity, restlessness, and difficulty modulating responses to given situations. Aaron Swenson's parents believe that his ADHD—which he concealed at the time of his recruitment—made it difficult, if not impossible, for him to serve 6 years in the Navy's electronics school at the Great Lakes Naval Training Center. Further, they believe that Aaron's ADHD played a role in putting him in harm's way.

There is widespread public awareness of ADD/ADHD. Yet, after his many meetings with Navy officials—some of them very senior officials—Thomas Swenson concluded that the services have little knowledge of ADD. He subsequently met with both of us and urged us to do something to educate the services about the prevalence of ADD/ADHD among young adults, particularly as these disorders relate to potential recruits.

Thus, it is our hope that this language encourages the military services to do all they can to recognize, treat, and humanely deal with recruits and service members with ADD and ADHD.

Mr. STEVENS. I appreciate the work of the Senators from Wisconsin and Minnesota on this issue. As my colleagues are aware, the Defense Department has informed me that it has a familiarization program to help training instructors and health care professionals recognize and evaluate recruits with attention deficit disorder and attention deficit hyperactivity disorder at basic training bases. The conferees have encouraged the Department of Defense to continue this familiarization program so that personnel who deal with potential recruits and service members beyond basic training are able to recognize the characteristics and markers of these disorders.

Mr. KOHL. I welcome the comments of the senior Senator from Alaska. I understand that since we first approached the Defense Subcommittee about this issue that the Defense Department has agreed to meet with a prominent national organization, Children and Adults with Attention Deficit Disorders [CHADD] to discuss these issues further. I am glad that the Department of Defense is drawing on the expertise of organizations and national experts who already have extensive knowledge about ADD and ADHD. I encourage the services to do all they can to address the needs and ensure the success of persons with ADD and ADHD in the services.

COMBATING ILLEGAL IMMIGRATION: AN OPPORTUNITY TO MAKE A DIFFERENCE

Mr. KYL. Mr. President, today, we will pass legislation we hope will significantly reduce illegal immigration in this country.

We could have passed this bill in the Senate last week. Unfortunately, partisan politics almost derailed efforts of the Congress, and particularly the efforts of the chairman of the Immigration Subcommittee, ALAN SIMPSON, who, under extraordinary circumstances, has worked long and hard to produce a bipartisan, far-reaching immigration bill.

That is because, in the end, the Clinton administration threatened to veto either the omnibus appropriations bill—and shut down the Federal Government—or a stand-alone immigration bill unless some of our reforms were deleted from title 5 of the immigration conference report. It is interesting that the immigration conference report, with title 5 intact, passed the House last week with bipartisan support by a vote of 305–123. Notwithstanding this strong support, in order to ensure passage of this historic immigration measure, important provisions of title 5 have been deleted.

One of the most important provisions dropped from title 5 would have required that sponsors who bring their immigrant relatives into the United States earn 200 percent of poverty in order to bring in extended relatives or 140 percent of poverty when they sponsor their spouses or their minor children. Revised title 5 changed the income requirement for all sponsors to 125 percent of poverty. At that income level, the sponsor could already be participating in several welfare-related programs, including, but not limited to, food stamps, reduced school lunch, Medicaid for pregnant women and children under the age of 6, and the Women, Infants, and Children [WIC] program. In other words, the sponsors may well not be capable of supporting the immigrants they sponsor.

Another provision that was removed from title 5 would have clarified the definition of "public charge." Under the House-passed conference report, an immigrant could be deported—but would not necessarily be deported—if he or she received Federal public benefits for an aggregate of 12 months over a period of 7 years. That provision was dropped during Saturday's negotiations.

The House-passed conference report would have required that public housing authorities verify the status of individuals who obtain public housing benefits. Individuals would have had 3 months to verify their status with a public housing authority or they would be required to vacate the unit. Revised title 5 will give an illegal alien 18 months to vacate the housing unit. In addition, revised title 5 will now give discretionary authority to public housing authorities to determine whether or not they will verify if someone in this country has a legal right to federally-assisted housing. This doesn't make sense to me since, in my home State of Arizona, officials of the Maricopa County Housing Authority alone estimate that 40 percent of the people receiving housing assistance in the county are illegal aliens. In Maricopa County, there are 1,334 section 8 units and 917 units available. There are over 6,500 individuals on the waiting list there.

There are other provisions in title 5 that shouldn't have been dropped from the immigration conference report. It is my hope that in the future, partisan politics will play a smaller role than it did on Saturday in efforts to effectively reform our Nation's immigration laws.

Having said that, I do believe it would be a great disservice to the people of Arizona and the rest of the Nation if this illegal immigration conference report were not to pass the Congress during the 104th Congress.

In Arizona's Tucson sector alone, the U.S. Border Patrol has apprehended more than 300,000 illegal aliens this year. It is estimated that for every illegal immigrant arrested, four slip through undetected. These undetected entrants are costing Arizonans millions of dollars. In fact, the State of Arizona estimates that it spends over $200 million each year on the medical care, education, and incarceration of undocumented immigrants. That's about equal to what the State spends each year to run Arizona State University.

With this immigration bill, we have the opportunity to lift this financial burden off the States by forcing the Federal Government to take responsibility for reducing illegal immigration, and to reimburse States for many of the illegal immigration-related costs they incur.

Perhaps most importantly for Arizona, under the immigration conference report, our borders will be better secured. One of my amendments to the bill will increase the number of border patrol agents by 5,000 over 5 years, nearly doubling the current number of agents. An increased border patrol presence in Arizona will help cities and towns such as Nogales, Naco, and Douglas, which have experienced surges in illegal immigration and border-related crime.

The immigration bill will also require that the security features on the border-crossing card be improved to counter fraud. There will be new monetary and civil penalties for illegal entry. In addition, every illegal immigration apprehended will be fingerprinted. Preinspection at foreign airports of passenger bound for the U.S. will be increased. The bill creates a mandatory, expedited removal process for aliens arriving without proper documentation, except if they have a credible fear of persecution in their home countries. Penalties for alien smugglers will be increased and deportation of criminal aliens will be expedited.

In addition to beefing up our borders, the bill cracks down on those individuals who overstay their visas. Half of those who temporarily enter the country legally remain here illegally. The bill requires that an entry-exit control system be developed to track those individuals. Visas overstayers will also be ineligible to return to the U.S. for a number of years, depending on how long they overstayed their visas.

The immigration bill also provides for mandatory detention of most deportable, criminal aliens and requires that those aliens be deported within 90 days. The bill also authorize $150 million for the costs of detaining and removing deportable or inadmissible aliens and increases the number of detention spaces to 9,000 by the end of 1997.

Finally, this immigration bill will remove many of the incentives for illegal entry. The Immigration and Naturalization Service estimates that 10 percent of the workforce in Arizona is made up of illegal aliens. H.R. 2202 sets up three pilot projects, to be implemented in high illegal immigration States, that will determine the employment eligibility of workers and thereby reduce the number of illegal aliens trying to get U.S. jobs.

While I may well vote against the omnibus bill to which this legislation is attached and while I am very disappointed about the last minute changes to the immigration part of the bill, I nevertheless believe that part of the omnibus bill should be passed. I am confident that this legislation is the keystone we will build upon in the future.

HCFA

Mr. BOND. Mr. President, as we consider funding for the Health Care Financing Administration [HCFA], I would like to commend the conferees for including a reference in the Statement of Managers of the Conference to a demonstration program that will demonstrate and evaluate the best approaches for a community health care center to provide services through a health care network.

We are well aware of the tumultuous changes occurring in the health care field as managed care becomes more and more predominant. For those who are involved in the services of community health centers, whether as providers or patients, the uncertainty of the current health care landscape can be overwhelming. As health care networks are formed, community health centers can either participate in this phenomenon or risk being excluded from the networks. Exclusion is tantamount to severely limiting the patient's medical options, which is a repudiation of the centers' mission and mandate to serve the less advantaged among us.

One community health center in particular, with which I am familiar, is Swope Parkway Health Center in Kansas City, MO. Swope Parkway was founded in 1969 and serves about 35,000 patients each year as a federally qualified community health center. Its approach to health care is uniquely comprehensive, combining medical and behavioral health and social services, housing and economic development. Swope Parkway has decided to assure its patient continued quality health coverage by forming a health maintenance organization [HMO] and developing its own network of providers.

It is my understanding that Swope Parkway is one of the first—but in all likelihood not the last—federally qualified community health centers in the Nation to assume full risk and has formed a new HMO. Given the Federal funding that has been dedicated over the years to community health centers, it would seem logical in this time of transition to managed care to demonstrate various approaches for community health centers to determine and deliver the most cost-effective way to provide services and maintain the quality of care to low-income patients in urban settings.

Mr. President, I am pleased that the conferees are recommending that HCFA conduct such a demonstration as part of its Research, Demonstration, and Evaluation Program, and I strongly urge them to consider Swope Parkway Health Center as the site for this demonstration.

RYAN WHITE CARE ACT

Mr. LAUTENBERG. I would like to engage the chairman and ranking member of the Labor-HHS Subcommittee in a brief colloquy concerning pediatric AIDS demonstrations funded under title IV of the Ryan White CARE Act.

Mr. SPECTER. I would be pleased to engage in a colloquy.

Mr. HARKIN. I, too, would be pleased to engage in a colloquy with the Senator from New Jersey.

Mr. LAUTENBERG. I would first like to commend and thank the chairman and the ranking member for their work to ensure our Nation's continued strong commitment to our children and families tragically infected with HIV by providing a funding increase for title IV of the Ryan White CARE Act. Title IV programs are designed to coordinate health care and assure that it is focused on families' needs and based in their communities. These programs are the providers of care to the majority of children, youth, and families with HIV/AIDS in our country, ensuring these families have access to the comprehensive array of services they need.

The original Senate report stated that a portion of the title IV funds should be used to provide peer-based training and technical assistance through national organizations that collaborate with projects to ensure development of innovative models of family centered and youth centered care; advanced provider training for pediatric, adolescent, and family HIV providers; coordination with research programs, and other technical assistance activities. Is it correct that the managers intend to continue support of national organizations providing training and technical assistance, including the National Pediatric and Family HIV Resource Center located within the University of Medicine and Dentistry of New Jersey in this legislation?

Mr. SPECTER. Yes, the Senator from New Jersey is correct. The committee intends that a majority of title IV funds be awarded to existing comprehensive HIV care projects. Title IV also supports national training and technical assistance centers that include: The National Pediatric and Family HIV Resource, the AIDs Policy Center for Children, Youth and Families, and the Institute for Family-Centered Care, all of which will be eligible to apply for funding in the coming fiscal year.

Mr. HARKIN. I concur with the chairman.

LAUTENBERG. I thank the chairman and ranking member for their support, and for their continued work in this very important component of our national HIV/AIDS strategy.

DOJ SECTION

Mrs. MURRAY. Mr. Chairman, this bill provides many tools with which we, as a nation, can fight crime and drugs. I would like to highlight one area about which many law enforcement officials of my home State of Washington have expressed growing concern: methamphetamines. The Department of Justice, working with other agencies, has developed a comprehensive approach to battling the use and manufacture of methamphetamines entitled "National Methamphetamine Strategy", April 1996. Mr. Chairman, I would like to highlight the managers' support for interagency and Federal, State, and local law enforcement cooperation in combating this growing menace. It is particularly important to involve the Environmental Protection Agency and other appropriate agencies to provide technical and financial assistance to State and local law enforcement as they remove hazardous chemicals and waste developed in clandestine methamphetamine laboratories.

Mr. HATFIELD. I agree, Senator MURRAY. We need a united front to reduce methamphetamine use and eradicate clandestine manufacturing facilities. The managers support a comprehensive, interagency strategy in which the Federal agencies work in partnership with State and local law enforcement to solve this problem.

Mrs. MURRAY. Thank you, Mr. Chairman. I look forward to working as a member of the Appropriations Committee—unfortunately, without you—next year to ensure a comprehensive approach is fully funded.

Mr. HOLLINGS. I want to thank Senator MURRAY for reminding us of the importance of combining resources and expertise to address not only methamphetamines, but all narcotics. Senator MURRAY has been and continues to be a leader in protecting and providing for children, families, and communities. In this bill, we have supported several programs that will assist us in reducing the threats posed by methamphetamines. Specifically, the Drug Enforcement Agency's budget has been increased by 23 percent from last year. The subcommittee looks forward to working with you on the fiscal year 1998 budget.

Mr. HOLLINGS. Mr. President, I note in the report on H.R. 3814 that our committee urged the Economic Development Administration [EDA] to consider applications for grant funding for several worthwhile economic development proposals throughout the country. These were not specifically repeated, however, in this Omnibus Appropriations conference report.

Mr. HATFIELD. That is correct. The committee listed nine such proposals on page 58 of the report.

Mr. HOLLINGS. I would like to make the Senator from Oregon, the chairman of the committee, aware of a particularly meritorious economic development project from my home State of South Carolina that was not listed in the report. The proposal calls for the renovation of the Main Street theatre in Conway, SC. Located in the town's historic downtown district, the theater has the potential to become a center for theatrical and economic activity.

I ask the Senator from Oregon if, in his opinion, the Conway project is similar to those listed in our committee report.

Mr. HATFIELD. It is, and it certainly appears to meet the same criteria for inclusion in the report.

Mr. HOLLINGS. That being the case, I ask the Senator that we deem the Conway project part of the committee's recommendation to the EDA.

Mr. HATFIELD. As the Senator knows, we cannot amend the report or statement of managers at this point, however, I speak for this side of the aisle in requesting that the EDA evaluate the Conway project in the same manner along with those listed in the report. Like the committee recommended projects, the Conway proposal should be given every consideration by the Economic Development Administration.

Mr. HOLLINGS. I agree, and thank the Chairman.

ASSISTANCE FOR VICTIMS OF HURRICANE FRAN

Mr. HELMS. Mr. President, in light of the estimated $5 billion in damage to homes, businesses and farms in North Carolina, it is imperative that critical Federal disaster relief efforts not be delayed, and I am deeply grateful to the distinguished chairman, Mr. HATFIELD, and the equally distinguished ranking member Mr. BYRD of the Appropriations Committee for their fine help in allocating adequate funds in this bill for disaster relief.

A tremendous amount of time was spent last week in working out the details of the disaster relief package. Needless to say, I was concerned about the prospect of disaster relief funds running out.

After extensive consultations last week, a total of nearly $400 million in new funds was provided for various programs to provide assistance to citizens affected by Hurricane Fran.

It is my understanding that existing unobligated funds are also available for programs within the Departments of Agriculture and Commerce, as well as FEMA and the Army Corps of Engineers, and I respectfully inquire of the chairman and the ranking member of the Appropriations Committee if they agree that more than $150 million in existing unobligated funds from these programs will be available for disaster relief for North Carolina victims of Hurricane Fran?

Mr. BYRD. I thank the Senator from North Carolina in bringing the Senate's attention to the plight of many Americans who have suffered from the fury of Hurricane Fran. I might remind Senators that this terrible storm swept over much of the eastern United States, including my own State of West Virginia, leaving a path of destruction to homes, businesses, and most tragically, injury and loss of life.

I am aware that the Senator from North Carolina has made a request to the Senate Committee on Appropriations for levels of assistance similar to and, in some cases, exceeding those submitted to Congress by the President. The agreement contained in the continuing resolution includes emergency supplemental appropriations of nearly $400 million in new budget authority for agencies of the Department of Agriculture, the U.S. Army Corps of Engineers, the Economic Development Administration, and the Small Business Administration to respond to the unmet needs for hurricane relief.

During negotiations with the administration, an agreement was reached to make available an additional $150 million in Federal assistance for relief from fiscal year 1996 unobligated funds. These amounts include $100 million provided by the Federal Emergency Management Agency to the Crops of Engineers. In addition, there are funds remaining at the Department of Agriculture for debris removal, utility repair, and emergency loans to farmers and ranchers. In all, this brings the level of funds available for victims of Hurricane Fran to more then $500 million which achieves the level included in the request by the Senator from North Carolina.

Mr. HELMS. I thank the Senator from West Virginia. Is this the same understanding of the Senator from Oregon, the chairman of the Senate Appropriations Committee?

Mr. HATFIELD. Yes, this is my understanding.

Mr. HELMS. I thank the Senators from West Virginia and Oregon for this explanation. In addition to these funding levels, have any other actions been taken to eliminate obstacles that may affect the availability of assistance to North Carolinians?

Mr. BYRD. The Senator from North Carolina may be referring to a restriction of assistance to landowners requesting assistance from the Department of Agriculture for debris removal. Normally, landowners are ineligible for this assistance if their lands had received debris removal assistance in 2 of the previous 25 years. I have personally made an inquiry with the Department of Agriculture relating to this restriction as it affects victims of Hurricane Fran. I am glad to report that earlier this month, the Department of Agriculture has taken administrative action to recognize the extraordinary damage caused by Hurricane Fran and provide conditional waivers to my State of West Virginia, along with the States of Virginia and North Carolina.

The announcement by the Department of Agriculture states in part:

> Based on the uncommon severity and extent of damage caused by Hurricane Fran, the provisions prohibiting eligibility of land damaged 3 or more times (including the current disaster) in the last 25 years is waived in counties designated as disaster areas by the President or Secretary.

Mr. HELMS. Again, I thank the Senators from West Virginia and Oregon for making clear the agreement relating to assistance for victims of Hurricane Fran in my State and other States.

PRINTING ERROR

Mr. SHELBY. Mr. President, I will not take much time of the Senate, because time is short. There is no doubt that questions will arise with regard to this bill. Questions will arise regarding intent. I want to take this time to ensure that a printing error in the Treasury portion of the bill does not cause any confusion. The manager's statement regarding the Internal Revenue Service Tax Modernization System [TSM] Request For Proposal [RFP] addressed on page H12010 of Saturday's RECORD uses two dates: July 31, 1997 and July 31, 1999. July 31, 1997 is the date.

Mr. President there may be other errors, but I have not found them. The Government Printing Office has done an exceptional job in producing a lengthy and complex document in a very short time.

FCC RELOCATION

Mr. INHOFE. Mr. President, I would like to enter into a brief colloquy with the distinguished chairman of the Treasury, Postal Service Appropriations Subcommittee, Senator SHELBY, concerning funding for the proposed relocation of the Federal Communications Commission [FCC]. Mr. Chairman, the Senate version of the fiscal year 1997 Treasury, Postal appropriations bill contained a provision that would allow the Administrator of the General Services Administration [GSA] to pay a portion of the costs associated with a proposed relocation of the FCC. It this correct?

Mr. SHELBY. The Senator is correct. At the request of GSA this provision was included in the committee report accompanying the fiscal year 1997 Treasury, Postal appropriations bill. During floor consideration of the bill, this provision was converted to statutory language.

Mr. INHOFE. It is my understanding that this provision has been deleted from the omnibus bill before us today.

Mr. SHELBY. That is correct. Several members have raised objections to this provision for a variety of reasons, and as a result, we have specifically not included it in this omnibus bill.

Mr. INHOFE. I thank the Chairman. I have recently become aware of the large costs associated with this proposal—more than $40 million in upfront moving costs and an expensive lease rate—and I think the Congress should give this issue a much more careful review before it proceeds any further. As I understand it, the proposal calls for the FCC to nearly double the amount of space it occupies at the very time Congress is considering legislation to reduce the size of the agency. Am I correct, Mr. Chairman, that by specifically deleting the language allowing the GSA Administrator to pay for the relocation of the FCC, that is intended that the GSA Administrator specifically not be authorized to provide any funding for the proposed FCC relocation?

Mr. SHELBY. That is correct. The GSA should not use funds appropriated to it to facilitate the move. Since the Commerce Appropriations Subcommittee denied requested funding for the relocation, the proposed move should not go forward until Congress has more closely examined the proposal. I would like to work with the gentleman from Oklahoma and the relevant Senate committees to fully understand whether the proposed relocations are justified and if so, how we might go about reducing costs associated with the plan. We should take a close look at these issues in the next Congress. Until we've had the time to closely examine these issues, however, I do not believe the proposed relocation should go forward. Accordingly, we did not include language allowing GSA to fund the proposed move and they should not use any of the resources provided to them for that purpose.

Mr. INHOFE. I thank the Chairman and I look forward to working with him in the next Congress on this issue.

AIRCRAFT MAINTENANCE TAX COLLOQUY

Mr. NICKLES. Mr. President, I rise to bring to my colleagues' attention a new and hidden tax being imposed by the IRS on American air carriers, and those who travel or ship cargo by aircraft. Ignoring congressional intent, as codified in sections 162 and 232 of the Internal Revenue Code, the IRS is reversing its policy of accepting the longstanding industry practice of expense deductions of aircraft inspection, maintenance, and repair required by the Federal Aviation Administration.

This IRS change in tax treatment of air carriers constitutes a tax penalty on air safety.

This new and hidden tax penalty on air safety is no small matter. When an airline takes delivery of an aircraft, before the FAA will issue a certificate of airworthiness allowing that plane to fly, the carrier must provide the FAA with a suitable plan for ongoing maintenance and repair.

So here, on one hand, we have one agency of the Federal Government, the FAA, working hand in hand with the industry to ensure and to enhance the public safety for air travelers. But at the same time, a second agency, the IRS, is attempting to impose a tax penalty on the cost of ensuring that very safety.

Mr. FORD. May I inquire of my colleague from Oklahoma, who has told us that the IRS is changing its policy and thereby imposing a tax penalty on airline safety. How is that possible? How can the IRS put this tax penalty on aircraft safety?

Mr. NICKLES. I will inform my distinguished colleague from Kentucky that he is exactly correct. Section 162 of the Internal Revenue Code provides that the cost of maintenance and repairs to keep property in an ordinarily efficient operating condition is deductible in the year incurred. Only maintenance which either materially adds to the value or substantially prolongs the useful life of the property or adapts the property to a new or different use is required to be capitalized. Under this test, aircraft maintenance and repair costs are deductible because such maintenance and repair does not materially increase the value or extend the useful life of the aircraft.

I will answer the distinguished bill manager. Ignoring economic reality and logic, the IRS is reversing its policy of accepting the longstanding industry practice of deducting the cost of aircraft maintenance in the year incurred. The IRS's new position that these repairs should be capitalized and depreciated over a period of years assumes that the economic life of an asset should be calculated on the assumption that no appropriate maintenance—including Government-mandated safety maintenance—will be performed.

Mr. FORD. I would add to my colleague from Oklahoma's remarks that the IRS position defies common sense. Requiring airlines to capitalize the cost of inspection and repairs in compliance with FAA safety regulations that merely maintain the normal operating condition and useful life of the aircraft would be like requiring a taxicab company to capitalize the cost of oil changes on its cabs because an oil change extends the useful life of the engine.

It simply does not make any sense. The U.S. airline industry has the best safety record in the world. As the ranking member of the Subcommittee on Aviation, I know first hand how hard this body and other Federal agencies have worked to encourage and help maintain and improve that enviable safety record.

It seems to me, that the IRS is working at cross purposes with its sister agencies and the Congress.

Mr. NICKLES. I agree with my colleague. However, I would not put it quite so delicately. I believe that the IRS is clearly overstepping its authority and ignoring clear congressional direction and intent as provided by the Internal Revenue Code. This tax penalty on aircraft safety is not only wrong in substance, the process by which the IRS is adopting this new policy is also flawed. In reversing its historic practice of accepting the characterization of aircraft maintenance and repair cost as deductible, the IRS is effectively promulgating a major regulation. As I understand it, there has been no notice of proposed rulemaking and there is at this time no coordinated issue paper. Instead, the IRS is challenging taxpayers who can least afford to protect their interest against the IRS in court. In other words, the IRS is selectively enforcing this new rule on a case-by-case basis hoping to develop a new body of regulation, without affording taxpayers of the protections provided by the normal rulemaking process.

If the IRS wants to change their policy and the industry practice, the IRS should use the rulemaking process. A change in IRS's policy of this magnitude clearly needs to be addressed through full notice and comment protections provided in the Administrative Procedures Act. The IRS's current process denies stakeholders the opportunity to comment before the tax change is finalized. In addition, I would like to send a clear message to the IRS that general application of this reversal of longstanding tax policy on aircraft maintenance costs would be a rule for purposes of the Congressional Review Act. IRS must be prepared to defend both their decision and their decisionmaking process before this body under the new congressional review provisions of chapter 8 of title 5, United States Code.

Mr. THOMAS. Can the chairman of the Senate Appropriations Subcommittee on the Treasury Postal Service tell me why the Thomas amendment, which passed the Senate by a bipartisan vote of 59 to 39, is not included in this omnibus appropriations bill? As you know, my amendment would have prohibited OMB from expending funds to implement any policy that permits any Federal agency to provide commercial goods and services to other government agencies, unless a cost comparison determines that government agency performance is more cost effective than the private sector.

Mr. SHELBY. The conferees believe existing law, particularly the Economy Act and the Intergovernmental Cooperation Act, address this issue.

Mr. THOMAS. However, hearings by the Senate Committee on Governmental Affairs and House Committee on Small Business have demonstrated that administration implementation of these statutes have failed to eliminate Government competition with the private sector and recent OMB action has been interpreted as encouraging agencies to market their services to other Federal, State and local government entities. Does the chairman of the Senate Governmental Affairs Committee agree with this conclusion?

Mr. STEVENS. That is correct. My committee held a hearing on September 24, 1996, and found questionable use and minimal cost analysis of interagency agreements. I was a cosponsor of the Thomas amendment and was disappointed to see that it was not included in the bill.

Mr. THOMAS. Is it the subcommittee Chairman's intent that OMB should promptly issue new administrative policy and process to clarify and remedy this matter so no Federal organization unfairly competes with the private sector, particularly small business?

Mr. SHELBY. Yes, that is the subcommittee's intent. As a cosponsor of Senator THOMAS' bill, S. 1724, the Freedom From Government Competition Act, and a supporter of the Thomas amendment, I am deeply concerned about this issue and look forward to OMB revising this policy.

IMMIGRATION REFORM

Mr. ABRAHAM. Mr. President, I rise in support of the illegal immigration reform bill as it has emerged from conference.

At the outset, I want to applaud the fact that, after considerable debate, this Congress has chosen to separate the issues of illegal and legal immigration. We should not lump legal immigrants, who play by the rules, together with illegal immigrants, who break them. Moreover, in my judgment, the best way to preserve our tradition of legal immigration is to address the public's concerns about illegal immigration. That is part of the reason why I support the bill before us today.

I would also like to applaud the changes recently made to the bill's income requirements for persons who wish to sponsor an immigrant. As reported out of conference, section 551 of the bill would have required individuals to earn at least 140 percent of the poverty line to sponsor a spouse or minor child, and to earn at least 200 percent of the poverty line to sponsor any other immigrant—for example, a parent. The effect of this provision would have been to block many middle-class Americans from sponsoring their close relatives.

Section 551 has been revised, however, to provide that an individual who wishes to sponsor an immigrant must either earn at least 125 percent of the poverty line or obtain a cosigner who earns that much. I strongly support this change, as the revised section 551 arguably provides sponsors with more flexibility than does current law.

Nevertheless, I would like to outline a number of my concerns with this bill.

To begin with, Mr. President, I am concerned about the verification pilot projects included in this bill. These projects constitute the first steps toward a National Identification System.

This legislation mandates three pilot projects of 4-year duration.

Now, as it stands these tentative steps are reversible. We have basically postponed the day of reckoning on this issue for 4 years. But this is an issue that I believe does not warrant field study.

Americans should not be subjected to a national identification system, period. Any such system will put people's jobs, property, and rights at risk of bureaucratic incompetence and abuse for no good reason. We can solve our problems without such a system, and that is what we must do to preserve our traditions of individual liberty.

In addition, I am concerned about this legislation's provisions on federalized documents.

The bill would bar Federal agencies from accepting birth certificates and drivers' licenses that do not meet new Federal standards.

This will force States to conform to Federal standards in issuing these documents, because States' citizens will want to be able to use them for Federal purposes.

It is an intrusion into an area properly subject to State control and another step toward a national identification system. It is unnecessary and it should not be undertaken.

Mr. President, I also have reservations concerning the bill's provisions on the deportability of criminal aliens. If these provisions are adopted, they will significantly weaken many of the important reforms this Congress adopted last session in the Anti-terrorism and Effective Death Penalty Act to facilitate deportation of criminal aliens.

As I have made clear throughout consideration of the immigration bill, I draw a sharp distinction between immigrants who come to this country to make better lives for themselves and those who come to break our laws and prey upon our citizens.

I have made no secret of my strong concerns about the conference report's repeal of important provision this Congress enacted into law in the Anti-terrorism Act last spring. Along with my colleague Senator D'AMATO, I have sent a letter to the immigration conferees outlining these concerns, which I would like briefly to mention here.

First the draft conference report unconditionally restores immigration judges' ability to grant so-called hardship or section 212(c) waivers to large categories of criminals who have committed serious felonies. When Congress enacted section 212(c) in 1952 as part of the Immigration and Nationality Act, it made clear that it was to apply only to those cases where extenuating circumstances clearly require such action.

Unfortunately, unelected and irresponsible immigration judges have completely and permanently ended deportation proceedings against thousands of convicted felons under this provision.

The Anti-terrorism Act corrected this outrage by barring individuals from using section 212(c) if they had been convicted of aggravated felonies, firearms, and narcotics crimes, or repeated serious offenses.

But now the conference report would restore these waivers for all criminal aliens other than aggravated felons. Repeat offenders, illegal firearms, and narcotics dealers and, most shocking of all, terrorists, all would now be able to have deportation proceedings against themselves terminated.

And, even in those cases when a waiver is not granted, the request itself will delay the deportation process and make it harder to detain criminal aliens pending deportation. That means that more criminal aliens will be released and will never be found again to be deported.

Why has this pernicious invitation to immigration judges to abuse their power been restored? I have heard no explanation. Yet, if it is because my colleagues now believe that these judges can be trusted not to abuse their discretion recent experience shows otherwise.

Even now, with section 212(c) eliminated by the Anti-terrorism Act, some immigration judges are granting the relief for criminal aliens who are in exclusion proceedings.

This plainly defies the clear meaning of the statute. The Anti-terrorism Act applies to aliens who are deportable for having committed certain crimes. It contains no reference to any proceedings in which the immigrant might be engaged, be they exclusion or deportation proceedings. The choice of proceedings is irrelevant. It is the commission of proscribed felonies on American soil that dictates the criminal alien's removal.

Fortunately, by establishing a unified system for removing aliens who do not comply with our laws, the conference report eliminates the availability of this particular misconstruction. But its restoration to the same immigration judges who devised this misconstruction of the authority to grant these waivers to large classes of criminals is simply incomprehensible.

Removal of these felons will be made even more difficult under the conference report because the bill significantly weakens the Anti-terrorism Act's requirements relating to the detention of criminal aliens. Under that act the Attorney General was required to detain all criminal aliens who have committed certain serious crimes, pending deportation.

The conference report would allow the Attorney General to release large categories of these individuals, on certifying that insufficient space exists to detain them, for 2 full years.

Again, the question is why? The Justice Department has not stated in any formal communication to Congress that there is currently or will be in the near future insufficient detention space to detain these and other dangerous individuals. Indeed, the Department not only failed to volunteer that it had any such problem, it made no such statement even in response to a letter asking for any concerns the Department might have about the Anti-terrorism Act's criminal aliens provisions. The closest the Department came was to suggest that it was theoretically possible that such a shortage might develop at some point.

Such hypothetical concerns are no reason at all to grant the Attorney General the authority to release thousands of convicted criminals back into the population, to prey on our people and perhaps never be caught again, let alone deported. If the Attorney General needs that authority because the Immigration and Naturalization Service projects an immediate shortage of detention space, the Department knows how to ask for it. If it did, we could then assess the plausibility of the projection, as well as whether the matter could be better addressed by providing additional detention space instead. We also could ask why no request for additional space had been forthcoming.

The conference report's decision to grant this unilateral release authority without even the justification that the Department, albeit late in the day, has said it needs to have that authority on account of an imminent shortage, is frankly incomprehensible to me.

As I believe is clear, Mr. President, I have some rather serious problems with this legislation. However, we face a more serious problem, for which this legislation, even with its flaws, is needed.

I am speaking, of course, of the problem of illegal immigration. This bill contains a number of provisions that I believe are crucial to our fight to bring illegal immigration under control.

For example, the bill includes the Kyl-Abraham amendment adopted in committee. This amendment will increase by 1,000 the number of Border Patrol agents in each of the next 5 fiscal years (1997–2001).

The bill also would sharply increase penalties for alien smuggling and document fraud.

In addition, the bill includes a revised form of an Abraham amendment to impose stiff sanctions on visa-overstayers, who make up fully one-half of the illegal aliens in this country.

I regret that the "good cause" exception in my amendment was omitted from final bill. But visa-overstayers must be punished like anyone else who breaks the rules.

Finally, this legislation makes those who sponsor aliens into the country legally responsible for their support, and allows the Government to collect reimbursement for any welfare moneys spent.

In sum, Mr. President, I am concerned that identification provisions in this legislation are leading us on a path away from America's well-worn road of personal liberty toward a bureaucratic nightmare. And I am worried that this bill will allow too many criminals to stay in this country.

But we are in the midst of a serious conflict. We cannot allow law-breakers into our country. And that is exactly what an illegal immigrant is: someone who willingly and knowingly flouts our laws.

This legislation makes needed reforms to our immigration system so that we may deal more efficiently with these lawbreakers. To my mind this is an important step toward a more fair and open immigration system.

SEC. 343. CERTIFICATION REQUIREMENTS FOR FOREIGN HEALTHCARE WORKERS

Mr. SPECTER. Mr. President, I would appreciate it if Senator SIMPSON would clarify the intent of a provision in the conference report on H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which is now Division C of H.R. 3610, the Department of Defense Appropriations Act, 1997. I am interested in the intent of section 343 with regard to the establishment of a procedure for the approval of organizations to prescreen foreign healthcare workers.

Mr. SIMPSON. Mr. President, it is Congress' intent that the Attorney General, in consultation with the Secretary of Health and Human Services, shall establish a procedure for the review and approval of credentialing organizations equivalent to the Commission on Graduates of Foreign Nursing Schools for the purpose of prescreening aliens seeking to enter the United States for employment as healthcare workers. It is our intent that the Attorney General and the Secretary of Health and Human Services will actively review entities that petition to perform this prescreening and approve those that qualify.

HOMESTEAD, FL'S EDA PROJECT

Mr. MACK. Mr. President, I would like to engage the distinguished chairman of the Commerce, Justice, State, and Judiciary Appropriations Subcommittee in a colloquy concerning an economic development project of great significance to South Dade County, FL.

Mr. GREGG. I would be happy to engage the Senator from Florida in a colloquy.

Mr. MACK. Mr. President, my colleagues will remember that in 1992, Hurricane Andrew, one of the worst natural disasters in our Nation's history, struck the city of Homestead and South Dade County, FL with terrible fury. Today, 4 years later, the physical devastation to the community can still be seen. The residents of the area continue to experience severe economic hardship due to the destruction of homes and businesses, the loss of income and tax revenue, and the dislocation of residents. I dare say that there are few places in the country that deserve economic development assistance more than Homestead/South Dade.

In recent years, the city of Homestead has brought forward a public/private partnership project which promises to become a significant economic development engine for the community. The project is a 60,000 square foot motor sports exhibition and education facility to be located at the existing South Dade/Homestead Motorsports Complex. This project is expected to attract more than half a million visitors per year, generate considerable tax revenue, and create hundreds of new jobs.

The city of Homestead will shortly approach the Economic Development Administration to request an economic development assistance grant which will be matched equally by State and private contributions.

Mr. President, I strongly support this project which I believe will build upon the economic development success of the Motorsports Complex. This hard-hit community is doing the right thing in putting together public-private partnerships to share the cost burden of such economic development projects. The proposal to EDA for fiscal year 1997 funds deserves favorable consideration, and I am hopeful that the chairman of the Commerce, Justice, State, and Judiciary Subcommittee will lend his support, as well, to this worthy project.

Mr. GREGG. Mr. President, I would say to the Senator from Florida that I am well aware of the devastation experienced in Homestead and South Dade and the work he has done to revitalize the community. The need for further economic development assistance in the area is abundantly clear. I would, therefore, be happy to work with the Senator in bringing the city of Homestead's proposal to the attention of EDA and doing what I can to see that the proposal for funding receives fair consideration.

Mr. LEAHY. Mr. President, one of the most egregious differences between the immigration bill passed by the Senate many months ago and the bill now thrust on us for final passage is the permanent and nationwide waiver of our environmental laws for border control activities.

Like most of the American public, I am fed up with attacks on our important environmental laws. Failing to gut the Endangered Species Act and the National Environmental Policy Act, some Members of Congress have resorted to backdoor stealth attacks on these laws. Now Republicans include a gratuitous attach on our wildlife and ecosystems through, of all things, an immigration bill.

The nationwide scope of the environmental waivers in the immigration bill reaches far and beyond the goals of strong immigration control. By exempting all road construction, bridge construction, and barrier construction along the entire U.S. border from the Endangered Species Act, the waiver will permanently weaken national and international wildlife conservation.

Like many provisions in the immigration bill, this provision was inserted during the Republican-only House-Senate conference, and now the bill grants a permanent and nationwide waiver of the National Environmental Policy Act, the fundamental charter of our environmental protection.

Claims that the Endangered Species Act or the National Environmental Policy Act delay or stop the INS from controlling illegal immigration are wholly unsubstantiated. These laws should not be waived or exempted without full congressional consideration, hearings and public debate, and need not be waived in these circumstances.

Simply put, the ESA requires all Federal agencies to avoid adverse impacts on endangered and threatened species. Immigration and Naturalization Service staff are not biology experts. When the INS makes plans to build a road through a remote border area on public lands they consult with the Fish and Wildlife Service biologists to ensure that their plans are ecologically sound. For instance, when INS wanted to build a border bridge in Texas, biologists asked them to minimize impact on nearby wetlands by lifting the bridge out of the flood plain 2 feet. That was all that it took.

Consultation with the Fish and Wildlife Service is painless—it usually costs little in time or money to the INS, but it can mean the difference between recovery and extinction for a border species like the Sonoran Pronghorn antelope or the ocelot, an endangered cat.

The Fish and Wildlife Service has consulted with Federal agencies over 195,000 times in the last 16 years. Only 0.05 percent of those projects have been withdrawn or canceled because of the ESA. The ESA is flexible enough to accommodate even emergency situations and Fish and Wildlife biologists can review an INS construction project in a matter of hours when necessary.

The National Environmental Policy Act, signed by President Nixon in 1969, requires INS to give taxpayers a chance to review and comment on the environmental impacts of INS projects. Republicans now want to shortchange citizen's opportunities to participate in decisionmaking affecting their communities. NEPA also requires INS to examine reasonable alternatives to a project before investing taxpayer funds.

It is also flexible enough to accommodate emergency situations. For example, Bureau of Land Management recently requested an expedited NEPA review to build roads and a helicopter landing pad near the border area. It seems that high illegal alien use and high forest fire risk required quick action. The NEPA review was completed within 24 hours and the road construction took place immediately.

In a September 16 letter, Janet Reno, Bruce Babbitt, and Katie McGinty stated their unequivocal opposition to these waivers in the immigration bill. They know, as I do, that granting future Attorneys General the ability to sidestep important environmental laws will mean disaster for our Nation's environmental integrity.

The administration is currently negotiating environmental agreements with Canada and Mexico, and the passage of these waivers could undermine the future of these agreements. How can we possibly expect Mexico to take actions to protect their ecosystems on one side of the border when we so flagrantly disregard the laws protecting our own natural heritage?

I object to the immigration bill because it differs so wildly from the bill we passed earlier this year. The stealth environmental waivers in this bill are unnecessary, unjustified, and mean-spirited. They will harm our children's right to inherit an environmentally-sound nation and set a terrible precedent for environmental waivers.

DIVISION D

Mr. BOND. Mr. President, I rise today in support of the Small Business Programs Improvement Act of 1996, which has been incorporated as division D of the omnibus appropriations bill. The language of this bill comes includes the substitute amendment to H.R. 3719, which I offered with the ranking Democrat on the Committee on Small Business, Senator DALE BUMPERS. H.R. 3719 is a comprehensive bill that proposes to change numerous programs at the Small Business Administration, which are discussed in this statement. Most of the changes will go into effect on October 1, 1996.

ACCESS TO CAPITAL FOR SMALL BUSINESSES

Earlier this year, when the Clinton administration and the Small Business Administration submitted their fiscal year 1997 budget request, it was revealed that SBA's flagship loan programs had been experiencing considerably higher losses than had previously been revealed to the Congress. In the case of the 7(a) Guaranteed Business Loan Program, the credit subsidy rate, which is the calculation by OMB that projects losses from loans that are originated in fiscal year 1997, was increased from 1.06 percent to 2.68 percent, an increase of 150 percent. The losses facing 504 Development Company Loan Program are even greater, and the credit subsidy rate has increased from 0.57 percent to 6.85 percent, an increase of over 1,200 percent.

As chairman of the Committee on Small Business, I was alarmed by the size of these increases, which were so large as to threaten the future of both programs. These two programs, however, are critical to tens of thousands of small businesses, who each year have come to rely on the availability of Government guaranteed financing to assure them adequate access to capital. They provide a very important source of capital to startup small businesses and to established small business seeking to expand to create more jobs. Because of the great importance of these programs to small businesses, the Senate and House Committees on Small Business chose to make some fundamental changes in the programs in order that they can continue through fiscal year 1997.

504 DEVELOPMENT LOAN PROGRAM

With a credit subsidy rate of 6.85 percent in the fiscal year 1997 budget request—versus 0.57 percent in fiscal year 1996—Congress would need to appropriate over $220 million to fund fully the 504 loan program in fiscal year 1997. Although such an increased appropriation would not be possible, committee staff worked on a solution that would combine additional program fees and a modest appropriation. This legislation adds new fees to be paid by the lender, the development company and the borrower and will support a $2 billion program level in fiscal year 1997.

7(A) GUARANTEED BUSINESS LOAN PROGRAM

The legislation before us today includes a section calling for SBA to issue a regulation covering the sale of the unguaranteed portion of 7(a) loans by banks and Small Business Lending Companies [SBLC's]. Under current SBA regulations, only SBLC's are permitted to pool and sell the unguaranteed portion of 7(a) loans to outside investors. It is the intent of the bill to expand this authority to banks by directing SBA to promulgate new regulations requiring a uniform set of rules governing this transaction by banks and SBLC's. In addition, SBA is directed to set safety and soundness standards, including appropriate reserve requirements, to protect the taxpayers' exposure under this program.

Last year, when the Senate unanimously adopted S. 895, we agreed to lower the government's guarantee rate on most 7(a) loans to 75 percent. Our intention was to increase SBA lenders' exposure on each loan in order to focus the lenders' attention on the quality of their loan making activities. Although this section the bill will allow SBA lenders to reduce their exposure on these loans, it is our belief that SBA can craft sufficient safeguards to protect the Government's position while granting the lenders an opportunity to raise more capital which can be loaned to small businesses. When the Senate Committee on Small Business takes up the 3-year reauthorization of SBA early next year, it will be my plan for the committee to study closely the impact of the new SBA regulations that are to be adopted as a result of this bill.

SBA FINANCE PROGRAM IMPROVEMENTS

This legislation directs SBA to create an ongoing system of management information about its 7(a) Business Loan Program. In order for SBA to monitor the performance of this loan portfolio, which is greater than $25 billion, it is essential that SBA collect and evaluate, on an ongoing basis, facts about both good and bad loans. This legislation emphasizes the importance of this program and expands the data gathering requirement to include key underwriting experience on each loan.

In addition, the bill directs SBA to contract with a private firm to conduct a comprehensive study of the historical performance of the 7(a) Program. Further, it directs that specific attention be paid to the economic model used by OMB to calculate the credit subsidy rate. We concurred with the House Committee on Small Business in the need for this study.

STRENGTHENING 7(A) PROGRAM PERFORMANCE

Over the past 18 months, the Senate and House Committees on Small Business have seen time and again evidence that SBA has failed to liquidate failed 7(a) loans in a prompt and effective manner. The result has been greater program losses, which have driven up the credit subsidy rate and caused the need for high borrower and lender fees and a larger appropriation. On average, it takes SBA 2 years to liquidate a defaulted loan after SBA pays off the guarantee to the bank. On the other hand, it takes a commercial bank, on average, 6 months to liquidate a loan after it is placed in default.

The legislation takes a strong step to make improvements in SBA's performance in this area. SBA is directed to make better use of the expertise of its most experienced lenders who have been designated "preferred lenders" within the 7(a) program. Preferred lenders have the staff and ability to take on a greater share of the burden now carried by SBA and to increase recoveries for the government after a loan fails. In addition, the bill directs SBA to begin using its licensed "certified lenders" to undertake liquidation efforts when the certified lender is deemed to have the experience and capability to undertake liquidation efforts.

DISASTER LOAN SERVICING

This legislation directs SBA to undertake a demonstration program to have private sector loans servicing companies contract to service SBA's disaster home loan portfolio. In our analysis of this demonstration program, we concluded that a large sample of home loans would be necessary to conduct a fair and conclusive demonstration of the ability of the private sector to service these loans. Therefore, the bill directs that 30 percent of the disaster home loan portfolio be included in the demonstration program. It is our belief that with a sample this size, the private sector servicing companies will have a large enough pool of loans to create the economies of scale so their performance can be evaluated fairly. It is our expectation that SBA will be able to solicit bids on this contract within 90 days of passage of this bill, and the test can be underway during fiscal year 1997.

SMALL BUSINESS PROGRAM EXTENSIONS

This legislation would extend the STTR Program for 1 year. This program allows universities and small businesses that specialize in R&D to combine forces and receive modest R&D grants. The STTR program was created in 1992, when the SBIC program was reauthorized and extended through fiscal year 2000. The purpose of our amendment is to extend the STTR program for 1 year, in order that the Committee on Small Business can take a closer look at the program next year when it takes up the 3 year reauthorization of SBA. It is my understanding the proponents of the STTR Program would like to see the program expanded, and it is my plan that the Committee on Small Business will consider this request and other program adjustments next year.

In addition, the legislation extends the Small Business Competitiveness Demonstration Program for 1 year. It is scheduled to terminate on September 30, 1996. The House-passed version of H.R. 3719 included a 4-year extension. It also included some program changes, and the supporters of the program have made additional recommendations to improve the program. There is sufficient support to keep the program alive for an additional year in order that both the Senate and House Committees on Small Business can have an opportunity to evaluate fully the impact of the program and to consider legislation to make a longer term extension with some program adjustments.

IMPROVEMENTS TO THE SMALL BUSINESS INVESTMENT COMPANY PROGRAM

Earlier this year, the Senate passed unanimously S. 1784, the Small Business Investment Company [SBIC] Improvement Act of 1996, which proposed numerous changes to the Small Business Investment Act of 1958 designed to improve, strengthen, and expand the availability of investment capital under SBA's SBIC Program. S. 1784 was considered thoroughly by the Senate Committee on Small Business. After the committee held a series of hearings on the need for improving the SBIC Program, thorough briefings were conducted for the staffs of each committee member to explain the program changes that were being recommended by committee staff, SBA, and outside organizations such as the National Association of Investment Companies [NAIC] and the National Association of Small Business Investment Companies [NASBIC].

Following the input from the above groups and others, I chaired a public hearing on a discussion draft of the bill prepared by the committee staff. After this hearing, interested parties, including SBA, NAIC, and NASBIC, were invited and participated in drafting proposed changes to the legislation for consideration by the committee staff as it prepared the final version of S. 1784.

After extensive public hearings and open meetings with all interested parties, the Senate Committee on Small Business met in a markup session, and recommended S. 1784 to the full Senate by a vote of 18 to 0.

Division D of the omnibus appropriations bill includes S. 1784, substantially in the form in which it passed the Senate. Prior to its inclusion in this bill, some inaccurate charges were made about the background and effect of S. 1784. In fact, officials from NAIC, who had participated in drafting S. 1784 and whose recommendations were included in the bill, found fault with the bill when Senator BUMPERS and I attempted to bring it to the Senate floor as an amendment to H.R. 3719, the Small Business Programs Improvement Act. Their objections to the bill which they helped draft and which had previously passed the Senate unanimously led one Senator to object to Senate consideration of S. 3719.

S. 1784 was written to place the SBIC Program on a sound, long-term footing. Historically, this program has been plagued by many abuses that have been well chronicled by the press. The purpose of the bill was to strengthen the rules and management of the SBIC Program, while allowing the program to substantially to meet the investment needs of America's small businesses. With the financial future of many small businesses depending on passage of this bill, we looked for ways to clear up the objections.

In an attempt to resolve this stalemate, I agreed to several changes in the Senate-passed S. 1784 to make it absolutely clear that financially sound specialized SBIC's would not be hurt by the terms of S. 1784. Still unable to proceed with consideration of H.R. 3719, we began to hear from SBIC's and special SBIC's about the importance of passing this legislation. Their comments revealed the importance of adopting the improvements to the SBIC Program that were contained in S. 1784, and I ask unanimous consent that a letter from Mr. A. Fred March, president of Ventures Opportunities Corp., a New York-based special SBIC, be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. President, last week as we approached the end of the 104th Congress, I decided to look for another avenue to insure that this important bill would become law. As part of this effort, I sought the support of the Senate leadership to incorporate S. 1784 in the omnibus appropriations bill. At the same time, JAN MEYERS, chair of the House Committee on Small Business, undertook a similar effort in the House of Representatives, and S. 1784 was included in the omnibus appropriations bill which passed the House of Representatives on Saturday, September 28, 1996.

This legislation builds on the improvements on the SBIC Program contained in the law passed by Congress in 1992 by making the following changes to reduce the risk of SBIC defaults and losses to the Federal Government:

First, increases the level of private capital needed to obtain an SBIC license from SBA.

Second, requires experienced and qualified management for all SBIC's.

Third, requires diversification between investors and the management team.

In addition, S. 1784 makes these important changes to the Small Business Investment Act to increase the availability of investment capital to small businesses:

First, increases fees paid by SBIC's which reduces the credit subsidy rate.

Second, eliminates the distinction between SBIC's and SSBIC's, while grandfathering successful SSBIC's into the new program.

Third, places a greater emphasis on SBIC investments in smaller enterprises or smaller small businesses.

In 1958, Congress first approved the Small Business Investment Act creating Small Business Investment Companies, which are private investment companies licensed by SBA, whose sole activity is to make investments in small businesses. An SBIC raises private capital which is matched by additional funds guaranteed by SBA. The private capital and SBA-guaranteed funds are invested by SBIC's in small businesses.

SBIC's fill a void that is not addressed by private venture capital firms, most of which are so large they are usually unwilling to make investments in smaller firms, which generally seek investments in the range of $500,000 to $2.5 million each. Since the beginning of the SBIC program, nearly $12 billion has been invested in approximately 77,000 small businesses. Some SBIC's make equity investments in small businesses, while others make long-term loans, which are frequently coupled with rights to purchase an equity interest in the company—sometimes called warrants. The lending-type or debenture SBIC's provide long-term financing that is generally not available from banks or private venture capital firms.

Today, there are 185 active regular SBIC's and 89 specialized SBIC's [SSBIC's] in the SBIC Program. SSBIC's invest only in minority owned and controlled businesses. Together, these SBIC's and SSBIC's have raised nearly $4 billion in private capital and have received $1.02 billion in SBA-guaranteed funds.

Today's SBIC Program has been shaped in large part by the Small Business Equity Enhancement Act of 1992. The genesis of this important legislation resulted from the hard work of SBA's Investment Capital Advisory Council, a public-private working group formed in 1991 to address the problems confronting the SBIC Program. The 1992 act produced the first major change in the SBIC Program since its formation in 1958. It created the Participating Security Program, which incorporates some of the best practices of the private venture capital industry. The 1992 act came about in response to the persistence of my good friend and colleague from Arkansas, Senator BUMPERS, who as the chairman of the Committee on Small Business held a series of hearings focusing attention on the problems under the program. The result of the act was to strengthen the SBIC Program and to correct serious weaknesses that had been expected by well publicized problems of the past.

Since the 1992 act became law, more than 30 new participating security SBIC's with nearly $50 million in private capital have been licensed by SBA, and 17 new SBIC's with over $200 million of private capital have been licenses as debenture SBIC's.

There is a significant difference between the SBIC's licensed before the 1992 act and the SBIC's licensed under the most strict guidelines set forth under the 1992 act. While the 1992 act increased the minimum private capital threshold for licensing to $2.5 million for each debenture SBIC and $5 million for each new participating security SBIC, SBA has imposed even more strict standards in its regulations. Under the SBA rules, debenture SBIC's must have a minimum of $5 million in private capital and participating security SBIC's must have $10 million in private capital.

Since the 1992 act has created two distinct types of SBIC's, it allows for investments to be tailored to meet the needs of small businesses. For example, when a small business needs a loan and can meet projected interest payments, the traditional lending-type or debenture SBIC's are available to make debt investments. For small businesses that need non-interest-bearing investment capital, the participating security SBIC's can offer an equity-type investment which anticipates an extended period of time, such as 2 to 3 years, before the small business is expected to being repayment of this investment. In this latter case, interest payments are deferred until the investments begin to generate a positive return. Under the Participating Security Program, the Federal Government's return is not limited to repayment of principal and interest—it can also share in the profits of the SBIC.

During this Congress, I have chaired three hearings investigating the success and problems associated with the SBIC Program. Testimony before the Senate Committee on Small Business has been supportive and positive. Numerous small business entrepreneurs have testified about their inability to obtain investment capital from banks and other traditional investment sources, and SBIC's are frequently their only source of investment capital. Last year, Jerry Johnson, the chief executive office of Williams Brothers Lumber Co. located near Atlanta, testified that not one bank in the Atlanta area would speak with him about asset based lending. After a lengthy search, he and his partner turned to Allied Capital Corp., a Washington, D.C.-based SBIC. Within 60 days of their first contact with Allied Capital Corp., Mr. Johnson was able to conclude his financing arrangement. Being able to clear this financing hurdle with the help of an SBIC, Mr. Johnson's company has grown significantly, adding many new employees and increasing its tax base.

Often we hear about major success stories like Federal Express and the Callaway Golf Club Co. that received SBIC funding at critical times in their early growth stages. It is, however, far more likely that businesses like the Williams Brothers Lumber Co. will be typical beneficiaries of the SBIC Program. These are Main Street enterprises located across America who have looked to traditional money sources and been turned away. The SBIC Program is filling this niche—a large niche to say the least—that picks up where banks fear to tread and Wall Street is not interested because the investment size is too small. There are thousands of companies like Williams Brothers Lumber Co. across the country that need investment financing to support growth and new jobs and have nowhere to turn but to the SBIC Program to meet their demand for capital

During the past year, the Senate and House Committees on Small Business have received a great deal of information about the need to strengthen the SBIC Program. In July 1995, Patricia Cloherty, chair of SBA's private sector SBIC Reinvention Council, testified on the council's recommendation to strengthen and expand the program. In addition, last summer the National Association of Investment Companies forwarded to the Senate Committee on Small Business a copy of their recommendations to improve the SSBIC program, which was also submitted to SBA's SSBIC Advisory Council.

The involvement of the private sector in analyzing the performance of the SBIC program and the insight provided by these recommendations are commendable—and very helpful to this committee. In 1995, the SBIC Reinvention Council recommended that new fees be imposed to lower the credit subsidy rate so that the program can provide a significant increase in leverage to licensed SBIC's. It also recommended certain administrative changes to improve the management and operations of the SBIC Program.

The National Association of Investment Companies [NAIC], which represents SSBIC's, also recommended in 1995 that all statutory and regulatory distinctions between SBIC's and SSBIC's be eliminated, including the deletion of all references to social or economic disadvantage from the Small Business Investment Act. NAIC proposed creating a single, combined SBIC Program that would retain an important focus on investments in small business at the smaller end of the eligible size standards. They recommended sensible improvements to make more investment capital available to more small businesses and proposed to remove the current restrictions that prohibit Specialized SBIC's from investing in companies not owned by socially or economically disadvantaged persons. This legislation includes many of their recommendations.

NEW FEES FOR SBIC'S

The President's fiscal year 1997 budget request included a recommendation that fees paid by SBIC's be increased to finance a significant reduction in the credit subsidy rate. The Office of Management and Budget, recognizing the positive effect of some of the regulatory changes already implemented by SBA, now is using a lower projected default rate, thereby reducing the credit subsidy rate for debenture and participating security licensees under the SBIC Program.

The administration's recommendation to lower the credit subsidy rate by increasing fees is similar to one made last year in their amended fiscal year 1996 budget request for the 7(a) Guaranteed Business Loan Program. Accompanying their request for a fee increase were statements by SBA about how well the 7(a) program was performing.

What happened following SBA's positive predictions for the 7(a) program has been alarming. Based in part on SBA's glowing report card on the 7(a) program, Congress passed legislation to raise fees and lower the subsidy rates of the program. The changes became law in October 1995, which is about the same time SBA and OMB were beginning to work on their most recent budget request which raises the 7(a) credit subsidy rate by 150 percent and the cost of the program by $180 million. This higher cost is the direct result of greater losses from loan defaults and lower recoveries from liquidations.

The Senate and House Committees on Small Business believe it is prudent for Congress to take steps so that we do not allow a repeat of the 7(a) problem with the SBIC Program. Based on the experience of last year, Congress should not approve any decrease in the credit subsidy rate through the increase of fees without taking some corresponding steps to strengthen the safety and soundness of the SBIC Program.

SBIC'S IN LIQUIDATION

In addition, evidence before the Committee on Small Business about the failure of SBA to maximize its recoveries from failed SBIC's is alarming. SBA acknowledges there are assets with a value of approximately $500 million tied up with SBIC's in liquidation. To make this situation even more alarming, many of these failed SBIC's have been in liquidation for over 10 years, including one that was transferred into liquidation on January 5, 1967.

S. 1784 directs SBA to submit to the Senate and House Committees on Small Business, no later than January 15, 1996, a detailed plan to expedite the orderly liquidation of all licensee assets in liquidation. This plan should include a timetable for liquidating the liquidation portfolio of assets owned by SBA.

In addition, SBA needs to take a hard look at how it manages failed SBIC's that are in receivership. It is not a sufficient explanation for SBA to claim it is at the mercy of the court system in winding up the affairs of SBIC's in receivership. In each case, the court acts in response to SBA's petition, has named SBA the receiver, and SBA has retained independent contractors to act as principal agents for the receivership. These principal agents are paid hourly and appear to have little or no incentive to wind up the affairs of an SBIC. In fact, the opposite is true, and the real incentive appears to be to drag out the receivership as long as possible. Based on SBA replies to requests for information from the Committee on Small Business, we have learned that these principal receivers agents bill significant hours each year. In fiscal year 1995, one principal agent billed over 3,200 hours for one year, the equivalent of over 8 hours per day for 365 days. Other principal agents billed over 2,500 hours each for fiscal year 1995.

At the time of the committee's inquiry into these billing practices, SBA gave no indication that it felt they were unusual. It is clear to me that without incentives to complete action on these SBIC's in receivership, the current system used by SBA will allow these abuses to continue. Although the committee did not reach a consensus on my proposal to create an incentive based system to improve recoveries from SBIC's in receivership, we will continue to monitor SBA's performance closely in this area.

For several months starting late last year, the Senate Committee on Small Business worked on draft legislation to strengthen and enhance the SBIC Program. The small business investment company improvements section of this bill is the result. It incorporates recommendations from SBA's SBIC Reinvention Council, the National Association of Investment Companies, the National Association of Small Business Investment Companies, and the President's fiscal year 1997 budget request.

Legislation essentially equivalent to the SBIC provisions of this bill was approved by the Senate Committee on Small Business by a unanimous 18 to zero vote and later was passed unanimously by the full Senate. It makes substantial progress toward our goal of strengthening the SBIC Program, while allowing the program to expand, providing more investment capital to small businesses as the cost and risk to the Government declines. It was only after nearly 18 months of study and investigation that we were able to produce such a bill. It is sound legislation that improves the safety and soundness of the SBIC Program and makes more investment capital available to small businesses. And it accomplishes all of these goals while reducing the risk of loss to the Government.

Mr. President, this legislation is very important to small businesses across the United States and the millions of employees who work for these small companies. I urge all my colleagues in the Senate to vote "yes" on this landmark bill.

EXHIBIT NO. 1

VENTURE OPPORTUNITIES CORP.,
New York, NY, September 24, 1996.

DEAR CONGRESSMAN LAFALCE: Recently, I received a copy of a memo that you distributed to the Democratic members of the Small Business Committee urging them to oppose the SBIC plan set forth by Senator Bond. The reason for your opposition is its provision for the elimination of the distinction between SSBICs and SBICs, thereby melding the two programs and effectively converting 301(d) licensees into regular SBICs. As the president of Venture Opportunities Corporation, an SSBIC licensed for over 18 years, I firmly oppose your position and support Senator Bond's call for combining the two programs.

For the last several years, all SSBICs have been operating businesses without any clear understanding of the future of the industry. We have been attempting to establish and grow our businesses in spite of the pushing and pulling that has been all too evident in this most recent Congress. One think though, has been made very clear—all the incentives for making investments in minority-owned and controlled enterprises and maintaining our SSBIC licenses have been stripped from us. Subsidized debentures, which were the primary advantage for establishing and operating an SSBIC, were eliminated without any possibility of being reinstated. Leverage has been hard to come by. Regulations and new reporting requirements are excessive and work against any SSBIC trying to expand or raise fresh capital. Why do you think that, in spite of the tax advantages for rolling over investment profits into an SSBIC, not one investor of any size has invested in any of our companies? The answer lies in the fact that there is no true advantage to being an SSBIC and that the existing regulations and uncertain political environmental present clear disadvantages.

If SSBICs are not included in the mainstream SBIC program, we will cease to exist as a vehicle to make investments in the minority community anyway. No one will have any incentive to remain active in a dying program which offers no subsidies, little leverage, excessive regulation, and limited deal flow. By including us in the mainstream program, the additional investment opportunities will strengthen our companies without diminishing our commitment to make investments in the "disadvantaged" communities for which we were originally licensed.

I urge you to please look at the reality of the situation. What you are proposing is the worst of all worlds. I, too, am a Democrat who wants to help minority communities. I put my own money into this business over 18 years ago to set up a profitable investment business while, at the same time, helping "socially or economically disadvantaged" individuals create their own businesses. I have been successful. The results of your opposition to the current proposal, however, only serves to lock our company, and our fellow SSBICs, into a dying industry without any incentive to continue to make "minority investments." We have already faced the reality of the loss of our SSBIC advantages. At least allow us the freedom to become regular SBICs while continuing to remain true to ourselves and voluntarily make investments in the minority community.

Thank you for your time. I look forward to a satisfactory resolution of this issue.

Sincerely,

A. FRED MARCH,
President.

Mr. CHAFEE. Mr. President, I was pleased to see that the House of Representatives incorporated the Small Business Administration authorization bill into the omnibus appropriation bill. This is important legislation. Before we go to final passage of the appropriation bill, I wonder if I could get the distinguished chairman of the Small Business Committee, Senator BOND, to comment on a proposal I have, related to small business development centers.

Mr. BOND. I would be happy to.

Mr. CHAFFEE. I thank the Senator, and I will be brief. Very simply, my proposal would create a 1-year pilot program aimed at linking SBDC's with export assistance centers.

Right now, some 35 colleges and universities across the country have both an SBDC and an export assistance center on their campus. Bryant College in Rhode Island is one such facility. The folks up there have done a super job on behalf of our State's small businesses. But in no instance that I am aware of are two of these important facilities connected to each other. I think a lot of good could come out of taking that step. Therefore, my proposal would permit eligible SBDC's to do two things: one, hire export professionals to work on-site, and two, make the technological adjustments necessary to establish a computer link with an export assistance center.

Mr. BOND. If the Senator would yield for a question, is it his thought that such a proposal would make it easier for small business to start exporting their products overseas?

Mr. CHAFEE. Most definitely.

One of the key services offered by the export assistance centers is access to a system called the International Trade Data Network. The ITDN works as follows. A small businessperson will come into an export assistance center, anxious to learn how to export a particular product. And by logging on to this system, the individual can find out what countries are interested in that product with a just few simple keystrokes.

As I understand it, a small businessperson can even get information about potential contracts.

Unfortunately, under the contract arrangement, it is impossible to connect to that computer network at the SBDC. Instead, the individual must find the closest export assistance center, and develop a relationship with an entirely different staff, in order to learn what international trade opportunities might be available. The ITDN has proven to be a very successful tool for opening foreign trade markets. In my view, therefore, small businesses in Rhode Island and States across the country stand to benefit greatly from better access to it.

Now, my preference would have been to offer this proposal as an amendment to the SBA authorization bill. I understand, however, that the chairman and the members of the committee would like more time to mull over the idea before signing on to it. In that case, I wonder if the chairman would be willing to consider including the SBDC proposal in next year's bill?

Mr. BOND. As my friend from Rhode Island may know, the Senate Small Business Committee is scheduled to undertake a regular, 3-year authorization of our small business programs early next year. I long have been a strong supporter of efforts to increase American exports, particularly when it comes to small businesses. For this reason, I want to assure the Senator that the committee will take a hard look at this SBDC proposal as part of our review process. We would welcome his input at that time.

Mr. CHAFEE. I thank the Senator for his willingness to examine this matter further, and look forward to working with him on it. I yield the floor.

Mr. LAUTENBERG. Mr. President, I would like to clarify the intent of the chairman of the Small Business Committee with respect to language in division D of the omnibus appropriation bill, which incorporates the Senate substitute amendment to H.R. 3719 relating to the sale of the unguaranteed portion of loans made under the 7(a) program. It is my understanding that until the Small Business Administration issues a new, final regulation setting forth the terms and conditions under which the unguaranteed portion of 7(a) loans may be permitted, or until March 31, 1997, whichever is earlier, lenders currently eligible to securitize may continue to do so under the existing regulation.

Mr. BOND. My colleague from new Jersey is correct. The securitization language contained in this legislation in no way preempts the existing SBA regulations that currently apply to participants in the 7(a) program on the sale of the unguaranteed portion of such loans until SBA finalizes a new regulation on this matter or until March 31, 1997, whichever occurs first.

Mr. LAUTENBERG. I thank my friend from Missouri and I would like to commend him for crafting another bipartisan small business bill. It is my hope that we will work closely together next year to provide guidance from the Small Business Committee to SBA as they are formulating their new securitization regulation.

RESTORATION OF THE ELWHA RIVER ECOSYSTEM

Mrs. MURRAY. Mr. President, section 114 of the Interior portion of this omnibus appropriations bill addresses the Elwha River Ecosystem and Fisheries Restoration Act, Public Law 102–495. I would like to reflect on some of the legislative history of that section.

While section 114 slightly amends the Elwha Act, it also sustains and confirms the Elwha Act itself. The amendment simply provides for one new option in this restoration process: The State of Washington may purchase the dams for $2 after the Federal Government has bought them for $29.5 million from the current private owner.

Should the State wish to acquire two aging dams, it must enter into an agreement with the Secretary of the Interior to discharge all of the obligations of the Federal Government, as established in the Elwha Act. Although it is almost impossible to envision a basis on which the State might choose to purchase these projects, this amendment at least makes such a decision possible.

It is important to reiterate, the State may acquire the dams only if it agrees to remove the two dams, restore the fisheries, provide numerous tribal obligations, protect the local water quality, and do everything the Federal Government was committed to doing under the original Elwha Act. I specifically want to stress that the State must undertake all of the obligations of the Act, including section 3 (a), (c), and (d), as well as sections 4, 7, and 9.

In case my colleagues were not aware of the current State responsibilities for fisheries in Washington, the State manages fishery resources within State waters. It is required to manage these resources in a manner consistent with the Boldt decision regarding tribal treaty rights to fishery resources. The obligations under the Elwha Act are far more expansive.

I need to clarify a mistake made this weekend. Senator GORTON and my staff agreed Friday to report language that provided: "None of the requirements of the Elwha Act are changed unless the State elects to exercise its option to purchase and remove the projects." As a colloquy between Senator GORTON and myself at the end of the bill reflects, that is the intent of the managers.

This colloquy makes clear an implied intention of the amendment: If the State does not exercise its new option, then the Secretary and the United States remain fully obligated under this act to acquire the dams, remove them, restore the river's ecosystem and fisheries, and deal honorably with the tribes. Until such time as the binding agreement provided for in this amendment is offered by the State and approved by the Federal Government, the Federal Government must continue to carry out its responsibilities under the Elwha Act with all due speed.

I do not support the approach taken by this amendment. However, my solace lies in my belief that the State would not—and should not—accept this option. Restoration of the Elwha ecosystem is a Federal responsibility. It is on Federal land, in one of this nation's most amazing parks and rainforests, the Olympic National Park. Only the Federal Government is responsible, via its trust obligations, to the S'Klallam people who have sacrificed so much as others have destroyed an historic religious and cultural icon, the abundant salmon runs of the Elwha.

Despite reservations about this amendment, I am pleased with the true appropriations work done in this bill, that is allocation of funds to acquire these dams. I strongly support the $4 million appropriated for fiscal year 1997. The Congress provided the same amount last year. I look forward to working to ensure the next administration demonstrates its commitment to this project with a substantial increase in its budget request for this important fisheries restoration project.

The Elwha River and ecosystem are precious to the tribes, environmentalists, Olympic Peninsula communities, commercial and sport fishers, and other people throughout the region and country. This river system was one of the most productive salmon rearing and spawning resources in the Pacific Northwest. Today, those fisheries are devastated. I appreciate the nearly $300,000 allocated in this bill for emergency measures to provide some relief for species currently imperiled.

I am committed to working with Senator GORTON and the next administration in the 105th Congress to ensure the Elwha ecosystem is fully restored as soon as possible.

ELWHA ACT

Mrs. MURRAY. Mr. President, would the senior Senator from Washington yield for a question on the bill language amending the Elwha Act included in the Interior section of the omnibus appropriations bill?

Mr. GORTON. I will be happy to yield.

Mrs. MURRAY. Is it a correct interpretation of the language in section 114, that none of the requirements of the Elwha Act are changed if the State of Washington elects not to purchase the projects?

Mr. GORTON. The Senator is correct.

APPROPRIATIONS FOR CHILDREN

Mrs. MURRAY. Mr. President, I rise today to address my colleagues about a matter that concerns the American public deeply—the well-being of their children.

I have come to the floor myself several times these past 2 years to talk about our children's future. Since January of last year, when the House voted to cut school lunches and other nutrition programs; to this past spring, when I reported on my children's forums in Washington State; to just a month ago, when the Senate finally voted to require hospitals to allow new mothers to spend at least 48 hours in the hospital when delivering a baby, I have been a frequent and avid speaker on issues affecting children and families.

I have always tried to present children's issues in three basic categories: Their health, their education, and their ability to contribute to society in the long term. In my view, those ideas are pretty straightforward: every child has a right to good health; every child has a right to an education; and every child has a right to grow up in strong, nurturing communities. The cycle is simple: a child who is healthy is able to learn; a learned child is able to participate in society; a society of contributing adults is able to uphold its responsibilities to the children. Again, and again, and again.

This has been a very strange 2 years for children's policy. There have been great victories, such as health insurance portability and mandatory maternity care. Threats have been turned aside, such as cuts in school lunches, jeopardizing Medicaid services for children, and elimination of the Safe and Drug-Free Schools Program. And there have been defeats—reductions in student loans and direct lending, and a radical welfare bill that leaves millions of poor children in limbo.

As we near the end of the 104th Congress, I would like to take a moment to explore some of the highs and lows for children, some of the accomplishments we have made that will help children, and some of the problems we still face, and which will require our continuing attention in the next Congress.

After much wrangling, the fiscal year 1997 Omnibus Appropriations Act continues our investment in young people's well-being in some important areas:

In infant health, the Healthy Start Program has made significant gains against infant mortality in several high-rate communities around the Nation. In spite of initial attempts to cut it, Healthy Start funding was increased from $75 million to $96 million. Healthy Start has proven itself across partisan lines by creating effective models for other communities. And, like many other children's health programs, it is very deserving of an increase.

Also, the maternal and child health services block grant was funded at $681 million. The block grant supports local communities in their efforts to provide many essential health services, including prenatal care, newborn screening, and care for children with disabilities.

Other health areas, such as funding for the National Institutes for Health, and funding for the Ryan White Act, and for AIDS research, also met at least minimum targets in the bill.

Head Start works toward the improvement of the health and education of needy youngsters. Arguably, this program has done more for young children in terms of getting them healthy and ready for school than any other. It demands to be retained and expanded. The level of $3.98 billion in this bill will allow the program to keep pace with inflation. This is good, but this will be an obvious program to expand next year.

In the area of education funding, once Head Start has readied children for school, we must make sure they stay on equal footing with their peers. One way to do this is to assure they have access to educational technology. If we do not continue to give students access to the technology of today, they will not be able to get or hold the jobs of tomorrow. I am glad the appropriations bill continues our investments in new education technology and technology challenge grants.

We have made other positive efforts this year, such as my legislation which will put surplus government computers in schools. But these efforts will be less effective unless we are also investing in new technology, including networking capability, new hardware and software, and teacher training that schools will need to succeed.

The Safe and Drug Free Schools Program also fares better under this bill than I had hoped. This program increased by $56 million, which pays for educational curriculum specifically designed to give students options to the violence and drug use we see young people combat daily in today's society. Every school district in the country gets some of this money, because there is no community in which drugs do not present a threat to the potential of young Americans.

Beyond technology, funding the School-to-Work Program is vital. School-to-Work shows students the connection between what they learn in the classroom and what they must know in the workplace. These programs have been funded at $400 million, which is a $50 million improvement over last year's level. There is no better investment we can make for the 75 percent of high school graduates who do not end up with a college degree.

When it comes to education, we too often forget adult students. In most areas of this bill, we were only able to hold the line, and to survive. But in at least one area that is supported by Members of both parties, we were able to provide a much-needed increase for adult basic education—adult literacy. The students here are some of the most heroic people in our country.

Many adults in this country are unable to read to their own children, or are faced with tests in the workplace that mean the difference between employment and unemployment. It is very difficult for these same adults to go to programs at their local community college, or run by a nonprofit organization, and learn to read. It is truly courageous. As they learn, they get better jobs, they provide better help to their children in school, and they contribute more to our society. This was a great next step; but especially with the welfare bill taking effect now and in the near future, we need to do more.

In areas of citizenship, one of our best investments is Americorps. Americorps builds on the best traditions of the Civilian Conservation Corps, the G.I. bill, and the Peace Corps, by rewarding people for working to improve their communities. It was eliminated in the House version of the VA-HUD bill, so I am glad to see that Americorps programs were returned to their 1996 levels. We should have new investments here, but at least we are continuing our investment.

There are still several areas of this Appropriations Act that do not meet the test of providing at least the minimum basic standards for all young people in this country.

In basic child health, child immunization funding is $20 million lower than the level necessary. To underfund such a vital area, when we have seen outbreaks of measles and other diseases in my State and around the Nation, is a move I do not understand and find troubling. We must move forward, and expand immunization to deal with the needs we know are out there. The prevention we provide, compared to the cost of treating the diseases we allow, is not only cost effective, but also the right thing to do. Additional appropriations would allow us to fund the infrastructure, education, and registries which would get immunizations to the underserved children who need them most.

On education, the huge task before us is in the area of teacher training. Goals 2000 was increased in this appropriations bill, but Eisenhower professional development activities were cut this year. If our schools succeed in the next century in teaching job and thinking skills to students, it will be because of our teachers.

Our current teaching corps is aging and many will soon be retiring. Research shows that for one teacher to learn one new skill that she or he can reproduce in the classroom, they need to spend several hours practicing that skill under supervision of a master teacher.

When I look at the investments we must make to allow young people to be the best possible citizens in our communities, I see that the Senate has again made a mistake. The Summer Youth Employment Program is funded equal to 1996 funding, but here is one area where extra investment truly would pay off with results for our communities. Young people are always telling adults that they do not have anything to do, especially when school is out. Summer Youth Employment helps teach the skills of work and work attitudes that will reduce violence, and improve young people's confidence and self-control. Earlier versions of the bill would have meant 134,000 fewer jobs for young people this summer. When we are all working so hard to keep young people involved and interested in productive activities, this cut is absolutely the wrong thing to do.

Children and young people deserve their Senator's very best decisionmaking. I would argue that children and young people need our attention and best efforts more than any other group of people in our country. What we have done here in this Appropriations Act, is to reject the open assaults on children's programs we saw earlier in this Congress. In order to get beyond a survival level, to a place where we can say we are actually investing in the future, we must expand funding in preventive areas: in access to preventive health services, in the improvement of teacher training, and in the expansion of productive activities for youth.

This Congress has shown that it can muster the foresight and compassion it takes to deal with issues affecting children. This Congress has also made some decisions I fear may have disturbing effects on countless young people. I have worked hard during this Congress, as have others, to do the very best for all of our children. Let us build upon this fiscal year 1997 Appropriations Act, so our actions will be remembered well by this Nation's children when they are old enough to vote.

AMTRAK

Mr. LAUTENBERG. Mr. President, I am especially pleased with the additional funding included in this continuing resolution for Amtrak.

Funding for Amtrak's capital accounts has followed a very torturous path this year. The administration's budget request for fiscal year 1997 embodied its endorsement of the concept that Amtrak should strive for self-sufficiency—that it should be free of a Federal operating subsidy within the next 6 years.

The administration recognizes that the key to self sufficiency for the railroad is substantially increased investment in its capital plant—that a self sufficient Amtrak will require state-of-the-art, first-class, reliable equipment—clean stations-and modern, efficient service.

In its budget request for 1997, the administration called for a $232 million increase in funding for Amtrak's principle capital accounts.

Unfortunately, our House colleagues met this challenge with a transportation bill that singled out Amtrak for devastating cuts. The House-passed transportation appropriations bill slashed Amtrak capital funding by $145 million, more than 42 percent—providing zero for the Northeast Corridor Improvement Program—[NECIP].

Fortunately, thanks to the help and wisdom of Chairman HATFIELD and many of my colleagues, the Senate bill provided Amtrak an overall increase for these crucial capital accounts including the full $200 million requested by the President for NECIP.

While the conference agreement on the regular transportation appropriations bill was still a substantial improvement upon the House-passed bill, funding for NECIP ended up 42 percent below the President's request.

During conference on the regular fiscal year 1997 transportation bill, I stated I would seek additional funding for NECIP in the continuing resolution. So I was pleased to work with Chairman HATFIELD to construct a provision for this continuing resolution that added $60 million to NECIP while simultaneously providing $22.5 million to keep several routes in operation—routes in various parts of our country that were slated for termination due to Amtrak's current financial difficulties. This funding was completely offset with a series of noncontroversial rescissions.

Mr. President, I have said time and time again that the key to Amtrak's future is the expeditious completion of the major infrastructure improvements in the Northeast corridor. Amtrak's own studies indicate that all of the increased revenue Amtrak can hope to capture in the near term will come from the Northeast corridor.

I have also long believed that we should have a financially healthy and adequately capitalized national railroad that serves as many areas as possible. As such, I was pleased to support Members' efforts to maintain service to their States and throughout the country.

But as we work to keep the national Amtrak network together and avoid route terminations, it has to be recognized that the key to Amtrak's self sufficiency—the key to Amtrak generating enough revenue to operate lines throughout the Midwest and the West, is adequate funding for Amtrak's Northeast corridor.

This is not just the opinion of a Senator from the Northeast. It is written clearly across Amtrak's balance sheet. The Northeast corridor carries half of all of Amtrak's riders and generates well over half of Amtrak's passenger-related revenues.

Indeed, Amtrak's President, Tom Downs, recently testified to the Senate Commerce Committee that, were it not for the recent positive financial performance of the Northeast corridor, the trains that were slated for termination in the next few months would have been terminated several months ago.

As such, I am very pleased that this continuing resolution includes our amendment providing the additional $82.5 million for Amtrak, including the additional $60 million for NECIP. This will bring the final funding level for NECIP to $175 million. While this is still $25 million below the administration's request, it is well above last year's level.

This funding is essential to assure the development of efficient high-speed rail service throughout the entire Northeast before the end of the century. It will be that kind of service that will produce the revenue to allow Amtrak to avoid service cuts elsewhere in the country.

I thank my many allies in this effort. Most notably, I want to thank our Chairman, Senator HATFIELD, who stood firm throughout his negotiations with the House on this item. Also, Senator WYDEN, Senator BIDEN, Senator ROTH, Senator HUTCHISON, Senator BUMPERS, Senator PRYOR, Senator PELL, Senator SHELBY, and the majority leader Senator LOTT.

Mr. INOUYE. Mr. President, I rise today to address section 330 of the Omnibus Appropriations Act, which amends the Rhode Island Claims Settlement Act to preclude the Narragansett Indian Tribe of Rhode Island from conducting gaming on its lands under the authority of the Indian Gaming Regulatory Act.

Contained in the general provisions of the bill relating to the Interior Department appropriations and the narrative which accompanies section 330, is a colloquy that I engaged in with Senators PELL and CHAFEE on September 15, 1988.

Should the inclusion of this colloquy in the measure be perceived as an indication of my support for this provision, I feel that I must set the record straight.

I believe that the record should show that at the time of our colloquy, there was an underlying premise upon which our discussion was based, which I have since learned, was erroneous.

That underlying premise was that there had been no intervening events of legal significance that would warrant any change in the provisions of the Rhode Island Indian Claims Settlement Act.

At the time that the Rhode Island Indian Claims Settlement was agreed to in 1978, the Narragansett people were organized as a State-chartered corporation. Given that status, it is perhaps understandable that the settlement act provided for the extension of State criminal, civil, and regulatory laws to the settlement lands.

But in 1983, the Narragansett Indian Tribe achieved federally-recognized status, and in 1988, a few days before the September 15, 1988 colloquy, the tribe's settlement lands were taken into trust by the United States.

These two intervening events are important because federally-recognized status generally confers upon tribes exclusive jurisdiction over their lands, and when their lands are taken into trust, the protections of Federal law are extended to the lands, and the combination of Federal and tribal law and jurisdiction over the lands acts to preempt the application of State laws to such lands.

Indeed, the legal significance of these intervening events was of such import, that in 1994, the First Circuit Court of Appeals concluded that the provisions of the Rhode Island Indian Claims Settlement Act were affected by the two events, and that the State no longer has exclusive jurisdiction over the settlement lands. The first circuit held, instead, that the State's jurisdiction was concurrent with that of the Narragansett tribe.

Let us be clear about what section 330 of the Omnibus Appropriations measure has as its objective—it will effect a return to the State of the law as it was in 1978, notwithstanding the fact that the tribe is now federally-recognized and would otherwise enjoy the status of other federally-recognized tribes, and notwithstanding the fact that the tribe's settlement lands are now held by the United States in trust for the tribe and would otherwise not be subject to the exclusive jurisdiction of the State of Rhode Island.

Some might question why this extraordinary action is being taken—why this provision was so important that the jurisdiction of the authorizing committees was circumvented and this amendment to substantive law, which by the way, has absolutely nothing to do with the appropriation of funds in fiscal year 1997—was included in this spending bill. The answer, as I understand it, is to prevent the tribe from operating a bingo hall on tribal lands.

In my 17 years of service on the Committee on Indian Affairs, in my 8 years of service as the committee's chairman, and for the last 2 years, as the committee's vice-chairman, I have, for the most part, been proud of the manner in which the United States has dealt with the Indian nations on a government-to-government basis.

We have attempted to reverse or at a minimum address the effects of some of the darker chapters of our history as a Nation when it comes to our treatment of the indigenous people of this land. We have resolved to consult with them on any law or policy which will affect their lives or their Governments, and indeed, Federal law requires that we do so.

But today over the strenuous and adamant objections of this tribe, we are enacting into law a provision that holds the potential to forever change their lives, without the benefit of hearings, in the absence of any record that would serve to justify our action, and without any consultation with the affected tribe.

I have advised my colleagues from Rhode Island that I could not support this provision. I also so advised the President of the United States, the minority leader, and the members of the House and Senate Appropriations Committees. And so, Mr. President, it will come as no surprise to my colleagues, when I state my intention, as I do today, to call for hearings early in the next session of the Congress on this matter.

And further, I want to put others on notice that as long as I continue to serve in this body, the action we approve today, will not serve as a precedent for similar action affecting other tribes, nor will it define the manner in which we deal with the Indian people.

Mr. President, our constitution establishes a distinctively different framework for our relations with the Indian tribes, and 200 years of Federal law and policy have been constructed on that foundation. We are a Nation which prides ourselves on our honor and integrity in our dealings with all people. We owe no less to this Nation's first Americans.

Ms. MIKULSKI. Mr. President, I will vote for the Omnibus Appropriations bill today.

I will vote for this bill because the funding levels it provides will help to meet the day to day needs of working Americans and their families.

This bill addresses Democratic priorities. Democrats are working for health security, paycheck security, personal security and national security. The American people have made clear that these Democratic priorities are theirs as well. So I am pleased that this bill provides support for programs in each of these areas.

Let me speak first about health security. I am pleased that health programs will receive increased funding so that scientists and researchers can continue to search for the cure for diseases like cancer, Alzheimer's and Parkinson's disease. Funding for the National Institutes of Health is increased. Funding for breast cancer research, AIDS and childhood immunization all receive needed funds to continue critical life saving work.

This funding is particularly important for Maryland, both in terms of the number of jobs generated by the NIH and the impact of the research. Institutions such as Johns Hopkins and the University of Maryland fund critical research programs through the NIH. Keeping the funding at needed levels for the NIH will truly save lives and save jobs in Maryland.

Democrats also value economic security, and know that support for education is a key part of the opportunity structure that will create jobs now and in the future. I strongly support the education spending levels in this bill. The bill increases education spending over fiscal year 1996 levels for key programs, including Goals 2000, Safe and Drug Free Schools, Title I, the PELL Grant program, and the TRIO Program.

For my State of Maryland, this means additional funds for cash-strapped local school districts. Maryland will receive nearly $7 million for Goals 2000 reforms. These funds will enable local school districts to implement curriculum reform efforts to raise academic standards.

I am pleased that funding for safe and drug free schools has increased. Maryland will receive over $7 million to help combat crime and drugs in schools. Title I is an important program to help disadvantaged students learn basic reading and math skills. Maryland will receive $91 million for title I funding. Pell Grant funding has increased to $2,700 for low-income college students. This means more funds will be available for thousands of Maryland college students.

The funding levels for the TRIO program have increased. TRIO provides college opportunities like Upward Bound to minority students. TRIO provides thousands of minority students in Maryland with access to higher education.

In addition to increased education funding levels, the omnibus spending bill increases funding for the Department of Labor's job training program and dislocated worker assistance program. I strongly support these initiatives, because thousands of Maryland residents will continue to receive job training assistance and help with job search and relocation assistance.

Programs that help to provide personal security are also well funded by this legislation. These programs help ensure that our communities will be safer and our children will be better protected from drugs and crime.

Perhaps most significant is that funding for the COPS program is preserved. This program has been one of the great successes in fighting crime. Thanks to this program, over 900 new police officers are patrolling the streets in Maryland's cities and towns. I am a strong supporter of this program because it is making a real difference—protecting our communities by putting more cops on the beat. This bill also includes more money to fund the Violence Against Women Act, and funds to fight juvenile crime and keep our kids away from drugs through drug prevention programs.

This bill also addresses important national security concerns. It funds the President's antiterrorism initiatives. It is a sad day that we must face the reality that terrorism has come to our communities. We must ensure that we do not experience another Oklahoma City. The best way to fight terrorism is to prevent it. This legislation takes concrete steps to prevent terrorism by upgrading the security of our public buildings, increasing our intelligence capability, and expanding the number of criminal investigators to fight and prevent terrorism.

So key Democratic priorities are well-funded in this legislation. People will be safer in their homes and their communities, critical health research will be supported, and education and training so vital to a promising economic future will be provided. These are mainstream American values, and I am pleased to see that these values are implicit in this legislation.

In addition to providing appropriations for the agencies and Departments of the Federal Government for which individual appropriations were not approved, this bill also contains a major authorizing program. I refer to the illegal immigration bill. I am pleased that the negotiations on this portion of the bill have produced a measure which is tough on those who violate our immigrations laws, but which is not punitive to those who have entered this country legally.

The illegal immigration legislation will strengthen our efforts to prevent undocumented immigrants from entering our country and obtaining employment. It will increase border patrols, create a voluntary pilot program for employment verification, and require additional INS investigators .

I had strong reservations about the conference report on this bill because of provisions which would have denied Federal assistance to legal immigrants. After all, legal immigrants have played by the rules, they pay taxes just like any U.S. citizen, and they contribute to the economy. I am pleased that the concerns I had have been addressed in this final compromise measure.

Under this compromise, we now focus on putting a halt to illegal immigration, which was our goal when we passed the Senate version of the bill. It is especially important that the so-called Gallegly amendment was dropped. Many of us were strongly opposed to this provision which would have denied a public education to illegal immigrant children. Children should not be punished for the errors of their parents.

I am very disappointed that we were not able to include the Senate-passed provisions for those seeking political asylum. The United States has always reached out to those fleeing persecution. The Leahy amendment which the Senate approved would have made sure that people seeking asylum were treated fairly. It would have given them the time they needed to present their case, and ensured that no Immigration official could send them back to their country without a fair hearing. It is disappointing that this good provision was not included in the measure. I hope we will be able to take care of this problem in the next Congress.

This omnibus appropriations bill represents the triumph of mainstream values. It rejects extremism. It addresses the concerns of America's families. The funding it provides for programs important to personal security, to national security, to economic security, and to health security ensure that we keep the promises we have made to help our working families and senior citizens. So I will vote to support this bill, and hope my colleagues will join me.

Mr. SHELBY. Mr. President, I am pleased to announce our success in passing the Shelby-Mack regulatory relief bill which is included as part of the omnibus appropriations bill. This bill will allow banks to devote additional resources to productive activities, such as making loans and extending credit to small businesses and potential homeowners. This hard fought, thoroughly debated legislation streamlines disclosure requirements, eliminates duplicative regulation and removes unnecessary filing and record keeping requirements.

I have been working diligently on a regulatory relief package for many years. It is only with tireless effort, conviction in market principles, and the blessing of a Republican Congress have we been able to turn the tides of banking legislation and provide significant regulatory relief for America's financial sector. In doing so, we have strengthened America's banking system and produced an environment conducive to competing in the rapidly changing, global financial market.

While I am convinced this bill will encourage economic growth and opportunity, by no means do I believe our job in Congress is complete. Over the years, we have witnessed an accumulation of banking laws with complete disregard to the burden it has placed on financial institutions and with very little value-added in terms of safety and soundness. I continue to believe that a more thoughtful structure of banking laws accentuating free market principles and jettisoning the heavy hand of Government regulation is the only way to ensure American financial institutions have the ability to complete in the dynamic marketplace of the 21st century. The Shelby-Mack bill is just the first deregulation bill a Republican Congress will give the American people. Next year I intend to move forward with another bill to increase the access of credit to consumers as well as strengthen the safety and soundness of the U.S. financial system.

In particular, the Community Reinvestment Act [CRA] places an enormous regulatory burden on banks—especially small banks. The truth of the matter is that banking, financial and labor regulations drive up the cost of low and moderate income housing for the very people they are intended to help. Indeed, Federal Reserve Governor Lawrence Lindsey has stated that "[a]n urban policy that increases the flexibility and creativity allowable under CRA and recognizes the wide variety of financial services and the enormous diversity of the markets involved could be a powerful tool to those in the business of community development." It is my intention to address these regulatory inequities in the 105th Congress.

Mr. President, as consumers and politicians realize the benefits of the efforts of the 104th Congress, it is my sincere hope that legislators will understand the value of independent thinking and the economic freedom we seek to bestow upon every American in the United States.

ASSET CONSERVATION, LENDER LIABILITY, AND DEPOSIT INSURANCE PROTECTION ACT OF 1996

Mr. SMITH. Mr. President, I would also like to pose a question to the chairman of the Senate Banking Committee to clarify the intent of the Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996 with respect to EPA'S authority to issue rules defining the scope of Superfund liability.

Mr. D'AMATO. I would be pleased to take part in such a colloquy.

Mr. SMITH. As you know, the United States Court of Appeals for the District of Columbia Circuit rules that CERCLA does not authorize EPA to issue binding rules that define the scope of liability under Superfund. *Kelley* v. *EPA*, 15 F.3d 1100 (D.C. Cir. 1994), 25 F.3d 1088 (D.C. Cir. 1994). Title V of this bill gives EPA limited and specific rulemaking authority on two narrow issues. The first one is the recognition of additional fiduciary capacities under new section 107(n)(5)(a)(i)(XI) of CERCLA. The second one is the involuntary acquisition of property by the United States Government under 40 CFR section 300.1105.

Mr. D'AMATO. The Senator is correct.

Mr. SMITH. It is my understanding that in granting EPA the authority to issue rules on these two narrow issues, title V does not in any way disturb the central holding in the Kelley case, namely that absent a specific delegation, that CERCLA, today, or as amended by this act, does not authorize EPA to issue rules defining the scope of CERCLA liability. I would like to confirm that my interpretation is the correct one, in order to avoid possible confusion and uncertainty in the future.

Mr. D'AMATO. That is correct.

Mr. SMITH. Finally, it is also my understanding that title V does not seek to confer upon EPA the authority to issue rules on any Superfund liability issues other than those actually specified in this bill. I would like to confirm this important point so that the actions of the Congress in adopting this legislation are not misinterpreted in the future.

Mr. D'AMATO. Again the Senator is correct. EPA is given authority only to address the two specific issues covered by title V. No other rulemaking authority is conferred or affected by this legislation.

Mr. SMITH. Thank you, Mr. President.

Mr. CHAFEE. Mr. President, it is my understanding that, under the terms of the Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996, the liability of a fiduciary cannot exceed the assets held in its fiduciary capacity.

Mr. D'AMATO. The Senator is correct.

Mr. CHAFEE. And, would the chairman further agree, in determining the fiduciary's liability, the language is meant to apply to the value of the assets after any improvement due to any cleanup activity which may be undertaken? In fact, Mr. Chairman, it is the intent of this entire provision to create incentives for cleanup and the productive reuse of contaminated properties.

Mr. D'AMATO. The Senator is correct.

Mr. CHAFEE. Thank you, Mr. President.

Mr. SMITH. Mr. President, I rise today to discuss language that has been included in the continuing resolution regarding clarifications to the liability of lending institutions under Superfund. During the past year, I have been working closely with Senator JOHN CHAFEE, the chairman of the Environment Committee, to enact comprehensive legislation to reform the Superfund program. The bill we introduced, S. 1285, the Accelerated Cleanup and Environmental Restoration Act of 1996, includes language to address the issue of lender liability. A version of our lender liability language is contained in the continuing resolution that we will be voting on today.

Unfortunately, S. 1285 will not make it into law before we adjourn. Despite months of daily negotiations with Senator MAX BAUCUS, the ranking member of the Environment Committee, Senator FRANK LAUTENBERG, the ranking member of the Superfund Subcommittee, as well as representatives of the Clinton administration, we were unable to obtain bipartisan agreement on this legislation. This is unfortunate, because I fervently believe that the Superfund program is badly in need of reform.

During the 104th Congress, Senator CHAFEE and I actively opposed efforts to carve out various liability concerns, deciding instead that issues such as lender liability should be included in a comprehensive reform package. Nonetheless, after discussing this issue personally with Senator ALPHONSE D'AMATO, the chairman of the Banking Committee, both Senator CHAFEE and I agreed that we would have our respective staff work together to include the provision contained in the continuing resolution. So, while I am saddened that we could not enact comprehensive Superfund reform legislation, I am pleased that we are able to address the problem of lender liability this year.

I would like to take a few minutes to discuss why this language is so important. As many of my colleagues may know, liability under Superfund is strict, retroactive, joint and severe. As Superfund has been interpreted by the courts, banks that merely take possession of Superfund contaminated property by foreclosure, risk the possibility that they themselves could be held liable for any cleanup that may be required. Thus, a lender who had no direct involvement at the site could be on the hook for cleanup costs far exceeding the original value of the underlying property.

Because of the specter of potential Superfund liability, financial credit that is needed for redevelopment or cleanup is not extended. The results of the current liability provisions are all too evident. Homeowners cannot refinance homes, brownfields sit uselessly in our cities, and companies do not take part in voluntary cleanups for want of funds.

The language that Senator D'AMATO and I have included in the continuing resolution moves to correct this situation by clarifying when a lender is liable for environmental contamination. Lenders will not be liable unless they take an active role in management of the site. This change will significantly reduce lender concerns about making loans at these sites and will significantly increase the amount of redevelopment funding available in our Nation's inner-city brownfield areas. This development is vitally important to restore the large number of brownfields to productive use, to allow homeowners access to funds to refinance their homes, and companies to continue voluntary cleanups. The liability provisions in this bill will go a long way toward making these things possible.

I do want to clarify one issue; the language we are adopting today is not a liability carve out. Indeed, Superfund as originally passed, did not intend to hold lending institutions liable for this type of business activity. Unfortunately, a series of conflicting court decisions over the authority of the EPA to issue rules clarifying lender liability has left this issue unsettled. Thus, the language we are adopting today merely clarifies a liability outcome that was already intended by Congress.

The issue of brownfield redevelopment is a matter that has been long spearheaded by Republicans, most notably JOHN CHAFEE, and by making this one very logical change, we will be able to spur reinvestment by private financial markets in the blighted parts of our country.

As I alluded to earlier, although this issue is clearly within the jurisdiction of the Subcommittee of Superfund, Waste Control, and Risk Assessment, I was pleased to work with Senator D'AMATO to include this enlightened provision in the continuing resolution. I believe this is a positive change to Superfund, and I thank Senator D'AMATO for working with me on this issue of mutual concern.

PAYING-UP AT THE UNITED NATIONS

Mr. PELL. Mr. President, one aspect of the continuing resolution which troubles me deeply is the level of funding for assessed U.S. contributions to the United Nations and other international organizations of which the United States is a member. The administration's adjusted request for this account was $1.002 billion. The bill provides $892 million. This level is $110 million less than the request. It does not provide funds to pay any of our arrearages, and because it is insufficient to cover our assessments, the result will be further U.S. indebtedness, not only to the United Nations but also to some of its specialized agencies.

I know that many on the other side of the aisle, and perhaps some on this side as well, believe that the only way we can force the United Nations to make the administrative and management reforms we all seek is to withhold some or all of our contributions. I think they misunderstand the nature of the United Nations, and the U.N. environment, and also the degree to which our contributions provide leverage.

Certainly the United States is the last remaining superpower and the largest single contributor to the United Nations. But we are not the only power in the United Nations, and we cannot simply impose our demands on the organization. The United Nations is an organization comprised of 185 members. Many of the administrative and financial reforms that we hope to achieve must be voted on by the General Assembly. In order for us to succeed in that body, we must convince a majority of States that the proposed reform make sense, and do not hinder their own interests. For example, our effort to reduce the percentage of U.S. contributions to the United Nations will impact on the contributions made by other States, no doubt in the end requiring them to pay more. Certainly there are states that today can afford to pick up a greater share of the U.N.'s operating expenses. But we cannot force them to do so. We have to convince a majority of them, particularly the other major powers such as our European allies and Japan that changes in the assessment levels will, in the end, strengthen the United Nations as an institution, and thus be in the interest of all states.

Our ability to build support for reforms at the United Nations has been eroded by Congress' refusal to provide the necessary funds for the United States to pay its dues to the United Nations. Initially, the threat of withholding contributions may have been effective. It isn't anymore. This tactic has simply made the United States into a deadbeat debtor. As of this month the United States owes a total of $1.7 billion to the United Nations—$414 million for the regular U.N. budget, $771 million for peacekeeping and $542 million for the specialized agencies. Our failure to pay has subjected us to sharp criticism, particularly from our key European allies who also contribute a fair share of the U.N. budget, and it has decreased, not increased, our leverage, particularly to promote reforms desired by the Congress.

The United Nations is very much an unruly debating society. Every member has a voice and a vote. Consensus is the primary method of decision-making. Certainly the positions of the United States carry great weight but our demands and needs, even with our veto, are not the only defining factor.

If we are serious about reforming the United Nations, we need to be serious about fulfilling our financial obligations to that institution. I hope that next year Congress and the administration will have a meeting of the minds on this issue. There must be agreement on a set of reforms that can be achieved over a reasonable time period and a formula for payment that will enable the United States to become current on its financial obligations. This kind of plan would make it clear to other U.N. members that the United States is serious, not only about reform but also about paying its dues. In my view, this is imperative if the United States is going to lead a successful reform effort at the United Nations.

NATIONAL INSTITUTE OF JUSTICE

Mr. ABRAHAM. Mr. President, I would like to engage the chairman in a brief colloquy to acknowledge the committee's support for initiatives under the National Institute of Justice [NIJ] account. In particular, I would like to address the NIJ's efforts to undertake a national study on correctional health care.

Mr. GREGG. I would be happy to accommodate the gentleman from Michigan.

Mr. ABRAHAM. I thank the chairman. Mr. President, let me first acknowledge the chairman and the committee for their diligent efforts to produce a fiscal year 1997 Commerce, State, Justice, and Judiciary appropriations bill.

Within the bill the committee has included language under the NIJ account that provides funding for a study on the potential health risks of soon-to-be-released inmates. This language is quite important to our Nation's criminal justice system and to nonprofit organizations devoted to assisting States with correctional health-care programs. For example, in my home State of Michigan, the National Commission on Correctional Health Care has been working with health and correctional officials to stem escalating costs and other problems associated with correctional health care. In light of the potential health risk associated with the nearly 11 million persons released each year from jails, prisons, and other correctional facilities, the National Commission is committed to assisting correctional and public health officials nationwide with correctional health-care concerns.

In addition to efforts at NIJ, I am also aware that the Centers for Disease Control believes an initiative along these lines would be beneficial to its efforts to suppress the spread of infectious and highly communicable diseases within correctional settings. As we look to advance efforts to provide pertinent data relevant to the correctional system, we should encourage efforts like that of the National Commission, which effectively contributes to the development of information relevant to correctional and public health officials.

Mr. GREGG. My colleague from Michigan makes a strong case in support of this initiative and the work of the National Commission. I, too, appreciate the importance of NIJ programs and of nonprofit organizations that provide a better understanding of correctional health care.

Mr. ABRAHAM. Mr. President, I thank the chairman for his sensitivity to correctional health care issues.

LAW ENFORCEMENT SUPPORT CENTER

Mr. LEAHY. Mr. President, I would ask if the Senator from New Hampshire, Senator GREGG, would join me in a colloquy regarding a provision included in the Senate report for the appropriations bill funding the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies.

Mr. GREGG. Mr. President, I would be pleased to join in a colloquy with the senior Senator from Vermont.

Mr. LEAHY. I thank the Senator from New Hampshire. Mr. President, the appropriations bill reported from the Appropriations Subcommittee on Commerce, Justice, State, and Judiciary included within the immigration examinations fees account $3,325,000 for the Law Enforcement Support Center in Vermont. It is my understanding that the $567,550,000 provided in the omnibus appropriations conference report for immigration examinations fees includes the $3.325 million for the Law Enforcement Center. Does the Senator from New Hampshire agree with my interpretation.

Mr. GREGG. The Senator from Vermont is correct. The funding provided for immigration examinations fees does include $3.325 million to fund the Law Enforcement Support Center in Vermont.

FEDERAL LAW ENFORCEMENT DEPENDENTS ASSISTANCE ACT OF 1996

Mr. SPECTER. Mr. President, I would like to bring to Chairman GREGG's attention the passage of S. 2101, the Federal Law Enforcement Dependents Assistance Act of 1996, which I introduced with 10 Republican and Democrat cosponsors. S. 2101 authorizes, for the first time, educational and job training assistance for the spouses and children of Federal law enforcement officers killed or totally disabled in the line of duty. These benefits will be subject to the availability of appropriations and will be distributed to eligible dependents based on an application to be devised by the Attorney General.

This legislation passed the Senate on September 20 by unanimous consent and passed the House of Representatives on September 26, which was too late to be taken into account by the Appropriations Committee in the fiscal year 1997 bill we are considering today. I would ask the Senator from New Hampshire for his thoughts on funding for this valuable program.

Mr. GREGG. Mr. President, the Senator from Pennsylvania has raised an important issue. The Federal Government has a responsibility for helping the families of Federal law enforcement officers who are lost or disabled in the line of duty. Educational and job training assistance is one appropriate response and deserves the support of the Congress. I would encourage the administration to consider reprogramming funds to support this effort.

Mr. D'AMATO. Mr. President, I wonder if the distinguished chairman of the Committee on Small Business would like to comment on the Senate substitute amendment to H.R. 3719, the Small Business Programs Improvement Act of 1996. Am I correct in my understanding that this legislation is included in the omnibus appropriations bill that will be considered by the Senate today, and that it contains important provisions designed to preserve and strengthen several SBA finance programs that benefit small businesses throughout the country.

Mr. BOND. The distinguished chairman of the Banking Committee is correct. Today the Senate will have an opportunity to pass a bipartisan bill that makes many improvements to the Small Business Act and the Small Business Investment Act and assures continued availability of capital and financing to small businesses through SBA's 7(a), 504 and SBIC programs. I thank the Senator for his longstanding and consistent support of small businesses, and for his understanding of their special needs in the financing area. This legislation includes the provision the chairman of the Banking

Committee and I jointly developed to enhance the availability of SBIC leverage. I commend the Senator for his creativity and his support for new ways to improve small business access to capital.

Mr. D'AMATO. I am pleased that this very important new provision is included in this legislation. I believe it is appropriate for the Federal Home Loan Bank system to assist small businesses, by making additional leverage investments in SBIC's, as an element in fulfilling the Federal Home Loan Banks' community and economic development mission.

Mr. BOND. Mr. President, I ask unanimous consent to include in the record a short statement describing this new statutory provision and expressing the joint views of the Banking Committee and the Small Business Committee on this matter.

BANKING COMMITTEE AND SMALL BUSINESS COMMITTEE JOINT EXPLANATORY STATEMENT

The small business investment company improvements provisions included in the omnibus appropriations legislation contains a conforming amendment to the Federal Home Loan Bank Act that preserves and strengthens existing law specifying that stock, obligations or other securities of certain small business investment companies are authorized investments for Federal Home Loan Banks. The current Federal Home Loan Bank Act provision refers only to small business investment companies formed pursuant to section 301(d) of the Small Business Investment Act.

This legislation amends the Federal Home Loan Bank Act to make clear that Federal Home Loan Banks are permitted, subject to any regulations, restrictions and limitations that may be prescribed by the Federal Housing Finance Board, to invest in stock, obligations or other securities of any small business investment company licensed and operating under the supervision of the Small Business Administration. This authority exists independently of whether the SBIC is owned by or affiliated with a banking organization. This amendment is intended to encourage Federal Home Loan Banks, on a prudent and financially sound basis, to play a part in satisfying the needs of small businesses for the kind of venture capital for business start-up or expansion that is made available by small business investment companies.

A Federal Home Loan Bank's loans to or investments in an SBIC will not be counted as private capital of the SBIC within the meaning of Section 103(9) of the Small Business Investment Act. The structure of the Small Business Investment Act contemplates that an SBIC, rather than raising its original private capital from governmental or quasi-governmental sources, should demonstrate an ability to raise a significant amount of capital from private sources that demand a market-based financial return. Once an SBIC has raised this private capital and has become licensed by SBA, however, Federal Home Loan Banks would be furthering the legitimate objective of economic and community development through promoting small business investment and growth.

In order to be attractive to SBICs that will, in most cases, be making long term portfolio investments, Federal Home Loan Bank investments to provide SBIC leverage should be made on a long term basis as well. Federal Home Loan Banks now routinely make long term advances to members in the normal course of business. However, under some circumstances a Federal Home Loan Bank may wish to sell or liquidate an SBIC investment prior to its stated maturity or prior to the date by which the Federal Home Loan Bank expects to receive a complete return on its investment. Because the Federal Home Loan Bank Act does not require that an investment in an SBIC be acquired directly from the SBIC, a Federal Home Loan Bank would be permitted to acquire and dispose of SBIC investments in secondary transactions, including transactions with other Federal Home Loan Banks. In addition, a Federal Home Loan Bank, for purposes of liquidity, diversification or otherwise, may want to structure its investments in SBIC's through a trustee relationship or other special purpose intermediary. This structure is permissible under the Federal Home Loan Bank Act as long as the Federal Home Loan Bank's beneficial ownership interest in the SBIC investment is sufficiently documented and the trustee or special purpose intermediary holds only stock, obligations or other securities of an SBIC or other authorized Federal Home Loan Bank investments.

The Small Business Investment Act prescribes limits on the amount of SBA leverage made available to an SBIC. These statutory limits on SBA leverage are designed in part of achieve a fair distribution of SBA leverage among all SBICs in a situation where there may be more requests for leverage than SBA has authorization or appropriations to satisfy. A Federal Home Loan Bank should not invest in a single SBIC an amount in excess of any aggregate limits or percentages established by the Bank or by the Federal Housing Finance Board, but the statutory maximum on SBA leverage set forth in the Small Business Investment Act does not apply to Federal Home Loan Banks.

In establishing the terms and conditions on which SBIC loans or investment will be made, Federal Home Loan Banks may want to take into account both the terms and conditions on which SBA now makes leverage available to its SBIC licensees, as well as the expected risk-adjusted return and other terms on which Federal Home Loan Banks structure their advances to members. Some SBIC's receive "participating security" leverage from SBA, structured as an equity instrument rather than debt of the SBIC. Other SBICs obtain traditional debt leverage from SBA through the issuance of debentures. The language of the Federal Home Loan Bank Act gives Federal Home Loans Banks the discretion to provide leverage to an SBIC on terms similar to the equity or debt securities SBIC's now issue to obtain leverage through SBA, or on any other terms approved by the banks and the Federal Housing Finance Board.

SBA's participating security leverage offers some advantages for SBIC's planning to make equity oriented portfolio investments that are not expected to generate sufficient early stage cash flows to satisfy regular interest payment requirements. Leverage structured as equity also makes its easier for SBIC's to attract private capital from certain institutional investors that would not invest private capital in an SBIC planning to obtain debt leverage. If a Federal Home Loan Bank provides equity leverage to an SBIC, the investment could be structured as a preferred investment or otherwise senior in priority over the private equity capital of the SBIC.

If a Federal Home Loan Bank investment in an SBIC is structured as debt, the Federal Home Loan Bank could obtain a first priority security interest or an unsecured senior position acceptable to the bank with regard to SBIC portfolio investments made with the proceeds of the Federal Home Loan Bank leverage. If the SBIC has SBA leverage outstanding or subsequently obtains SBA leverage, the SBIC's issuance of the Federal Home Loan Bank debt would be subject to the Small Business Investment Act's provisions dealing with third party debt of an SBIC. Section 303(c) of the Small Business Investment Act, as amended by this legislation, requires that SBA not permit an SBIC having outstanding SBA leverage to incur third party debt that would create or contribute to an unreasonable risk of default or loss to the Federal Government, and directs SBA to permit SBICs to incur such debt only on terms and subject to such conditions as may be established by SBA. In furtherance of the public policy objectives of encouraging the development of an additional source of reduced-cost leverage and to attract additional participation in the SBIC program that will increase the amount of venture capital available for small businesses, SBA should implement Section 303(c) in a manner that does not limit the ability of Federal Home Loan Banks to provide leverage to SBICs.

Because Section 303(c) applies only to an SBIC having outstanding SBA leverage, SBA need not review or approve, and should not establish any conditions with regard to, a Federal Home Loan Bank investment in an SBIC with no outstanding SBA leverage. For an SBIC with outstanding SBA leverage, SBA should allow the SBIC to obtain additional debt or equity leverage from a Federal Home Loan Bank as long as the Federal Home Loan Bank investment does not give the Federal Home Loan Bank a priority claim on any assets of the SBIC attributable to or acquired with the proceeds of SBA leverage. Similarly, the existence of any outstanding Federal Home Loan Bank leverage should not cause SBA to decline a subsequent SBIC application for SBA leverage, as long as the terms of the outstanding Federal Home Loan Bank leverage do not give the Federal Home Loan Bank a priority claim on SBIC assets attributable to or made with the proceeds of any SBA leverage.

THRIFT TAX PROVISION

Mr. ROTH. Mr. President, as chairman of the Committee on Finance, it is my responsibility to make sure that tax-related measures are reviewed and evaluated by the Committee on Finance. Like other committees, the Committee on Finance takes very seriously its jurisdictional responsibilities. The House Committee on Ways and Means similarly exercises its jurisdictional responsibilities on tax-related measures in the House of Representatives.

Historically, the Committees on Finance and Ways and Means have opposed the inclusion of tax-related measures in appropriation bills. However, because of the unusual circumstances surrounding this appropriations bill, Mr. BILL ARCHER, chairman of the House Committee on Ways and Means, requested that the Committee on Appropriations include a tax-related measure in the omnibus appropriations bill.

Mr. President, I concur with Mr. ARCHER's request. But my colleagues should be aware that this is a unique situation. The tax-related measure will expedite consideration of important banking legislation that is also contained in the bill. The tax-related measure does not change the Internal Revenue Code. It merely clarifies the current-law treatment of special assessments that many thrifts will pay in accordance with the banking legislation. The staffs of the Committees on Finance and Ways and Means worked together to develop the tax-related measure.

Since the tax-related measure was initiated by the Committees on Finance and Ways and Means, it should be understood that its inclusion in the appropriations bill does not establish a precedent for the Committee on Appropriations to initiate or include tax-related measures in future appropriations legislation. Mr. ARCHER made a similar statement in his letter to the House Committee on Appropriations.

Mr. President, I ask unanimous consent that Mr. ARCHER's letter to the House Committee on Appropriations be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 27, 1996.

Hon. BOB LIVINGSTON,
Chairman, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write regarding possible inclusion of the so-called "BIF-SAIF" provisions in the upcoming omnibus appropriations bill. Specifically, I understand that the BIF-SAIF package will include the imposition of a special assessment to capitalize the Savings Association Investment Fund (SAIF).

As you may know, the Committee on Banking has been in consultation with the Committee on Ways and Means and the Administration to determine whether this special assessment would be deductible for tax purposes. Representatives of the Treasury Department have informed us that they believe that the special assessment would be deductible under current law. We share that view.

Nonetheless, I have suggested a statutory clarification on this matter for the BIF-SAIF package. This language does not amend the Internal Revenue Code and merely reiterates the understanding shared by this Committee and the Administration on the appropriate tax treatment of the special assessment under current law.

Historically, the Committee on Ways and Means has opposed inclusion of tax-related measures in appropriation bills. We have also been circumspect in sending to the Senate potential revenue bills which may become vehicles for extraneous legislation. I know that you share my views on these matters.

However, in order to expedite consideration of the BIF-SAIF package, I have agreed to the inclusion of this clarifying language in the omnibus appropriations bill. This is being done only with the understanding that the omnibus appropriations bill will be considered as a conference report which will not be subject to further amendment in the Senate, that no additional revenue-related matters will be included in the final conference report, and that the language to be included has been prepared by the staff of the Committee on Ways and Means, which is substantially similar to that included in H.R. 2494, reported by the Committee on Ways and Means earlier this Congress.

This is also being done with the understanding that this Committee will be treated without prejudice as to its jurisdictional prerogatives on such or similar provisions in the future, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Finally, I would ask that a copy of this letter be placed in the Record during consideration of the bill on the Floor. Thank you for your cooperation regarding this matter. With warm personal regards,

Sincerely,

BILL ARCHER,
Chairman.

CHILD PORNOGRAPHY PREVENTION ACT OF 1996

Mr. BIDEN. Mr. President, I rise with my friend Chairman HATCH to commend the inclusion of the Hatch-Biden child pornography bill in the omnibus continuing resolution. This bill will strengthen our ability to track down and crack down on child pornographers.

Those who produce and traffic in child pornography—who exploit the most vulnerable and innocent among us—are, by my lights, among the worst of the worst. They cause a harm that is unspeakable and a damage that is often irreparable.

Child pornography is not an art form and it is not a type of expression that we must tolerate even though we find it intolerable. To the contrary: We have an obligation—a moral obligation, in my mind—to protect our children from this type of abuse—which steals their innocence and shatters their dreams.

I consider myself an unapologetic champion of the first amendment. Yet I believe that child pornography deserves no, and I mean no, first amendment protection.

Over the years, the computer has become an increasingly powerful weapon of the child pornographer and today, technology is making it even easier for child pornographers to make and sell their wares.

What we're seeing now is this: Pornographers are taking pictures of children and morphing them, with the help of computer technology, to make it look as if the children are engaging in sexual conduct.

That means that it's not necessary, these days, to actually molest children in order to produce pornography that exploits and degrades them. All that's necessary is an inexpensive computer, some software, and a photograph of the little boy or girl down the street.

We must move right here and now to put this new generation of child pornographers behind bars.

But we must also be mindful that we live under a Constitution which includes a robust commitment to free and open speech and which necessarily tolerates what is sometimes called the speech we love to hate.

As a threshold matter, any statute that we write must pass the first amendment's test. Otherwise, it will sit on our books, unconstitutional and unenforceable, doing not one child one bit of good.

I am concerned that a provision in this bill which criminalizes the depiction of something that appears to be a minor engaging in sexually explicit conduct will not pass constitutional muster.

This proposal would cover purely imaginary drawings, as well as depictions of adults who appear to be minors engaged in sexually explicit conduct, like a documentary that deals with child sexual abuse, featuring a 19-year actress who looks like a very young girl.

Don't get me wrong: like many Americans, I would like for a lot of the stuff that's out there today, even it it's just a figment of someone's warped imagination, involving no actual children at all, to be banished from the face of the Earth right now and forever.

But I am not king. And it is our Constitution that still reigns supreme and whose first amendment principles will not, in my opinion, countenance this sort of broad and open-ended prohibition.

The constitutional analysis begins with the famous 1982 case of *New York versus Ferber*, in which the Supreme Court first recognized the child pornography exception to the first amendment. In the case, the Court pointed to a number of compelling reasons to justify a total and outright ban of this sort of material:

It causes psychological and physical harm to children used as subjects;

It creates a permanent record of sexual abuse;

It fuels the child pornography trade; and

Its artistic and social value is limited, to say the least.

At the heart of the analysis, and why the Court justified such a categorical and complete restriction on speech, is a very straightforward idea: Children who are used in the production of child pornography are victims of abuse, plain and simple. And the pornographers, also plainly and simply, are child abusers.

In the cases following Ferber, strict restrictions on child pornography are predicated on the same rationale: The creation of the pornography hurts the children who are its subjects.

That's why I am concerned that the appears to be standard, which does not in any way involve an actual child in the creation of child pornography, will not survive the inevitable constitutional challenge to this legislation.

My view is shared, among others, by Harvard professor Frederick Schauer, who was the commissioner of the now famous Meese Commission on pornography.

In testimony before our committee, Professor Schauer expressed the opinion that the appears to be standard in the bill would most probably fail the Ferber test and would therefore become a failed weapon in our crusade against pornography.

That is why I introduced an amendment to Senator HATCH's proposal, which would make it a crime to create a visual depiction that makes it look like an identifiable minor is engaging in sexually explicit conduct, whether or not the child ever actually engaged in the conduct.

Here's what this would mean: If a pornographer uses an image, a face or other identifying feature of an actual child, and, via computer morphing or any other means, makes it look like the child is engaging in sex, that will be a crime.

Unlike images that are completely conjured up in someone's imagination, or which employ adults who look like children, these kinds of images do cause real harm to real children:

Although the child may not have actually engaged in the sexual conduct, the image creates an apparent record of such conduct. In my book, that's abuse and that's harm, period.

These kinds of morphed images can be used to blackmail a child into engaging in sexual activity, by intimidating him, or by threatening to show the pictures to others if he doesn't comply.

Also, as the experts tell us, child pornography has a very long life as it often passes among many, many hands, thus victimizing a child who's in the picture time and again.

The definition of identifiable minor in this bill makes it clear that proof of the minor's identity is not required for the prosecution to make its case, only that the child is capable of being identified as an actual person. It also does not matter whether the person depicted is a minor at the time the depiction is created, or whether the depiction is made from a childhood image of a person who is now an adult.

I believe that my proposal is consistent with the Ferber standard with its bottom line focus on the well-being of actual children.

Do not get me wrong: I am wholly sympathetic and supportive of Senator HATCH's view that even imaginary depictions that do not involve actual children can, indeed, cause harm. This kind of stuff can be used by pedophiles to entice other children into sexual activity.

But the point is this: The act of enticement, of course, is itself a separate crime and I think we all agree that we should throw the book at anyone who would do such an unthinkable and despicable thing.

But the Supreme Court has drawn a line in the sand when it comes to the production of the pornography itself and the constitutional line stops with the involvement of real children. And again, it is only a constitutional law, one that will be upheld and enforced, that will serve to protect our children.

In order to more gracefully bring together my proposal and Senator HATCH's, this substitute merges our two approaches into one new section to be added to the criminal code. And though I have agreed to this stylish accommodation of our two ideas, let there be no mistake:

We clearly intend that if any portion of the bill's definition of child pornography, such as the "appears to be" standard, is struck down as unconstitutional, the remaining provision, the prohibition on material involving an identifiable minor, will stand on its own, completely severable.

Our intention here is made crystal clear in the substitute bill's new severability clause.

I'd like to say a brief word about another aspect of this bill. It includes a number of penalties, many of which are properly tough and severe. And though I believe that we should give child pornographers no quarter, I do not think the creation of new mandatory minimums is smart sentencing policy.

One of the main problems with mandatory minimums is that they treat different types of offenders the same, which means that the really bad guys get the same punishment as the less blame worthy. For example, under the proposal added to this bill by Senator GRASSLEY:

A person who puts out an ad seeking to buy soft core child pornography is going to get the same 10-year mandatory minimum sentence as the guy who actually employs or entices an 11 year old to make hard core, violent porn. By the same token, that person who advertises to buy child porn will get the same 10-year mandatory minimum as the parent who markets his child for child pornography.

Make no mistake about it: All these guys should get a tough sentence. But they shouldn't get the same sentence. The same sentence may be too tough for the less culpable, and not tough enough for the most culpable. That's not smart sentencing policy.

As Chief Justice Rehnquist has noted:

> One of the best arguments against any more mandatory minimums, and perhaps against some of those that we already have, is that they frustrate the careful calibration of sentences, from one end of the spectrum to the other.

These reservations notwithstanding, I believe that we must get on with the very important business at hand which is to stem the tide of this new generation of child phonography. We have no time to waste, and I am pleased that this bill will soon become law.

I thank my colleagues for their support.

OBJECTING TO THE SUMMARY EXCLUSION AND ASYLUM PROVISIONS

Mr. LEAHY. I find myself here again on the Senate floor faced with a conference report that contains provisions that the Senate and this Senator never had a fair opportunity to consider and that will do grave damage to the United States' place in the world as a refuge for the oppressed and as a champion of human rights.

I say "again" because I first came to the Senate on the issue of asylum and summary exclusion last April 17 to oppose similar provisions in another conference report. I offered a motion to recommit that conference report on S. 735 in order to strike those sections added to that bill in the dark of night modifying our asylum processes, establishing summary exclusion and precluding judicial review. I objected then to those sections of that bill that had not been previously considered by the

Senate and that had nothing to do with preventing terrorism, but were snuck into that conference report to alter general immigration law. I failed in that attempt to recommit the antiterrorism conference report by a mere 7 votes.

I knew from the beginning that my motion to recommit has little chance of success because Members were intent on passing an antiterrorism bill in connection with the anniversary of the Oklahoma City bombing. Several Senators came up to me and said that they would have an easier time voting with me on the immigration bill and encouraged me to fix the problem when the immigration bill was considered in the Senate.

When we considered the Senate immigration bill in May, I continued my efforts. With Senators DEWINE, KERRY and HATFIELD I cosponsored an amendment to the asylum and summary exclusion provisions of that bill. With the support of a bipartisan group of Senators, including Senators KENNEDY, CHAFEE, SIMON, JEFFORDS, and HATCH, we prevailed. On May 1, 1996, the Senate approved our amendment 51 to 49 and it replaced the summary exclusion provisions that had been in the immigration bill.

The bill that the Senate passed last May did not undermine our asylum processes or require summary exclusion where it was not necessary or appropriate. In the only vote by either body on these issues the Senate stood with those fleeing oppression and upheld our tradition as a haven for the oppressed and for those seeking religious and political freedom.

We have now come full circle. We in the Senate again find ourselves confronted by a time deadline and an unamendable bill. I am aware of where we are on the legislative calendar and can see other Members looking at their watches as they struggle to conclude this Congress and return home to campaign for reelection. I suspect that most Members have not even had a chance in the waning days of this Congress to examine the immigration bill conference report, let alone begin to explore what it will mean to those who will be denied refuge from oppression in other parts of the world under its provisions. There is no time, no real opportunity to educate ourselves or focus attention on this important matter. The majority simply rolls it out as part of "must-pass" legislation at the end of the session and it cannot be stopped.

I know that this legislation will pass and I expect that President Clinton will sign it—despite concern that these provisions may well violate our treaty obligations and undercut our world leadership on this issue. I recall that last February President Clinton wrote to Congressman BERMAN and noted his concern that "we not sacrifice our proud tradition of refugee protection and support for the principles of the Convention Relating to the Status of Refugees." The President wrote: "This critically important Treaty, which responded to the displacement that followed the Second World War, has enjoyed broad bipartisan support in the Congress. Moreover, our efforts to urge other governments to comply with its provisions has been a major element of our diplomacy on international humanitarian issues."

Specifically on the matter of summary exclusion, the President wrote that he favored "carefully structured stand-by authority for expedited exclusion." That is what I would provide, but the approach that the conference report rejects.

With regard to the overall proposals for summary exclusion that the House was pressing, the President wrote that they were "too broad and would also result in considerable diversion of INS resources." He noted that: "These provisions seem particularly unnecessary in view of the successful asylum reforms we have already initiated." I agree.

I look forward to working with President Clinton when we return next January to correct the excesses of this bill and to right the balance that is needed if we are to honor our commitment to our tradition and those in troubled areas of the world who look to America for refuge.

We did not have an opportunity to craft sensible summary exclusion and asylum provisions and this measure does not bear the Senate's stamp of approval. All Democratic conferees were barred from even offering motions or amendments. I was prepared to offer an amendment to correct the excesses of this conference report and to reaffirm the human rights of those who look to this great country for refuge, but there is no real opportunity today to urge those changes to this legislation. Just as its provisions will result in the summary exclusion of some with valid asylum claims and its truncated procedures will certainly result in the United States returning refugees to countries where their lives and freedoms are in danger, so, too, the circumstances in which the Senate considers this matter have summarily excluded this Senator from participation in the House-Senate conference on this bill and precluded any opportunity for amendment or modification of these provisions.

Let me share with you the stories of some of those who have recently succeeded in gaining asylum in this country who would most likely have been denied our refuge had the bill and its procedures governed.

One of the best recent examples of someone who could have lost his life had the bill been the law of the land is now a constituent of mine in Vermont. His name is Moses Cirillo. Moses is from the Sudan and is a Christian. He had served as a translator for Christian missionaries, distributed Catholic literature and worked with aid groups in the southern part of Sudan. Those are the activities that placed him and his family in danger. He escaped to Ethiopia and then to the United States on a false passport. He lost his wife and son and brother before fleeing.

When he got to this country, this land of freedom and opportunity, Moses Cirillo could not get the INS or an immigration judge to believe him or understand the circumstances that brought him here. Fortunately for Moses, the Vermont Refugee Assistance came to his aid and pursued his cause. This summer, after 3 years in detention, Moses Cirillo was granted asylum. The INS agents at the border and an immigration judge had ruled against him. It was only when his case was reviewed by the Board of Immigration Appeals that he finally prevailed. Had we not had the procedural safeguards that will be eliminated by this conference report, there can be little question that Moses Cirillo would not be free and living in Vermont today.

Just a few days ago the Senate passed Senate Concurrent Resolution 71, a ressolution condemning human rights abuses and denials of religious liberty to Christians around the world. In that resolution we recognized that religious minorities continue to be oppressed and persecuted around the world. We termed religious persecution "an affront to the international moral community and to all people of conscience." We commented on persecution of Christians in such countries as Sudan—like Moses Cirillo—in Cuba, Morocco, Saudi Arabia, China, Pakistan, North Korea, Egypt, Laos, Vietnam, and countries that were formerly part of the Soviet Union. We termed religious liberty a universal right.

We noted "the United States of America since its founding has been a harbor of refuge and freedom to worship for believers from John Winthrop to Roger Williams to William Penn, and a haven for the oppressed." We referred to Pope John Paul II's call against regimes that "practice discrimination against Jews, Christians, and other religious groups." We proclaimed our "commitment to human rights around the world" and our international leadership on behalf of persecuted religious minorities."

We concluded less than 2 weeks ago, on September 17, that the Senate unequivocally condemns egregious human rights abuses and denials of religious liberty to Christians around the world and recognized Sunday, September 29, as a day of prayer recognizing the plight of persecuted Christians worldwide.

It makes little sense merely to condemn religious persecution if we turn around and enact procedures that will shut out the oppressed and summarily exclude refugees from religious persecution. It rings hollow to recall our history of freedom of religion and our station as a haven for the oppressed when we are poised and prepared to abandon that proud tradition.

While the Senate of the United States finds it easy to condemn religious persecution in Sudan, INS agents and an immigration judge initially denied Moses Cirillo asylum claim. It was only the extraordinary efforts of human rights advocates in Vermont and their persistent pursuit of justice through the procedural safeguards in our asylum process that allowed him to prevail. If this bill had been the law, those protections would not have been available. I will continue to work to ensure that before too long we will choose to act consistent with the recognition that religious persecution still plagues so much of the world.

Another recent case is that of Fauziya Kasinga. I first brought this young woman's case to the attention of the Senate back in April. Two days before, a reporter named Celia Dugger had told Ms. Kasinga's story on the front page of The New York Times. She had sought for 2 years to find sanctuary in the country only to be detained, tear-gassed, beaten, isolated and abused.

She, too, came to the United States with false documents. In her case she obtained a false British passport in order to escape mutilation in Togo and traveled from Germany to New York. On June 13, the Board of Immigration Appeals granted her application for asylum from female genital mutilation in Togo. After 2 years in detention, in a case that was initially opposed by INS and rejected by an immigration judge, she finally was freed and granted asylum.

Her case established new law. For when the INS was called upon to file a brief with the Board of Immigration Appeals it took the position for the first time that fear of female genital mutilation should present a sufficient cause to seek asylum in the United States. Hers was a precedent setting case. Does anyone doubt that she would have been returned to Togo if the summary exclusion provision of the bill had been the law? Does anyone honestly think that the immigration agents with whom she came in contact at the border or the immigration judge who denied her claim would have established such a precedent as a case of first impression and rescued her?

It is ironic that in this immigration bill we require that aliens from certain countries be advised prior to or at entry into the United States of the severe harm caused by female genital mutilation and we create a criminal statute against female genital mutilation on children in the United States. Unfortunately, neither of those measures will help the young women who are being subjected to this practice in other parts of the world.

In addition, this bill would amend our statutory definition of refugee to include persons forced to abort a pregnancy or to undergo involuntary sterilization or who are persecuted for refusing such procedures. It will do no good to amend these definitions if we do not have fair procedures and a real opportunity for refugees to establish the circumstances from which they flee to America. Summary exclusion is wholly incompatible with these expansions of the grounds for asylum.

I am glad to see that the bill excludes Cuban refugees from the harsh provisions of the new exclusionary asylum procedures. I believe that this exception should be the rule. Indeed, this exception shows that the majority does not trust the procedures that they are imposing on refugees from all other countries in the world.

Let us examine briefly the Cuban exception and how it might or might not apply. First, we should notice that it only applies to those who are wealthy enough, lucky enough, or skilled enough to arrive by aircraft at a port of entry. Thus, not all who escape from Cuba would be covered by this narrowly drafted special exception.

Further, let us consider how the exception might or might not work in a real-life situation. Not so long ago Fidel Castro's own daughter came to the United States using a disguise and a phony Spanish passport to seek asylum. Under the provisions of the bill, she might well have been turned away at the border after a summary interview if the INS agent who confronted her did not believe that she was Cuban or Castro's daughter. Would that INS officer or the immigration judge reviewing the summary decision within 24 hours think that this disguised person with false documentation had established a "significant possibility" that she was Castro's daughter? Think about what would most likely have happened.

Next, I ask you to consider the case of Alan Baban. Mr. Baban is one of the many Kurds who was jailed and tortured in Iraq. He succeeded in bribing a jailor and escaping. He went into hiding for 3 years and ultimately escaped to this country without documents.

In spite of the notorious persecution of Kurds by the Iraqis and the scarring Mr. Baban carries with him for life, the INS agents who confronted Mr. Baban at the airport did not believe him and determined that he did not have a credible claim of persecution. Having come to the United States for freedom from oppression, Mr. Baban was imprisoned, again—this time by U.S. authorities.

A year later he was denied political asylum when the interpreter he was assigned at a hearing did not speak or understand his Kurdish dialect. As a result, the immigration judge before whom he appeared did not believe that Mr. Baban was Kurdish.

It took 16 months in detention before Alan Baban was finally granted asylum on appeal. That appeal will be eliminated by the procedures mandated by the bill.

Consider the case of Ana X. whom I met last April when she came forward to share her story. Two-years ago she fled Peru. She had been horribly treated and threatened by rebel guerillas from the Shining Path there. She came to this country without proper documents and gained asylum only after a full and fair opportunity to convince an immigration judge at a hearing that she would suffer persecution if she was returned to Peru.

When she tried to share her history with us earlier this year, she could not finish her second sentence before she broke down in tears, overwhelmed by the memories of what she had suffered. I cannot imagine this victim of oppression being able to talk about her suffering to a strange authority figure immediately upon her arrival in the United States. Fortunately, she had a chance to obtain the help of volunteers and was able to present her case to an immigration judge at a hearing.

Finally, consider the case of Nikolai S. from a former Soviet republic and a social scientist. He had been beaten by government agents because he is Jewish. He came to the United States in 1994 to conduct research and he found it hard to bring himself even to apply for asylum. Once he felt that he was ready and had assembled supporting evidence of the dangerousness of anti-Semitism in his homeland, he applied. Had the arbitrary 1-year filing deadline of the bill been in place, his application would have been rejected as too late.

Human rights organizations like the Lawyers Committee have documented a number of cases of people who were ultimately granted political asylum by immigration judges after the INS denied their release from detention for not meeting a "credible fear" standard and numerous instances where it took an appeal to the Board of Immigration Appeals.

I note the efforts of the Representative of the United Nations High Commissioner for Refugees, who has been supportive of our efforts to have credible fear judged by the accepted international standard.

I have heard from many House Members, Republicans and Democrats, who feel very strongly about these provisions. Some have sent Dear Colleague letters urging that others join us "in protecting human rights around the world."

In particular, I have heard from Representatives CHRISTOPHER SMITH, TOM LANTOS, BEN GILMAN, RICK BOUCHER, ILEANA ROS-LEHTINEN, MATTHEW MARTINEZ, LINCOLN DIAZ-BALART, GEORGE

Miller, David McIntosh, Henry Waxman, Steve Chabot, Eni Faleomavaega, Thomas Davis, Robert Torricelli, Mark Souder, Ed Pastor, Jon Fox, Cynthia McKinney, Matt Salmon, Eliot Engel, Robert Menendez, and our former colleague Ham Fish.

I also remain deeply concerned that the bill would deny the Federal courts their historic role in overseeing the implementation of our immigration laws and review of individual administrative decisions. This bill will not allow judicial review whether a person was actually excludable and will create unjustified exceptions to rulemaking procedural protections under the Administrative Procedure Act.

This bill signals a fundamental change in the roles of our coordinate branches of Government and a dangerous precedent. Judicial review has often been a source of accountability for the executive branch. The bill eliminates that oversight and weakens protection that serves to make sure that the Executive is following the law. Over 90 law professors had written to us on this point on July 29. Their wise counsel is being ignored at our peril.

The summary exclusion and asylum provisions of the bill remain among its most extreme and unnecessarily harsh provisions. At the eleventh hour, after the House approved the conference report, there have been attempts to meet to create a better bill, but those truncated talks have done nothing to improve the asylum and summary exclusion provisions on which the congressional Republicans remain insistent.

Let me briefly outline adjustments that could have been made to preserve our asylum system while continuing to reform our processes as needed. The bill takes several giant steps backward from the bipartisan Senate effort in May to preserve our asylum process. We were successful in the only vote taken on the matter of summary exclusion and asylum in either House. I feel strongly that the Leahy-DeWine approach is a much more fair and balanced approach than that taken in the bill. We are now being forced to consider a bill that would have the effect of summarily excluding refugees from around the world who seek to come to America for freedom from oppression.

Within the past 2 weeks the Washington Times, the New York Times and the Washington Post have each published strong editorials condemning the asylum provisions of the Republican conference report. The Washington Times concluded: "As lawmakers weigh these issues, they ought to keep in mind the following question: How would I feel about these rules if it were I who was applying for asylum?"

In the interest of bipartisan compromise I was prepared to offer a motion and an amendment to preserve the essence of our asylum system while adding additional requirements for expedited consideration of claims for asylum. It is that motion and amendment that Chairman Smith of the House and Chairman Hatch of the Senate ruled out of order at the meeting of House and Senate conferees on September 17.

The Leahy amendment would allow summary exclusion procedures if they are needed in an extraordinary migration situation, as designated by the Attorney General, rather than require their use at all times. This is what the administration requested, in contrast to the universal use of summary exclusion that the extremist measures in the bill will require. The Department of Justice has indicated that, except for a future migration emergency, they can handle asylum claims without resort to summary exclusion and the amendment, like the Senate immigration bill, would have provided such standby authority.

The Leahy amendment would incorporate an international recognized standard for screening asylum claims rather than forcing refugees back into the hands of their oppressors. It would require asylum seekers to show that their claims were not manifestly unfounded in order to receive a full hearing and examination of their circumstances. That is the standard that the United Nations High Commissioner on Refugees and the international community strongly favors and the standard consistent without treaty commitments.

The Leahy amendment would preserve limited and narrow habeas corpus review to provide an opportunity to correct erroneous administrative action, which may in many cases by a matter of life or death. The bill seeks to choke off judicial review at every turn. We do not need less accountable government action and unfettered discretion being exercised by overburdened immigration agents to the detriment of refugees fleeing oppression. The New York Times wrote that this is one of the principal reasons it believes this "a dangerous immigration bill." It observed that Republicans as well as Democrats ought to be alarmed by the prospect of unrestricted executive power without judicial review and accountability.

The Leahy amendment would treat refugees more fairly during the initial interview and tried to eliminate artificial barriers to screen out what may be valid asylum claims. By acting summarily before the refugee has a sense that it is okay to speak of the persecution and fear from which he or she is seeking refuge, the bill will screen out the unwary, the unschooled, and the uncertain who will be reluctant to talk about the persecution that compelled them to seek refuge and freedom in America.

The Leahy amendment would only impose a limitations period on asylum claims that are raised for the first time defensively to ward off deportation rather than impose an arbitrary 1-year limit on all asylum claims. If the use of asylum claims defensively to ward off deportation is the problem, let us deal with that problem and not penalize refugees with valid asylum claims who were too traumatized or fearful to come forward until they had gotten settled in this new land.

We need not gut our asylum law by allowing low-level bureaucrats to make life-and-death decisions through summary exclusion at the border. Our country has a proud tradition of protecting victims of persecution and serving as a beacon of hope and freedom. We need not and should not forsake it. This compromise Leahy amendment would give real refugees a fair opportunity to present their circumstances and seek asylum.

We do not have to turn our backs on America's traditional role as a refuge from oppression and resort to summary exclusion processes that the Washington Times, the Washington Post and the New York Times agreed are unwise and unnecessary.

I was pleased last week to appear with Bishop Murry from the National Conference of Catholic Bishops and Martin Kraar of the Council of Jewish Federations. They along with the American Bar Association and many others appreciate what this rewrite of our asylum laws by the bill would mean.

I want to recognize all those who have come forward to work with us to try to preserve the asylum process. Support has come from a wide variety of sources: The Committee to Preserve Asylum, UNITE, the American Jewish Committee, the National Asian Pacific American Legal Consortium, the Lawyers' Committee for Human Rights, the U.S. Catholic Conference, the American Bar Association, the American Friends Service Committee, the American Immigration Lawyers Association, the Asian Law Caucus, the Hebrew Immigrant Aid Society, the Lutheran Immigration and Refugee Service, the Asian American Legal Defense and Education Fund, the Domestic and Foreign Missionary Society of the Protestant Episcopal Church, the Mexican American Legal Defense and Educational Fund, the United Church Board for World Ministries, the ACLU, the National Asian Pacific American Legal Consortium, Amnesty International USA and the Women's Commission for Refugee Women and Children. I look forward to continuing our efforts and ultimately prevailing on these fundamental issues.

The bill fails to take into account the unfortunate but all too real circumstances that exist in repressive regimes around the world. Refugees flee by all sorts of means, including using false documents and escaping through third countries en route to the United States. The bill would punish asylum seekers who are afraid to apply to their government for proper travel documents and identification papers.

Raoul Wallenberg received international recognition for rescuing tens of thousands from Nazi persecution by issuing Swedish identity papers and arranging transport to Sweden. Oskar Schindler saved many lives by securing false documents and identities. As many as 10,000 Jews fled the Holocaust through Asia with the noble assistance of Chiune Sugihara, a Japanese diplomat who disobeyed his government and issued them visas. Do we really mean to disadvantage the claims of those who, like the beneficiaries of the courageous work of Oskar Schindler, Raoul Wallenberg and Chiune Sugihara during World War II, needed false travel documents? I hope not.

I am confident that consideration of asylum claims can take false documents into account without making them a barrier to full review. The asylum provisions in the bill would place undue burdens on unsophisticated refugees who are truly in need of sanctuary but may not be able to explain their situation to an overworked asylum officer. Had similar provisions been in place during World War II, those saved by Raoul Wallenberg, Oskar Schindler and Chiune Sugihara could have been summarily excluded because they used false documents to escape the Holocaust.

Refugees seeking asylum in the United States come to us for protection. Let us not turn them back. Let us not abandon America's vital place in the world as a leader for human rights.

I ask unanimous consent that following my statement there be printed in the RECORD letters from the UNHRC Lawyers Committee for Human Rights and law professors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, BRANCH OFFICE FOR THE UNITED STATES OF AMERICA,
Washington, DC, September 20, 1996.

Re Asylum and summary exclusion provisions of the immigration bill (proposed conference report H2202).

Hon. ORRIN HATCH,
Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN HATCH: I am writing to you regarding the draft Conference Report referenced above. In our previous letter to you, we expressed our concerns regarding the summary exclusion provisions of the prior House bill. Although the Senate version included Senator Leahy's amendment revising the Senate summary exclusion provision to comport with international standards for adjudicating refugee claims, we note that the proposed Conference Report does not include these changes. Our Office continues to urge the adoption of the Senate version of summary exclusion and remains concerned that the proposed "expedited removal" provisions in the proposed Conference Report and several other provisions, if enacted, would almost certainly result in the US returning refugees to countries where their lives or freedom would be threatened.

The following provisions of the proposed Conference Report, outlined in greater detail below, are of particular concern to our Office:

1. Expedited Removal (Section 302); (a) Examination at Port of Entry; (b) "Credible Fear" Standard; (c) Detention; (d) Administrative Review; and (e) Access to Counsel.

2. Numerical Limitation on Asylum Grants (Section 601).

3. Exceptions to Ability to Apply for Asylum (Section 604): (a) Asylum Filing Deadlines; and (b) Safe Third Country.

4. Bars to Asylum and Withholding of Deportation for Persons Convicted of Aggravated Felonies (Section 241(b) and 604).

5. Asylum Filing and Employment Authorization Fees (Section 604).

6. No Automatic Stay of Deportation pending Judicial Review (Section 306).

1. *Expedited Removal* (Section 302)—This section allows the expedited removal, without further hearing or review, of certain "applicants for admission." An "applicant for admission" is defined as anyone in the US who entered illegally or a person seeking entry. Section 302(b) would permit an immigration officer to issue a final order of removal for such applicants, if s/he determines that such applicants have false documents or no documents, if; (1) They cannot prove they have been in the US for the prior two-year period of (2) they are arriving in the US and fail to indicate an intention to apply for asylum or a fear of persecution.

At a port of entry, those who indicate that they are asylum-seekers but who are unable to establish a "credible fear" of persecution to an asylum officer shall be similarly removed. "Credible fear" of persecution is defined to mean that "there is a significant possibility, taking into account the credibility of the statements made by the alien in support of the alien's claim and such other facts as are known to the officer, that the alien could establish eligibility for asylum." Review of the credible fear determination will be conducted by an immigration judge and is to be concluded if possible within 24 hours and no later than 7 days after the removal order. Prior to the credible fear interview, asylum-seekers may consult a person or persons of their choice, but any consultation must be at no expense to the Government and must not "unreasonably delay the proceedings."

UNHCR is concerned that this process fails to incorporate international standards for refugee status determination. We stress that the summary nature of the proceedings in the proposed Conference Report is reflected in the lack of appellate rights, and that, therefore, it is all the more important that the initial examination and interview process not be "summary." We note our concerns below:

a. *Examination at Port of Entry*—"Screening" of arrivals in the US must be conducted with procedural safeguards in place to ensure that refugees are not excluded. Section 302 fails to provide these safeguards. Special risks for refugees are inherent in the expedited process as proposed by this section, in which there is no review of an order to exclude. All persons seeking entry must be given guidance as to the procedure, orally and in writing, in a language they can understand, before an initial examination so that they are aware of the consequences of failing to come forward with their asylum claim at that time. Although this section provides that information shall be given concerning an asylum interview, it fails to provide for guidance at this critical point. Given the dual role of the immigration officers conducting the initial examinations (border enforcement and selection of those who merit a credible fear determination), they should have a list of questions designed to identify asylum-seekers, as well as training in interviewing skills. There must be meaningful review of all "expedited removal" orders, given the consequences of a mistaken decision.

b. *"Credible Fear" Standard*—UNHCR urges you and members of the Committee to reject any provision that requires asylum-seekers, before they are allowed the opportunity to present their claims for asylum to an immigration judge, to establish a "credible fear" of persecution, as defined above. Such a requirement creates a new, heightened standard which increases the likelihood that a refugee will be returned to a country where his/her life or freedom would be threatened, especially given the fact that review is expedited, applicants are detained during this process, and there is limited access to legal representation. UNHCR recommends that asylum-seekers who establish that their claims are not "manifestly unfounded" be accorded the opportunity to present their asylum claims in a hearing before an immigration judge. This provision comports with the international standard for expeditious refugee status determinations as set forth in UNHCR Executive Committee Conclusion No. 30 (1983).[1]

Moreover, certain types of claimants, e.g., torture or trauma victims and those with gender-related claims, will have difficulty stating their claims, much less establishing "credible fear." Some at-risk groups, such as unaccompanied minors, should not be subjected to summary procedures at all. Others, with novel or complex claims, such as persons fleeing situations of international or internal armed conflict, or torture survivors who should be protected by the Convention against Torture, should be provided with a full exclusion hearing. These claimants are at great risk of being returned to persecution if they must meet the heightened standard created by the expedited removal provisions.

c. *Detention*—This provision also mandates that an applicant who has been determined to have a credible fear of persecution remain in detention for further consideration of the application for asylum. In the view of the hardship that it involves, as noted in UNHCR Executive Committee Conclusion No. 44, detention should normally be avoided, particularly when the elements on which the asylum claim is based have been determined. Asylum-seekers who have met this heightened standard should be released pending further consideration of their claims.

d. *Administrative Review*—In the proposed Conference Report, the provision for review of a negative "credible fear" determination and expedited removal order requires that the immigration judge conduct the review "as expeditiously as possible," and recommends it be concluded within 24 hours. Moreover, this review may be conducted telephonically or by video, inadequate methods when credibility is at issue. Minimum procedural guidelines for refugee status determinations, as set forth in UNHCR Executive Committee Conclusion No. 8 (1977) specify that an applicant should be given a reasonable time to appeal for a formal reconsideration of the decision. These procedures do not comport with the guidelines noted above.

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*Footnotes to appear at end of letter.

e. *Access to Counsel*—The Proposed Conference Report permits an asylum-seeker to consult with a person of his or her choosing, at no cost to the Government and as long as such consultation does not "unreasonably" delay the proceedings. These limitations to consultation in the context of an expedited removal process should be consistent with guidelines that asylum-seekers be given the necessary facilities for submitting their claims to the authorities, including meaningful access to counsel and to the services of a competent interpreter and the opportunity to contact a representative of UNHCR. These factors, set forth in UNHCR Executive Committee Conclusion No. 8 (1977), should be taken into consideration in assessing whether a delay is "unreasonable."

2. *Numerical Limitation on Asylum Grants* (Section 601)—This section, which expands the definition of refugee to include persons who have been subjected to or who have a well-founded fear of coercive population control methods, limits to 1000 per year the number of individuals who may be admitted to the US as refugees or *granted asylum* under this expanded definition. By placing a numerical limitation on this category of asylum-seekers, the Attorney General may return an individual to a country where his or her life or freedom would be threatened merely because the numerical limit has been reached. Such an action would place the US in violation of its obligations under the 1967 Protocol.

3. *Exceptions to Ability to Apply for Asylum* (Section 604)—This section creates certain bars to the application for asylum. Moreover, there is no judicial review of a decision to bar an application under the following provisions.

a. *Asylum Filing Deadlines*—A time limit for filing an application has been included, which, if not met, bars individuals from seeking asylum. Individuals may not apply unless they demonstrate by clear an convincing evidence that the application has been filed *within one year after the date of the person's arrival* in the US, *unless* they demonstrate to the satisfaction of the Attorney General either (a) the existence of changed country conditions which materially affect the person's eligibility for asylum or (b) *extraordinary circumstances* relating to the delay in filing within one year.

UNHCR recommends that these deadlines be deleted. Failure to submit an asylum request within a certain time limit should not lead to an asylum request being excluded from consideration, as outlined in UNHCR Executive Committee Conclusion No. 15 (1979). The United States is obliged to protect refugees from return to danger regardless of whether a filing deadline has been met. There are a number of legitimate reasons why asylum-seekers would not be aware of or able to comply with a deadline for submitting applications, such as lack of information about the asylum process, preoccupation with meeting basic survival needs, inability to communicate in English, and insufficient resources for obtaining counsel.

b. *Safe Third Country*—Individuals may not apply for asylum or may have their asylee status terminated if the Attorney General determines that they may be removed, pursuant to a bilateral or multilateral agreement, to a country (other than their country of nationality (or last habitual residence if no nationality)) in which their lives or freedom would not be threatened on account of one of the five grounds and where they would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, *unless* the Attorney General finds that it is in the *public interest* for the person to receive asylum in the U.S. UNHCR recommends that these provisions be deleted or modified in light of international guidelines, the wider context of global responsibilities for refugee protection, and principles of international responsibility-sharing. Moreover, these provisions appear to authorize the denial of the right to apply for asylum to certain nationalities or groups. These provisions also authorize the sending of an asylum-seeker or asylee to a country in which she might suffer forms of persecution not rising to the level of a threat to life or freedom. While no universally accepted definition of "persecution" has been adopted by the international community, it is widely accepted that other serious violations of human rights, in addition to threats to life or freedom, constitute persecution when linked to race, religion, nationality, membership of a particular social group or political opinion. *Handbook on Procedures and Criteria for Determining Refugee Status* (Geneva 1988) (hereinafter *Handbook*) at para. 51.

4. *Asylum and Withholding of Deportation for Persons Convicted of Aggravated Felonies* (Sections 241(b), 604)—Section 241(b) bars the removal of refugees to countries where their lives or freedom would be threatened and codifies the exceptions to this bar, most of which are exceptions currently found in INS regulations. This section codifies the provision that refugees who have been convicted of an "aggravated felony (or felonies)" for which the sentence to imprisonment is at least five years shall be considered to have committed a particularly serious crime and will not be protected from removal.

Section 604 broadens the definition of "aggravated felony" to include a much greater number of crimes than previously were in this category. It would include, for example, certain crimes for which a term of imprisonment imposed is one year (previously this was five years). It also codifies current regulations that bar a grant of asylum to individuals who have been convicted of a particularly serious crime and provide that a conviction of an aggravated felony shall be considered to be a conviction of a particularly serious crime. This section also allows the Attorney General to designate by regulation offenses that will be considered to be particularly serious crimes or serious non-political crimes, permitting further expansion of the categories of crimes that would bar a grant of asylum.

These sections, therefore, bar individuals from the protection of non-refoulement[2] if they have been convicted of an "aggravated felony" for which the sentence imposed is at least five years, and bar individuals with a well-founded fear of persecution from the protection of asylum regardless of the sentence imposed. Article 33 of the 1951 Convention relating to the Status of Refugees, binding on the US through its incorporation into the 1967 Protocol, requires that before returning a person fearing a threat to life or freedom in his or her country of origin, the country concerned must make a case-by-case determination whether the person has been convicted of a particularly serious crime and constitutes a danger to the community.

Under current law, the recently enacted Antiterrorism and Effective Death Penalty Act (AEDPA), the Attorney General, in her discretion, may grant withholding of deportation to ensure compliance with the 1967 Protocol. It appears that this provision may no longer be in effect if the proposed Conference Report becomes law. It is our opinion that the waiver in AEDPA should still be available and that it permits the Attorney General to conduct case-by-case determinations in the cases of individuals who have been convicted of an "aggravated felony" to determine whether the crime is a particularly serious crime and whether the individual is The "particularly serious crime" exclusion ground should only be invoked in "extreme cases" and only after a balancing test has been applied, weighing the degree of persecution feared against the seriousness of the offense committed. These principles are set forth in our *Handbook* at paras. 154 and 156. The need for a balancing test is even more urgent in light of the proposed provisions expanding the definition of "aggravated felony" to include many crimes for which the sentence imposed is one year, and giving the Attorney General the power to designate other offenses as "aggravated felonies."

5. *Asylum Filing and Employment Authorization Fees* (Section 604)—This section permits the Attorney General to impose a fee for applications for asylum and employment authorization. UNHCR is concerned that any fee imposed for filing an asylum application may have the unintended effect of discouraging refugees from realizing their fundamental right to seek and enjoy asylum. UNHCR's Executive Committee in Conclusion No. 5 (1977) "appealed to Governments to follow, or to continue to follow, liberal practices in granting permanent or at least temporary asylum to refugee. . ." UNHCR is particularly concerned about the precedent that the imposition of a fee will set for the international community.

Likewise, UNHCR is concerned about the imposition of a fee for employment authorization. UNHCR Executive Committee Conclusion No. 22 (1981) states that asylum-seekers "should receive all necessary assistance and be provided with the basic necessities of life, including food, shelter, and basic sanitary and health facilities." Under current law, asylum-seekers are not eligible for employment authorization unless their claim has been pending for over 180 days. UNHCR urges that a fee not be imposed, especially in light of the fact that asylum-seekers are not eligible for benefits which satisfy the basic necessities of life.

6. Stay of Deportation Pending Judicial Review (Section 306)—This section eliminates the automatic stay of deportation to individuals, including asylum seekers, who have been issued an order of removal by an immigration judge and appeal this decision to a federal appeals court. UNHCR urges the US to preserve the automatic stay of deportation for asylum-seekers in order to ensure compliance with minimum procedural safeguards. UNHCR Executive Committee Conclusion No. 8(1977) provides that asylum applicants "should . . . be permitted to remain in the country while an appeal. . .to the courts is pending.

Your consideration of UNHCR's views is greatly appreciated. Please do not hesitate to contact me if I may provide additional information or assistance to you, your Committee members or other members of Congress.

Sincerely,

ANNE WILLEM BIJLEVELD,
Representative.

FOOTNOTES

[1] The UNHCR Executive Committee is a group of representatives from 50 countries, including the United States, that provides policy and guidance to UNHCR in the exercise of its refugee protection mandate.

[2] The principle of non-refoulement, incorporated into U.S. law in the withholding of deportation statute, Section 243(h) of the Immigration and Nationality Act, is set forth in Article 33(1) of the Convention, as follows: "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." Article 33(1) of the Convention.

LAWYERS COMMITTEE
FOR HUMAN RIGHTS,
Washington, DC, September 24, 1996.

DEAR SENATOR LEAHY: We write to urge you to vote against H.R. 2202, the pending immigration bill, which we understand will soon come before you for a vote. The bill is fundamentally flawed in that it seeks to restrict the rights of refugees in the context of efforts designed to control illegal immigration. H.R. 2202 contains extreme measures that will severely impair the internationally-recognized right of refugees to seek and enjoy asylum. If the bill is passed, it will transform U.S. law from a system designed to protect victims of persecution to a system designed to punish them.

H.R. 2202 contains numerous provisions that would threaten the lives of refugees. Some of these provisions were examined and rejected by the Senate; others were never even considered. In particular, H.R. 2202 would: 1) summarily exclude, without meaningful access to counsel or review, asylum-seekers who arrive in the United States without proper travel documents; and 2) apply a strict deadline on the filing of all asylum applications. In our extensive experience representing asylum-seekers, we have seen first hand the many barriers—language, fear for family members, post-traumatic stress disorder—a refugee must overcome in order to apply for and gain safe haven. Blanket summary exclusion and strict time deadlines for filing asylum applications are hurdles that many of the most deserving refugees simply will not be able to cross. Enacting H.R. 2202 will, without question, result in victims of torture, rape and other extreme forms of persecution being denied protection. This violates not only our international treaty obligations, but our commitment as a nation to protect the rights of the persecuted. We urge you to do all you can to prevent it.

Sincerely,

ELISA MASSIMINO.
MICHAEL POSNER.

SEPTEMBER 17, 1996.

Hon. PATRICK LEAHY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEAHY: I, like many Americans, am deeply concerned about the proposed restrictions on political asylum contained in the immigration bill now before Congress. Of particular concern to me are two provisions: a filing deadline on asylum applications and summary exclusion procedures.

As a member of the Board of Directors of the Lawyers Committee for Human Rights, I have had the unique opportunity to meet and speak with clients of the Committee's pro bono Asylum Representation Program. Asylum seekers are people who must flee from danger in their homelands to safer, more politically stable countries. They are men, women and children, doctors, journalists, students and others from all walks of life who are persecuted in their homelands for religious or political beliefs, ethnicity or race. Some flee to Europe, South America, or Asia; others to the United States. The right of a refugee to seek protection from persecution was incorporated into U.S. law in the Refugee Act of 1980 and is guaranteed under the U.N. Convention Relating to the Status of Refugees. Last year, the U.S. granted asylum to fewer than 8,000 individuals, representing less than one percent of asylum seekers worldwide.

In the following pages, you will hear the personal stories of six asylum seekers and you will see how the proposed restrictions would have irrevocably and tragically changed the course of their lives. These asylees came to the Lawyers Committee, where they were represented before the INS by volunteer attorneys. The staff and volunteers of the Committee know the obstacles asylum seekers face—the trauma experienced by torture victims, the concern for the safety of family members back home, the disorientation of a new culture and a new language. The Committee also has analyzed hundreds of asylum cases to study the potential effects of the proposed restrictions. Both their findings and experience clearly show that, if enacted, a strict filing deadline and summary exclusion procedures will force genuine refugees back to their homelands to face persecution, torture and perhaps death.

The United States has long been a symbol of freedom, opportunity and hope for refugees fleeing Nazi Germany, war-torn Rwanda, and other ravaged states. Let us defend this legacy and preserve a refugee's right to seek protection and safety. The proposed restrictions would not only violate our international treaty obligations but would betray our nation's commitment to respect basic human rights.

Sincerely,

SIGOURNEY WEAVER.

JULY 29, 1996.

DEAR CONFEREE: We, the undersigned professors of law, are writing to express our concerns about provisions in the pending immigration legislation that would eliminate or severely curtail judicial review. Efficiency in the enforcement of our nation's laws is important, but this goal is not well served by enacting legislation that has potentially serious constitutional problems.

Proposals are now pending in Congress that would radically reduce and, in some cases, eliminate the most fundamental safeguard of judicial review in individual cases and judicial oversight over the deportation process as a whole. These proposals, like the recently enacted antiterrorism law, are exceptional in their scope and threaten basic principles upon which our legal system is founded.

The House-passed immigration bill, like the antiterrorism law which, unless repealed in the pending immigration legislation, bars judicial review of deportation orders based on certain nonterrorism grounds, establishes a summary exclusion provision where an immigration officer would have final unreviewable authority to exclude and deport international travelers and asylum seekers, and strips the federal courts of jurisdiction to review any individual claim or class action challenges arising from these procedures. Additionally, the House-passed bill provides that "no court shall have jurisdiction" to review certain waiver decisions of the Attorney General, and limits injunctive relief with regard to certain provisions "regardless of the nature (of the action or claim or of the identity of the parties bringing the action.)" The Senate-passed immigration bill denies judicial review of Attorney General denials of discretionary relief and orders of deportation based on criminal convictions.

These proposals grant agency authority to take constitutionally questionable action and raise issues of constitutional dimensions wholly apart from the immigration context and the rights of immigrants. The most basic safeguards of due process are threatened, along with the elimination of a meaningful role for the judiciary to perform its historic function of reviewing the implementation and execution of law. The proposals also implicate the separation of powers structure of our government by undermining the judicial roles to protect due process and safeguard individual rights and to review the actions of the Executive Branch. Congress cannot exercise its power in a way that deprives any person of life, liberty or property without due process of law.

Moreover, we believe that these legislative proposals are not premised on any study or empirical data demonstrating a need to eliminate a process that affords full and fair hearings with administrative and judicial review. The federal judiciary plays an essential role in this scheme, interpreting the laws and ensuring that the executive branch complies with them. The process of judicial review helps insure that administrative officers implement the laws in a manner consistent with the intent of Congress.

We believe the proposals in the legislation are of dubious constitutionality and imprudent as a matter of public policy. Congress should take this opportunity to correct the defects in the antiterrorism law and preserve our constitutional traditions

Sincerely,

(Institutional affiliations are shown for purposes of identification only)

Anna Williams Shavers, University of Nebraska College of Law; Bruce Ackerman, Sterling Professor of Law and Political Science, Yale Law School; Harry H. Wellington, Dean, New York Law School; Susan Sturm, University of Pennsylvania Law School; Stephen H. Legomsky, Washington University Law School; Howard Lesnick, University of Pennsylvania Law School; Charles H. Koch, Jr., College of William and Mary Law School; Richard A. Boswell, University of California, Hastings College of the Law; Philip G. Schrag, Georgetown University Law Center; Jeffrey Lubbers, American University, Washington College of Law; Gerald L. Neuman, Columbia University School of Law; Michael R. Asimow, University of California at Los Angeles School of Law; Peter L. Strauss, Columbia University School of Law; Hiroshi Motomura, University of Colorado School of Law; Andrew Silverman, University of Arizona College of Law; William J. Lockhart, University of Utah School of Law; Talbot D'Alemberte, President, Florida State University; Michael G. Heyman, John Marshall Law School; Jean Koh Peters, Yale Law School;

Deborah Anker, Harvard University Law School; John Allen Scanlan, Jr., Indiana University School of Law—Bloomington; Kevin R. Johnson, University of California-Davis School of Law; Neil

Gotanda, Western State University College of Law; Pamela Goldberg, City University of New York School of Law at Queens College; Karen Musalo, Santa Clara University Center for Applied Ethics; Jeffrey D. Dillman, University of Michigan Law School; George A. Martinez, Southern Methodist University School of Law; F.J. Capriotti III, Lewis and Clark Northwestern School of Law; Mary Dudziak, University of Iowa College of Law; Yvette M. Barksdale, John Marshall Law School; Burns H. Weston, University of Iowa College of Law; Bessie Dutton Murray, University of Iowa College of Law; Daniel Kanstroom, Boston College Law School; Kenneth J. Kress, University of Iowa College of Law; Marcella David, University of Iowa College of Law; Kevin Ruser, University of Nebraska College of Law; Susan Musarrat Akram, Boston University School of Law; Lori Nessel, Seton Hall University School of Law; William C. Banks, Syracuse University College of Law; Gabriel J. Chin, Western New England College School of Law; Linda S. Bosniak, Rutgers, The State University of New Jersey School of Law; Berta Esperanza Hernandez, St. John's University School of Law;

Margaret H. Taylor, Wake Forest University School of Law; Joyce A. Hughes, Northwestern University School of Law; Carolyn Patty Blum, University of California at Berkeley, Boalt Hall Law School; Stephen W. Yale-Loehr, Cornell Law School; Ted Ruthizer, Columbia University School of Law; Craig B. Mousin, De Paul University College of Law; Enid Francis Trucios-Haynes, University of Louisville School of Law; Frank H. Wu, Howard University School of Law; Daniel J. Steinbock, University of Toledo College of Law; Guadalupe Theresa Luna, Northern Illinois University College of Law; Katherine L. Vaughns, University of Maryland School of Law; Devon Carbado, University of Iowa College of Law; Marc R. Poirier, Seton Hall University School of Law; Lenni B. Benson, New York Law School; Isabelle R. Gunning, Southwestern University School of Law; Alicia Alvarez, De Paul University College of Law; Walter J. Kendall III, John Marshall Law School; Enrique R. Carrasco, University of Iowa College of Law; Howard F. Chang, University of Southern California Law Center; Julie A. Nice, University of Denver College of Law; Kathleen Sullivan, University of California, Hastings College of the Law; Cecelia M. Espenoza, University of Denver College of Law; Ann L. Iijima, William Mitchell College of Law; Maryellen Fullerton, Brooklyn Law School;

Jonathan Weinberg, Wayne State University Law School; Angela P. Harris, University of California at Berkeley, Boalt Hall School of Law; William G. Buss, University of Iowa College of Law; Kent H. Greenfield, Boston College Law School; Gilbert Paul Carrasco, Villanova University School of Law; Douglas Stump, Oklahoma City University School of Law; Eric L. Muller, University of Wyoming College of Law; Karen Engle, University of Utah College of Law; Daniel M. Kowalski, University of Colorado School of Law; Bruce Winick, University of Miami School of Law; Ileana Porras, University of Utah School of Law; Ted Finman, University of Wisconsin Law School; John Martinez, University of Utah School of Law; Alex Tallchief Skibine, University of Utah School of Law; Daniel J.H. Greenwood, University of Utah School of Law; Susan Poulter, University of Utah School of Law; Seth F. Kreimer, University of Pennsylvania Law School; Beverly Moran, University of Wisconsin Law School; Jane Schacter, University of Wisconsin Law School; R. Alta Charo, University of Wisconsin Law School; Martha E. Gaines, University of Wisconsin Law School; Mary Twitchell, University of Florida; Stephen E. Meili, University of Wisconsin Law School; Joseph R. Thome, University of Wisconsin Law School.

TELECOMMUNICATIONS REFORM—FCC FUNDING

Mr. KYL. Mr. President, it is with great reluctance that I take the time of the Senate today to discuss an issue involving the telecommunication industry. The Federal Communications Commission—the funding of which we are now discussing—has gone far beyond congressional intent in an important area that was dealt with in the telecommunications law.

The goal of telecommunications reform legislation, in my view, was to promote competition within and among the various telecommunications-related industries, for example, local and long distance telephone providers, cable television, wireless and satellite companies. It is not possible to achieve that reform if Federal and State governments restrict competition by creating excessive regulation.

While I agree that the State and Federal governments should retain some authority to protect consumers and the public interest, it is imperative that we remove as much other governmental regulation of the telecommunication industry as possible. Too much regulation will only hinder industry growth, and deny consumers and businesses the new services and products that telecommunication reform will provide. I believe less government regulation was the intent of Congress. In his testimony before the Senate Judiciary Committee, former Attorney General William P. Barr said "the real danger to competition is that excessive, onerous regulation will prevent incumbent local exchange carriers from competing on a level playing field with new entrants. The Federal Communications Commission's recent rules purporting to implement the Telecommunications Act of 1996 highlight this danger."

Mr. President, I have been informed of several problems with the FCC's new rulings. I wish to highlight a few. For example, to encourage new entrants into the local phone markets while the companies build their own networks, I believe that Congress wanted incumbent telephone companies to resell its services at wholesale rates to any new companies wishing to buy the services. Even though I had concerns at the time, I believed that Congress' intent was to encourage more competition within the local markets without penalizing those companies who have already spent large amounts of capital building a network. Instead, the FCC, an entity whose members are not elected by the public, has taken the liberty of dictating what happens in the local telephone markets. The FCC's new rules will allow resellers to bypass the wholesale rate defined by Congress and pay significantly lower prices for network parts that are already in place.

If the FCC's new regulations are implemented, new entrants will be able to resell existing network components as a consumer service in the local market. The problem with that is that the new competitors will have little or no incentive to build their own networks. Existing companies will have no incentive to invest in network enhancements if their research and development can be used—without proper compensation—by any new entrant. As Mr. Barr said during the hearing on mergers and competition in the telecommunications industry, "under the FCC's system, it makes no sense for any competitor to develop its own network. Instead of real competition that spurs investment, creates jobs, and improves services, the end result of the FCC's rules will be a scheme of contrived 'Potemkin competition' in which so-called competitors merely rebrand services purchased below-cost from a severely handicapped incumbent LEC and create the false appearance of competition."

Another example of the FCC's overreach is the manner in which it has determined prices for certain telecommunication services. Congress recognized that a one-size-fits-all price system is not conducive to all States. The environment in North Dakota is drastically different from New York. Therefore, Congress assigned State public utility commissions the task of determining reasonable rates for interconnection and unbundled elements. The law requires that the rates be cost-based and nondiscriminatory. It also allowed for the rates to include a reasonable profit. Instead, the FCC has mandated a cost system for States to follow when setting unbundled network element prices. The Commission also set default prices for certain network elements. I have been informed that, in many instances, these prices are far below cost and could place existing telephone companies at a disadvantage. Additionally, the rules will place less value on networks that have been built while eliminating any incentive for existing companies to expand existing networks.

Clearly, as the 668 pages and 3,276 footnotes of the FCC's First Report and Order demonstrates, the Commission has gone far beyond the intent of Congress. I would ask that the chairman and ranking member of the Appropriations Committee to make note of the FCC's failure to abide by Congress' plan for telecommunications reform. I thank them for the opportunity to express my concerns.

DEFENSE APPROPRIATIONS

Mr. THURMOND. Mr. President, I will support the Defense appropriations bill included in the omnibus appropriations bill that is before us today. I am pleased that our colleagues negotiating these issues with the administration, stood their ground on providing additional funding for defense.

While this bill and other appropriations bills provide approximately $10.8 billion above the President's budget request for defense, this is actually $8 billion less for defense, in real terms, than last year's level of funding. Does any Senator believe that we will use our military forces less in fiscal year 1997 than we did this year? I think not.

As most of my colleagues know, the administration began negotiations on the final spending levels, insisting on a substantial transfer of funds of $4 to $5 billion, from defense to nondefense discretionary accounts.

It is clear that this administration relies a great deal on our military services. It appears more likely every day that our commitments in Bosnia will not end in December as we were told. We already know that the cost of our commitment there has greatly exceeded the administration's original estimate of $2 billion and now exceeds $3.3 billion. We do not know what additional commitments might be laid on our military forces in the Persian Gulf—or as a result of the latest crisis between Israel and the Palestinians. We also do not know when or where our forces might be committed next, but I am confident that the uptempo for our servicemen and women will not decrease.

Mr. President, I want to commend the majority leader and other Members of the Senate and the House of Representatives who negotiated these agreements. Like all negotiated outcomes and compromises, no one gets everything they want. I do believe however that the additional funds provided by the Congress for defense, included in this bill, are necessary.

Mr. President, this bill will allow us to provide our servicemen and women with more modern equipment, alleviating the administration's negative funding trend for modernization; to improve quality of life for our servicemen and women, who frequently find themselves deployed away from their families for extended periods; and to increase funding for the readiness of our forces that has become increasingly strained to cover the higher uptempo and increasing costs of ongoing operations. This bill recognizes that we must maintain a strong force capable of deploying anywhere in the world at any time.

Mr. President, this bill will provide funding for much needed pay raises for our uniformed personnel. It provides funding for anti-terrorism measures to facilitate the protection of our service personnel. It funds shortfalls in the defense health care program as well as many other important programs.

I am pleased that President Clinton is no longer trying to reduce defense spending and recognizes the need for additional defense funding over his initial request. I commend my colleagues who negotiated this Defense appropriations bill. I support this bill and urge my colleagues to vote for this important piece of legislation.

Thank you, Mr. President. I yield the floor.

NTIA–TIIAP PROGRAM

Mr. KERREY. Mr. President, I am pleased that the omnibus appropriations bill includes $21.5 million to fund the Telecommunications and Information Infrastructure Assistance Program [TIIAP] under the National Telecommunications and Information Administration [NTIA]. TIIAP is an important part of the ongoing effort to ensure that every American has access to advanced telecommunications services.

Unfortunately, many communities do not have access to advanced telecommunications services. This lack of access is pronounced in rural and innercity areas. House appropriators made the wise decision to fund TIIAP at $21.5 million. However, for the second year in a row, the Senate chose to cut TIIAP funding. The chairman's mark included zero funding for this important program. It was only after my insistence, and the cooperation of Senator STEVENS at full committee, that $4 million was included for TIIAP. At that time, I made it clear to the full Appropriations Committee that I would offer an amendment on the Senate floor, as I did for fiscal year 1996, to fully fund TIIAP. After negotiating with Senate appropriators and sending a letter of support for TIIAP, along with 13 other Senators to Senator LOTT , TIIAP funding was restored to $21.5 million in the omnibus appropriations package.

Access to the information superhighway is crucial for economic development and delivery of education, health care, and social services. We can ensure that every citizen has this access, whether they live in rural areas like many residents of my home State of Nebraska or metropolitan centers like New York or Washington DC, by supporting programs like TIIAP. Competing in the world job market no longer simply means working harder than our competitors abroad. Our students and workers must have access to and a strong working knowledge of the advanced telecommunications services that increasingly drive the world economy. Similarly, if we want to continue to provide the best health care in the world, Americans must have access to telemedicine facilities that allow them to work with health care specialists across the country. The importance of TIIAP to developing a strong information infrastructure should not be underestimated. I believe the Senate took a great step forward today in the battle to ensure that every American has access to advanced telecommunications services.

Mr. HARKIN. Mr. President, while I support H.R. 4278, the omnibus appropriations bill, I am strongly opposed to the inclusion in this bill of the fiscal year 1997 Department of Defense Appropriations Conference Report. I am opposed to the Defense appropriations conference agreement because it provides some $9.5 billion more to the Pentagon than it asked for or needs. At a time when we are trying to balance the Government's budget and when the cold war is over, we simply cannot justify this excessive spending to the American taxpayer.

As a former Navy pilot, I know all too well the need for a strong national defense and and the need to make sure our service personnel are properly trained, equipped, and compensated. But like the fiscal year 1996 DOD appropriations bill which provided the Pentagon $7 billion more than it asked for or needed, the fiscal year 1997 conference agreement contains excessive and wasteful spending. It asks American taxpayers to spend five times more on the military that the military budgets of all our likely adversaries combined. The $9.5 billion add on alone is three times the defense budgets of North Korea, Iraq, Iran, or Syria.

To look at it in terms of my State of Iowa, this add on of $9.5 billion is more than twice the budget for the entire State of Iowa. Iowans could fund their K–12 education system, some 500,000 pupuls in about 380 school districts, for over 3 years.

It's time for some fairness. It's time for some common sense. And fairness tells us that the Pentagon shouldn't be exempt from our efforts to balance the budget. Commonsense dictates that we can't afford $9.5 billion in add ons over what the Pentagon and the Joint Chiefs of Staff say we need to maintain a strong national defense. I opposed the fiscla year 1997 DOD appropriations bill when it was considered by the Senate and I did not sign the conference agreement. I feel strongly that it should not be approved as a part of this omnibus bill.

I will vote for this bill despite my strong opposition to the inclusion of the DOD measure because it contains significant improvements in support for education and other critical needs of our Nation. This House and Senate had proposed significant cuts to education and training. And when I tried to offer an amendment on the floor to restore these cuts, the majority objected. So I was very pleased to work again in conference on a bipartisan basis with Senator SPECTER and others to provide the support necessary to make college more affordable for middle class Americans through increases in Pell Grants, Perkins loans, direct lending and college work study. We were also able to increase the number of children who will be able to participate in Head Start and get special assistance with reading and math skills through chapter 1. And we were able to restore unwise cuts to the President's requests for critical job training initiatives.

We must have a well-educated and well-trained work force if we are going to increase the incomes and quality of life for our working families. So these changes, while hard fought, are a real victory for working families and our future.

I am also very pleased, Mr. President, that this bill contains strong measures to combat the growing problem of illegal immigration in my State of Iowa and around the Nation. This bill contains a provision I offered in the Senate that will guarantee Iowa and other States a minimum of 10 INS agents to enforce immigration laws. This will go a long way to cracking down on this growing problem.

ELECTRONIC COMBAT TESTING

Mr. MACK. Mr. President, for some time now I have been following the Department of Defense's plans relative to electronic combat testing. Last year, I engaged in a colloquy with the good Senator from Alaska, Senator STEVENS, to clarify the Defense Appropriations Subcommittee's intention in their request that DOD provide Congress with an electronic combat master plan. At that time, I believe we made it perfectly clear that the master plan should provide optimum asset utilization.

Given this background, I am sure you can understand my surprise and dismay earlier this year when a report came back to the Congress which did not contain so much as one dollar sign. Again, I say there was absolutely no reference to any cost analysis supporting the Department's recommendations in their master plan.

Since DOD was apparently unwilling or unable to provide any justification for their recommendations, I asked the GAO to review DOD's electronic combat testing and their master plan.

After learning of the preliminary results of a now nearly complete GAO investigation, I understand why DOD failed to include in their master plan any justification for their recommendations.

Simply put, there does not appear to be any mission or cost justification to support DOD's recommendations. Indeed, preliminary reports from the GAO investigation indicate that the master plan would result in substantially increased costs, while providing diminished capabilities.

Given this background, I am sure you can understand my concern over one of the recommendations in this master plan to move test and evaluation activities from Eglin, AFC, located in northwest Florida. This feeling is exacerbated by the fact that nearly 2 years before the issuance of this master plan, the Base Closure and Realignment Commission [BRAC] recognized previous DOD findings which ranked Eglin, AFB as highest military value of all the DOD electronic combat [EC] ranges. Accordingly, the BRAC provided that selected EC capabilities at Eglin, AFB be sustained "to support Air Force Special Operations Command (AFSOC), the USAF Air Warfare Center, and Air Force Material Command Armaments/Weapons Test and Evaluation activities. . ."

Unfortunately, it appears DOD's electronic combat master plan demonstrates that the Air Force, with the tacit endorsement of the Office of the Secretary of Defense, fully intends to dismiss the direction of the BRAC.

To address concerns about DOD's actions on this matter, the Congress has provided funding in the fiscal year 1997 Defense appropriations bill to insure that Eglin, AFB range capabilities are adequate to comply with the BRAC intent to sustain selected EC capabilities to meet present and future requirements of AFSOC testing and training, AWC electronic combat testing, and AFMC testing and evaluation.

I ask the chairman of the Defense Appropriations Subcommittee, Senator STEVENS, his intentions with respect to the funding provided.

Mr. STEVENS. As my good friend from Florida has already stated, we have been following this issue for some time now. I share his disappointment over the failure of DOD to provide a useful report by which the Congress can evaluate their recommendations.

I look forward to reviewing the GAO's findings on this matter. I am confident that these issues will be discussed during future Defense subcommittee hearings with DOD officials.

In the interim, the Defense Appropriations Subcommittee has provided funding to insure the Eglin range can maintain and improve its EC capability, including instrumentation, consistent with the BRAC recommendations.

Mr. MACK. Mr. President, I thank my good friend from Alaska for his interest in this matter.

I would like to elaborate further on what I have been informed is the minimum capability required to meet the needs of the users identified by the BRAC. It is my understanding that this should include fully instrumented, fully capable threat systems/simulators for the SADS–IIR, SADS–III, SADS–IVR, SADS–V, SADS–VIR, SADS–VIIIR, SADS–XI, SADS–XII, WEST–XR, WEST–XI, and flycatcher threats. Additional technique generators, target signature generators, environment generators, on-site data processing, and site support facilities are required at Eglin range sites in order to optimize the development of mission data required to support current and future worldwide operations of U.S. forces.

Moreover, I am told that much of the instrumentation and support facilities identified herein exist today and are designed to provide the flexibility needed for characterizing future threat systems as they are identified and become available. I have been informed that upgrades to these capabilities are the most cost-efficient approach to addressing future requirements and consistent with the BRAC decision.

The funding provided by the Congress allows for the maintenance and improvement of those systems most critical for electronic combat training. I appreciate the support of the chairman of the Defense Appropriations Subcommittee in providing this funding and look forward to continuing to work with him on this matter in the coming year.

Mr. LEAHY. Mr. President, the continuing resolution is a massive piece of legislation. I want to comment on some of the provisions in this bill that may not be big-ticket items but are of particular significance in addressing the crime problems facing our Nation and ensuring that our citizens are able to obtain FBI records to which they are entitled under our public access laws.

FBI PROCESSING OF FOIA AND PRIVACY ACT REQUESTS

The legislation appropriates $3,327,000 to the FBI to address backlogs in the processing of requests for agency records under the Freedom of Information Act [FOIA] and Privacy Act. By letter, dated July 8, 1996, to the Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, Senator SPECTER and I urged this amount be appropriated. While the FOIA requires that agencies respond to requests for agency records within 10 business days, most agencies do not meet this legal requirement, resulting in huge backlogs of FOIA requests. The FBI's backlog is among the largest. On May 31, 1996, the FBI had a backlog of 15,259 requests, with some requests dating back to 1992. Long delays in access—particularly delays of almost 4 years—really means no access at all for many requesters.

A cornerstone of our democracy is the people's right to know about the actions of their Government. The FOIA represents Congress' implementation of this basic principle. The FOIA sets out the procedures by which people may request information from the Federal Government. Federal agencies must provide the information in a timely manner, unless it falls within enumerated exemptions from the FOIA.

The funds earmarked for FOIA and Privacy Act request processing represents an important effort to address this huge backlog. In addition, the electronic FOIA amendments, which I sponsored with Senators BROWN and KERRY, provides a number of steps to make the process of requesting agency records easier and faster. These Electronic FOIA amendments unanimously passed the Congress on September 18. Even as the size of the Federal Government shrinks, we must keep it responsive to the people.

FBI COMPUTER INVESTIGATIONS THREAT ASSESSMENT CENTER

This legislation appropriates to the FBI $5,013,000 and 17 agents to establish a Computer Investigations Threat Assessment Center [CITAC] at FBI headquarters to identify, investigate, and counter illegal intrusion into Government computer networks. This is an important development.

As our Federal agencies increasingly depend on computers to perform their mission, the risk of computer crime has become a more significant threat to our public safety and national security. For example, the Department of Defense relies on computers to deploy, feed, supply, and communicate with troops. Yet, the GAO recently reported that 250,000 computer attacks were occurring each year at DOD. We know that in 1994, a computer hacker based in the United Kingdom was able to break into the Rome Laboratory at Griffess Air Force base in New York. Just last week, computer hackers forced the CIA to take down an agency Web site because obscenities and unauthorized text and photograph changes had been made to the site and unauthorized links had been established between the CIA Web site and other sites.

Undoubtedly, the increased reliance by Government agencies on computer systems and networks presents special vulnerabilities to computer hackers and spies. I have long been concerned about this vulnerability. That is why I worked with the Department of Justice, and my colleagues, Senators KYL and GRASSLEY, on the National Information Infrastructure Protection Act, which passed the Senate unanimously, as S. 982, on September 18 and also passed the House of Representatives, as part of H.R. 3723, on September 18. This bill will increase protection for computers, both Government and private, and the information on those computers, from the growing threat of computer crime.

This establishment of CITAC will bring vital focus and attention on how to prevent computer crime and, when it does occur, how to find the perpetrators. The work of the FBI at CITAC, though focused on Government computer networks, will also have important applications for the private sector.

CALEA FUNDING

The conference agreement provides $60,000,000 to be deposited into a newly established telecommunications carrier compliance fund to fund the Communications Assistance for Law Enforcement Act [CALEA]. I was the author of CALEA, sometimes called the digital telephony law, in the Senate and applauded its passage as a necessary step to protect our public safety and national security. This law is also intended to bring much-needed sunshine and public scrutiny to the process of how wiretaps are conducted.

CALEA authorized $500,000,000 to pay for any necessary retrofitting of existing systems to come into compliance with law enforcement capability and capacity requirements to maintain its ability to implement court-ordered wiretaps. I am glad that funds are finally being appropriated for this new law.

I had serious concerns with the House proposed implementation plan, which was set out as a condition for funding in both the House passed CJS appropriations bill, and House terrorism legislation. The modified implementation plan in the Omnibus Consolidated Appropriations Act for 1997 makes sense to ensure accountability on the part of the FBI.

For example, CALEA already requires that the Attorney General publish certain information in the Federal Register for public comment, including information about law enforcement's capacity needs and cost control regulations. The conditions in the omnibus appropriations legislation would require that this information be provided on a country-by-county basis.

We should fund the digtigal telephone law. At the same time, the conditions in the modified plan for use of the appropriated funds will help ensure that the FBI complies fully with the letter and spirit of disclosure that is a hallmark of that legislation.

LAW ENFORCEMENT SUPPORT CENTER

I am delighted that Congress recognizes the contribution that is being made to immigration law enforcement by the Law Enforcement Support Center [LESC] in South Burlington, VT. This is among the most significant capacities being developed to assist Federal, State, and local law enforcement deal more effectively with criminal aliens. Improving the identification and expediting the decoration of criminal aliens responsible for violent crimes are goals on which there is universal agreement.

The Violent Crime Control and Law Enforcement Act of 1994 authorized the Law Enforcement Support Center. Last year, I had a colloquy on the Senate floor with the Senate Appropriations Subcommittee chairman clarifying that the Senate-passed appropriations bill allowed the LESC to continue to receive its authorized funding.

This is only online national database available to identify criminal aliens. It is a valuable and essential asset for improving our national immigration enforcement effort. The LESC provides local, State, and Federal law enforcement agencies with 24-hour access to data on criminal aliens. By assisting in the identification of these aliens, the LESC allows law enforcement agencies to expedite deportation proceedings against them.

In its first year of operation, the LESC identified over 10,000 criminal aliens as aggravated felons. After starting up with a link to law enforcement agencies in one county in Arizona, the LESC expanded its coverage to that entire State. The LESC is expected to be online with California, Florida, Illinois, Iowa, Massachusetts, New Jersey, Texas and Washington, as well as Arizona this year.

The Law Enforcement Support Center deserves our full support. The Omnibus Consolidated Appropriations Act for 1997 increases the support by adopting the increased authorization that Senator HUTCHISON and I offered to the Senate immigration bill when it was considered last May. By increasing to $5 million a year the authorization of the LESC we demonstrate our commitment to effective assistance to State and local law enforcement.

CARRYOVER FUNDS FOR COPS MORE PROGRAM

The conference agreement includes $1,400,000,000 for the Community Oriented Policing Services [COPS] and $20,000,000 for the Police Corps Program. This funding is to be used to maintain the commitment to hire 100,000 new police officers. This is a commitment the Congress and the President made in the 1994 Violent Crime Control Act, and I am pleased that we are keeping our promise. Importantly, funds available for prior year carryover may be used for innovative community policing programs, so long as reprogramming requirements are satisfied. This ensures that our State and local law enforcement have the flexibility they need to spend this money they are granted when and how they need to, within the broad parameters set by Congress.

Mr. BYRD. Mr. President, in the Interior section of this bill, there is a provision dealing with Alaska subsistence. In the official papers, the word "prepare" is left in the language, contrary to the agreement reached with the administration early Saturday. I would like to clarify with the subcommittee chairman that this technical error is not intended to be a precedent for future years.

Mr. GORTON. I agree.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION PROGRAMS

Mr. SPECTER. Mr. President, the bill that is before the Senate today provides $71.087 billion in discretionary budget authority for the Departments of Labor, Health and Human Services, and Education, and related agencies for fiscal year 1997. Mandatory spending totals $219.5 billion, an increase of $19 billion over the fiscal 1996 levels.

The conference agreement provides substantial increases in education programs—$3.5 billion over last year. Medical research is increased by more than $820 million, and workplace safety programs by almost $79 million over the 1996 appropriated levels.

While I support the funding levels for programs within my subcommittee's jurisdiction, as I stated on Saturday, I am concerned with the process which produced this omnibus appropriations bill. I am concerned because the procedure undercut the traditional appropriations process. The Labor, Health and Human Services, and Education bill never even came to the Senate floor because it was anticipated that it would be very contentious and that many diverse amendments would be offered. Last year's bill was not finished until April 25, but on that bill Senate HARKIN and I came forward with a bipartisan amendment to add $2.7 billion so that we could have adequate funding for Labor, Health and Human Services, and Education. We demonstrated that the subcommittee chairman and ranking member can work together in a harmonious manner and really get the job done. But this year on the Senate floor, we have seen biding wars to gain political advantage by adding funding and legislation to appropriations bills. This led us to a position where we have had to go to this single omnibus bill, and where we had to negotiate with the White House to produce a bill the President would agree to before the end of the fiscal year today.

As I have said, I am proud of the work, the bipartisan, work done on the Labor, Health and Human Services portion of this bill. I want to thank the distinguished Senator from Iowa, Senator HARKIN, for his hard work and help in bringing this bill through the committee and through the negotiations with the House and the administration.

The important programs funded within this subcommittee's jurisdiction provide resources to improve the public health and strengthen biomedical research, assure a quality education for America's children, and job training activities to keep this Nation's work force competitive with world markets. I'd like to take the time and mention several important accomplishments of this bill.

BIOMEDICAL RESEARCH

For the National Institutes of Health, the bill before us contains nearly $12.747 billion, an increase of $820 million, or 6.9 percent, above the fiscal year 1996 level. These funds will be critical in catalyzing scientific discoveries that will lead to new treatments and cures, that in turn will reduce materially the cost of health care. Few activities of Government provide greater promise for improving the quality, and reducing the costs, of health care for all Americans than our investment in medical research.

SUBSTANCE ABUSE EDUCATION AND PREVENTION

Substance abuse prevention and treatment programs are increased by $207 million over 1996. The bill includes $1.310 billion for the substance abuse block grant which provides funds to States for substance abuse prevention, treatment and rehabilitation. Recognizing that drug prevention education needs to start when children are young, to teach children the skills they need to resist drug use, the bill also provides a $90 million increase for the Safe and Drug Free Schools and Communities Program.

AIDS

This bill contains over $3 billion for research, education, prevention, and services to confront the AIDS epidemic, including a nearly $239 million increase for Ryan White. The bill provides $217 million for AIDS drug assistance programs to assist states in providing the new generation of protease inhibitor drugs to persons with HIV.

HEALTHY START

Low birth weight is the leading cause of infant mortality. Infants who have been exposed to drugs, alcohol or tobacco in the mother's womb are at-risk for prematurity and low birth weight. I became directly involved in Healthy Start after visiting hospitals in Pittsburgh and Philadelphia and seeing one-pound babies, whose chances for survival were very slim. For Healthy Start, the bill provides $96 million, $20 million more than the President requested, to continue the campaign to cut infant mortality rates in half and to give low birth weight babies a better chance at survival.

WOMEN'S HEALTH

The committee continues to place a very high priority on women's health. The bill before the Senate contains an increase of $15 million for breast and cervical cancer screening, these increases will: expand research on the breast cancer gene, accelerate the development of new diagnostic tests, and speed research on new, more effective methods of prevention, detection, and treatment. Funding for the Office of Women's Health has also been raised to $12.5 million to continue the National Action Plan on Breast Cancer and to provide health care professionals with a broad range of women's health related information.

VIOLENCE AGAINST WOMEN

The bill contains $123 million for programs authorized under the Violent Crime Reduction Act. The bill before the Senate contains the full amount authorized for these programs, including $60 million for battered women's shelters, $35 million for rape prevention programs, $8 million for runaway youth and $12.8 million for community schools.

Domestic violence, especially violence against women, has become a problem of epidemic proportions. The Department of Justice reports that each year women are the victims of more than 4.5 million violent crimes, including an estimated 500,000 rapes or other sexual assaults.

But crime statistics do not tell the whole story.

I have visited women's shelters in Harrisburg and Pittsburgh, where I saw, first hand, the kind of physical and emotional suffering so many women are enduring.

HEAD START

Head Start receives an increase of $412 million for a total of almost $4 billion.

EDUCATION

The future promise of any nation is dependent on the capabilities of its youth and increased funding for education is an investment in the future. This bill provides an increase of $3.513 billion over fiscal year 1996 education program levels. This is the highest level of support in our Nation's history. The bill funds title I at $7.7 billion, $470 million over last year and increases by $141 million funding for the Goals 2000 Program. Education for the handicapped is increased by $791 million over last year and vocational and adult education is increased by $146 million. The maximum Pell grant is increased by $230 to $2,700 per student. The bill increases the TRIO Program by $37 million and Education, Research, Statistics and Improvement programs are increased by $248 million.

JOB TRAINING

In this Nation, Mr. President, we know all too well that high unemployment wastes valuable human talent and potential, and ultimately weakens our economy. The bill before us today provides $4.7 billion for job training programs, including a $60 million increase for Job Corps. These funds will help improve job skills and readjustment services for disadvantaged youth and adults.

SCHOOL TO WORK

The committee recommends $400 million for school to work programs within the Department of Labor and Education. These important programs will help ease the transition from school to work for those students who do not plan to attend 4-year institutions.

WORKPLACE SAFETY

The bill increases workplace safety programs by $79 million over the 1996 levels. While progress has been made in this area, there is still far too many work-related injuries and illnesses. The funds provided will continue the programs that inspect business and industry, weed out occupational hazards and protect workers pensions.

NUTRITION PROGRAMS FOR THE ELDERLY

For the congregate and home delivered meals program, the bill provides $469 million, or nearly $19 million above the request. In some areas of the country, there are long waiting lists for home-delivered meals. The resources provided by this bill will go a long way to ensure that the most vulnerable segment of the elderly population receive proper nutrition.

LIHEAP

The bill provides $1 billion for Low Income Heating Assistance for this winter and $1 billion in advance for next winter. This is a key program for low income families in Pennsylvania and other cold weather States in the Northwest. Funding supports grants to States to deliver critical assistance to low income households to help meet higher energy costs.

CLOSING

There are many other notable accomplishments, but for the sake of time, I mentioned just some of the highlights, so that the Nation may grasp the scope and importance of this bill.

I have voted against the omnibus appropriations bill as a protest to the procedures which I discussed at some length in floor statements today and last Saturday, September 28, 1996.

In closing, Mr. President, I again want to thank Senator HARKIN and his staff and the other Senators on the subcommittee for their cooperation in a very tough budget year.

FUNDING FOR THE INSTITUTE FOR INTERNATIONAL SPORT

Mr. SPECTER. Mr. President, as we approve the omnibus spending bill which includes appropriations for the Department of Education, it is important to mention that the Appropriations Subcommittee for the Departments of Labor, Health and Human Services, and Education intends $800,000 from the fund for the improvement of education intends $800,000 from the fund for the improvement of education to be used for scholar athlete games. The committee report to accompany the appropriations bill says "Within the funds provided, the committee has included $800,000 to award grants to nonprofit organizations for the cost of conducting scholar-athlete games." This small sum is to support the scholar-athlete games held by such groups as the Institute for International Sport at the University of Rhode Island.

Mr. PELL. That is correct. In 1994, Senator CHAFEE and I were able to include a similarly modest sum in the fund for the improvement of education for the Rhode Island Scholar Athlete Games. These games—which brought together young people in our State of varied backgrounds to participate in educational and cultural competitions and demonstrations, as well as in athletic competitions—were an enormous success. This year, the funds will be used for the second World-Scholar Athlete Games which will bring together young people from around the world.

Mr. CHAFEE. I would just like to emphasize that this is the second World Scholar Athlete Games that have been held by the Institute of International Sport at URI. The first games were held in 1993, the Institute for International Sport at the University of Rhode Island conducted the World Scholar Athlete Games with 1,600 students from 108 countries and all 50 States participating. Through these games friendships were formed and understanding was developed between boys and girls who would otherwise never have crossed paths. I believe, and I am certain that Senator PELL agrees, that through this form of interaction bridges between diverse populations are built.

Mr. PELL. I would say to my colleague, yes, that is exactly correct. This sort of enterprise, which has been developed by Dan Doyle at URI, is a way to build bridges between nations, just as the Rhode Island Games were meant to build bridges between neighborhoods and towns.

Mr. CHAFEE. The second World Scholar Athlete Games will be held during the summer of 1997. Through a partnership between the "Sister Cities International" and the Institute for International Sport along with others, 2,200 students from 125 countries are expected to participate.

PARENTS AS TEACHERS PROGRAM

Mr. BOND. Mr. President, I would like to take this opportunity to thank Chairman SPECTER for increasing funds for the Parents as Teachers [PAT] Program in the Labor, Health and Human Services, and Education, and related agencies appropriations bill. The key to success for our children's education is to begin early in life through well-rounded early childhood education programs that benefit not only the child, but the parent as well. I firmly believe that we must give parents the tools they need to fulfill their responsibility to develop their children's character, personality and ability to learn as well as to provide for their material needs if we are ever to see our social ills diminish.

Title IV of the Goals 2000: Educate America Act requires at least 50 percent of funds awarded to each grantee to be used to establish, expand, or operate Parents as Teachers Program or Home Instruction Programs for Preschool Youngsters [HIPPY]. This will enhance three of the four purposes of the legislation as stated in section 401(a):

The purpose of this title is—

First, to increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

Second, to strengthen partnerships between parents and professionals in meeting the educational needs of children aged birth through five and the working relationship between home and school;

Third, to enhance the developmental progress of children assisted under this title; and

Fourth, to fund at least one parental information and resource center in each State before September 30, 1998.

The purposes clearly focus on parents of young children, and this appropriation will carry these purposes forward by awarding funds to States who commit to spend at least half of their grant on Parents as Teachers or HIPPY, early childhood parent education programs which have been proven effective.

Mr. SPECTER. Mr. President, I thank the Senator from Missouri for raising the importance of the Parents as Teachers Program. The purpose of the Parents as Teachers Program is to improve parenting skills and strengthen the partnership between parents and professionals in meeting the education needs of their school-age children, including those aged birth through five. It is my understanding that Federal education funds are authorized for grantees who make a commitment to spend at least 50 percent of their funds on implementing the Parents as Teachers Program or Home Instruction Programs for Preschool Youngsters. These are effective parent education programs that promote learning and child development.

Mr. BOND. I thank my colleague from Pennsylvania and appreciate all of his good work on this bill. As members of the Senate Labor, Health and Human Services, and Education, and Related Agencies Appropriations Subcommittee, we want to ensure, from the start, that children are ready to learn, physically and emotionally. Parents as Teachers has a proven track record of increasing a child's intellectual and social skills that are essential when a child enters school, and involving parents in creating a healthy and safe environment for their children. This program strengthens the foundation for children's educational success and healthy development, and I urge my colleagues to continue to support the Parents as Teachers Program.

EFFORTS TO COMBAT HEMOCHROMATOSIS

Mr. HOLLINGS. Mr. President, I wish to engage the chairman of the Appropriations Subcommittee on Labor, Health, and Human Services, Senator SPECTER, in a colloquy regarding hemochromatosis.

Hemochromatosis, or Iron Overload Disease, is an illness in which too much iron is stored in the blood. It leads to massive organ failure if it is not caught early, but this tragic outcome may be averted by regularly giving blood. Already, the Centers for Disease Control has been working to establish guidelines for physicians on diagnosing this disease and on its simple treatment, but the effort has just begun. In light of the seriousness of the disease and the promise of advancements in its treatment, I hope the Centers for Disease Control will use some of the increased funds in this bill to expand its clinical screening effort and to provide physician education.

Mr. SPECTER. I appreciate the efforts of the Senator from South Carolina to spread the word on this serious matter. We have been careful to provide an appropriate increase for the Center for Chronic and Environmental Disease Prevention, and this is an appropriate use of these funds.

Mr. HOLLINGS. I thank the Senator from Pennsylvania.

SECTION 2601 WITHIN TITLE III, THE ECONOMIC GROWTH AND REGULATORY PAPERWORK REDUCTION ACT

Mr. MACK. Because my good friend from Utah is our resident expert on stored value products, and in fact is responsible for the much needed study on these products, as well as a 9 month delay in Federal Reserve Board rulemaking on these products in this bill, I wanted to ask him a question about his intent with respect to these two provisions. Was it ever your intent to interfere with the Federal Reserve Board's proposed revisions to Regulation E with respect to electronic communication of Regulation E required disclosures, and the Fed's revised rules regarding error resolution for new accounts?

Mr. BENNETT. I thank my friend from Florida for the useful question. The electric stored value products study should in no way delay or otherwise affect the Federal Reserve Board's further consideration of these other proposed Regulation E revision, or any other revisions to Regulation E not involving electronic stored value products.

Mr. THOMPSON. May I engage the chairman in a colloquy regarding the committee's funding of the Juvenile Justice and Delinquency Prevention Act? As the chairman knows, the authorization for that status expires September 30, 1996. And the current statutory language has been the subject of considerable criticism.

Mr. GREGG. I am aware of these difficulties.

Mr. THOMPSON. Senator BIDEN and I introduced S. 1952 in this Congress, a bipartisan bill to reauthorize JJDPA. This bill would make the most sweeping changes in the JJDPA since its original enactment in 1974. The Judiciary Committee reported the bill favorably to the full Senate in August, but the full Senate was not able to take up the bill before adjournment. What is the chairman's view of this legislation?

Mr. GREGG . I commend the Senator fROM Tennessee and the Senator from Delaware for introducing thoughtful legislation to update Federal Government's law regarding juvenile crime. Much of the current statute funds programs that may or may not be effective. And it imposes severe burdens on States and localities, especially under the regulations that have been promulgated.

Mr. THOMPSON. I thank the chairman. I would also point out that the nature of juvenile crime has changed so much since the original enactment of JJDPA in 1974.

Mr. BIDEN. The legislation that Senator THOMPSON and I introduced and passed through the Judiciary Committee includes some important reforms which have bipartisan support. We have worked together on the Judiciary Committee's Subcommittee on Youth Violence to update the statute. I am disappointed that we were not able to pass reauthorization legislation this year. I look forward to trying again next year. I would ask the chairman of the Commerce, Justice, State Appropriations Subcommittee if he is concerned that if reauthorization legislation is not passed next year, whether that will make it more difficult for the subcommittee to fund the Office of Juvenile Justice and Delinquency Prevention?

Mr. GREGG. I would say to the Senator that the committee will obviously make appropriations in a way that reflects any changes in the authorizing legislation. But given the bipartisan view that the JJDPA must be extensively changed, and the likelihood that the Congress will change the authorizing language next year, it is unlikely that the program will be funded in its current form for fiscal year 1998.

Mr. BIDEN. I thank the chairman.

Mr. THOMPSON. I thank the chairman.

SECTON 115 OF THE INTERIOR APPROPRIAITONS

Mrs. MURRAY. Mr. President, would the senior Senator from Washington yield for a question on the bill language amending the Elwha Act included in the Interior section of the omnibus appropriations bill.

Mr. GORTON. I would be happy to yield.

Mrs. MURRAY. Is it a correct interpretation of the language in section 114, that none of the requirements of the Elwha Act are changed if the State of Washington elects not to purchase the projects?

Mr. GORTON. The Senator is correct.

RECREATION USER FEES

Mr. ABRAHAM. Mr. President, I rise to express a concern about the recreation fee demonstration program for America's national parks and wilderness areas. These fees were authorized in last year's continuing resolution, and I see that there are additional provisions included in the 1997 Senate Interior appropriations bill. Do I understand correctly that the subcommittee chairman supports expanding this program to more of this Nation's parks and refuges?

Mr. GORTON. Mr. President, the Senator from Michigan is correct.

Mr. ABRAHAM. Mr. President, I wish to assure the chairman that I am not opposed to the concept of user fees for national parks and wilderness areas. In this period of increased fiscal awareness, such an approach may help the Forest Service and Park Service maintain these important national treasures. I think it is important, however, that we clarify who will have to pay these recreation fees.

As a case in point, the Sylvania Wilderness in Michigan's Upper Peninsula has been chosen as one of the recreation fee demonstration sites, and the Forest Service is presently taking comments on this proposed action. Located on the edge of the Sylvania Wilderness is a beautiful body of water known as Crooked Lake.

When you look at a map of the area, you will note that approximately three-fourths of Crooked Lake's shoreline is within the Sylvania Wilderness. The remaining one-fourth, however, is privately held by about a dozen riparian owners, some of whom have lived on the lake for over 50 years. These owners have been good stewards of the land. As it stands now, if the Sylvania does institute a recreation fee, there is no guarantee that these people will be exempted from having to pay for their day-to-day activities.

It seems to me that, if these owners and their day-use guests wish to use the lake for recreational activities such as swimming or fishing or boating, they should be exempted from paying the user fee. After all, these people lived on the lake and did all these things before the Sylvania was even designated a wilderness area. How can we justify suddenly imposing a tax on their use of the lake? If one of these families hosts a family reunion, for example, should they have to pay a recreation fee for each of the children who might wish to swim or wade or boat in the lake? And how can a small, family owned resort that has operated on this lake for decades justify having to charge each of its customers and additional $5 or $10 per person per visit? We need to assure these residents, their guests and day-use guests that they will not have to purchase a permit to continue their way of life.

Mr. GORTON. Mr. President, will the Senator from Michigan yield for a question?

Mr. ABRAHAM. Mr. President, I would be happy to yield to the distinguished Senator from Washington.

Mr. GORTON. Mr. President, does the Senator from Michigan believe these resident should pay a user fee when participating in other activities within the Sylvania Wilderness such as hiking and camping?

Mr. ABRAHAM. Mr. President, I would inform the subcommittee chairman that, if the residents wish to use the Sylvania for activities such as camping, hiking, or picnicking, paying the same fee as all other visitors sounds reasonable. That is clearly a different circumstance, and it seems logical that visiting other areas of the Sylvania would require purchasing the same permit as all other visitors.

Now in fairness Mr. President, I do not know if the Forest Service had any intention of charging the Crooked Lake residents if the recreation fee were instituted. In fact, in conversations about this matter, Sylvania's Forest Service personnel indicated to me that exempting riparian owners, guests, and day-use guests from fees for using the lake seemed sensible and fair. I believe that there must be a commitment from the Forest Service and National Park Service to work to accommodate the distinctive interests of people living in and around this Nation's parks and refuge areas. I would ask the distinguished subcommittee chairman and ranking member if they believe that cases such as Crooked Lake's riparian owners merit such consideration.

Mr. GORTON. Mr. President, the Senator from Michigan raises a good point. There may be unique circumstances that should be taken into consideration as these recreation fee demonstration projects are proposed and established. It is my expectation that, in instances such as this, the administrative agency work with the congressional delegation to resolve disputes to the benefit and understanding of all parties.

Mr. BYRD. Mr. President, I would agree with the distinguished chairman.

Mr. ABRAHAM. Mr. President, I wish to thank the distinguished subcommittee chairman and the ranking member for their consideration and all their hard work in support of this Nation's parks, national forests, and wildlife refugees. Mr. President, I yield the floor.

MAINE ACADIAN CULTURE PRESERVATION COMMISSION

Ms. SNOWE. Mr. President, I would like to engage the chairman of the Interior Appropriations Subcommittee, Senator GORTON, in a colloquy.

Mr. GORTON. I would be pleased to join the Senator from Maine in a colloquy.

Ms. SNOWE. Mr. President, during the 101st Congress, the Congress and the President enacted Public Law 101–543, the Maine Acadian Culture Preservation Act. The purposes of the act were to recognize the important contributions made to American history and culture by the Acadians in Maine, to assist State and local governments, as well as private and public entities, in the identification, preservation, and interpretation of Acadian culture and history, and to assist in the identification and preservation of sites and objects associated with Acadian culture.

Although the Acadians in Maine represent one of America's oldest and most interesting cultural groups, the mission of the act has still not been fulfilled, and more work has to be done. I understand that, in the current fiscal year, the National Park Service has provided $72,000 from the Operation of the National Park System account to fund activities related to the act, including technical assistance to the Maine Acadian Culture Preservation Commission created by the act. I further understand that the administration's budget request $72,000 for activities related to Maine Acadian cultural preservation in fiscal year 1997. Is it the chairman's understanding that the National Park Service intends to use funds from the Operation of the National Park System account in this bill for these purposes in the next fiscal year?

Mr. GORTON. Yes, the National Park Service's budget does request funding in fiscal year 1997, under the Operation of the National Park System account, to preserve and interpret Maine Acadian culture, consistent with the authority provided by Congress in the Maine Acadian Culture Preservation Act. The omnibus appropriations bill includes $66.8 million above the fiscal year 1996 appropriations level for the operation of the National Park System account.

Ms. SNOWE. I thank the chairman for that clarification.

U.S. GEOLOGICAL SURVEY

Mr. BENNETT. I would like to raise an issue with the chairman of significance to taxpayers in Utah and across the Nation: the extent to which the Federal Government is performing functions that, in a free-market economy such as ours, are better left to the private sector. Specifically, it has been brought to my attention that the U.S. Geological Survey [USGS] is competing with private sector companies when it offers water resources-related engineering, scientific and technical services—services that are readily available in the private sector—to non-Federal entities at far below market rates. Not surprisingly, the non-Federal entities involved often agree to contract with the USGS, to the great detriment of private sector firms in this field. This practice, some have termed it "predatory competition," also appears to involve the USGS in activities far beyond its stated mission.

Mr. President, according to its informative home page on the World Wide Web, the mission of the USGS is "to provide geologic, topographic and hydrologic information that contributes to the wise management of the Nation's natural resources and promotes the health, safety, and well-being of the people."

May I ask the chairman if he would agree to investigate this issue in the hearing process next year to determine if this is a problem that should be addressed?

Mr. GORTON. The Senator from Utah raises a valid point. Our efforts in this area to downsize the Federal Government, including the USGS, are intended to reduce the burden on taxpayers by retaining only essential research capabilities that for sound policy reasons should not, or cannot, be performed by the private sector.

I would be happy to explore this issue further as we undertake budget hearings in the next fiscal year.

Mr. BENNETT. I thank the chairman for his views and look forward to working with him in this important matter.

Mr. STEVENS. Mr. President, may I engage the distinguished chairman of the Interior Appropriations Subcommittee in a colloquy? A few years ago, I sponsored an amendment to the Interior appropriations bill regarding the eligibility for Alaska Native villages for the BIA road funding program. This amendment was necessitated by an internal ruling eliminating Alaska Native villages which populations had fallen below 50 percent Alaska Native.

The Alaska Native villages are unique in the country because of the special nature of the land settlement under the Alaska Native Claims Settlement Act. Unlike lower 48 Indian reservations, these villages received title to their land in fee simple; the Federal Government does not own the land in trust as with reservations in all other States. However, since the land is privately owned, Congress protected it from taxation and levy by Federal, State and local government while it is undeveloped. This has protected this land from being involuntarily conveyed out of Alaska Native corporation ownership because of inability to pay taxes, but it has also dramatically reduced the tax base in villages which also have municipal governments providing municipal services.

Because of this situation, normal property tax and other municipal levies on land in the villages are not permitted unless the land is specifically developed. The vast majority of this land is not developed and is protected from municipal taxation. That is why I sponsored an amendment to change the BIA road funding rule in Alaska requiring 50 percent Alaska Native population for village eligibility. This amendment was passed twice in the subcommittee, and once by the Senate. Ultimately, an agreement was worked out with BIA to change this qualification standard administratively.

Mr. President, I am relating this history because I have been recently contacted by the same village municipality which brought the BIA funding issue to my attention. This time a similar rule has been adopted and is being enforced for village sanitation, water, sewer, wastewater, and solid waste grants by the Indian Health Service. This is the same issue again.

The exact same arguments and fact patterns apply. The IHS is the principal grant agency for village water, sewer, wastewater and solid waste for Alaska Native villages. Now it is either changing the rule or beginning to enforce a rule which until now has not been enforced. Either way, this is unfair for Craig, which is completely surrounded by Native village corporation land from two villages, Shaan Seet Corp. and Haida Corp. In many ways, Craig is more heavily impacted than most municipalities because these two villages are so close together that their land selections are adjacent to each other.

What I ask here, Mr. President, is that the same policy adopted by the Interior Appropriations Subcommittee for BIA roads apply for IHS village sanitation funding. The issues are the same; the result should be the same. Can I get the assurance of the chairman of the subcommittee that he agrees with this position? It is a direct match up with the BIA issue with which this subcommittee has already dealt.

Mr. GORTON. I agree that there are certain circumstances in which it is appropriate for the Indian Health Service to provide sanitation facilities funding for Indian homes in non-Indian communities and for Alaska Native villages. I understand that the Indian Health Service will soon issue an internal guidance document that addresses this issue, and this policy will be consistent with the terms of the conference report on the fiscal year 1995 Interior and Related Agencies Appropriations Act. (House Report 103–740). I strongly urge the IHS to issue this guidance document, and to be sensitive to the unique needs of Alaska Native villages, which differ from lower 48 non-Indian communities because of the land settlement under ANCSA.

Mr. STEVENS. I thank the distinguished chairman of the subcommittee for his support.

LAME DEER HEALTH FACILITY

Mr. BURNS. I would like to commend the committee for funding the replacement facility at Lame Deer, MT. The Lame Deer health care facility was totally destroyed by fire last May. In these times of fiscal constraint, we were fortunate to be able to fund this much needed replacement facility.

Mr. President, I would like to clarify how the $13,500,000 cost was calculated. In order to hold down costs, the Indian Health Service was able to use an existing design that can be used as the basis for construction of the replacement facility. Without this design and without the IHS undertaking the construction of this project, more than $2 million in additional funds would have been required.

Mr. GORTON. The Senator is correct. The cost for the replacement was based upon the IHS using the existing design and doing the construction themselves. Because of the urgent nature of this request and because the tribe has no other health care resources within close proximity, the committee responded to the dire need for a health facility at Lame Deer. We expect the IHS to move as expeditiously as possible to complete this much needed health facility. I strongly urge the tribe and the IHS to work within the funding limitations for this project.

Mr. BURNS. Will the chairman of the Interior and Related Agencies Appropriations Subcommittee yield for question?

Mr. GORTON. I will be delighted to yield to the Senator from Montana, Senator BURNS.

Mr. BURNS. As the Chairman knows, I have been pursuing for a number of years funding for the Indians Into Psychology program. This program helps train Native Americans in the field of clinical psychology and has a service requirement that those who receive this training must work on the reservations. As the chairman knows, mental illness problems among native Americans are pervasive and devastating, and there is great need for native Americans trained in the field of psychology to work on the reservations.

The chairman included $500,000 for this program, or a $300,000 increase over last year's levels in the Senate bill as reported by the committee. This is a modest increase for a very important program and would permit a second program site to be established. I understand that the full $300,000 increase has been eliminated by the conference action. Is that correct?

Mr. GORTON. Yes, the Senator is correct. We were forced to eliminate this funding without prejudice because of a very constrained spending ceiling for the subcommittee.

Mr. BURNS. I understand that the chairman concurs with me that this is an important program. Would the chairman join me and urge the Department and the Indian Health Service in identifying a reprogramming of funds to provide some level of increase for this program in order to permit the initiation of a second program site to be awarded competitively?

Mr. GORTON. The Senator is correct. It is my hope that the Department and the Indian Health Service will identify a source of funds to provide an increase for this program early in the new fiscal year, fiscal year 1997 so that a second program site can be awarded competitively.

ENERGY SAVING PERFORMANCE CONTRACTING IN FEDERAL AGENCIES

Mr. BINGAMAN. Mr. President, I would like to engage the Senator from Alabama, the distinguished chairman of the Treasury, Postal Service, and General Government Subcommittee in a colloquy relating to saving energy in Federal facilities.

In light of falling appropriations for undertaking energy efficiency projects at Federal facilities, is it the opinion of the committee that Federal agencies should be utilizing private sector financing mechanisms such as energy saving performance contracting [ESPC] utility sponsored energy conservation measures [ECM] to achieve their legislatively mandated targets for energy reduction?

Mr. SHELBY. Yes, the committee supports the increased use of ESPC and ECM to reduce energy use by Federal agencies to save taxpayer dollars and reduce environmental pollution.

Mr. BINGAMAN. It has been nearly 4 years since Federal agencies were authorized to undertake ESPC and ECM at Federal facilities. In the meantime, very few of these agreements have come to pass. I believe that this is due to both institutional resistance and inertia. Mr. Chairman, I have worked very hard during this year and last to provide some legislatively directed incentive for agencies to more aggressively undertake these energy-saving methods, and have met with significant resistance.

Mr. President, I believe it's time we stop looking on idly, hoping that one day agencies will rise to this challenge. I would like to ask that the six agencies which use the most energy enter into a specific number of ESPC or ECM contracts during fiscal year 1997. The numbers themselves represent a reasonable expectation for response, but ones which will result in a significant step forward for the use of ESPC and ECM inside the Federal Government. They are: Department of Defense, 10 contracts; General Services Administration, U.S. Postal Service, and Department of Energy, 8 contracts each; Department of Transportation and the Veterans Administration, 5 contracts each.

If we are to move this forward we should also ask that the agencies issue a short report to us within 90 days of enactment, as well as quarterly through the year to detail their progress in meeting these targets.

Mr. SHELBY. The committee shares your sentiment that Federal agencies should get moving toward greater use of ESPC and ECM. And they will now be on notice that this is a desire of the committee and that we will be monitoring their progress.

Mr. BINGAMAN. I thank the chairman. By taking these short steps, we will gain some success in demonstrating the effectiveness of these outside financing mechanisms, while identifying legitimate institutional barriers with the intention of addressing those in the future and expanding use of ESPC and ECM to other Federal agencies.

EMERGENCY REHABILITATION OF THE BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Mr. DOMENICI. I would like to engage the distinguished chairman of the Interior Appropriations Subcommittee in a brief discussion of the use of the emergency firefighting funding that is being provided to the Department of the Interior agencies.

Mr. GORTON. I would be happy to discuss this emergency funding with the senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, the administration has submitted a proposal to the Congress for additional funding of $50 million for the Bureau of Land Management within the Department of the Interior to respond to the severe fire season we've had this year. Subsequent to that request, the administration identified an additional $26.7 million in damages incurred by several Department of the Interior agencies, including the Fish and Wildlife Service. This request includes $600,000 for the Bosque del Apache National Wildlife Refuge in New Mexico.

This past June, a wildfire consumed 4,100 acres of the Bosque del Apache National Wildlife Refuge in New Mexico. It was the worst fire in the 57-year history of the refuge.

The upland desert habitat in the burned area will recover naturally, but 2,176 acres of native cottonwood/willow riparian forest habitat along the Rio Grande River will not recover without management action. The Fish and Wildlife Service needs the requested $600,000 in fiscal year 1997 to make significant progress on these rehabilitation needs. These funds are to be used for cottonwood forest rehabilitation.

This is a critical time because this riparian area harbors the highest density and diversity of wildlife in the refuge. Without immediate action, this area will revert to exotic salt cedar vegetation, which thrives in disturbed habitats and is fire tolerant. Since 1987, refuge personnel have been actively engaged in riparian restoration efforts, successfully controlling over 1,000 acres of exotic salt cedar vegetation and reestablishing over 650 acres of native cottonwood and willow habitat.

I would ask the distinguished chairman of the subcommittee if the $600,000 requested for cottonwood forest rehabilitation at the Bosque del Apache National Wildlife Refuge is included in the final omnibus bill?

Mr. GORTON. Yes, the omnibus bill includes the $600,000 requested for the cottonwood forest rehabilitation work at the Bosque del Apache National Wildlife Refuge.

Mr. DOMENICI. I thank the distinguished chairman for his assistance in this matter. I will urge the Department to carry through with this initiative which is so critical to saving the native habitat at the Bosque del Apache National Wildlife Refuge in New Mexico.

MONTEZUMA CREEK HEALTH CLINIC

Mr. BENNETT. I wish to bring to the attention of the Senate a matter that, while it may appear small, is of great importance to the Utah Navajo population of San Juan County in the southeastern part of Utah. The matter involves the Montezuma Creek Health Clinic in Montezuma Creek, UT.

Over the past several years, my colleague Senator HATCH and I have worked with the Indian Health Service [IHS], the State of Utah, the local Utah Chapter of the Navajo Nation, the county of San Juan, and the Navajo Nation in an effort to improve the delivery of health care services in San Juan County.

In this region, which includes the Navajo Reservation in northern Arizona and New Mexico, there are six IHS hospitals and 18 outpatient facilities. Unfortunately, none of these facilities are located in Utah. In fact, the only IHS facility in the entire State of Utah is an outpatient facility located at Fort Duchesne nearly 350 miles from Montezuma Creek.

The need for the Montezuma Creek Clinic is clearly justifiable. It is the population center for the eastern portion of the Utah Navajos. Approximately 6,000 Navajos live in this area; and, unfortunately, their health care needs are greatly underserved.

Although the building housing the Montezuma Creek Clinic is currently functional, it is, nevertheless, in poor condition. The facility has undergone repairs and currently is in the process of having its roof replaced. Within the near future, the facility will eventually have to be replaced in order to continue to provide care to an average of 65 patients per day.

The patchwork of repairs will no longer be a viable option.

Accordingly, it is our desire that, at the very least, $35,000 be provided for a preliminary land study, and engineering and architectural design for a new facility to replace the existing old structure.

Mr. HATCH. If the Senator would yield, I want to thank my colleague from Utah, Senator BENNETT, for his remarks.

The clinic at Montezuma Creek, UT is absolutely essential in overall context of health care in this remote part of Utah and in this region of the country.

In fact, with the recent closing last month of Monument Valley Hospital in San Juan County, the clinic is in even greater need by the community especially now that there are fewer health providers in this large area.

Over the past several years, I have worked with the Indian Health Service in efforts to improve health care services in this part of Utah. And, I must say that, compared to other States, the availability of IHS facilities and services for Utah Navajos in southeastern Utah is extremely deficient.

Senator BENNETT and I want to correct this disparity.

That is why we need to act now.

I recognize that the IHS budget is limited. In that regard, I want to continue to work with my colleagues on the Appropriations Committee as well as on the Indian Affairs and Finance Committees in efforts to improve the delivery of health care for Native Americans throughout the country.

One should go to some of these communities to see, first hand, the poverty and poor health conditions many native Americans tolerate. Native Americans suffer the highest rates of diabetes, tuberculosis, and fetal alcohol syndrome of any segment of the U.S. population in large part because they do not have access to adequate medical treatment.

The $35,000 we are seeking is not a large amount of money. But, this amount would be a significant commitment to the Navajo people of southern Utah and northern Arizona. It is a commitment I strongly believe we should fulfill.

Mr. GORTON. If Senator BENNETT will yield further, I am aware of Senator HATCH's and Senator BENNETT's interest and concern over the clinic at Montezuma Creek and their efforts ultimately to replace that facility. I want to assure the Senators from Utah that I will work with them to ensure that the health care needs of Utah's Navajos are met.

Should the Indian Health Service submit a request to reprogram a small amount of funds for a preliminary planning study of a satellite facility at Montezuma Creek, I would consider carefully such a request. I emphasize, however, that such a request must be consistent with the Health Care Facilities Priority System. Current funding constraints simply do not allow for activities beyond the scope of the priority list.

Mr. HATCH. I thank the Senator for his consideration. It is my hope and strong desire that we can begin a more comprehensive effort by the IHS, the Navajo Nation and the State of Utah to improve the delivery of health care in this part of Utah.

I would also like to say that I believe the IHS is making a good faith effort at improving the health care of native Americans in Utah. I appreciate the work and spirit of cooperation I have sensed over the past year from the IHS. I look forward to working with the IHS as well as with all parties at improving the health care for Utah Navajos.

Mr. BENNETT. I also want to thank the Senator from Washington for his consideration. I would urge the IHS to work closely with the local Navajo Chapter as well as with San Juan County, the State of Utah, the Utah Navajo Trust Fund, and the Navajo Nation in this endeavor. Senator Hatch and I strongly encourage all parties to work together, and to maximize any federal dollars made available through this request with matching funds.

Again, I thank the chairman for his assistance on this matter.

DOE/FOSSIL ENERGY COOPERATIVE R&D PROGRAM

Mr. DORGAN. Mr. President, Senator CONRAD and I wish to engage the chairman and ranking member of the Interior Appropriations Subcommittee in a colloquy regarding the Cooperative Research and Development Program funded in the Department of Energy's fossil energy appropriation account.

In its action on the fiscal year 1997 Interior bill, H.R. 3662, the Senate Appropriations Committee recommended $6.2 million for the Cooperative Research and Development Program. These funds are shared by the University of North Dakota Energy and Environmental Research Center [UNDEERC] and the Western Research Institute [WRI] in Wyoming. The UNDEERC program is a leader in low-rank coal research in the United States, and has cooperated on efforts to use abundant low-rank coal through advanced clean coal technologies. As the ranking member of the subcommittee is aware, UNDEERC has worked closely with the expertise found at the Morgantown Energy Technology Center [METC].

Mr. BYRD. The Senator is correct; UNDEERC and METC have worked closely together in support of strategic fossil energy research objectives. The partnership at UNDEERC, which involves cooperators from the Federal Government, industry, and academia, serves as a model for jointly sponsored research programs. The non-Federal partners in this effort contribute significant cost-sharing to conduct the programs at UNDEERC.

Mr. CONRAD. Mr. President, let me add to what the Senator from West Virginia said. Of UNDEERC's funding for the jointly sponsored research program, 61 percent came from private sources in 1995. When individual businesses are willing to contribute real dollars to this effort, that demonstrates strong private sector support for the work of the center and its significantly enhances the Federal investment. Since UNDEERC was defederalized in 1983, the center has developed more than 400 private and public sector clients, some of whom have 20 or more individual contracts. In 1995 alone, UNDEERC developed 175 contracts with clients in 34 States and 8 foreign countries.

Mr. DORGAN. Mr. President, I would like to inquire of the chairman and ranking member of the subcommittee about the funding level for this program as recommended in the omnibus continuing resolution.

Mr. GORTON. I would respond to the Senator from North Dakota that the recommendations for the fossil energy appropriation account contained in this legislation assume a funding level of $5.1 million for the Cooperative Research and Development Program. While this is a decrease of $1.1 million from the funding level recommended in the Senate version of the fiscal year 1997 Interior bill, it is an increase of $1.1 million above the amount recommended for this program in the House-passed fiscal year 1997 Interior bill. While the Senate sought to protect the full amount recommended by the Appropriations Committee for this program, it was not possible to retain the total increase included in the Senate bill because of the change in the subcommittee's allocation for purposes of reaching closure on the fiscal year 1997 Interior bill.

Mr. BYRD. Mr. President, the chairman is absolutely correct. The net result of the Interior bill portion included in this continuing resolution is that the subcommittee's allocation was essentially cut in half from the amount of resources available when the bill was marked up in the Senate. Thus, a number of programs which were increased in the Senate bill were not able to sustain the full amount of the proposed increase in the final resolution. The chairman sought to protect as many of these increases as possible.

Mr. DORGAN. Senator CONRAD and I would ask of the chairman and ranking member if it would be possible to consider a reprogramming or supplemental request from the Department of Energy that would restore the final recommendation for the Cooperative Research and Development Program to the fiscal year 1996 level, which is the same amount as was included in the Senate bill?

Mr. GORTON. Mr. President, if the Department of Energy were to submit a reprogramming or supplemental request, the committee would give it every consideration as expeditiously as possible. Under the committee's reprogramming guidelines, the Department has the flexibility to move up to $500,000, or 10 percent, without prior approval of the Committee.

Mr. BYRD. I say to my good friends, the senators from North Dakota, that I will do everything I can to ensure that any effort to increase the funding for the fossil energy cooperative research and development program is considered promptly by the subcommittee. The chairman and I have an excellent relationship in reviewing matters under the jurisdiction of the subcommittee, and I am sure that he would seek to be helpful if at all possible. I would inquire of the chairman if he would agree that the Department of Energy should, at a minimum, review its unobligated balances now that fiscal year 1996 has drawn to a close, and see if there are any funds that could possibly be considered for a reprogramming without affecting adversely the conduct of other ongoing activities in the fossil energy appropriation account.

Mr. GORTON. Mr. President, the Senator from West Virginia makes an excellent suggestion. While I appreciate the desire of the Senators from North Dakota to see additional funding provided for this program, I am also sensitive to the many other competing demands within the Fossil Energy Program. Overall, this appropriations account is funded $52.3 million below last year's level, and some programs are being terminated or slowed down to comply with the subcommittee's constrained allocation.

Mr. DORGAN. Mr. President, I thank the chairman and ranking member. I look forward to working with them to see what actions might be possible to keep this exceptional Cooperative Research and Development Program at UNDEERC functioning without major disruptions.

Mr. CONRAD. I would also like to express my appreciation to the chairman and ranking member for working with us to see what can be done to secure full funding for this outstanding cooperative research program.

FLOWERING TREE

Mr. PRESSLER. Mr. President, as the Senate prepares to debate fiscal year 1997 funding levels for the Department of Health and Human Services [HHS], I would like to take a moment to discuss my concerns regarding a pending decision of the Department of Health and Human Services that would affect an important program in South Dakota. This decision deserves the Senate's attention.

The program affected is called Flowering Tree. It is a nationally recognized alcoholism treatment program that has been operating on the Pine Ridge Indian Reservation in my home State of South Dakota. This alcohol treatment program was backed by a 5-year Federal grant. It is only one of four substance abuse treatment programs nationally that allows Native American women to continue caring for their children while they receive treatment. The Flowering Tree program at Pine Ridge serves the second largest Indian reservation in the United States. On a reservation with 87 percent unemployment, widespread poverty and substance abuse, Flowering Tree has been a vital component of the Pine Ridge community.

In spite of Flowering Tree's success in combating generational alcohol abuse, it was brought to my attention that HHS intends to pull Federal funding from Flowering Tree, which would force the program to close its doors. The program is funded through the

Substance Abuse and Mental Health Services Administration [SAMHSA]. The loss of Federal support for the Flowering Tree program would be very harmful to those participating in it. Flowering Tree keeps families together and helps to build a better future for both mothers and their children by treating alcohol abuse. The program is working. If Flowering Tree is forced to close, many of the children assisted by the facility could lose their families and be referred for adoption, foster care or group homes. To say this would be unfortunate is a gross understatement. The breakup of families, combined with the loss of a program that offers a real way out of substance addiction, would be a devastating double-punch for the mothers currently participating or waiting to participate in the program.

I am troubled by the Department of Health and Human Services plan to terminate assistance to Flowering Tree. The pending decision apparently is based on anticipated fiscal year 1997 funding levels. The Senate soon will consider a bill that would significantly increase funding for substance abuse treatment programs. Flowering Tree's funding request for fiscal year 1997 is only $688,913. I have written a letter to the Secretary of Health and Human Services, Donna Shalala, urging her to reverse the Department's decision. Last week, I received an initial response from David Mactas, Director of the Center for Substance Abuse Treatment. Mr. Mactas explained the rationale for the Department's decision to terminate funding for Flowering Tree. However, this week, my staff learned from staff at HHS that the decision to terminate funding was put on hold, pending the outcome of the bill that could fund this program.

Mr. President, I see on the floor my colleague from Pennsylvania, the distinguished Chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, Senator SPECTER. I know my friend is working hard on the fiscal year 1997 spending bill that funds substance abuse programs. I hope my colleague had the opportunity to hear my earlier comments and I would yield to him for any comments he may wish to make.

Mr. SPECTER. I thank my friend, the Senator from South Dakota, for yielding. The Senator raises some understandable concerns regarding the future of the Flowering Tree Program on the Pine Ridge Indian Reservation. I agree with the statement of my colleague from South Dakota that the bill would provide sufficient funds for the Substance Abuse and Mental Health Services Administration's budget.

Mr. PRESSLER. Would the Senator from Pennsylvania agree the Appropriations Committee's proposed funding level should provide HHS with the funding necessary to continue supporting Flowering Tree?

Mr. SPECTER. Yes. I believe this funding level should be adequate to provide support for Flowering Tree's request for FY 1997. In fact, the Appropriations Committee has provided sufficient funds to continue all 13 residential women and children grants that were proposed to be discontinued by HHS at the end of the current fiscal year. The committee expects these projects to be fully funded in FY 1997. The Senator from South Dakota has made a very compelling case for Flowering Tree and I hope this information is helpful to my friend and colleague.

Mr. PRESSLER. I want to thank my dear friend and colleague from Pennsylvania for all his hard work and dedication on the Appropriations Committee. I appreciate very much the information he has provided. I also commend the Senator for his work to ensure adequate funding levels for substance abuse programs. I am pleased Congress intends to provide the funding necessary for Flowering Tree to continue fighting alcoholism and securing a brighter future for mothers and their children. Given this information, I hope Secretary Shalala and her department will do the right thing and continue to support the Flowering Tree program in Pine Ridge, SD.

JOBLINKS

Mr. DASCHLE. Mr. President, I understand that the omnibus appropriations bill includes report language instructing the Labor Department to follow the recommendations for demonstration projects contained in Senate Report No. 104-368. The Senate report instructs the Department of Labor to give full and fair consideration to the Joblinks Employment Transportation Center.

This Joblinks Center is an important initiative because it will help States to meet the work requirements of welfare reform by coordinating job referral and creation activities with available transportation resources. This will include development of a data base and technical materials, and onsite technical assistance. Second, the center will conduct demonstrations in 10 States—of which at least 4 are predominately rural—on coordination of transportation and job referral and creation programs. Third, to take advantage of the employment opportunities available in transportation, the Joblinks Center will create a training institute to train and certify skills in driving, dispatching, and operating transit systems. This make it possible for individuals to leave welfare and become employees in the Nation's transit industry or in a related field.

My colleague, Senator HARKIN, and I developed this initiative because, in many rural areas like in South Dakota and Iowa as well as in inner-city neighborhoods, unemployed and low-income people are stranded. Transportation is the vital link that connects people to jobs and can help them gain independence. Yet, in many communities, transportation assistance has not kept pace with shifting population patterns, changing communities and employment opportunities. In many instances, people simply cannot get to jobs.

Mr. HARKIN. Mr. President, the tough work requirements of the Personal Responsibility and Work Opportunity Reconciliation Act make it imperative that economically disadvantaged people have better access to employment opportunities. Among the improvements that must be made in easing the transition from welfare to work is in transportation. We must find ways to better coordinate our transportation systems with our efforts to train and employ individuals on public assistance.

As I travel around my State, the two largest barriers to work that I repeatedly hear about are child care and transportation. The Joblinks Center will help States and localities improve transportation systems for people who want to become and remain self-sufficient.

This is a very important initiative. We hope that the Labor Department will promptly get to work on funding this important activity. If people cannot get to jobs, they cannot work.

Mr. SPECTER. Mr. President, I thank the distinguished Democratic leader and my colleague, the ranking member of the Labor, HHS, and Education Appropriations Subcommittee, for bringing this initiative to the Appropriations Committee. I agree that we need to do more to assist low-income individuals to get to work. I think that this is an important project that may aid inner cities as well as rural areas, which are very important to me given the large number of rural areas in Pennsylvania. I agree with my colleagues that the Labor Department should give every consideration possible to this proposal.

Mr. DASCHLE. Mr. President, I thank the chairman, my colleague from Pennsylvania. I appreciate his efforts to work with us on this initiative. If welfare reform is truly to occur, then we need to enable more single parents to work. I know that's not easy, particularly for parents with young children. But, I believe that enhancing transportation assistance may be one key to enabling these parents to make it on their own.

CHRONIC FATIGUE AND IMMUNE DYSFUNCTION SYNDROME [CFIDS]

Mr. HARKINS. Would the distinguished senator from Pennsylvania engage in a colloquy to clarify certain congressional intent regarding chronic fatigue and immune dysfunction syndrome, also known as CFIDS?

Mr. SPECTER. Yes, I would.

Mr. HARKIN. The first matter pertains to a name change for the illness now referred to as chronic fatigue and immune dysfunction syndrome, [CFIDS], or chronic fatigue syndrome [CFS]. There is a consensus in the CFIDS community that the name chronic fatigue and immune dysfunction syndrome does not adequately describe the complex nature of the illness. Is it the committee's intent to agree with language contained in the House Labor, HHS report to the appropriations bill calling upon the Secretary of Health and Human Service to convene a committee for the purpose of examining this issue and to report back within 6 months of this bill's enactment with recommendations for a new scientific name or eponym that more appropriately describes the illness?

Mr. SPECTER. Yes, it is the intention of the committee to concur with the House report language concerning a name change.

Mr. HARKIN. Thank you, Mr. President. The Centers for Disease Control and Prevention recently convened a panel of experts on CFIDS for the purpose of reviewing CDC's current CFIDS program and the direction for future research. The review panel, made up of experts in infectious diseases, internal medicine and epidemiology, met over the course of 2 days and issued a report containing specific recommendations to the Director of the National Center for Infectious Diseases [NCID] and other Center staff. My understanding is that those recommendations have been well received by the NCID staff. Would the committee express its support for the review panel's recommendations, which include: First, establishment of a repository for brain tissue obtained from well-characterized CFS patients—upon death—for use in etiology studies; second, proceeding with planned etiology studies utilizing cutting-edge technology, including representational difference analysis [RDA]; and third, augmenting existing staff in the Division of Viral and Rickettsial Diseases with an FTE with the demonstrated expertise in neuroendrocrinology and neuropsychology to guide case control studies of defects in the HPA axis?

Mr. SPECTER. The recent review by a panel of experts of the Centers for Disease Control's past work and future direction in CFIDS was a significant step forward in the Federal response to CFIDS. The committee applauds that initiative and urges the CDC to carry out the recommendations expeditiously.

Mr. HARKIN. Thank you, Mr. President, for your support of these important CFIDS provisions.

SECTION 2241 IN TITLE II

Mr. MACK. Mr. President, section 2241 in title II of H.R. 4278, the omnibus appropriations bill for fiscal year 1997 that is before us today, contains a technical drafting error that could have an unintended detrimental effect on foreign banks. Inadvertently, section 2241 as currently drafted may delete the Comptroller of Currency's current authority in 12 U.S.C. 72 to waive the citizenship requirements for directors of national banks if a bank is a foreign bank affiliate. Under current law that has been in effect since the International Banking Act of 1978 was enacted, the Comptroller has had the authority to waive the citizenship requirement for up to a minority of national bank directors if the bank is a subsidiary or affiliate of a foreign bank. Section 2241 could be read to inadvertently repeal that longstanding authority. Section 2241 was intended to expand the Comptroller's authority to waive requirements for national bank directors and was not intended to repeal existing authority to waive citizenship requirements. I hope legislation correcting this error will be introduced and passed in the next Congress but, in the mean time, the OCC should treat the citizenship waiver authority as continuing in effect and should not do anything that would require foreign bank subsidiaries or affiliates to restructure their boards.

Mr. D'AMATO. Mr. President, the Senator is absolutely correct. Section 2241 was not in anyway intended to repeal or change the Comptroller's existing authority to grant waivers to foreign bank affiliates under 12 U.S.C. 72. I join with my colleague in stating that it is the intent of this body that the OCC should treat any change to its current exemption authority as a drafting error and should not take any action to implement the change. I will work with my colleague in the 105th Congress to correct the drafting error made by section 2241.

Mr. GRAHAM. Mr. President, I too, would like to join with my colleagues in support of a technical amendment to section 2241 after we reconvene. I agree that any change that section 2241 would make to foreign bank operations in the United States is unintentional and is in error. I think that my colleagues are correct to instruct the OCC that this change is an error and should not be implemented.

Mr. D'AMATO. Mr. President, title II of the omnibus appropriations bill is comprised of several bills that the Senate Banking Committee considered and reported this Congress. Title II contains critical legislation to stabilize the deposit insurance funds, commonly referred to as BIF/SAIF. Title II also contains language based on our committee's lender liability, regulatory relief and fair credit reporting legislation.

Our actions today will ensure that the taxpayer will not pay one additional dollar for cleaning up the savings and loan crises. The package we are considering today represents a significant achievement. This time Congress will take the responsible action and resolve a pending problem before another S&L crisis erupts.

Mr. President, Congress needs to take action now to resolve the difficulties facing the Savings Association Insurance Fund [SAIF]. The thrift industry has recovered from the dire financial straits it faced in the late 1980's. However, the SAIF, which insures thrift deposits, is in extremely weak financial condition. Currently, the SAIF holds only half the capital it is required to hold under statute. The Bank Insurance Fund [BIF] was fully capitalized in 1995, permitting bank insurance premiums to drop to near zero. SAIF members continue to pay significantly higher rates which means that thrifts will continue to try and move deposits out of SAIF. The possible shrinkage of SAIF also raises the probability of a default on the $800 million in Financing Corporation [FICO] bond interest that thrifts now pay.

The BIF/SAIF proposal requires institutions with SAIF deposits to pay a one-time special assessment to full capitalize the SAIF. This special assessment will ensure that thrifts pay their fair share of the costs and will raise $4.1 billion in collections. Beginning January 1, 1997, all FDIC-insured institutions will pay the $800 million annual interest payments due on FICO bonds. Spreading the FICO burden will eliminate the incentive for SAIF deposits incentive to leave the fund. By removing the incentive to shift from SAIF to BIF, SAIF will be a more stable fund. Bank regulators will also have the authority to prevent SAIF deposits from being shifted in the BIF for purposes of evading SAIF assessments. However, Congress does not intend that regulators inappropriately use this authority to prevent institutions from accurately communicating with either existing or potential customers regarding the products and services offered by their institutions.

In the long term, the BIF/SAIF provisions would merge the BIF and the SAIF to protect the smaller, less diversified SAIF fund with the broader membership of the BIF. The merger will be dependent on subsequent Congressional action to address the complex issues surrounding the future of the thrift charter. I am hopeful that the next Congress will diligently work to resolve these issues.

Mr. President, by accepting these banking provisions, this Congress can also act to lower the cost of regulation to financial institutions and their consumers. The committee-reported regulatory relief provisions go a long way in relieving banks of some of the bureaucratic redtape that increases operating costs for banks and other lenders. Regulatory micromanagement is significant because higher costs for lenders drive up the price of financial products, and ultimately drive up the cost for consumers. The mountain of regulatory redtape that confronts banks is the cumulative result of years of legislation. Laws were passed to achieve any of a number of legitimate private policy concerns. Nevertheless, many of these laws are regulatory overkill. Many of the laws that are amended or repealed by this title do not help to accomplish an intended goal. Other provisions are being amended or repealed because they impose compliance costs that outweigh the discernible benefit. As a result, banks and other financial institutions are overburdened with regulatory mandates that bear no reasonable relationship to safety and soundness, consumer protection or protection of the deposit insurance funds.

Title II eliminates many arcane regulatory burdens that just don't make sense. For example, our language eliminates branch application requirements for ATM's. These applications are time consuming for banks to prepare and for the regulators to approve. Our language also eliminates the 90 day prior-notice requirement for moving a branch within the same neighborhood. Title II also removes the 7 percent growth cap on nonbank banks. These provisions will allow banks and other lenders to operate more efficiently and cheaply. They will help to defer the costs that banks will incur as part of the BIF/SAIF package.

Title II also contains fair credit reporting reform language. These provisions will ensure that mistakes in credit reports will be corrected quickly and properly. Consumer credit reports play an essential role in the consumer finance markets. These reports allow lenders to make informed credit-granting decisions quickly and cheaply. However, if credit reports are inaccurate, both the consumer and lender lose; the consumer loses an opportunity to obtain needed financing, and the lender loses potential business. The provisions of title II will help make sure that credit reports are accurate, and that any discovered inaccuracies are corrected as soon as practicable.

The provisions of title II will also promote greater privacy for the information in credit reports by assuring that credit report information is not distributed wily-nilly, but rather, only to persons with narrowly defined legitimate purposes for using the information. This law will provide significant new privacy protections for consumers. While access to credit information is necessary for a number of legitimate business reasons, and credit reporting allows consumers to obtain prompt credit at low cost, the privacy of consumer credit information must be jealously guarded. Title II will help promote this important privacy goal.

Title II also includes the Asset Conservation, Lender Liability and Deposit Insurance Protection Act of 1996. This legislation is based on S. 394, a bill that I introduced at the beginning of this Congress. The lender liability provisions contained in title II represent the results of extensive negotiations among the administration, the lending industry and the interested committees of both Houses. These environmental liability provisions will ensure greater access to credit for small business and for environmental cleanup efforts; they will help fuel economic growth without endangering the environment. It is a clear demonstration of what can be accomplished, on a bipartisan basis, when the administration and the Congress work together to craft commonsense solutions to real problems. I would particularly like to thank Senators CHAFEE and SMITH, the chairman of the Environment Committee and its Superfund Subcommittee, respectively, for their cooperation and assistance with this legislation—they were both instrumental in resolving this major public policy issue.

The environmental title clarifies the liability of both secured parties and fiduciaries under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, or Superfund. Court decisions have eviscerated the so-called secured lender exemption contained in the original Superfund law and created uncertainty as to the liability of lenders for cleanup costs. As a result, lenders have been less willing to make loans to small businesses and farms in order to avoid the risk of unlimited liability under CERCLA. Lenders do not make loans to certain types of business because they fear potential liability for environmental damage if they try to protect themselves against default through the foreclosure process. Court decisions also have raised the prospect of fiduciaries being held personally liable for environmental problems on properties held in trust, even when the fiduciary did not create, or contribute to, the problem. Title II clarifies and confirms the original secured creditor exemption. For lenders and fiduciaries, this bill does not remove liability; it simply establishes bright lines tests for liability. These tests should promote greater understanding among all lenders of the "do's and don'ts" of environmental liability. As a result of this greater understanding, lenders should become constructively involved in environmental cleanups.

This legislation provides the certainty needed by all parties—lenders, fiduciaries, guarantors, insurers, university foundations, pension administrators as well as a host of borrowers. Federal agencies such as the FDIC also stand in the position of lenders as well as receivers of property and will benefit from the certainty provided by this legislation. For the most part, this legislation codifies the terms of rules of the Environmental Protection Agency on Superfund and on the Solid Waste Disposal Act's underground storage tank provisions.

Some sections of the bill merit particular attention.

The new section 101(20)(G)(iv) defines the term "lender" by providing examples of institutions or activities that qualify an institution as a lender. This laundry list is joined together by the word and between items (VII) and (VIII). Readers of this provision should not be misled or interpret the use of and as establishing an 8-step test—a person may qualify as a lender if it meets any of the requirements provided in (G) (I) through (VII), not all of these requirements. This is just common sense; otherwise, it would be impossible for any institution to qualify as a lender. For instance, none of the Government-sponsored enterprises described in subparagraph (VI), can also qualify as an insured depository institution under subparagraph (I) or as an insured credit union under subparagraph (II)—it just is not possible under current Federal banking law. These provisions should be read as separate tests for qualifying as a lender, and this drafting error should be addressed as soon as possible.

This legislation includes a new CERCLA section 107(n)(3). This new section is intended to make clear that the standard for liability under CERCLA for fiduciaries for their negligent acts is the common-law standard for negligence when acting in a fiduciary capacity. The new section 107(n)(4) clarifies that if a fiduciary stays within the specified safe harbors, the fiduciary will not face personal liability; rather, the underlying trust or estate would be liable under the general CERCLA liability rules contained in section 107(a).

The definition of fiduciaries, in the new section 107(n)(5) which refers to indenture agreements, participations in debt securities and like activities, is intended to describe the kinds of activities contemplated by the Trust Indenture Act. Trust indentures facilitate corporate borrowings and are similar to mortgages because they provide security for repayment of investors. The trustee protects the interest of security holders who have purchased bonds issued by an obligor developing a project. As with other trustees, indentured trustees face less choice than lenders on whether or not to take possession of the property, as such duties may be required in connection with fulfilling the trustee's fiduciary obligations to the security holders. Because such trust indentures do not arise under the same common law rules as traditional trusts, the language in the new section 107(n)(5)(A)(X) of CERCLA simply assures that these trusts receive the same guidance as provided for other types of trusts.

The language in the new section 107(n)(8)(B) of CERCLA (regarding claims against nonemployee agents or independent contractors retained by fiduciaries) refers to such parties engaged in property management or hazardous waste disposal and does not infer that actions should be available against lawyers, accountants and other parties who are retained by a fiduciary but without responsibility for decision-making on hazardous materials.

The language referring to a lender as one who holds indicia of ownership should not be interpreted to mean that a lender who gives up indicia of ownership, either by transferring a security interest to a third party or by relinquishing the interest, loses the protection of the exemption. Under section 101(20)(F)(ii), if a security holder gives up their interest and is subsequently joined as a party in a suit, the former security interest holder will enjoy the same protection enjoyed while holding the security interest.

New section 101(20)(G)(I) is intended to clarify that the defined term extension of credit includes the making or renewal of any loan, the granting of a line of credit or extending credit in any manner, such as an advance by means of an overdraft or the issuance of a standby letter of credit, in addition to the two specifically listed types of lease financing transactions.

This legislation makes the same lender and fiduciary provisions that apply under Superfund law applicable to the Solid Waste Disposal Act, and the underground storage tank provisions of that act. The Environmental Protection Agency should move expeditiously to provide guidance consistent with the statutory language for fiduciaries, who are not currently addressed in section 9003(h)(9) or in the current EPA underground storage tank rule.

It is my hope that this legislation will encourage environmental cleanups by the private sector, and help to put farm land and urban properties back to full use. Lenders will have clear guidance as to the potential environmental liability they face, and, hopefully, small businesses will be able to obtain credit more easily. Fiduciaries receiving property will be able to operate with greater certainty in undertaking their duties.

Mr. President, I want to thank all of my colleagues on the Senate Banking Committee for their hard work on the legislation incorporated in title II. This title contains a significant portion of the committee's agenda for this year. The committee has worked diligently to consider and pass a challenging legislative agenda this Congress. This agenda included Securities litigation reform, BIF/SAIF legislation, Regulatory relief, Fair Credit Reporting Reform, Environmental Lender Liability and Securities Regulatory Reform.

The Committee has worked effectively, on a bipartisan basis, and I commend the entire membership of the committee. I would like to thank the ranking member, Senator SARBANES for his cooperation. I would also like to thank Senators SHELBY and MACK for their stewardship of regulatory reform, and Senators BOND and BRYAN for their leadership on Fair Credit.

Mr. President, I urge my colleagues to support these banking measures which will strengthen our Nation's financial system and protect our taxpayers.

REGULATORY ACCOUNTING

Mr. ROTH. Mr. President, I support the regulatory accounting provision that Senator STEVENS added as section 645 of the Treasury-Postal Appropriations bill, H.R. 3756. I am pleased that this provision was added to the omnibus appropriations bill. This provision requires the Office of Management and Budget to provide Congress with a report including estimates of the total annual costs and benefits of Federal regulatory programs; impacts of Federal rules on the private sector, State and local government, and the Federal Government; a more detailed analysis of the costs and benefits of rules costing $100 million or more, and recommendations to make regulatory programs more cost-effective. I am pleased that this amendment employs the term "rule" which is defined in section 551 of title V, United States Code. This will insure that this report is, indeed, a comprehensive analysis of the costs and benefits of regulation in the broadest sense, including legislative rules, interpretative rules, guidance documents, and the like. In addition, under the amendment, OMB must provide the public notice and an opportunity to comment on the draft report—its substance, methodologies, and recommendations. In the final report, OMB must summarize the public comments.

I share Senator STEVENS' view that the public has the right to know the costs and benefits of Federal regulatory programs. Congress also must have this information to improve agency performance. The total annual cost of Federal regulatory programs is estimated at $677 billion this year. These costs are passed on to the public, and the tab exceeds $6000 for the average American household. While we have made progress in our struggle to balance the budget for tax-and-spend programs, we are just breaking ground for imposing accountability on the regulatory process. It is long overdue. That is why I sponsored regulatory reform legislation that included regulatory accounting last year.

The regulatory accounting report should be a useful tool for Congress. Subsection 645(a)(1) requires OMB to estimate the total annual costs and benefits of Federal regulatory programs. A report from the U.S. Business Administration, "The Changing Burden of Regulation," estimates that these costs will be about $688 billion next year. Those total annual costs (and the benefits) encompass impacts felt both from upcoming rules, as well as older rules that will continue to impose costs and benefits this coming fiscal year. OMB should quantify costs and benefits to the extent feasible, and provide the most plausible estimate. Benefits (and costs) that cannot be quantified should be described in qualitative terms.

To generate this information, OMB should draw upon the wealth of studies and reports already done, including the work of Tom Hopkins and Bob Hahn Where there are gaps, OMB must supplement existing information. To conserve its resources, OMB should issue guidelines to the agencies to gather the needed information, as OMB does for the fiscal budget process. Where detailed information on the costs and benefits of individual programs can be produced, it should be presented to Congress. The public comment period should help OMB generate information and make most plausible estimates of costs and benefits.

By September 1997, OMB must provide Congress with a credible and reliable accounting statement on the regulatory process. This report should demonstrate the costs and benefits of various regulatory programs. It should highlight those programs or program elements that are inefficient, and it should provide recommendations to reform them.

In conclusion, I would like to point out that this effort to enact a regulatory accounting requirement is not a partisan one. Originally, the provision was part of S. 291, a comprehensive regulatory reform bill that was reported out of the Governmental Affairs Committee last year when I was chairman by a unanimous 15-to-0 vote. This effort is, not withstanding repeated misstatements, not designed to roll back progress achieved through regulation but is rather intended to assess where we are and allow us to achieve more good for society at less cost. It is time we found out how efficiently we are achieving our legislative goals through regulation.

MARK VAN DE WATER

Mr. HOLLINGS. Mr. President, as we debate this omnibus appropriations bill, I want to acknowledge the staff that have worked so hard drafting these appropriations bills. They have been working night and day on this compromise bill. In particular, I would like to note Senator HATFIELD's deputy staff director for the Appropriations Committee, Mark Van de Water.

Many pundits said that this omnibus fiscal year 1997 bill was not possible. They said that the Federal Government would have to operate on a 6-month continuing resolution that uses spending formulas. But, behind the scenes, Senator HATFIELD and his staff worked long and hard to develop a basis for compromise. And, for the last few weeks, we all worked around the clock to conclude the negotiations that made this bill possible. The success of this process and the reality of this bill are due, in no small part, to the efforts of our Appropriations Committee's deputy staff director, Mark Van de Water.

Mark is a graduate of St. Lawrence University in New York where he studied political science and economics. He has worked on the Hill since 1986. From 1991 through 1994, he served on the committee staff as the minority clerk for the District of Columbia appropriations bill. I came to know him as the man who handled Senator HATFIELD's interests in our Commerce, Justice and State appropriations bill. Specifically, he ensured that Oregon's interests were protected in such diverse areas as salmon restoration, NOAA's oceanic research, and Federal law enforcement. In January 1995, Mark became our committee's deputy staff director and J. Keith Kennedy's right hand man.

Since January 1995, we have been able to count on Mark as a force of moderation and decency on the Committee. He continued to operate in his straight-forward, bipartisan fashion even in the winter and spring of 1995, when our Appropriations Committee did not. In September 1995, he worked with my staff to develop compromises and a Hatfield/Hollings amendment that allowed the Commerce, Justice, and State bill to move forward and kept the bill from being recommitted to the Committee. Mark continued to watch out for programs that were of special interest to Chairman HATFIELD, like aid to the poor through the Legal Services Corporation and research of the Pacific Ocean through the National Oceanic and Atmospheric Administration.

Too often we overlook the career professionals who make this institution and this appropriations process work. In Mark Van de Water this institution is lucky to have an individual who carries out his job with the same professionalism and conscientiousness that typifies our chairman, MARK O. HATFIELD. I, for one, would like to acknowledge and thank him for his contributions to the Appropriations Committee and the Senate.

SECTION 318—LOG EXPORTS

Mr. CRAIG. Mr. President, I would like to speak briefly about a provision of this bill which is very troublesome to me. I am talking about Section 318 of this bill which deals with Forest Service administration of log exports.

I view it as unfortunate and unfair to my constituents that the prohibitions in Section 318 appear once again in bill language, as they do in the current year appropriations bill. I did not object to the provision the first time, but its re-appearance in the fiscal year 1997 bill does raise serious concerns. I know the chairman is aware of these concerns.

Section 318 is the cause of a great deal of controversy within the forest products industry because it prevents implementation of the Forest Resources Conservation and Shortage Relief Act of 1990.

Under the law, a review of sourcing areas relative to the export of logs is required after individual sourcing areas have been in place for 5 years. Sourcing areas are geographically defined areas within which companies which export their own private logs are permitted to also purchase Federal timber. Sourcing areas are required to be "economically and geographically separated" from those areas which produce export logs. The purpose is to prevent so-called "substitution"—the illegal replacement of exported private logs with logs from Federal lands.

The Forest Service had begun the 5-year review, but the prohibition in the 1996 Interior and Related Agencies Appropriation bill stopped it cold. Section 318 delays it further, at least through fiscal year 1997.

Mr. President, it is my impression is that there is a fairly broad belief in the industry that the current sourcing area boundaries are illogical in many respects. Neither can they be properly monitored to prevent substitution. Sharply reduced Federal timber supply has dramatically changed historic market patterns and log flow. Companies desperate for logs to keep their mills operating are buying logs in distant locations and hauling them hundreds and hundreds of miles.

It may well be the case that sourcing areas are already obsolete. Under the circumstances of today's log market, it is difficult to imagine how log export zones can be kept "economically and geographically separated," to quote the law, from sourcing areas.

One way to find out is to permit the Forest Service to reopen public comment and proceed with a review of sourcing areas as the law requires. That is what should happen. However, it will not, because of Section 318.

So, I intend to take some jurisdiction on this issue in the Energy and Natural Resources Committee and open the record myself through hearings and testimony in the next Congress. The current state of affairs begs for change, and those changes must not be indefinitely delayed.

I regret that I differ with my colleague from Washington, Senator GORTON, on this matter. But I know I can count on him to cooperate in reaching an equitable solution. He has already indicated he wishes to accomplish the same.

This concludes my remarks regarding Section 318.

AGE DISCRIMINATION IN EMPLOYMENT AMENDMENTS OF 1995

Ms. MOSELEY-BRAUN. The Age Discrimination in Employment Amendments of 1995 goes to the heart of the safety and security of the citizens of the United States. Each of us relies on the police officers and fire fighters in our community to protect our families, and to keep us safe.

This provision allows State and local public safety agencies to set mandatory retirement and maximum hiring ages for their police and fire fighters—the same authority the Federal Government already has with respect to Federal police officers and firefighters.

If police officers and firefighters cannot adequately perform their duties, people die and people get hurt—and the officers themselves are endangered. As one fire fighter put it,

"Firefighters and police officers must work as a team. We depend on the other members of our crew to have the strength and savvy to save our life if the need arises. If we are unable to do our job, people die."

This provision provides a necessary, narrow and appropriate exemption from the Age Discrimination in Employment Act for State and local public safety officers—necessary and appropriate because numerous medical studies have found that age directly affects an individual's ability to perform the duties of a public safety officer.

Reflexes, sight and other physical capabilities decline with age, while the risk of sudden incapacitation—heart attacks and strokes for example—increases six-fold between ages 40 and 60. Although firefighters over 50 comprise only one-seventh of the total number of firefighters, they account for one-third of all firefighter deaths.

The Age Discrimination in Employment Amendments of 1995 gives State and local governments the same right to set mandatory retirement ages for their police and firefighters as the Federal Government.

I want to emphasize this point. We in Congress already made the decision to allow mandatory retirement ages for Federal public safety officers. This amendment simply extends that same right to State and local governments.

And, this provision merely allows State and local governments to set mandatory retirement and maximum hiring ages if they so choose—it is not a mandate.

The Federal Government has deemed mandatory retirement ages necessary to provide for the safety and security of the Federal firefighters and police officers and the citizens they protect—State and local governments should be able to make that same decision.

The Federal police officers, agents, and firefighters covered by mandatory retirement ages, include: the U.S. Park Police; the Federal Bureau of Investigation; the Department of Justice law enforcement personnel; the District of Columbia firefighters; the U.S. Forest Service firefighters; the Central Intelligence Agency; and Federal firefighters.

The Capitol Police—the men and women who protect the Members of

Congress—have a mandatory retirement age.

All too often in the past, Congress has treated itself differently than other Americans. With the passage of the Congressional Accountability Act, this Congress made it clear that it is committed to ending disparate treatment. Every Senator who voted for the Congressional Accountability Act should vote for this bill.

The Federal Aviation Administration recently extended it's mandatory retirement age of 60 to all pilots that fly 10 or more passengers to increase safety on commuter planes.

These pilots take twice yearly physicals, they have a copilot at their side ready to take the controls if anything happens, and still they must retire at age 60. After age 60, the risk of incapacitation becomes too great—too many lives are at risk in the air. These same lives are at risk on the ground if our police and firefighters are unable to do their job—and all too often, our police and firefighters don't have a copilot waiting to assist in an arrest or a burning building.

As a general rule, the Age Discrimination Act prohibits employers from discriminating against workers solely on the basis of age, and generally prohibits the use of mandatory retirement and minimum hiring ages.

Police officers and firefighters and all public employees were exempt from the Age Discrimination in Employment Act until a 1983 court ruling placed public employees under the act. State and local governments were then required to either prove in court that mandatory retirement and minimum hiring ages for police and firefighters were bona fide occupational qualifications [BFOQ's] reasonably necessary for the normal operation of the business or else eliminate them.

Although this approach sounds reasonable, courts in some jurisdictions ruled limits permissible, while identical limits were held impermissible in other jurisdictions. For example, the Missouri Highway Patrol's minimum hiring age of 32 was upheld while Los Angeles County sheriff's minimum hiring age of 35 was not. East Providence's mandatory retirement age of 60 for police officers was upheld while Pennsylvania's mandatory retirement age of 60 was struck down.

As a result, no State or local government could be sure of the legality of its hiring or retirement policies. They could, However, be sure of having to spend scarce financial resources to defend their policies, regardless of the outcome of their suits.

A suggested alternative to mandatory retirement ages is testing that screens out those individuals who may still retain their strength at the age of 60 or 70. The 1986 Amendment to the Age Discrimination Act authorized State and local governments to set minimum hiring ages and mandatory retirement ages until December 31, 1993. It also ordered the EEOC and the Department of Labor to conduct a study to determine: whether physical and mental fitness tests can accurately assess the ability of police and fire fighters to perform the requirements of their jobs; which particular types of tests are most effective; and what specific standards such tests should satisfy.

Finally, the 1986 amendment directed the EEOC to promulgate guidelines on the administration and use of physical and mental fitness tests for police and firefighters.

While the Penn State researchers who conducted the study concluded that age was a poor predictor of job performance—because they could not find an exact age at which people are unable to perform their duties—they failed to evaluate which particular physical and mental fitness tests are most effective to evaluate public safety officers and which specific standards such tests should satisfy.

Despite the very clear mandate in the 1986 amendment, neither the EEOC nor its researchers were able to comply with that mandate. There were no guidelines developed to assist State and local governments in the design, administration, and use of tests, as Congress directed. As a result, State and local governments now find themselves without a public safety exemption from the Age Discrimination in Employment Act, and also without any guidance as how to test their employees.

The provision included in this bill authorizes the National Institutes of Occupational Safety and Health [NIOSH] to conduct a study of fitness tests for police and firefighters, to begin when sufficient funds are appropriated, that produces useful information for public safety agencies working to protect citizens and the officers and firefighters.

The provision also includes an exception to the exemption whereby NIOSH will identify valid job performance tests and public safety agencies utilizing mandatory retiement ages will provide public safety officers who have reached retirement age with an annual opportunity to demonstrate their fitness using the NIOSH tests.

I firmly believe that Congress must avoid exempting whole classes of employees from the protection of civil rights laws unless it is absolutely necessary. But this is not a civil rights issue. This is not a new exemption.

The Federal Government already exempts public safety officers from ADEA. State and local fire and police agencies should have the same exemption so that they too can protect and promote the safety of the public and of the officers.

As many of you in this body know, I come from a law enforcement background. My father was a police officer. My uncle was a police officer. My brother still is a police officer. It is the police officers and firefighters themselves that have asked for this amendment.

Rank and file public safety officers have besieged my offices with calls and letters and visits in support of the amendment. As Terry Gainer, director of the Illinois State Police, testified before the Labor Committee hearing on this legislation.

"The demands of public safety necessitate a high degree of physical fitness and mental acuity. What we see today are offenders who are increasingly younger and more violent; police manpower shortages translate into less backup * * * terrorist acts such as we saw in Oklahoma City or at the world trade center require * * * arduous duty. It is the quality of police and fire response . . . that is at issue."

I strongly believe that we in Congress must do everything we can to ensure that our rank and file officers have everything they need to do their jobs.

This provision has the support of the: Fire Department Safety Officers Association; Fraternal Order of Police; International Association of Fire-Fighters; International Association of Chiefs of Police; International Brotherhood of Police Officers; International Society of Fire Service Instructors; International Union of Police Associations, AFL-CIO; National Association of Police Organizations; National Sheriffs Association; National Troopers Coalition; American Federation of State, County and Municipal Employees; National Public Employer Labor Relations Association; New York State Association of Chiefs of Police; and city of Chicago Department of Police.

This provision is also supported by the: National League of Cities; National Association of Counties; National Conference of State Legislatures; and U.S. Conference of Mayors.

Let me conclude by clarifying what this amendment is and is not about.

This provision is not about inequity. This provision is about equity for State and local governments—giving them the same ability to set mandatory retirement and maximum hiring ages that the Federal Government enjoys.

This provision is not about discrimination. This provision is about public safety—providing the people of this country with the most capable protection and assistance possible.

And this provision is not about mandates. This provision is about State and local control—letting local and state governments decide how best to protect their citizens.

On behalf of the police officers and firefighters of this country, on behalf of their families, and on behalf of the millions of citizens who rely on local police officers and firefighters every day, I thank my colleagues for for including the Age Discrimination in Employment Amendments of 1995 in this legislation.

ILLEGAL IMMIGRATION

Mr. KOHL. Mr. President, I rise today in support of the conference report to H.R. 2202, legislation to combat the problem of illegal immigration. As you know, this measure has been included in the omnibus appropriations bill for fiscal year 1997.

The conference report is an important step forward in our Nation's fight against illegal immigration to this country. As a member of the Senate Judiciary Committee and a conferee to the negotiations with the House, I am pleased to have been part of the hard work, commitment and bipartisanship that yielded this good, balanced bill, of which we can all be proud. My friends, TED KENNEDY and ALAN SIMPSON, deserve much of the credit.

Mr. President, this legislation provides the Immigration and Naturalization Service [INS] and other law enforcement officials with new resources to prevent aliens from entering or staying in the country illegally: 1,000 new border patrol agents for each of the next 5 years, additional INS investigators to combat alien smugglers and visa overstayers, and enhanced civil penalties for illegal entry, to name just a few.

The conference report also gives the INS and businesses tools to keep American jobs and paychecks out of the hands of illegal aliens—tools to prevent illegal aliens from securing employment that rightfully belongs to American citizens or legal immigrants who have played by the rules and respect the law. Specifically, this legislation provides for three pilot programs to move us toward a workable employer verification system and a framework for the creation of more fraud resistant documents. The original Senate approach, which included more privacy and antidiscrimination protections, was preferable to the one adopted by the conference; however, the pilot projects in this bill still deserve a try. We desperately need a more effective verification system, Mr. President.

Finally, I am pleased that the conference report includes my amendment on mail-order brides. This amendment launches a study of international matchmaking companies, heretofore unregulated and operating in the shadows. These companies may be exploiting people in desperate situations. The study is not aimed at the men and women who use these businesses for legitimate companionship. Instead, it is a very positive and important step toward gathering the information we need so that we can determine the extent to which these companies contribute to the very troubling problems of domestic violence against immigrant women and immigration marriage fraud.

To be sure, there are provisions in this bill which I do not support. The triple fence mandate has Congress micromanaging the INS and unnecessarily waiving important environmental laws. And I regret very much that the Senate positions on summary exclusion and asylum reform did not prevail in the final compromise bill. Lastly, we could have done more to protect the integrity of the workplace, both by enhancing the Department of Labor's ability to enforce employer sanctions and by rejecting the Senate-passed "intent standard" which may jeopardize the rights of American citizens and legal immigrants.

Despite these flaws, this bipartisan legislation deserves our support. The United States is a product of an immigration tradition marked by generosity, compassion and commitment to hard work. In adopting these important changes, we are protecting that tradition by fighting the deeds of those who wish to exploit it.

Thank you.

COMMERCE DEPARTMENT APPROPRIATIONS

Mr. ROCKFELLER. Mr. President, because of the scope and magnitude of the negotiations over the omnibus appropriations bill, the attention that I believe should be paid to the future of technology research and development has not exactly been head-line news. Fortunately, the results are good news. By and large, critical investments in a series of relevant programs are being made through this bill. Once again, we have dodged the budgetary and philosophical bullets that have been aimed for months at programs that I see as critical to America's competitiveness, economic growth, and character.

The Commerce Department is the only Federal agency that is primarily concerned with advancing our Nation's civilian technological competitiveness. And the Commerce Department has worked hard—under the fantastic leadership of the late Ron Brown and now Mickey Kantor—to establish partnerships between Government and industry for our national interest.

This administration and the Commerce Department have been at the forefront, establishing and nurturing a web of programs that strengthen the Nation's competitiveness. These programs, taken together, represent a comprehensive, multi-pronged and efficient effort to prepare the Nation for the 21st century.

I congratulate President Clinton, Vice-President GORE, and the various Senators, with special mention to Senator HOLLINGS, for their steadfast determination to obtain the resources now in this appropriations bill to continue investing in technology R&D—so that our country is the nation with the cutting-edge jobs, industries, and skills in demand.

The Manufacturing Extension Partnership [MEP] is doing yeoman's work throughout the states, working at the grass roots, helping small- and medium-sized businesses use technologies to improve their efficiency and profitability. The MEP brings tremendous expertise to businesses, helping them to improve production on the shop floor, apply modern management methods, and raise environmental quality while decreasing costs.

And the Advanced Technology Program [ATP] is doing for technology what the government did for our highway system in the fifties and sixties. President Eisenhower recognized that national security and economic needs demanded that the Federal Government invest in a national highway system—no one could reasonably expect industry to build such a system alone. And today, that system is an indispensable part of our Nation's infrastructure. Well, the ATP is doing the same—helping industry build new technologies critical to the growth of our economy—technologies that industry would not likely develop, or develop as rapidly, without a partnership between government and industry.

The ATP, which was created with bipartisan support, is a highly competitive, cost-shared, industry-led partnership program that is fostering new technology and creating jobs. Approximately 46 percent of all awards go to small businesses or joint ventures led by small businesses. More than 100 different universities are involved in about 150 ATP projects.

The Commerce Department also has performed a critical role in paving another highway—the information superhighway. Commerce has provided leadership in advancing the national information infrastructure [NII] and is working hard to help hospitals, schools, libraries, and local governments access and use the wonders of this new fantastic resource.

The Commerce National Telecommunications and Information Administration [NTIA] Technology and Information Infrastructure Applications Program [TIIAP] is a highly competitive, merit-based grant program that provides seed money for innovative, practical information technology projects throughout the United States. Examples include connecting schools to the vast resources of the Internet, improving health care communications for elderly patients in their homes, and extending emergency telephone service in rural areas.

And the National Institute of Standards and Technology [NIST] is doing the work that the Nation's Founders found so essential to our Nation's trade and economy that they included the responsibility in the Constitution—caring for our Nation's system of weights and measures. NIST laboratories perform world-class work in a way that the Nation's Founders could never have imagined.

For example, the use of fiber optics in telecommunications would not have occurred as rapidly without NIST's efforts. NIST's work in measures and standards has literally made it possible for fiber optic cables to be connected with each other with simplicity and ease—leading to a world connected by fiber.

The Commerce programs are providing States such as mine, West Virginia, great benefit, enabling us to do things we otherwise could not do. The West Virginia Partnership for Industrial Modernization [PIM] in Huntington was established in 1995 as a partnership of the State of West Virginia Development Office, the Marshall University Research Corporation/Robert C. Byrd Institute and the West Virginia University Extension Service and NIST. The center serves smaller manufacturers throughout the State. WV PIM just received a NIST/EPA cost-shared award to help smaller manufacturers reduce or eliminate pollution sources in their operations.

The Advanced Technology Program is working hard to tackle a problem that has plagued our health care system—the cost of paperwork. The Charleston Area Medical Center and the Statewide Health Information Network of Charleston, WV, are participating in two ATP joint ventures to improve the technologies and methods used to handle medical information. These projects are partnerships of industry, clinical facilities, universities and national laboratories, working to establish the capabilities necessary to transform fragmented health care data into integrated, community-wide computerized information resources. These projects have enormous potential for reducing health care costs and improving health care service delivery for every American.

The Commerce Technology and Information Infrastructure Applications Program [TIIAP] is particularly important to my home state of West Virginia, a heavily rural state. A TIIAP grant to the state library system will give citizens of West Virginia access to information around the globe. And Project InfoMine will expand the existing statewide information network to 50 unconnected remote libraries in the outer reaches of rural West Virginia. Project InfoMine will enable unemployed miners to find off-site work information or retraining opportunities. Expectant mothers will be able to find health, diet, and childcare information.

Commerce NIST laboratories have provided assistance to West Virginia businesses, by providing weights and measures services that would not otherwise be available or affordable. NIST helped West Virginia businesses certify their laboratories to national accreditation standards and assisted manufacturers by providing NIST calibration and standard reference services.

RESTORATION OF THE PRESIDENT'S REQUEST

Fortunately, we have achieved funding for the Advanced Technology Program at the level of $225 million, although short of the Presidents request of $365 million. Restrictions regarding new competitions have also been removed. And the TIIAP program is funded at $21.5 million, short of the request of $59 million. These programs remain at a viable, although not fully supported level.

Unfortunately, we did not realize the same success with the request to fund construction of the NIST Advanced Technology Laboratory, which is critical to the modernization of the NIST measurement activities. It remains unfunded.

We will need to return to this important debate next session.

Mr. President, America is a nation of competitors and innovators. We do our best when faced with competition. Well, we are facing increasing international competition. This is the time for the Federal Government to crank up our engine of economic competitiveness, to build partnerships with industry, universities and the States.

West Virginia is doing its part to prepare for the 21st century, by helping manufacturers compete, and wiring our schools and libraries to the information superhighway. We need the Federal Government to maintain its part, to provide national leadership in science and technology, and to boost our ability to compete.

I ask this Congress to continue the progress, to maintain Commerce's technology programs, and to help achieve the progress that will be needed to ensure a prosperous future for all Americans in the 21st century.

Mr. FEINGOLD. Mr. President, I rise in strong opposition to the immigration provisions that are now included in the continuing resolution.

It should come as no surprise that it took nearly 5 months after the Senate passed this bill for the House and Senate conferees to finally be appointed. It should not surprise us that our colleagues on the other side of the aisle initially drafted this conference report amongst themselves, and refused to allow a single democratic amendment to be offered during the conference committee. Some changes were made when the conference report was merged with the omnibus continuing resolution, but the basic provisions were developed in a very partisan process.

And finally, it should come as no surprise that the Senate is considering this legislation in the middle of the campaign season. Rather than offering any surprises, the circumstances surrounding us is a clear confirmation that this legislation is less about combating illegal immigration than it is about trying to score political points.

Let me begin by observing that there is clearly no demonstrable support in this Congress, nor in this country, for reducing levels of legal immigration.

Such reductions were stripped from the House bill and omitted from the Senate bill. I have said repeatedly that there is some abuse of our legal immigration system and we should take appropriate steps to repair this process.

But it is clear that a large majority of this body and the other house believes in continuing our longstanding national policy of allowing families to reunite, of continuing to allow foreign skilled workers to be sponsored by businesses, universities and research facilities, and ensuring that the United States continues to be a safe haven for those fleeing persecution from around the world.

Mr. President, for anyone who has witnessed the evolution of this legislation, from its inception last spring to the conference report language included in the continuing resolution that is before us today, it is obvious that the commitment of those of us opposing this conference report to combating illegal immigration is just as strong as those who are supporting this legislation.

As virtually every expert on this issue agrees, combating illegal immigration must be a two-pronged strategy. The first part of that strategy is border enforcement, particularly along the southwestern border where tens of thousands of illegal immigrants cross into the United States each year.

I have supported President Clinton's increases in the U.S. border patrol and I support the further increases contained in this legislation.

But a comprehensive strategy must also account for those illegal immigrants who enter the United States legally, usually on a student or a tourist visa, and then remain here unlawfully. This, we know, represents up to one-half—one-half Mr. President—of our illegal immigration problem.

So how do you address this problem, known as the visa overstayer problem. Some of my colleagues advocate installing a worker verification system, where employers would have to verify the eligibility status of each worker they hire with the Federal Government.

I have long opposed this approach for a variety of reasons. I think it will be a costly burden for our Nation's employers. I think it will lead to an inordinate amount of mistakes resulting in too many law-abiding Americans being denied job opportunities for the wrong reasons. I have concerns that the privacy protections for these workers are inadequate.

And that is why the worker verification proposal in this conference report causes me serious concern.

It has been pointed out that the verification pilot programs in this bill are purely voluntary. Voluntary for whom, Mr. President? It is voluntary for the employers, sure. But not the employees.

Workers do not get a choice of whether or not their name is fed into some Federal Government computer to verify whether or not they are eligible to work in the United States.

Interestingly, both in the Judiciary Committee and here on the Senate floor, concern was expressed that these verification proposals could lead to some sort of national identification document. The sponsors of this bill scoffed at such a notion. They said there was nothing in this bill that would create such a document nor require Americans to carry one.

Well, let's just take a look at the final agreement. The legislation before us requires that one of the worker verification pilot programs, which must involve millions of United States citizens in at least 5 States, include the use of (quote) "machine readable documents."

Now keep in mind that this conference report already imposes a massive Federal mandate on the States by requiring them to only issue birth certificates and driver's licenses that conform to Federal standards.

Let me repeat that, Mr. President. Under this legislation, the State of Wisconsin will have to issue drivers licenses based on guidelines set forth by the Department of Transportation.

If the DOT tells Wisconsin to add a costly new security feature to their licenses, Wisconsin will have to comply. It does not matter how much it costs. It does not matter what sort of burden that places on the State agency. And it certainly does not matter if the State of Wisconsin concludes that such a security feature will cost far more than any benefit it will derive.

I see that the conference report has added language that the Federal Government shall make grants available to the States to help pay for this new mandate. I am sure that is of little comfort to the states. It is clear that considering our fiscal constraint right now, the chances of these grants actually being made available through the appropriations process is an uphill battle to say the least.

And that is why this provision continues to draw strong opposition from the National Conference of State Legislatures and the National Association of Counties. So clearly all the talk we have heard over the last 2 years about taking power out of the hands of Washington bureaucrats and placing it back in the hands of the States and local governments was little more than political grandstanding.

Those were empty words, Mr. President, pure and simple.

The federalization of these documents was a part of the Senate-passed immigration bill. But now we have this new twist, that one of the verification programs is to utilize (quote) "machine-readable documents."

That means that in those States that are included in this pilot program, the applicable State agency will also be responsible for ensuring that their drivers licenses or other such documents are embroidered with a machine-readable social security number.

Mr. President, these verification and birth certificate provisions alone are enough to oppose this legislation. But there are a number of other provisions that were jammed into this conference report that make little if any sense.

Let's look at the triple fence we are now going to build between Mexico and Southern California. This is to be a 14-mile-long fence with three separate tiers to make it as difficult and painful as possible for intruders to navigate. The conference report authorizes $12 million for the initial construction of this wall.

But according to INS, the fence and roads in between the three tiers will likely have a final price tag of between $80 and $100 million by the time construction is completed.

One hundred million dollars, Mr. President, for a 14-mile-long fence. That works out to be $4,100 a yard, Mr. President; $4,100 for one yard of fence and road. I'd like to know who's getting that Government contract.

But it gets worse. During Senate consideration of this legislation, language was added to the bill that made sure that INS had some input as to where these barriers were erected.

That language has magically disappeared. Instead, the bill provides for the construction of the 14-mile long triple fence, (quote) "starting at the pacific ocean and extending eastward".

It doesn't matter if INS believes the fence would be more effective a half-mile away from the ocean. Of course, if I am an illegal immigrant and see a huge wall starting at the ocean and extending eastward, I might just throw a life preserver on and swim around it. I'm sure this triple fence will follow in the footsteps of the other great physical barriers, such as the Berlin Wall and the great Maginot Line.

Mr. President, when this bill left the U.S. Senate last April, there was one provision that I thought would make a marked difference in terms of focusing in on the 50 percent of illegal immigrants who come here by legal means, the so-called visa overstayers.

It was a provision authored by myself and the junior Senator from Michigan Senator ABRAHAM. The Abraham-Feingold language, for the first time ever, imposed tough new penalties on those who come here on a legal visa and remain in the United States long after the visa has expired.

It required the Attorney General to implement an automated system of tracking the arrival and departure of nonimmigrant aliens, permitting for the first time computer identification of nonimmigrants who overstay their visas. And finally, it authorized over 300 new investigators each year for 3 years dedicated solely to the purpose of identifying these visa overstayers.

That bipartisan proposal represented the sort of sensible targeted approach to combating illegal immigration that could be supported by Senators of all partisan and ideological persuasions. Our strategy for combating illegal immigration should not be about building walls, or creating a national worker verification system, or placing a brigade of marines on the southwestern border, or telling an immigrant family that they cannot bring a parent, a child or a spouse into this country.

It should be about identifying who is and who is not playing by the rules, and sending a strong message that there are severe penalties that will be enforced against those who choose to break our laws.

Unfortunately, a change was made to the Abraham-Feingold language in the conference report that I believe greatly undermines the effectiveness of this provision.

The Senator from Michigan and I very carefully crafted our language to provide a broad-based exception from these penalties for any individual who could demonstrate good cause for remaining in the United States without authorization. Why were we so careful to include this exception, Mr. President? Quite simply, there are many good reasons why an individual might not leave the United States immediately after their visa expires.

Perhaps they have become ill. Perhaps a family member has become ill. Maybe they need a short extension to raise the money to leave the country. There are a variety of reasons, some legitimate, some not. But our language would have put the burden on the nonimmigrant to demonstrate good cause to the INS. Instead, this conference report wipes out that important exception, and essentially only provides an exception to a nonimmigrant who has remained in the United States because they have a claim for readjustment of status pending at INS.

That Mr. President, is troublesome,

And I have serious concerns that this will result in countless nonimmigrants being subject to harsh penalties for no fault of their own. That is yet another example of sound policy being thrown to the wayside for no apparent legitimate reason.

Finally, Mr. President, I want to address the asylum provisions in this legislation that the Senator from Vermont, Senator LEAHY, has so eloquently shown to be very troublesome.

America has a proud history of representing a safe haven for those who believe in democracy and who have been tormented for embracing particular political and religious viewpoints. It should continue to do so.

We have had, no doubt, serious problems and abuses with our asylum system. In the past, too many nonmeritorious claims have been filed, and the result has been a massive backlog of pending claims that has prevented or delayed more legitimate claims from being processed.

I do not believe, however, that sort of abuse is adequate justification to place countless obstacles in front of those who have legitimate asylum claims. Moreover, before we consider passing any heavy-handed reforms, we should remember that the Clinton administration has made tremendous progress in reforming the asylum system in just the past year or so.

As a result of these new reforms, in the past year alone, new asylum claims have been cut in half and INS has more then doubled their productivity in terms of processing new claims. Mr. President, these promising reforms are in their infancy and we should be very careful not to mandate any new restrictions that will impede the progress INS is now making and prevent legitimate claims from being considered in as expedited fashion as possible.

The summary exclusion provisions in this legislation are unnecessarily harsh and make little sense. This provision states that if you are living in a country where you are being persecuted, if the regime you are living under is oppressive, and you are forced to falsify your papers in order to gain safe passage to the United States—this legislation says that you are unwelcome in the United States. It literally shuts the door on thousands of asylum seekers who find themselves in this position.

Mr. President, I do not understand what the authors of this language could possibly be thinking. Often we hear the well-publicized cases of persons seeking asylum in this country, whether it is Fidel Castro's daughter or members of the Cuban national baseball team.

But most people who are seeking asylum aren't relatives of celebrities, or famous national athletes. Often, they are working people, who are being imprisoned and often tortured for their religious or political views. How can we expect these people to walk into a government agency in their home country and obtain the necessary paperwork to leave that country? We can't Mr. President, and that is why I am afraid that this provision will have disastrous consequences for a great many individuals seeking political asylum in the United States.

Mr. President, to conclude, the conference report before us has turned into little more than an incoherent and unjustifiable attack against immigrants and refugees. There are 100 senators in this body who are genuinely committed to reducing illegal immigration and punishing those who choose to break our laws.

Unfortunately, I think it is clear that what some of our colleagues could not do directly in terms of reducing legal immigration is being accomplished indirectly. You can do it by cracking down on legal immigrants who use welfare. You can do it by cracking down on persecuted individuals seeking asylum. You can do it in a host of ways, and I am afraid that is exactly what this conference report has accomplished.

Thank you Mr. President and I yield the floor.

Mr. BRYAN. Mr. President, I wish to engage my esteemed colleague Chairman D'AMATO in a brief colloquy to clarify two items pertaining to the Fair Credit Reporting Act [FCRA] amendments contained in the H.R. 4278, the Omnibus Consolidated Appropriations Act of 1997. First, the House of Representatives in negotiations over the weekend deleted a Senate-approved measure which would have codified the permissibility of direct marketing under the FCRA. The deletion leaves the law silent on this issue, retaining the status quo. The House action does not reflect any congressional intent regarding the extent to which direct marketing is permissible under FCRA.

The second item relates to a requirement imposed under section 609 of the FCRA for personnel being accessible to consumers. The requirement that personnel be available under normal business hours is not intended in any manner to interfere with the use of automated menu telephone systems which provide the consumers with a range of options. The standard is satisfied as long as the system provides a consumer the option to speak to a live operator at some point in the audio menu.

Does the chairman confirm these understandings?

Mr. D'AMATO. Yes, Senator BRYAN. I agree with your assessment on these points.

Mr. DODD. Mr. President, I rise this afternoon to express my disappointment that the banking provisions contained in H.R. 4278, the Omnibus Appropriations bill, do not contain common-sense requirements that bank employees who sell insurance be subject to the same State licensing requirements as insurance agents.

There are many parts of the banking section with which I am pleased, particularly the final resolution of the financial crisis that was looming over both the Savings Association Insurance Fund [SAIF] and the Bank Insurance Fund [BIF]. However, while the House and Senate leaders went to great lengths to include regulatory relief legislation that benefits the banks, they failed to include any similar relief for tens of thousands of independent insurance agents across the country.

In many respects, the story of most independent insurance agents is the story of the American dream. In cities, towns and villages throughout the Nation, these men and women are the small business people who provide the foundation for local economic success. In addition to providing economic opportunity in their community, independent agents are often the same people who lead the local Rotary Club or Lions Club, who chair the P.T.A. or who spend their weekends coaching little league.

But these people are under great strain from a competitive environment that is increasingly favoring the banks over the agents. The banks' advantage is growing because recent court rulings have given great powers to the bank regulators to allow banks to sell insurance products. Let me be perfectly clear: I do not take issue with the way in which the regulators have been performing their duties. The problem stems from the fact that the regulators mandate requires them to make decisions based solely upon the impact those decisions will have on the banking industry. No regulator could—even if it wanted to—take into account how their rulings would impact on tens of thousands of hard-working independent insurance agents.

That is why I was so disappointed that this common-sense provision requiring State licensing was not included in the Omnibus Appropriations bill.

In point of fact, Mr. President, this licensing provision was taken almost verbatim from the interim guidelines on insurance sales issued by the Office of the Comptroller of the Currency, the main regulator of national banks.

A consumer who is purchasing an insurance product should have the confidence to know that the person selling the insurance has the same education requirements, passed the same tests, is subject to the same rules of conduct—whether that individual sells insurance at a bank or at an independent agency. Yet for some inexplicable reason, this very modest, pro-consumer amendment was vehemently resisted by powerful forces within the banking industry.

Mr. President, this is not an issue that will simply go away. Although there was not an appropriate opportunity to offer this amendment to the Omnibus Appropriations bill, neither I, nor many of my colleagues, will stand idly by and watch thousands of hard-working men and women lose their jobs because of a regulatory scheme that cannot, by statute, take their well-being into account. I can assure my colleagues, as well as those representing the financial industries, that when the next Congress considers legislation dealing with bank powers and financial restructuring, I will be a forceful advocate on behalf of the legitimate concerns of America's independent insurance agents.

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

Mr. SIMPSON. Mr. President, I rise to address my friend from Alabama regarding the issue of funding for new High Intensify Drug Trafficking Areas (HIDTAs) in the Omnibus Appropriations bill for fiscal year 1997. I seek a clarification of the report language that accompanies the Treasury-Postal title of this bill, which earmarks specified amounts for new HIDTAs, including $3,000,000 for a newly designated HIDTA in the State of Colorado. I inquire as to whether my colleague from Alabama is aware that the HIDTA application originally submitted by the State of Colorado has been updated to include the States of Wyoming and Utah in a Rocky Mountain HIDTA?

Mr. SHELBY. I would say to my friend that at the time this bill was drafted and I was not aware of that development.

Mr. SIMPSON. I would ask my friend from Alabama if he feels the existing report language could preclude those funds currently earmarked for the State of Colorado from being applied to all Members of the Rocky Mountain HIDTA.

Mr. SHELBY. I would tell my friend that I have encouraged the Drug Czar to work in terms of regional cooperation rather than focusing on individual States, and I am pleased to learn that the Rocky Mountain States are pursuing such an association. To that end, I would agree with the Senator from Wyoming that this money should go to meeting the updated application's program objectives.

Mr. SIMPSON. I would further inquire if it is still possible for the Office of National Drug Control Policy to consider using some of their discretionary funds to provide additional funding for the Rocky Mountain HIDTA?

Mr. SHELBY. Yes. Although the bill sets out minimum amounts to be transferred to state and local entities for drug control activities, I would certainly encourage the Director to transfer additional funds where needed for appropriate state and regional efforts.

Mr. SIMPSON. I thank my friend for his courtesy, and for his many hours of tireless work on this bill.

COMMERCE, STATE AND JUSTICE FY 1997 APPROPRIATIONS BILL

Mr. LIEBERMAN. Mr. President, I rise to discuss the Department of Commerce technology programs that I believe were underfunded in the original Senate appropriations bill for Commerce State Justice as reported by committee, and are better funded in this Continuing Resolution. The programs that I am referring to are important to the future of the U.S. economy—to our economic security, global competitiveness and high-skilled jobs. Without these types of technology programs in place, I am concerned that America could lose the technological innovation race as it confronts our international competitors. These technology programs help America compete in the global marketplace and are helping to make our economy stronger. The irony is that by cutting technology programs we would be cutting programs that are already making our economy stronger. I am concerned that the cuts originally proposed in the Commerce Appropriations bill would have helped lead to an undermining of the foundation that links our support of scientific research to technologies which have the potential to continue to keep America at the forefront of global leadership. I am very pleased that many of these cuts have been corrected in the Continuing Resolution.

The Commerce, State, Justice Appropriations bill as reported by Senate Committee provided inadequate funding to Commerce technology programs. If it had been left unchanged, this bill could have led to the unraveling of investments the Senate has long supported to advance our nation's civilian technological competitiveness. The late Secretary Ron Brown and other Administration leaders worked diligently with the ranking member on this Subcommittee, Senator HOLLINGS, and others in Congress, to develop Federal programs that link up with the private sector to foster new ideas that may underpin the next generation of products. These provide some of the small number of information channels that assure that the ideas generated in our world class research institutions evolve in the marketplace. I commend the Commerce Department's hard work and foresight in recognizing that America has entered a new era, an era where economic battles are fought as fiercely as military actions. The Commerce technology programs that were initiated with bipartisan support arm us with the best equipment and strategies we have to surmount our international competitors' efforts.

Our technology edge in the marketplace for the past half century has translated directly into high tech jobs for our workplace, new markets for American business, improvements in our balance of trade, and from this economic success, revenues for our treasury. The original Senate bill proposed to deplete resources from one of the basic long-term building blocks of our economic growth: applied research and development.

Our global competitors must be chuckling at our muddled vision. Japan has announced plans to double its R&D spending by the year 2000; it will surpass the United States in nondefense R&D in total dollars spent; it is already passing us in R&D expenditures as a share of GDP. This is an historic reversal. Germany, Singapore, Taiwan, China, South Korea and India are also aggressively promoting R&D investment. Our lead in R&D has been our historic competitive advantage. While our competitors are increasing their R&D investments, both public and private R&D investment is being cut in the U.S. If these global trends in R&D spending continue, America will rue the day it lost its R&D lead and therefore its technology lead. The leading ecocomic studies show that technology innovation has contributed to half or more of our economic growth for the past half century. By allowing our R&D lead to erode, we are jeopardizing our future economic growth.

The technology programs at Commerce are not a large part of our total R&D investment. Why should we be particularly concerned about them? A number of the Commerce programs are the connectors, the infrastructure, between the basic research establishment and the evolution of technologies into practical use. They are highly efficient investments, leveraging Federal dollars with matching private investment to ensure risk sharing and therefore prudent investment and improved liklihood of investment results. The cuts in the original Senate version of this appropriations bill took aim at the new and evolving infrastructure of technology development, which is why they were so serious.

The Technology Administration at the Department of Commerce houses many of the critical components of technology development and we need to ensure that its key functions are maintained. The technology programs I am particularly concerned about are the Advanced Technology Program (ATP), the Manufacturing Extension Program (MEP), the completion of the Advanced Technology Laboratory construction and National Telecommunications and Information Administration (NTIA) Technology and Information Infrastructure Grants Program (TIIAP). In total, these programs ARE the tools I mentioned earlier that make up the comprehensive and efficient effort to retain our technology leadership.

I will focus my attention on two programs that were hit hard by the original Senate Appropriations bill: ATP and the NIST Advanced Technology Laboratory construction. I will also note problems in cutting the NTIA grant program.

I am pleased that the original Senate bill did recognize the importance of the Manufacturing Extension Program by providing it substantial funding, as does the Continuing Resolution, providing $95 million for FY 1997. The MEP program is in the process of reaching small and mid-sized businesses in nearly every state with new advanced technology options.

ADVANCED TECHNOLOGY PROGRAM

ATP was enacted during the Bush administration to address technical challenges facing U.S. industry. This program adeptly addresses the development of high-risk, long-term technologies by top-notch firms, including small-to-medium sized companies, in a way that respects the marketplace and avoids inappropriate government intrusion. In an independent study, Semiconductor Equipment and Materials International (SEMI), an association comprised of 1,400 small companies that manufacture materials and equipment for semiconductor manufacturers, found that 100 per cent of the companies who participated in the ATP Program rated it very favorably. Likewise, nearly two-thirds of the modest sampling of ATP-award companies surveyed by the Industrial Research Institute, an association of over 260 research companies who account for 80 per cent of industrially-performed R&D, rated ATP with very high marks. The various reviews of ATP show that it has effectively acted as a catalyst to develop new technologies and to foster ongoing joint ventures within industrial R&D.

In my view, we should continue to support this program and we should restore the President's fiscal year 1997 request of $345M. The original Senate bill proposed funding for the Advanced Technology Program at a level of only $60 million, slashing $285 million from the President's request. This bill provided inadequate funding to support current commitments and included language prohibiting new awards. Clearly, the ATP cuts in this bill would have severely handicapped and ultimately annihilated the ATP program. The Senate bill also disregarded the bipartisan agreement reached last year to stop the train wreck and to maintain funding for ATP. I am very pleased that the final Continuing Resolution restores significant authority to the ATP program, funding it at $225 million, including funding for new ATP awards as well as to continue existing awards. This is a major improvement and I thank the President's Chief of Staff, Leon Panetta, and his staff; Senator HOLLINGS and Scott Gudes and Pat Windham of his staff; Appropriations Chairman Hatfield, and the others involved who were able to negotiate this change. It's not full funding, and this is an investment program that should be expanding, but it is an important step back on track.

The restrictions in the original bill that would have prohibited funding for awards to be made resulting from the ATP competition announced in May 1996, have been removed in the Continuing Resolution. I note that ATP has some carryover funds set aside for this purpose and, as noted, there is additional funding for new proposals in the final CR funding level. If this restrictive language had not been removed and we had cancelled the 1996 ATP competition, we would have had to face many justifiably upset entrepreneurs and medium-sized businesses who have invested major resources in forming consortia and in preparing grant proposals. The worst losers would have been the public which would miss out on some very promising technologies. I am very pleased we did not have to face that problem.

NIST ADVANCED TECHNOLOGY LABORATORY CONSTRUCTION

U.S. industry's ability to produce high quality products ranging from semiconductor to CAT scanners depends on the accuracy of primary measurements conducted at NIST. Universities and industries depend on new NIST measurement methods to overcome experimental obstacles with regards to the study of a plethora of scientific research such as materials science, advanced manufacturing, enzyme structures, to name a few. NIST's laboratories in Gaithersburg are now 30 years old and must be updated to improve and automate controls for temperature, dust levels, vibrations, and humidity. The factors are critical to accurate measurement required for precision national measurement standards. Standard-setting, which reaches across a vast range of affected industries, and is conducted in close cooperation with those industries, is clearly an appropriate governmental role, and has been so for over a century. Extremely precise standard-setting is crucial for industrial efficiencies and advances in a host of interdependent industries.

The administration requested $105 million for the construction of the NIST Advanced Technology Laboratory [ATL], which has been undergoing five years of extensive planning, research, design, and review. The Senate Appropriations Committee eliminated funding for building the urgently needed NIST ATL. Unfortunately, the Continuing Resolution did not correct this problem. I am concerned that unless this action is corrected next year, and this project moved ahead, there will be severe consequences for the future ability of NIST's laboratories to serve U.S. industry and science, halting in midstream a multi-year project that has garnered strong bipartisan and industrial support. If we allow this construction delay to prevail, the American taxpayer will ultimately pay a higher dollar, on the order of tens of millions of dollars, due to contract termination or suspension costs, costs for restarting the expert team, and inflation. These improvements cannot be delayed much longer and the price of delay is on the taxpayer.

NTIA GRANTS

I also note that the original Senate bill cut all funding for the Commerce National Telecommunications and Information Administration's [NTIA] Technology and Information Infrastructure Grants Program [TIIAP]. These programs serve an important purpose in connecting public schools, libraries and hospitals to state of the art telecommunication services and the Internet, through a highly competitive, cost-shared grant program. TIIAP programs demand high community involvement to be successful. The President's request of $59 million would have funded approximately 200 innovative telecommunication application projects and would leverage additional matching funds of over $100 million. To state it simply, an education system with out connections to the new information infrastructure is not a modern education system, and given the demands of a competitive global economy, we must make these connections. To end the NTIA grants would have been a serious error. I am pleased that the Continuing Resolution revisited this issue and restored $21.5 millon for this program.

To conclude, now is not the time to drop out of the global R&D race and shift toward a path of technology bankruptcy. I was concerned that the cuts in key technology programs originally proposed in the Senate Appropriations bill moved in this direction. I am very pleased that the Continuing Resolution corrected some of the worst problems in the Senate bill. Sen. HOLLINGS, who has long been an able leader in the Senate on technology issues, I know strongly shares these concerns. Again, I appreciate his efforts and the efforts of the administration and of Chairman HATFIELD in negotiating the improvements in this Continuing Resolution. Had the corrections not been made, I would have been concerned that the original bill could have started a process of throwing away tools that are key to building a better future and stronger economy for our country.

APPROPRIATIONS FOR DESALINATION RESEARCH AND DEVELOPMENT FOR FISCAL YEARS 1997 AND 1998

Mr. SIMON. Mr. President, I wish to express my disappointment that the omnibus appropriations bill for fiscal year 1997 does not include funding for research and development in the area of converting salt water to fresh water.

Although, with the assistance of the Senator from Nevada Mr. [REID], we did make a breakthrough in this Congress by passing legislation that authorizes funding for research and development into desalination, we failed to appropriate funds for this important research.

The United States was the world leader in desalination research during the 1960's, but Federal Government support was eliminated during the 1970's. It is vital that the United States again take the lead in desalination research and technology.

We are in a situation where, depending on whose estimates you believe, in the next 45 to 60 years we will double the world's population. Our water supply, however, is constant. Clearly, we are headed toward major problems. The reality is the cost of fresh water is gradually going up, the cost of desalinating water is gradually coming down, but there is a gap that remains. That gap is going to hurt us unless we move in the area of research.

Converting salt water to fresh water is currently inexpensive enough for drinking purposes. Almost 90 percent of the water used in the world, however, is for industrial and agricultural purposes. Producing enough fresh water from saline water to grow crops and supply factories with water in arid parts of the world remains far too expensive.

In a report on desalination authorizing legislation, the Senate Committee on Environment and Public Works expressed the significance of desalination research and development, stating, "The United States should renew its commitment to developing this key technology and once again move the United States to the forefront of desalination technology and development."

Mr. President, the ability to efficiently convert salt water to fresh water is vital to the future of our country. It is vital to the future of civilization. For this reason, I am pleased that the Senator from Nevada will be taking the lead in assuring that funding for desalination research and development is included in any supplemental appropriations for fiscal year 1997, and in specific appropriations for fiscal year 1998.

Mr. REID. Mr. President, I would like to thank the Senator from Illinois for his leadership on this important issue.

I recognize the need for research and development and public investment in desalination technology. I am pleased to see that authorizing legislation was passed in this Congress for desalination research, and it was a pleasure to work with the Senator from Illinois as a cosponsor of his legislation. I will work to ensure that funds for desalination research and development are appropriated in the 105th Congress, through both supplemental appropriations for fiscal year 1997, and in appropriations for fiscal year 1998.

Ms. MOSELEY-BRAUN. Mr. President, I am delighted the Senate is prepared to act on and approve the pending omnibus appropriations bill for fiscal year 1997. I would like to commend the leaders of the Appropriations Committee, as well as the majority and minority leaders and the White House for their diligence in negotiating this compromise appropriations legislation. I am delighted that we have been able to put aside our differences and are prepared to pass a bill before the start of the next fiscal year.

This compromise stands in stark contrast to the acrimony and bitter partisanship that dominated the fiscal year 1996 budget and appropriations debate. I know that every one of my colleagues remembers the numerous continuing resolutions—many of them crafted by the Congress specifically to draw a Presidential veto—and the multiple shutdowns that closed parts of the Government for 27 days last year.

We have come a long way since last year's debate. We have come an especially long way in the area of education. The first budget documents considered by the 104th Congress contained unprecedented, extreme, and harmful cuts to education and job training programs.

The first budget and appropriations bills considered by this Congress proposed an $18 billion reduction in the Pell Grant Program, and a 40-percent reduction in the value of individual Pell grants. This Congress suggested $10.6 billion in student loan cuts, a tax on colleges and universities who participate in the student loan programs, and an interest-rate increase for parents who take out certain loans to help their children through college. This Congress tried to completely eliminate the successful and popular direct loan program, and the 6-month grace period before students must begin to repay loans after graduation.

Fortunately, none of these proposals became law. They would have increased the cost of higher education for nearly all of the millions of American students who are enrolled in colleges and universities with the help of financial assistance. This backtracking on the Federal Government's commitment to providing access to higher education would have come at exactly the time the cost of higher education was soaring to new heights. According to a study released by the General Accounting Office last month, the cost of public, 4-year colleges and universities has increased 234 percent over the last 15 years—nearly three times as much median household income.

Mr. President, we have come a long way for higher education since those early proposals. Instead of slashing the program and cutting the size of individual Pell grants, the bill before us today increases funding for the program by $1.3 billion, and raises the size of individual awards to $2,700. This bill increases funding for work-study programs by $213 million, providing about 960,000 jobs for low- and middle-income college students. This bill fully funds the direct loan program, allowing colleges and universities that choose to do so, to enroll in the program at will.

The first budget and appropriations bills considered by this Congress would have denied Head Start to 350,000 preschool children, cut 2 million children off of title I reading and math support, and cut back programs to keep schools safe and drug free for 39 million students. This Congress suggested that it would be appropriate to zero out Goals 2000, eliminate the National and Community Service Program, and eliminate summer jobs for millions of American students.

Fortunately, none of these proposals became law either—and for the first time since the start of the 104th Congress, the Senate is about to approve a measure that increases funding for Head Start, fully funds the title I program and fully funds Goals 2000. For the first time in 2 years, this Congress is poised to make progress toward improving the quality of, and expanding access to, educational opportunities for all Americans.

I am especially pleased with the increase in funding for education technology. This bill increases funding for education technology by nearly 400 percent over last year, to a record-high $305 million. These funds will help States leverage additional funding to wire schools, connect them to the Internet, train teachers, and provide all of our children with a 21st century education.

We have indeed come a long way, and the legislation before us today represents a dramatic improvement over proposals initially considered by this Congress. There is still much work to be done.

According to the General Accounting Office, decades of neglect of the facilities themselves has resulted in $112 billion worth of needed repair, maintenance, and construction, just to bring them up to good, overall condition. This price tag does not include the cost of wiring our schools for computers and other information technology that our children must learn in order to remain competitive in the 21st century.

The $112 billion price tag does not include the cost of expanding facilities to meet the needs of climbing enrollment. The Department of Education reports that this year's enrollment is the highest ever, and the number of children enrolling in school will continue to climb for the next decade. Next year, I will introduce legislation that will help school districts leverage funds to repair, upgrade, and modernize their facilities so our schools may serve our children in the 21st century.

I also intend to examine the increasing unaffordability of college next year when Congress reauthorizes many of the higher education programs. At precisely the time when college is more important to opportunity than ever before, we cannot afford to price an increasing number of middle-class Americans out of a higher education.

Mr. President, the 104th Congress has not been friendly to education. Bill after bill has proposed slashing education funding and limiting opportunity for millions of American students. I am very pleased that for the first time the legislation before us today takes a different tact, expanding educational opportunities.

I look forward to working with my colleagues in the 105th Congress to continue to improve the quality of education for all Americans.

PRIVATIZING CONNIE LEE

Mr. DODD. Mr. President, I am pleased to rise today in support of my legislation, included in the continuing resolution, to privatize the College Construction Loan Insurance Association, better known as Connie Lee.

For 10 years now, I have focused a great deal of attention and effort on Connie Lee legislation. I was there at its birth in 1986 as the author of the legislation creating Connie Lee, which passed as a part of the Higher Education Act amendments. And, today, as this legislation privatizing Connie Lee passes, I feel like a parent watching a child graduate from college to head out on her own.

Connie Lee was created with a vital and focused mission—to assist colleges in the repair, modernization and construction of their facilities. Like many institutions, colleges and universities need multi year financing to keep up with their construction and renovation needs. For institutions with strong financial backing and large endowments, issuing bonds and securing capital has not been a major problem. Institutions that are less secure and have a lower bond rating, however, face major obstacles in obtaining the necessary financing.

It was clear to us in 1986 that we, as a nation, have a major stake in assuring that our higher education institutions sit on a strong foundation—both literally and figuratively. Connie Lee was created to address this need and, since its incorporation in 1987, it has provided increased access to the bond markets for more than 100 needy institutions through bond insurance. Connie Lee has insured bond issues totaling over $2.5 billion and has assisted institutions such as the University of Denver, the University of Massachusetts Medical School, community colleges, and numerous other institutions in nearly every State.

With its significant record, Connie Lee has clearly proven its maturity and strength. Since its founding, Connie Lee has maintained its triple-A financial rating, and a recent Standard and Poor's report confirmed its strong financial position. The initial Federal investment of $19 million has clearly worked to form a strong and vibrant company, ready to sever its ties and fully privatize.

The privatization language included in this bill is quite straightforward and very similar to the administration's privatization bill, which I introduced last June. It repeals the section of the Higher Education Act that authorized the creation of Connie Lee and governs its activities. In addition, it requires that the Secretary of the Treasury sell the Federal Government's 15-percent share in Connie Lee within the next few months.

Mr. President, as simple as it sounds, this legislation is the product of a great deal of work. I would first like to thank my colleague from Vermont, Senator JEFFORDS, who has been an incredible partner in this effort. I would also like to acknowledge the assistance of the Departments of Treasury and Education, the staff of Connie Lee, and those in the private sector, who with their broad experience provided invaluable assistance in putting this bill together.

In an era when we hear so much about bad government, Connie Lee is an excellent example of how government can and does work well. With a modest Federal investment, Connie Lee has grown to be a dynamo in helping colleges repair their aging facility just as we had hoped in 1986. Connie Lee will continue this work, but no longer needs our venture capital. With this legislation, the Federal Government will sell its shares and recoup a good cash return on its original investment.

Mr. President, this is good legislation and I look forward to its passage as part of the larger continuing resolution.

SECTION 208

Mrs. MURRAY. Mr. President, the omnibus appropriations bill contains a provision in the Commerce, State, Justice appropriations area that needs clarification. Section 208 prevents the administration and councils from using funds to implement any individual fishing quota [IFQ] programs until fees are expressly authorized for such programs under the Magnuson Fishery Conservation and Management Act. This fee authority recently passed both the House and Senate and will soon be signed into law by the President, but there is some confusion about the implication of this appropriations provision on a particular IFQ program designed to regulate bycatch.

Section 118 of the Sustainable Fisheries Act amends section 313 of the Magnuson Act to provide authority for the North Pacific Fishery Management Council to establish a Vessel Bycatch Accountability [VBA] program under section 313(g)(2). As Senator STEVENS made clear during debate on the Sustainable Fisheries Act, the authority to collect a fee under section 304(d)(2)(A)(i) of the Magnuson Act for actual costs directly related to the management and enforcement of IFQ programs applies as well to any VBA program created under section 313(g)(2). Therefore, the express authorization of fees for a VBA program is contained within the express authorization of IFQ fees in section 304(d)(2)(A)(i), except that, as Senator STEVENS mentioned during the debate, the fees in the VBA fishery should not exceed one percent of the annual exvessel value of the target fish in the fishery.

It is therefore clear that once the Sustainable Fisheries Act has been enacted, section 208 will no longer apply to the VBA program I have described. It will in no way prevent the Council from developing and the Secretary from approving and implementing a VBA program, consistent with the requirements of section 313(g)(2) and other provisions of the Magnuson Act.

Mr. STEVENS. I concur with the Senator from Washington. The express authorization of fees in the Magnuson Act to pay for the costs of administering plans, amendments and regulations that include IFQ programs results in the repeal of section 208. Because the VBA program that Senator MURRAY has described fits within the definition of an IFQ, upon enactment of the Sustainable Fisheries Act, the moratorium in section 208 will no longer be applicable to the VBA program.

As I mentioned in my discussion with Senator MURRAY about section 208, the Sustainable Fisheries Act's express authorization of fees to pay for the costs of administering plans, amendments and regulations that create IFQ programs results in a repeal of section 208. Once the President signs the Sustainable Fisheries Act, section 208 will be completely repealed.

Mr. SHELBY. Mr. President, I want to congratulate the chairman for reporting out a bill that provides funding for many important programs, while at the same time moving toward our goal of balancing the budget. Of particular interest to me, this bill funds the activities of the Federal Communications Commission which is currently undertaking the important task of implementing the historic Telecommunications Act of 1996.

Mr. President, I would like to raise a concern that many of us have relating to the FCC's implementation of the act, and I would therefore ask the indulgence of the chairman of the Appropriations Subcommittee to allow me to enter into a colloquy with the chairman of the authorizing committee, the Committee on Commerce, Science and Transportation.

Mr. SHELBY. I thank the chairman. In addition to advocating a regulatory framework that encourages and promotes competition in the telecommunications industry, I have been particularly concerned that small and entrepreneurial firms are allowed to compete on a level playing field in all industry sectors in the United States and global economies. Indeed, with passage of the Telecommunications Act, Congress sought to provide opportunities for small businesses to participate in the telecommunications industry while also moving the entire industry toward a more competitive framework overall. Section 257 of the Act directs the FCC to "identify and eliminate

* * * market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services. * * *"

Mr. President, this is very clear and precise language and should leave no question as to the intent of Congress on matters relating to small businesses. Nevertheless, it has come to my attention that the FCC, in two recent rulemaking decisions relating to new satellite services, has adopted stringent financial standards, the practical effect of which is to erect market entry barriers to telecommunications ownership by entrepreneurs, small businesses and similar entities.

Under the Commission's strict financial standard, applicants are required to demonstrate financial qualifications either on the basis of a corporate balance sheet or alternatively, on the basis of fully negotiated, irrevocable funding commitments from outside sources. This standard unfairly favors large corporations who may submit a balance sheet as part of their licensing application, regardless of whether the funds reflected on paper are actually committed to the project and even though the corporate giant, like its smaller competitors, will likely turn to external financiers and investors to ultimately fund its system. In fact, the award of all satellite licenses in one of the proceedings I refer to have gone to large corporations. In contrast, applications from small entrepreneurial companies have been deferred because they have been held to the stricter test requiring proof that funds have been irrevocably committed by others on behalf of their entire project. This is a very high hurdle to clear.

Although numerous small businesses, as well as the Small Business Administration and a number of U.S. Senators and Congressmen, have raised concerns about these strict financial standards with the FCC, we have received no adequate response from the FCC, nor has the Commission modified its policy in this area.

To the distinguished chairman of the Commerce Committee I ask: Was it the intent of Congress with passage of the Telecommunications Act of 1996 to encourage the FCC to ease the regulatory framework and encourage competition in the telecommunications industry? And, further, was it the intent of Congress that regulations that act as market entry barriers to small and entrepreneurial businesses be identified and eliminated as soon as possible?

Mr. PRESSLER. The Senator is correct. The primary thrust of the historic act was to ensure increased competition in the telecommunications industry by scaling back regulations and allowing free market forces to operate in this area. The Senator is also correct in noting that section 257 of the act specifically directs the Commission to identify and dismantle impediments to small business ownership and provision of telecommunications services.

Mr. SHELBY. Thank you very much, Mr. Chairman. Any may I then ask: Is it true that section 257 of the Telecommunications Act, which ensures that small businesses are not unfairly disadvantaged by Federal regulations, was supported by both parties?

Mr. PRESSLER. The Senator is correct. This provision, which originated in the other body, was agreed to on a bipartisan basis. Section 257 directs the Commission to develop meaningful opportunities for small businesses to participate in the ownership and provision of telecommunications services. This language applies to all Commission activities in the area of telecommunications. It does not make exception for activities such as the application of financial qualification standards.

Mr. SHELBY. Mr. President, I have one final question for the chairman of the Commerce Committee for purposes of clarifying that the intent of Congress with the Telecommunications Act is to ensure that the marketplace, not the U.S. Government or a regulatory body, decides who the winners and losers in this industry will be. In the case of the strict financial standard imposed by the FCC for satellite system applicants, it seems to me that rather than making a judgment on what the FCC may feel is a company's financial ability to compete, perhaps the FCC should focus more on technical considerations for licenses, leaving the ultimate success or failure of an applicant to the marketplace where it appropriately belongs. Will the chairman continue to work with me and others to ensure that the FCC implements the law according to our intent, particularly as this relates to small and entrepreneurial ventures and financial standards applicable to these important participants?

Mr. PRESSLER. I can assure my colleagues that the Commerce Committee will closely follow actions taken by the Commission in areas such as satellite licensing to ensure that the intent of Congress is carried out. Congress must ensure that the FCC's actions are complementary, not contrary, to the forces of the free market and open competition.

Mr. SHELBY: I thank the chairman of the Commerce Committee for all the work he has undertaken to ensure the American people have access to services which are developed in a free and open marketplace, and I thank the chairman of the Appropriations Committee for permitting our discussion of this most important and timely issue.

WHITEFISH POINT LIGHTHOUSE LAND CONVEYANCE

Mr. ABRAHAM. Mr. President, I rise to address the inadvertent omission of important report language relating to the transfer of the lighthouse at Whitefish Point, MI, from the Coast Guard Authorization Act of 1996.

Built in 1849, the lighthouse at Whitefish Point was Lake Superior's first lighthouse. As I am sure my colleague from Michigan, and anyone else familiar with the perils of maritime transport on Lake Superior will tell you, in its 15 decades of operation the lighthouse has undoubtedly saved hundreds of lives.

In response to the present need to justify budgets, the U.S. Coast Guard, working to meet its numerous national priorities, decided to permit the transfer of ownership to responsible parties. Several organizations stepped forward, and this legislation makes possible the transfer of this historical site to three interested parties: the Great Lakes Shipwreck Historical Society, the U.S. Fish and Wildlife Service, and the Michigan Audubon Society.

Disagreements arose between the interested parties over the ability to construct or expand facilities at the site. As a conferee to the Coast Guard reauthorization, I developed a clarifying clause to be included in the conference report to accompany the bill to try and put this dispute to rest. This language represented an agreement between Representative STUPAK and myself, and it struck a reasonable compromise between the concerned parties. Regrettably, this language was not included in the final report as we had come to expect. The aforementioned clause was as follows: "Nothing in this section is to be interpreted as exempting development of the land conveyed under this section from applicable Federal, State or Local laws."

Mr. President, this is a matter that is important to many people in the State of Michigan. It troubles me this language did not make it into the conference report.

Mr. STEVENS. Mr. President, I regret that the language requested by the Senator from Michigan was not included in the report language. I wish to assure Senator ABRAHAM and Senator LEVIN that this was due to an administrative oversight. It was the Senate's intent that this language be included in the conference report, and to my knowledge, there was no objection in the House.

Mr. ABRAHAM. Mr. President, I thank the distinguished subcommittee chairman and the ranking member for their consideration and all their hard work. Their help will ensure that transfer of this property takes place smoothly and it will allow the concerned organizations to focus their attention and resources toward preserving this rich historical site.

Mr. LEVIN. Mr. President, I also wish to thank the Senator from Alaska for his willingness to address this matter. And, I appreciate my colleague from Michigan's efforts to move these transfers and to clarify the intent of Congress regarding the Whitefish Point transfer. There are important historical preservation and environmental protection issues that must be carefully considered regarding this sensitive property and any development that occurs there.

PESTICIDE DATA PROGRAM

Mr. LEAHY. Mr. President, I would like to engage the Senator from Iowa, Mr. HARKIN, the ranking member of the Senate Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies, Mr. BUMPERS, the chairman of the VA–HUD Subcommittee, Mr. BOND, and other Senators in a discussion relating to the Pesticide Data Program.

It is my understanding that the new pesticide legislation requires more complete and thorough pesticide residue data collection. Because of the sequence of passage of the Agriculture Appropriations Act and the Food Quality Protection Act, the Pesticide Data Program, essential to collecting pesticide residue data, had been left without funding. Would the Senator from Iowa agree with this assessment?

Mr. HARKIN. The Senator from Vermont is correct. The Pesticide Data Program, which has been carried out by the Department of Agriculture since 1991, has a proven record of collecting data that is critical to the proper functioning of our pesticide and food safety laws—from the perspectives of both consumers and agricultural producers. It should be noted that this program involves contractual agreements with the States that are separate from the existing cooperative agreements for pesticide enforcement and educational programs between EPA and the States.

The program is specifically designed to collect reliable data regarding pesticide residues on food as those foods are consumed. This data benefits consumers—and particularly infants and children—because regulatory decisions can be based on more accurate assessments of the risks associated with pesticide residues in foods. The data is likewise beneficial to agricultural producers. Using reliable residue data, and more accurate assessments of risk associated with the use of products, may allow some pesticides to remain in use that would otherwise have to be withdrawn, since without the data EPA would have to assume a higher theoretical level of risk from use of a pesticide than is really the case.

The Pesticide Data Program has taken on even more importance with enactment of the landmark Food Quality Protection Act, which mandates collection of the type of data collected in the Pesticide Data Program and depends upon accurate pesticide residue data to work as Congress intended. A critical problem arose, though, since no money had been appropriated for the Pesticide Data Program in the previously enacted agriculture appropriations measure for fiscal 1997.

Fortunately, the lack of funding has been taken care of in this continuing resolution, but I am concerned about the implications of providing the money to EPA rather than to USDA, which has extensive experience and a solid record of success in carrying out the Pesticide Data Program.

Mr. BUMPERS. I thank the Senator for the opportunity to explain the events that have led to this program being transferred to the VA/HUD Subcommittee. This program was previously funded by the Subcommittee on Agriculture, Rural Development, and Related Agencies and administered by the Agricultural Marketing Service through contractual agreements to several States for residue testing and information collection in the field. Although the Senate bill for fiscal year 1997 USDA spending contained this funding, it was dropped in conference at the insistence of the House. It was the sense of the House conferees that since the program was largely designed to assist the Environmental Protection Agency in the reregistration of pesticides, the program would be more appropriately funded through EPA.

Following passage of the fiscal year 1997 Agriculture, Rural Development and Related Agencies Appropriation Act, Congress enacted the Food Quality Protection Act. The Food Quality Protection Act modified the tolerance-setting process and made the availability of actual pesticide residue information more critical than before. During negotiations on the continuing resolution, the question was again raised as to the appropriate agency to implement this program. In an agreement reached with the House and Senate leadership, and the administration, it was decided to fund this program through the Environmental Protection Agency for fiscal year 1997.

Mrs. MURRAY. Can the Senator from Missouri explain what effect this change will have on the collection of residue data?

Mr. BOND. This change should have little effect on the collection of residue data. As the Senator from Arkansas explained, the collection of pesticide residue data is achieved through contractual agreements with a number of States. This process will continue. The only difference will be that the funding for fiscal year 1997 will flow through the Environmental Protection Agency rather than the Agricultural Marketing Service. This 1-year approach will allow a more timely distribution of funds to the States than would otherwise occur if they first had to be transferred to USDA.

Mr. LUGAR. I notice the statement of managers also contends that while the program will be managed by the Environmental Protection Agency during the initial stages of implementing the Food Quality Protection Act, that future funding should be provided by a more appropriate Federal agency. I might point out that section 301(c) of the Food Quality Protection Act mandates that the Secretary of Agriculture ensure the residue data collection activities are carried out in cooperation with the Environmental Protection Agency and the Department of health and Human Services. Would it be the understanding of the Senator from Arkansas and the Senator from Missouri that coordination should continue between the Environmental Protection Agency and the Agricultural Marketing Service to determine how best to manage this program in the future in light of the recent passage of the Food Quality Protection Act?

Mr. BUMPERS. While the Statement of Managers does indicate that transfers to other Federal agencies should not occur in fiscal year 1997, I agree with the Senator from Missouri that this was in order to distribute funds more efficiently to the participant States. The Food Quality Protection Act has only been signed into law a few weeks and we do not yet fully know the extent to which it will enhance the need for the information provided by the Pesticide Data Program.

I certainly expect the Department of Agriculture to explain fully its views of how best to proceed with this program in hearings before our subcommittee next spring. With the expectation that Congress will determine the collection of this information is imperative due to the changes in the pesticide registration laws, I would hope that the Environmental Protection Agency and the Agricultural Marketing Service continue to coordinate efforts and work together. I would further expect that fiscal year 1997 funds not be restricted in such a way as to make this coordination difficult. If, as suggested in the Statement of Managers, there is a more appropriate Federal agency than the Environmental Protection Agency to implement this program, that Federal agency should be allowed to work with the Environmental Protection Agency and leave the final decision for fiscal year 1998 to the Appropriations Committees of the House and Senate.

Mr. BOND. I agree with the views of the Senator from Arkansas.

GUN FREE SCHOOL ZONES ACT

Mr. KOHL. Mr. President, today we enact the Gun Free School Zones Act, a measure designed to undo the damage done by Supreme Court's decision in United States versus Lopez. In that 1995 decision, the Supreme Court by a slim 5 to 4 margin struck down an earlier version of this legislation, holding that it exceeded Congress' commerce clause power in the Constitution.

Today we address the Supreme Court's concerns. We do not defy them. Yet we do not let their easily addressable concerns stop us from doing what is right—doing everything we can to stop the violence in our schools. The Gun-Free School Zones Act is a commonsense, bipartisan, constitutional approach to combating violence in our schools. It bars bringing a gun within 1,000 feet of a school, with a few commonsense exceptions. We also now require in this new version that in each prosecution the Government prove that the gun "moved in or * * * otherwise affected interstate commerce." This is the only change between the prior law and this new law.

We enact this measure under our commerce clause authority. We have held hearings on it, and we have heard from prosecutors, law professors, teachers, and policemen. They all tell us that interstate commerce is what is causing the problem of gun violence in schools. The problem of school violence is a national one that begs for national attention. Anyone who argues that the problem is an exclusively intrastate problem is not looking at the evidence. Interstate commerce is creating this problem.

Sometimes these guns get into children's hands through the efforts of nationwide gangs. One 14-year-old Madison, WI gang member told the Wisconsin State Journal that the older leaders of his gang brought carloads of guns from Chicago to the younger gang members. The Boston police recently discovered that all of the handguns being bought by gang members in one neighborhood came from Mississippi. The young man who was running guns up to Boston was arrested and shootings in the neighborhood dropped more than 60 percent, from 91 to 20. And in New York, Federal agents traced 4,000 guns seized there to a single store in Alabama.

The unchecked proliferation of guns and their delivery into the hands of school-aged children is national in scope. The raw materials for guns are mined in one State, are turned into guns in another State, and are put into a child's hands in another State. The gangs that arm these children and encourage them to bring guns to school operate across State lines.

These guns have infiltrated our school system and created a national crisis. A Lou Harris survey this year found that one in eight youths—two in five in high-crime neighborhoods—reported having carried a gun for protection. One in nine said they had stayed away from school because of fear of violence. That number jumped to one in three in high crime neighborhoods.

The effects of guns in schools stretches across this Nation. Schools and districts with particularly bad gun problems sink deeper and deeper into despair. They have difficulty procuring Federal aid or grants from national foundations. People will not move from out-of-state to that school area because they do not want their children in dangerous schools. Businesses will not relocate or establish themselves in areas with dangerous school zones.

Finally, and perhaps most tragically, the children in those schools are prevented from learning their ABC's. All they learn is to live in terror. Children from Maine to Wisconsin to Alabama to Oregon go to school in fear—fear that they may be shot, that their school day will consist of nothing but dodging from one perilously dangerous situation to another. These children cannot learn and the educational system cannot teach. Our national economy is crippled.

The Federal Government has a role to play in combating this national problem. We must put the full weight and investigative abilities of the Federal Government behind the drive to keep guns out of school. No State should be forced to stand alone in confronting this problem.

Although many States have their own laws, we need a Federal law for two reasons: first, many of these State laws are inadequate; and second, a Federal law will serve as a critical support and backup system for State law enforcement officials.

But before dealing with these reasons, I want to point out that the measure we pass today will not hamper, preempt, or harm the enforcement of those laws in any way whatsoever.

Although State laws can help address this national problem, not every State has a law. And not every State law is adequately drafted to do the job. Moreover, in many of these States, people do not serve any time for violating the law. In Federal cases, they do. With a Federal law, we can fill in loopholes and put violators behind bars for up to 5 years. In short, the Gun-Free School Zones Act gives prosecutors the flexibility to bring violators to justice under either State or Federal statutes, whichever is appropriate—or tougher.

Some States do not have laws which deal with guns in schoolyards. In addition, of the forty-plus States that have laws, almost half of them simply make it a misdemeanor to bring a gun into school. Unfortunately, that has almost no effect on a juvenile who knows that a juvenile misdemeanor record is virtually meaningless. A stiff Federal penalty means a lot more.

Some of the States also have weak laws. Take, for example, Alabama. Alabama requires that the person charged have brought the gun to school with intent to do bodily harm. So you can bring a gun to school, disrupt and frighten all of the students but still get off because you did not intend to actually shoot anyone. That is unacceptable. Alabama's statute also only applies to guns on public school grounds. Private schools are uncovered, so anyone can walk into a parochial or private school with a gun and without a fear of prosecution.

And there is still another reason why a Federal law is needed. We need Federal and State cooperation to deal with this problem. The States need our help. Sometimes they are overwhelmed and need backup. Other times, they want to use stiffer Federal penalties. This Gun-Free School Zones Act will not preempt a single State law. And after decades of dealing with complimentary Federal-State laws, good State and Federal prosecutors know how to coordinate their efforts—and Federal prosecutors know to step aside when the State has a stiffer law. Just ask Bob Wortham, the former Texas U.S. attorney nominated by Senator GRAMM. Mr. Wortham prosecuted more people under the Gun-Free School Zones Act than anyone else. And he did it while getting rave reviews from State police, prosecutors, and teachers. This act is a modest but useful measure that surely cannot threaten our State governments.

You will not hear State officials complaining about meddling Federal officials. Instead, State officials welcome Federal assistance in this area. The Gun-Free School Zones Act assures a Federal-State joint venture.

Mr. President, our measure is clearly constitutional. The original Gun-Free School Zones Act was struck down in United States versus Lopez. But in drafting this proposal, we consulted with the Justice Department and a variety of legal experts who carefully scrutinized this bill and concluded it would easily pass the Lopez test.

In fact, the very provision that has been inserted into the bill to make it constitutional was suggested by a section in the Chief Justice's opinion in Lopez. In a portion of that opinion, the Chief Justice noted that if the law "contain[ed] * * * [a] jurisdictional element which would ensure, through case-by-case inquiry, that the firearm possession in question affects interstate commerce, then the law would probably be constitutional.

By requiring an explicit connection with or effect on interstate commerce, as our new law will require, Congress will be clearly regulating interstate commerce pursuant to its constitutional commerce clause power. There are many known instances of gangs traveling to other States to equip themselves with guns which they then bring into schools. That is what this bill seeks to regulate: the travel of guns through interstate commerce to our schoolhouse steps.

This measure does not, as a few opponents have argued, pave the way to Federal regulation of State education. Education is first and last the business of the State governments, and so it will remain. This law does not get the Federal Government in the business of regulating schools. It simply keeps the Government in the business of controlling the interstate commerce in guns. Since this bill rests on the Federal Government's power to regulate interstate gun commerce, it cannot be used to justify Federal regulation of State education.

It does not make much sense to treat a modest and sensible proposal as a major threat to the Federal-State balance. Our Founding Fathers were concerned with common sense, not with alarmist predictions about the fate of Federal-State relations.

Mr. President, no one claims that our legislation is a panacea. No one claims that the violence will go away if we pass it, just as the violence did not go away when the original law was passed. But a Federal law can help. The Federal Government can step in and assist State prosecutors when they do not have the resources they need. The Federal Government can take on particularly bad offenders who will receive stiffer penalties in a Federal prosecution. Today, we have lived up to our obligation to help.

Mr. LOTT. Mr. President, I do not want to delay the vote very much because I know there are a number of commitments involved. I am prepared to use some leader time to wrap up if the former chairman and the ranking member would like to go first.

Mr. BYRD. Mr. President, I have about 3 minutes. I wish to take just a few minutes to commend the work of several key people. I commend the House Democratic leader, Mr. GEPHARDT, who played a very important role in the negotiations that took place during last week. He led the House and Senate Democrats in that historic budget agreement in 1990, and proved himself to be very knowledgeable and capable in matters of the Federal budget and, again, confirmed my judgment of his capabilities.

In addition, Mr. President, I applaud the efforts of the Speaker of the House, Mr. GINGRICH. Congressman GINGRICH is one of the most interesting personalities that has appeared on the political stage in the last quarter century, and his participation in the negotiating process was key to the success of this agreement.

On the Senate side, the tireless work of our two leaders is also to be commended. For the Democrats, Senator DASCHLE has proved to be a very effective minority leader. As a former leader, I know well the difficult tasks he faces in leading the Senate Democrats, but he has been diligent in his efforts to protect Senators' interests while at the same time trying to reach consensus as the Senate seeks to complete its work.

The Republican leader, Senator LOTT, since assuming his responsibilities upon the departure of Senator Dole, has carried out his responsibilities very capably.

He has worked well with the minority leader and Senators on both sides of the aisle in moving the Senate's business, and particularly in relation to the resolution just agreed to, he was deeply involved and most helpful in reaching this agreement. Several thorny issues were presented to the Senate majority leader and to the other leaders for their final resolution. And they comported themselves admirably and well.

I commend all of the staff who were involved in this very difficult negotiations on this omnibus appropriation bill. For the majority leader, David Hoppe, and for the minority leader, Larry Stein, were involved at every stage of the process and helped resolve many difficult issues as they arose. I also commend the full committee staff of the Appropriations Committee for their tireless efforts and dedicated work: Keith Kennedy, Mark Van de Water, and Dona Pate for the majority and Jim English, Terry Sauvain, Dick D'Amato, and Mary Dewald for the minority, as well as my chief of staff Barbara Videnieks. Most especially, Mr. President, I congratulate and thank the professional staff on both sides of the aisle of each subcommittee, without whom we would not have been able to have reached this agreement as successfully and effectively as we have. As I have said many times in the past, the staff of the Senate Appropriations Committee is one of the finest staff on Capitol Hill, and they have proved themselves so to be, once again, throughout this entire session and, in particular, during the last week.

Last, Mr. President, I note with regret that this is the last appropriation bill to be managed by the very able and distinguished Senator from Oregon, my colleague and friend, Senator HATFIELD. He is a most remarkable public servant, and a man of great integrity and independence, who has always striven throughout his public career to do what is right for the people of the State of Oregon and the Nation, rather than what may be politically popular at any given point in time. I compliment MARK HATFIELD on an outstanding Senate career and, particularly, for his outstanding service on the Appropriations Committee and for the extraordinary manner in which he has led that committee during his 8 years as its chairman.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I, too, want to take just a few moments to thank a few people who worked to achieve this final product.

It is unlike any appropriations bill I ever saw. It may not be perfect, but this one is large. It has been involved in a long process.

I think the result is good, and we are going to get our work done. There is not going to be the threat of having to go with the extra continuing resolutions, dragging it out, and the threats of potential Government shutdowns or any of that sort of thing. We got the work done. That is a very important feature.

I want to say that it could not have happened without the extraordinary leadership, the calmness, the demeanor, and the knowledge of the chairman of the committee, Senator MARK HATFIELD. This is, obviously, the last appropriations bill he will handle in his career. I have said this about him before, but I think it is certainly true here tonight. He has certainly fought the good fight, he has finished the race with this monumental achievement here, and he has kept the faith with himself, his constituents, and with the Senate. I thank you very much for the great work that you have done on this bill and some other bills, Mr. Chairman.

Also, to the ranking member, Senator BYRD. I have found that he has always unfailingly been available, cooperative, and helpful in this and all matters. He is in many ways the conscience of the Senate. He reminds us of things we need to do and the way we should act, and he knows so much about what is in this bill, as in every bill. We appreciate the very fine cooperation from the ranking member of the Appropriations Committee.

And to the very fine staff—Keith Kennedy, Jim English. It just wouldn't have been possible without all the many long hours that they have put in. They have to be exhausted. I don't know how many nights they went without much sleep, or any sleep. I know that sort of thing has happened before, but I have never seen it to the degree that I have this time up close. They did great work, and we thank you very much for that work.

I just have to mention the subcommittee chairman and ranking member who worked so hard. They have had to make compromises, and they are not very happy with some of it. But the chairman of the Subcommittee on Commerce, Justice, and State, Senator JUDD GREGG, and the ranking member, Senator FRITZ HOLLINGS, and the chairman of the Subcommittee on Defense, TED STEVENS, did a great job.

This is one of the best parts of this whole effort, in my opinion. The defense bill provides what is needed for the defense of our country. TED STEVENS really stayed with it, and, also, of course, his partner in managing this legislation, the Senator from Hawaii, Senator INOUYE.

Senator MITCH MCCONNELL on the Foreign Operations Subcommittee had two of the thorniest issues of all to work out. Yet, we came to an agreement with regard to the funding and with regard to the language concerning the Mexico City issue. Without Senator MCCONNELL's efforts and without the long hours, it would not have happened; and the ranking member there, Senator PAT LEAHY.

The Interior Committee, Senator SLADE GORTON and the distinguished

Senator from West Virginia had a very important part in getting that package together. There was a lot of language that was controversial there.

Senator SPECTER and Senator HARKIN on the very large subcommittee portion—Labor, Health and Human Services.

And, finally, the Treasury-Postal Service, Senator SHELBY and Senator KERREY. Senator SHELBY was there with us at about 1 a.m. on Saturday morning because there were some unresolved issues.

There are many members of my own staff that I would like to have their names put in the RECORD because of the long hours that they put into working with different sections of this bill: My chief of staff, David Hoppe, and Alison Carroll, my deputy chief of staff, who is here with me today. Also, Bill Gribbin, Susan Connell, Mike Solon, Susan Irby, Randy Scheunemann, Rolf Lundberg, and Kyle McSlarrow.

I emphasize this point: We came to an agreement. We have a very large bill to keep the Government operating. We did add $6.5 billion more than what had come out of committees, but it was paid for.

We had some very important additions that were put in because of disasters, particularly the effort that we made to provide assistance in the Western States and for the damage from Hurricane Fran. We added $350 million to amounts already appropriated, guaranteeing at least $500 million would be available for relief of victims of Hurricane Fran. That is thanks to Senator HELMS, because he knew what the people of North Carolina needed and what would be necessary to repair the damage from that tremendous storm.

When you go through the places where additions were made, many of them are the right things to do to stand up for what should be done for this country.

For the National Institutes of Health, we provided a total of $12.7 billion, which is over the President's request.

A variety of education programs, including Head Start and the Safe and Drug-Free Schools program had increases.

Title I is now at $7.7 billion.

We added additional funding for college education, for loans and for grants.

We added additional funding to the Justice Department to implement the Violence Against Women Act and programs to fight crime.

When you go through this list, there are many, many programs where the additions will serve the American people well. It is the right thing to do. I am pleased to be able to support this legislation.

I think it has the right mood about it, the right tone about it, and it has been bipartisan. It will, I think, serve us well as we go into the session next year.

Mr. President, I am inclined to look upon this legislation, H.R. 4278, the omnibus consolidated appropriations bill, like an expected father who is suddenly presented with quadruplets. It is an awful lot to take at one time.

And yet, the more familiar you become with the enormous package, the more there is to like.

First and most important, we accomplished what the American people wanted us to do: We avoided a fiscal crisis that would have led to a government shutdown at midnight tonight.

For the record, I have to note that it would have been far preferable if we had passed the various appropriation bills one by one, instead of in this huge and unwieldy package. But what was not to be.

We all know what happened to many of those bills here in the Senate, and why I had to take them down, and why it was pointless for me to even bring up some of them. All that we can leave to the historians of the Congress.

What is now before us is a bipartisan package, worked out in long—very long—face-to-face deliberations between the Republican leadership of the House and Senate and senior administration officials.

If I attempted to individually name all those who played crucial roles in its development, I might be mistaken for a Senator filibustering the FAA bill. So I will note particularly Chairman MARK HATFIELD's diligent pursuit of an acceptable outcome, knowing that he will share the credit with the other members of his committee who worked, sometimes through the night, to get this work done and well done.

Enormous as this legislation is—it spends some $600 billion, including $6.5 billion more than congressional Republicans had originally planned to spend—it is deficit neutral. It is paid for. We refused to add to the Nation's debt.

Working within that understanding, we managed to devote almost $1 billion to the fight against terrorism. We came up with $8.8 billion to combat drug abuse and the drug traffic. We allotted $650 million for fire emergencies in our western States.

And because of the relentless efforts of Senator HELMS, we added $350 million to amounts already appropriated, guaranteeing that at least $500 million will be available for relief of victims of hurricane Fran. Thanks to Senator HELMS, the people of North Carolina will have to resources to rebuild from the storm, especially in the hard-hit city of Raleigh.

For the National Institutes of Health, we provided a total of $12.7 billion—almost $400 million over the President's request.

A variety of education programs also fared well in this legislation. The Head-start program is now up to almost $4 billion. The Safe and Drug-Free Schools program is at $556 million. Title 1, our basic program of aid to schools with large numbers of poor children, now stands at $7.7 billion.

Student aid at the college level has dramatically increased by $3.3 billion to a total, in both grants and loans, of $41.6 billion. The annual Pell Grant will have its largest one-year increase ever, to a maximum of $2,700.

This is more than just a spending bill, however. It is an important anticrime bill. That is why we directed resources to the Department of Justice, with special attention to implementing the Violence Against Women Act.

Mr. President, the American people did not want us to adjourn for the year without tackling the problem of illegal immigration. This bill is our tough answer to that demand.

It tightens border enforcement by doubling the border patrol and authorizing a triple fence barrier along our southern border. It cracks down on alien smuggling. It will speed up the exclusion and deportation of illegal aliens, and it funds 2,700 detention cells. By the way, that's 2,000 more than the President wanted.

This bill includes our entire Defense appropriation, the foundation of our national security effort. And it includes funding for the international activities which are essential for the continuance of what we have won at such great cost: peace through strength.

It is not a perfect bill. But in all my years in the House and Senate, I have never yet seen a perfect appropriation bill. It is, however, a good bill, thoughtfully constructed and prudently funded. It is a necessary bill, which the American people expect us to pass without delay.

With pride in what we have accomplished, and with relief in what we have avoided, I urge all my colleagues to support this legislation.

Mr. President, I urge my colleagues to vote for this legislation.

I yield the floor, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill (H.R. 4278) was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado [Mr. CAMPBELL] is absent due to illness.

The result was announced—yeas 84, nays 15, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—84

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Stevens
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—15

Ashcroft
Brown
Burns
Coats
Faircloth
Feingold
Frahm
Gramm
Grams
Gregg
Inhofe
Kyl
McCain
Specter
Thomas

NOT VOTING—1

Campbell

The bill (H.R. 4278) was passed.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the conference report to accompany H.R. 3610.

The report will be stated.

The clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3610) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 28, 1996.)

Mr. INOUYE. Mr. President, I want to take this opportunity to discuss the conference agreement for the Department of Defense appropriations bill. This is a very good agreement, one that I believe all Members should support.

The conference agreement provides $243.9 billion, an increase of $9.3 billion from the amount requested, and $500 million more than appropriated last year. The amount is nearly $1 billion less than provided by the Senate. While the total bill is lower than that passed by the Senate, the conference agreement protects the priorities of the Senate.

I believe as my colleagues review the bill they will see that the conferees, under the leadership of Senator STEVENS, forged a compromise which fulfills our constitutional requirement to provide for the common defense.

This bill in many ways improves the administration's budget request. First, the bill increases funding for operations and maintenance by $700 million to protect readiness. This includes: $600 million for facilities renovation and repair; $150 million for ship depot maintenance, to fund 95 percent of the Navy's identified requirement; $148 million for identified contingency costs for overseas operations, such as Bosnia; and $165 million for the President's counterdrug initiatives.

Second, the bill adds $590 million to fully fund health care costs identified by the surgeons general and DOD health affairs. This will allow our men and women in uniform access to the health care that they deserve.

Third, it recommends $137.5 million for breast cancer research, $45 million for prostate cancer research, and $15 million for AIDS research.

Fourth, the bill has fully provided for the pay and allowances of our military personnel, including a 3-percent pay raise and a 4 percent increase in quarters allowances.

Clearly, these few examples demonstrate that the conferees have responded to the needs of our men and women in uniform.

The bill also provides $43.8 billion for procurement of equipment, an increase of $5.6 billion above the request. This increase will provide for many of the high priority needs identified by our commanders in the field.

The administration identified several issues in the House bill that it opposes. The conferees have responded to nearly all of its concerns, rejecting restrictive legislative provisions, and funding administration priorities.

Chairman STEVENS and the managers on the part of the House have done a masterful job in keeping this bill clean. It safeguards our national defense, the priorities of the Senate, and rejects controversial riders.

In summary, Mr. President, this is a very good bill. I am strongly in favor of its recommendations and I sincerely believe it should have the bipartisan support of the Senate.

Mr. President, I signed the conference report—with reservation. I want my colleagues to understand that I have no reservations regarding the agreement on defense matters.

I do have reservations on the process by which several extraneous matters have been added to the DOD conference report. I understand that this was done in the interest of time. However, I must say that I do not think it is appropriate for entire appropriation bills—which have never been brought before the Senate—to be incorporated into a conference report.

I intend to vote for this measure because of the many worthy programs funded. I do so with some regret for certain measures which have been incorporated. And I hope that the next Congress will not follow this approach.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I am glad we have that vote behind us. I know Senators are very interested in how we will proceed and what will be the next subject we will take up.

Before I get to a unanimous consent request, I would like to inform all Senators, I know a lot are interested in what is happening with regard to the parks bill. We are still working on that. As most of you know, the House did pass a different parks bill from the omnibus bill that had been pending here. The conference report on the omnibus parks bill had been pending here, I guess, for 3 or 4 days. They moved another bill with a fewer number of parks in it, I think somewhere around 104 park projects, and then they added some heritage trails, 9 or 10 of those. So we have a bill pending here.

Still, some very important parks were not included in that list that came back from the House. Some of those are in Colorado, which is really hard to understand why they were not left in, some in Alaska, but several that really have a lot of support.

We have been working with the Senator from California and the Senator from Alaska to see if we can find a way to come to agreement of how we can get that legislation passed and address the concerns that are still out there.

That effort is still underway. We are working with the administration. Senator MURKOWSKI has been talking with White House officials in the last couple of hours. That effort is still underway. We don't know how we are going to be able to get it done or when. We are still working on it. As soon as we can get an agreement, we will make that announcement. I hope it can be done in such a way that a recorded vote is not necessary, but we are not to that point yet.

The business at hand is the FAA reauthorization bill. We cannot leave without getting that reauthorization done.

On Saturday, I had a unanimous consent request that we were prepared to propound, which we thought was going to be accepted, that the Senate turn to the consideration of the conference report to accompany the FAA reauthorization bill and that we would have a cloture vote on Monday, today, at 5 o'clock.

Because of the desire to notify the Members that we would not have further recorded votes on Saturday, I made that announcement so everybody would know, and that made it possible for this cloture effort to be blocked, in effect. The indications were that, "Well, we're going to have a scorched Earth effort and we might require all kinds of procedural votes," and we couldn't get to forcing this to a head after that particular move over the weekend.

So we are finding ourselves where we are now.

FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION—CONFERENCE REPORT

MOTION TO PROCEED

Mr. LOTT. Mr. President, I am going to move to proceed to the FAA conference report, and I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to the conference report to accompany H.R. 3539, the F.A.A. bill:

Larry Pressler, Fritz Hollings, John McCain, Kay Bailey Hutchison, John Ashcroft, Ted Stevens, Slade Gorton, Bill Frist, Trent Lott, Fred Thompson, Al Simpson, Craig Thomas, Conrad Burns, Frank H. Murkowski, Olympia Snowe, Wendell Ford.

Mr. LOTT. Mr. President, I ask unanimous consent to read or present a statement as to what I am doing so everybody will understand exactly what is going on.

The PRESIDING OFFICER. The Senate will please be in order. Without objection, it is so ordered.

Mr. LOTT. Mr. President, there is broad bipartisan support for this legislation in its present form. So the purpose of this action just taken is to produce a cloture vote with respect to the FAA conference report.

Since Senator KENNEDY and others have blocked consideration of that conference report and are insisting on the report being read by the clerk, this cloture vote is only on the motion to proceed to the conference report. As all Senators know, the motion to proceed to a conference report is not debatable. Therefore, under the Senate rules, a cloture vote to limit debate is not necessary.

However, this vote, if invoked, would represent to the Senate that the votes are, in fact, there to adopt the conference report, and I believe it would be an overwhelming vote, probably well over 65, maybe 70 votes. I hope that the objectors will see their way clear to allow this vote to occur yet tonight.

That was one important point I wanted to make so that everybody would be on notice we could have a vote tonight, and if the prerequisite 60 votes are obtained, they realize this bill is going to go forward, the Senate intends to adopt the conference report immediately following the cloture vote or after a brief period of debate.

So I urge all colleagues to consider this request, and I will be visiting with the Democratic leader, who has been working with me trying to find a way to move this legislation through to conclusion.

I remind our colleagues that if we did change it, even, and send it back to the House, there is no guarantee that it would get through the House. In fact, I have been led to believe the House will not accept it if there is a change, putting us basically in the same position we are in.

What we need to do is to pass this legislation in the form that it presently exists, and it is my intent to move it forward one way or the other until we can get an agreement as to how we can come to a conclusion, where there is an overwhelming majority, a supermajority of the Senate who wants to do this.

I thank the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate the comments of the majority leader. For those of us who have observed that there was an inclusion in the FAA legislation that was targeted to one special interest, one special company that would have affected their labor relations, and added, and has virtually nothing to do with the FAA—

Mr. MCCAIN. Mr. President, this is not a debatable motion.

Mr. KENNEDY. Mr. President, I believe I have the floor. Mr. President, I believe I have the floor. I asked for recognition.

The PRESIDING OFFICER. The motion to proceed to a conference report is not a debatable motion.

Mr. KENNEDY. I asked for recognition. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I believe it is not debatable, but I rise just to say we have not been able to work out anything. The opponents of this legislation are insisting on going forward with procedural votes, and I think maybe that is the best way to go. So if the Senator from Massachusetts wants to make a motion now on a procedural vote which goes to the substance of the issue, we should go ahead and have that vote, and it could be followed by other votes.

MOTION TO POSTPONE THE MOTION TO PROCEED

Mr. KENNEDY. Mr. President, I send a motion to postpone to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] moves to postpone the motion to proceed to the consideration of the conference report to accompany H.R. 3539 to October 3, 1996.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. I move to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to postpone the motion to proceed.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado [Mr. CAMPBELL] is absent due to illness.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote.

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—97

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon

Faircloth
Feingold
Feinstein
Ford
Frahm
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NOT VOTING—3

Campbell
Johnston
Mikulski

The motion to lay on the table the motion to postpone the motion to proceed was agreed to.

Mr. FORD. Mr. President, I voted, reluctantly, for the continuing resolution. Clearly, we had to pass this measure because, without it, vital government functions would have shut down and hard-won investments in education and other Democratic priorities would not be made.

We are here, on the last day of the fiscal year, passing a massive omnibus bill, because the majority party has failed to do its work. Instead of moving through the normal appropriations process, with the opportunity to consider individual bills and amendments, we were forced to vote, up or down, on a bill put together in only the last few days.

I object to this process because it does not allow the consideration of the resolution's specific provisions that ought to be debated separately and out in the open. I have a particular interest in one of those provisions, Mr. President, because it affects my constituents in western Kentucky. I am referring to the bill's earmark of $3 million to create a national wildlife refuge in the Kentucky counties of Marshall, Graves, and McCracken.

Earlier this month, I announced my intention to offer an amendment to the Interior appropriations bill that would have redirected this $3 million to another wilderness area that is sorely underfunded, the Land Between the Lakes. In the interest of keeping the government open, I aid not offer that amendment today, but I would like to take a moment and explain what is at issue for the people of western Kentucky.

We have been told, Mr. President, that the provision in the continuing resolution is needed because Kentucky is the only state without a national wildlife refuge. This is simply not the case. In fact, large parts of two Federal wildlife refuges—the Ohio River Islands and the Reelfoot National Wildlife Refuges—lie within Kentucky. Together, they total about 2,200 acres. In addition to these areas, there are numerous state-run wildlife refuges and wilderness areas in Kentucky. So when supporters of the refuge tell us that Kentucky is the only state without a refuge, they're not telling us the whole story.

When we pass this continuing resolution, Mr. President, we will be appropriating $3 million for the refuge. But the U.S. Fish and Wildlife Service tells me that it'll cost another $17 million to actually create the refuge. Supporters of the refuge will be back next year, and the year after that, looking for more money.

Meanwhile, the Land Between the Lakes, a 170,000 acre preserve located just 15 miles away from the proposed refuge, continues to go begging. Due to budget cuts over the last several years, the main north-south roadway through the Land Between the Lakes has fallen into disrepair; the Brandon Springs Resident Center, which serves underprivileged and disabled children from around the nation, has been forced to put needed repairs on hold; and the Youth Station, which provided environmental education for children, including my own grandchildren has closed its doors.

Mr. President, we will probably hear that the Tennessee Valley Authority [TVA] got everything it asked for regarding the Land Between the Lakes. Don't be mislead. Last year, the TVA put together an options plan for how to commercialize the preserve and replace the federal money it receives. Now, the plan to commercialize was soundly rejected by Kentuckians. However, the plan points out that, simply to keep the Land Between the Lakes running would require $11.5 million annually. Reducing basic services to include only basic camping, limited lake access and the like would cost $6.5 million. And how much was appropriated for the Land Between the Lakes this year? Only $6 million! And out of that $6 million is a $900,000 bill for security that used to be paid for by the TVA. Clearly, funding for the Land Between the Lakes is far from adequate. And without federal support, the Land Between the Lakes will be forced to go commercial. I will not stand by and let that happen.

What is likewise galling to me, Mr. President, is that the people who live in and around the area of the proposed refuge don't support it. The head of the Marshall County Soil and Water Conservation District told me that "our opposition to making a federal wildlife refuge of the East Fork of Clark's River stems from the overwhelming opposition of landowners and tenants in the proposed area." This statement is borne out by the letters and phone calls I have received and by articles in local papers like the Paducah "Sun" and the Murray "Ledger-Times." A constituent from Benton told me that "farmers and others affected by the proposed refuge should be consulted. We have not been contacted."

It is possible that sometime today, supporters of the refuge will again bring out a list of 57 groups that support the refuge. As I have said before, I am sure each one is a fine organization. But not one is from the affected counties and the closest one is a hundred miles away from where the proposed refuge would be located.

Now, I want to be clear: I am not opposed to the creation of another national wildlife refuge in Kentucky. But I am opposed to creating a wildlife refuge that endangers the funding for the Land Between the Lakes and doesn't have the support of the Kentuckians who will be affected by its creation. A constituent from nearby Crittenden County told me that "it's hard to believe that LBL would continue to be properly funded with the addition of a $20 million refuge." He's right. We should, in the words of Marshall County's judge-executive, "take care of what we've got before we open" a new nature preserve.

Unfortunately, Mr. President, by including this $3 million earmark in the continuing resolution, we aren't taking care of what we've got. We are taking on another obligation at a time when we are hard-pressed to meet existing responsibilities. I hope that next year, the Senate will be able to consider all thirteen appropriations bills in the normal process so that these matters can be discussed out in the open. The people of western Kentucky deserve a chance for their voices to be heard.

FEDERAL AVIATION AUTHORIZATION ACT OF 1996—CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the conference report to accompany H.R. 3539, the FAA reauthorization bill, which is an $8 billion bill to keep the airports in this country operating and for airline safety, and that the reading of the conference report be waived.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I object, Mr. President.

The PRESIDING OFFICER. There is objection.

The clerk will read the report.

The legislative clerk read as follows:

The committee on conference—

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The clerk will read the report.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will read the report.

Mr. KENNEDY. Is it appropriate to ask for a quorum?

The PRESIDING OFFICER. A quorum call is not in order.

Mr. KENNEDY. I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Mr. KENNEDY. Is there a sufficient second? I appeal the ruling of the Chair. A quorum is always in order. The appeal has been heard, and we are entitled to have a quorum call at this time.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian, at this point the reading of the report is the regular order. That has been appealed. Are the yeas and nays requested—

Mr. KENNEDY. Yeas and nays.

The PRESIDING OFFICER. On the appeal of the ruling of the Chair?

Mr. KENNEDY. Yeas and nays, Mr. President.

Mr. SARBANES. Parliamentary inquiry, Mr. President. What is the ruling of the Chair?

The PRESIDING OFFICER. The ruling of the Chair is that the reading of the report is the next regular order on the advice of the Parliamentarian.

Mr. SARBANES. Is the Chair ruling that the request for a quorum is not in order?

The PRESIDING OFFICER. At this point, that is the ruling of the Chair.

Mr. SARBANES. On what basis does the Chair make that ruling?

The PRESIDING OFFICER. On the advice of the Parliamentarian. If Senators look at page 476 of the Senate procedure:

> The question of consideration cannot be raised until after the report has been read and the reading may not be interrupted even for a quorum call.

Mr. KENNEDY. Parliamentary inquiry, Mr. President. The clerk has not commenced reading. It has not commenced.

The PRESIDING OFFICER. The regular order, I am advised, is for the clerk to begin reading the conference report. The Senator objected to the reading. The Senator has objected to the request of the majority leader, so that the reading will commence.

Mr. KENNEDY. I appeal the ruling of the Chair and ask for the yeas and nays.

Mr. D'AMATO. There is no appeal.

Mr. KENNEDY. Mr. President, I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. The Chair will deny appealing the ruling of the Chair under the most extreme circumstances. The Senator has asked to appeal the ruling of the Chair. It is the opinion of the Chair, the yeas and nays having been ordered, that the clerk will call the roll on the appeal of the ruling of the Chair.

The question is, shall the decision of the Chair stand?

Mr. BENNETT. Mr. President, parliamentary inquiry. Was there a sufficient second for the seeking of the yeas and nays?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. The reading of the conference report should proceed. There should be no parliamentary inquiry or any other interruption except by unanimous consent.

The PRESIDING OFFICER. That is the opinion of the Chair, but the Chair is also advised that except in very extraordinary circumstances the Senator is permitted to have an appeal of the ruling of the Chair. The Senator has asked for an appeal of the ruling of the Chair.

Is there a sufficient second?

Mr. KENNEDY. Sufficient second. Mr. President, I ask for the yeas and nays.

Mr. GRAMM. I don't think there is a sufficient second.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. It is not a debatable thing.

Is there a sufficient second? There is not a sufficient second.

Mr. GRAMM. Regular order.

The PRESIDING OFFICER. The clerk will read the report.

The question is on the appeal then. The Chair is not—

Mr. KENNEDY. The question is on the appeal. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? Those supporting the ruling of the Chair will vote yea; those desiring to sustain the appeal will vote nay.

The appeal was rejected.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The reading of the report is the next regular order. The clerk will read the report.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

Mr. MCCAIN. I ask unanimous consent that further reading of the report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Objection.

The PRESIDING OFFICER. Objection is heard. The clerk will read the report.

The legislative clerk continued with the reading of the conference report.

During the reading of the conference report, the following occurred:

Mr. MCCAIN. Mr. President, I ask unanimous consent that further reading of the conference report be dispensed with.

Mr. FEINGOLD. Mr. President, I object.

Mr. KENNEDY. Mr. President, objection.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the reading of the report.

The legislative clerk continued with the reading of the conference report.

Mr. MCCAIN. Mr. President, I ask unanimous consent that further reading of the bill be dispensed with.

Mr. KENNEDY. I object.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Objection is heard.

The clerk will continue reading.

The legislative clerk continued with the reading of the conference report.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Objection.

Mr. MCCAIN. Reserving the right to object. I think that we should know what we are about here.

The PRESIDING OFFICER. Objection has been heard. The clerk will continue to read.

The legislative clerk continued with the reading of the conference report.

Mr. MCCAIN. Mr. President, I ask unanimous consent that further reading of the conference report be dispensed with.

Mr. FEINGOLD. Objection. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to read.

The legislative clerk continued with the reading of the conference report.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the next title be considered as read.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. I object.

Mr. SANTORUM. I ask unanimous consent that the next page be considered as read.

Mr. FEINGOLD. I object.

Mr. SANTORUM. I ask unanimous consent that the next sentence be considered as read.

Mr. FEINGOLD. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH. Mr. President, I ask unanimous consent that further reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue.

The legislative clerk continued with the reading of the conference report.

Mr. MCCAIN. Mr. President, I ask unanimous consent that further reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. The objection is heard.

The clerk will continue to read.

The legislative clerk continued with the reading of the conference report.

Mr. McCAIN. Mr. President, I ask unanimous consent that further reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to report.

The bill clerk continued with the reading of the Conference Report.

Mr. McCAIN. Mr. President, I ask unanimous consent that further reading of the report be dispensed with.

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the reading of the report.

The bill clerk continued with the reading of the conference report.

Mr. McCAIN. Mr. President, I ask unanimous consent that further reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. The Senator from Iowa has objected.

The clerk will continue reading.

The bill clerk continued with the reading of the conference report.

Mr. LOTT. I ask unanimous consent that further reading be dispensed with, with the understanding that we have reached a unanimous-consent agreement we will enter into momentarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the conference report is printed in the House proceedings of the RECORD of September 26, 1996.)

Mr. LOTT. After discussions with the distinguished Democratic leader and the Senator from Massachusetts, I believe we have an agreement here that would be in the best interest of all concerned in how we dispose of this legislation.

I ask unanimous consent that the motion to proceed be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. The conference report is now before the Senate.

CLOTURE MOTION

Mr. LOTT. I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate the conference report to accompany H.R. 3539, The Federal Aviation Administration Reauthorization bill.

Trent Lott, Don Nickles, Strom Thurmond, Jon Kyl, Judd Gregg, Slade Gorton, Paul D. Coverdell, Frank H. Murkowski, Craig Thomas, Harry Reid, Wendell Ford, Conrad Burns, Kay Bailey Hutchison, John Breaux, Tom Daschle, Arlen Specter.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the vote occur on cloture at 10 a.m. on Thursday, October 3, that there be 1 hour for debate to be equally divided between the two leaders prior to the cloture vote, a mandatory quorum under rule XXII be waived; I further ask unanimous consent that on Tuesday, October 1, there be 3 hours of debate, equally divided between the two leaders, on the conference report and 3 hours equally divided in the same fashion on Wednesday, October 2, both days for debate only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank all who have been involved in working out this agreement. I think it is in the best interest of the Senate. It is a fair way to deal with this important legislation that involves airport infrastructure and safety. This way, we will have ample time to have debate on Tuesday and Wednesday. We will get a vote on cloture on Thursday, and then we will be able to work toward a final vote, also on Thursday. So I thank the Senator.

Mr. STEVENS. If the leader will yield, I want to commend all Senators for this action and thank the leader for his determination, and the Democratic leader also for being patient and finding a way to bring this matter to a close.

Under the circumstances—and I have discussed this with the Parliamentarian—this means that we will vote before the week is out on the FAA bill. For that reason, I do withdraw all the objections that I filed to the matters pending. We have been waiting for some action to indicate we will vote on this bill this week.

Mr. LOTT. Mr. President, if I can, I will outline the closing script so all will be familiar with it.

When the Senate completes it business today, it will stand in adjournment until the hour of 9:30 a.m., October 1, and there will then be a period for the transaction of morning business not to extend beyond the hour of 12:30, with Senators permitted to speak therein for not more than 5 minutes each.

We will recess from 12:30 until 2:15 for the weekly party caucuses to meet. We will have the time agreed to, 90 minutes on each side, and the same will occur on Wednesday. We will go to votes on Thursday.

Mr. DASCHLE. If the majority leader will yield, I announce to our colleagues, just so there is no confusion, the Democratic caucus will not be meeting. It will just be the Republican caucus.

Mr. LOTT. Just before I yield the floor, I would like to make it official that we will have no further votes tonight. There could be votes on other issues tomorrow or the next day. We are still working very actively on the parks legislation. Perhaps there could be a vote on that on Tuesday or Wednesday.

Other than that, we don't anticipate any other votes. We need to make sure the Members are aware that there is that one possibility, at least.

At this point, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we will look forward to further debate on this measure on tomorrow and Wednesday, prior to a vote on Thursday. But I just want to reiterate for the record what I stated and what I think represents the feeling of all those that are opposed to this special provision in the legislation.

We were quite prepared to move toward an amendment on the continuing resolution, to offer the FAA bill without this amendment and go into a 10-minute time limitation. I am convinced it would have passed. So I hope we are not going to hear a lot of statements on the floor that those that now are opposed to this particular proposal are not in favor of the FAA conference report. We very clearly were. We have indicated—those of us on our side—to our minority leader that we were prepared to offer an amendment and to move that amendment on the shortest possible time. And we would have concluded both the continuing resolution and this measure here and, hopefully, might have even finished up the parks legislation, so the Senate would have been out tonight.

The burden for the delay is not on those of us who have spotted this special interest legislation. It is on those who want to continue it in the legislation. That is why there is going to be continued debate on Wednesday and Thursday on the substance of that particular legislation. I look forward to that matter. I think it is extremely important that we understand the record completely, since we were not given an opportunity earlier in the evening during the various parliamentary situations, to understand that all of us who are opposed to this special interest legislation are committed toward the FAA conference report and were prepared to take action for that during the course of the afternoon, or even tomorrow or the next day, if it goes on through without that special provision.

The burden lies on those who want to retain that measure. I am going to reject, and I do reject the suggestion that somehow those that want to continue that special provision in here are more concerned about safety in the airports than those of us who are not. That legislation could pass tonight if they want to strike that provision. We could move toward an implementation on it.

So I hope we will have an opportunity to debate the real merits of the legislation. I look forward to that. During the measure, we will point out what happened on the 1995 conference between the House and the Senate, when the Senate report now reveals that it was the Senate conferees that advanced the position to eliminate this language. We heard a great deal earlier in the day about where did this idea come from. Well, we find out, in reading the report now, that it was advanced by our Senate conferees, and the final report was signed by the Senate conferees for the elimination of that proposal. That is where it originated. But we will have more of an opportunity to go through what we are really talking about.

What we are talking about are workers and workers' rights. We are talking about those workers who were effective in terms of winning local elections by more than 60 percent of the vote in 1991 and the continued effort to frustrate workers who have played by the rules, followed the law, and now are having a legislative end-run over their legitimate interests and being added in the last hour.

So, Mr. President, this issue is not going to go away. We will have a chance to call the roll on Thursday. But before that, we will be able to make the case in terms of workers' rights and what is happening to those families, by this action, and circumventing litigation which is now currently pending, where those of us who have followed that believe that those workers' rights will be sustained. Nonetheless, we are faced with circumventing their very, very legitimate rights and issues, and I just feel that we will have a good opportunity to get through that on tomorrow and the next day.

So I look forward to that debate. I thank the leadership for working out at least this process, which will give some opportunity to focus on the substance of this particular measure and won't get lost or be buried under parliamentary maneuvers, which effectively have, today at least, eliminated the chance to have a full expression and discussion and debate on this measure.

I yield the floor.

Mr. McCAIN. Mr. President, I would like to thank both leaders—both the Democratic leader as well as Senator LOTT—for working out this arrangement with the assistance of many, including the Senator from Kentucky, Senator FORD, as well as others who have made this agreement possible.

I must say we have come a very long way in the last few hours when we were faced with what is clearly a filibuster. There is no doubt about it. We were not allowed to enter into time agreements. We were not allowed to move forward. There were quorum calls entered into. The record is clear as to what was transpiring here.

The fact is that people all over America who are concerned about airline safety, who are concerned about projects that are under way that need additional funding, new projects needing funding, nearly 9 billion dollars' worth—said enough, enough, enough. Move forward with this. We have enough problems with airline safety. We need the provisions that are in this bill to make the airlines safer and the people who use the airlines safe.

It is clear what was going on before. The Senator from Massachusetts clearly wanted to block this conference report from being enacted by the U.S. Senate unless that provision that he found objectionable be removed, even though safety would have been clearly in some jeopardy as well as further funding.

I do not mean to take on the Senator from Massachusetts on this issue. But I do think it is important to clarify the record. It is also important, Mr. President, to clarify the record as to what happened in conference. It was an open conference. It was not a closed conference. The conferees from both sides were there—both Republican and Democrat. There were open and honest exchanges that were held. The amendment that the Senator from Massachusetts finds so onerous, Mr. President, was proposed by one of the Democrat conferees from his side of the aisle—not from this side of the aisle. It was voted in favor of by both of the Democrat Senators from that side of the aisle who supported it.

So it was unanimous in the Senate. No objection was raised by any conferee.

I understand that the Senator from Massachusetts is a strong advocate of labor, and he has clearly his mission and his philosophy. I respect that even though I may not agree with him. But to portray this as some sort of behind-the-scenes, backdoor attempt by those on this side of the aisle to do something in the way of subterfuge simply flies in the face of what actually happened.

I want to repeat, the amendment was proposed by a conferee from that side of the aisle—not this side. It was voted on unanimously by all Senate conferees. Because, Mr. President, it is clear—was clear to the conferees and is clear now—that this was a mistake in legislation that needed to be repaired. That was the view of all of the conferees and all of us who have been involved in this issue for a very, very long period of time.

Mr. President, I am not going to go through—we will have time tomorrow and the next day; the hour is late—all of the vitally needed security measures that are part of this bill. I mean, they are vital. We adopted many of those that were recommended by the Vice President's commission because we felt we couldn't wait until next year. Some of these things have to be enacted as soon as possible. We are talking about a grave threat to the very lives of men and women who fly on airlines.

If we had done what was taking place in a parliamentary fashion as short a time ago as a few minutes ago while the bill was demanded to be read, then clearly we wouldn't have been able to move forward.

I am not going to go through the nearly $9 billion worth of projects that are vitally needed. I will not talk about all of those in the State of Massachusetts, or, frankly, those in the State of Iowa.

When I asked that further reading of the bill be suspended, the Senator from Iowa on three different occasions objected—objected. He must have objected to the $1.8 million that is going to be made available for Des Moines International, and the $1.4 million for Cedar Rapids Municipal for the sake of a cause that has to do with organized labor—organized labor, which is in an unprecedented fashion pouring money in to defeat Republicans in the upcoming election. I understand why the Senator from Iowa would do that. I understand why the Senator from Massachusetts would do it.

But I beg the Senator from Massachusetts, please, please don't portray what has just transpired as anything but what it was—an attempt to block passage of the conference on the part of the Senator from Massachusetts and the declared, avowed intention of the majority leader to finish this bill for the good of the United States of America and get a final vote on the conference report.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. McCAIN. I am happy to yield to the Senator from Massachusetts for a question.

Mr. KENNEDY. Will the Senator yield so we can call up a clean bill that is at the desk right now and pass it tonight without that provision so that we can attend to all of those provisions that the Senator from Arizona mentions? We can call that right up tonight and pass it. Why don't we go ahead and do that? Or is the Senator from Arizona so strongly committed to this antiworker provision that he would deny those safety provisions from being adopted in the Senate and from being adopted tonight?

Mr. McCAIN. Is the Senator finished?

Mr. KENNEDY. Yes.

Mr. MCCAIN. In response, I say to the Senator from Massachusetts—I am sure he was here on the floor when we entered into a unanimous-consent agreement, the unanimous-consent agreement which could have been objected to in just the last few minutes by the Senator from Massachusetts if he had chosen to, if he had wanted to get a clean bill. I suggest that he could have objected, and then said, let us have a clean bill. Instead, the Senator from Massachusetts sat silent while the unanimous-consent agreement was propounded. While the Senator from Iowa was—and who probably wants to ask another question about how he is beholding to organized labor, as well as the Senator from Massachusetts is, to the point where they would block passage of a conference bill that has to do with airline safety and the funding of nearly $9 billion worth of projects for the American people.

I would be glad to respond to any question the Senator from Iowa has.

Mr. HARKIN. I thank the Senator for yielding. I just ask the question. Will the Senator then sit silent while I propound a unanimous-consent request to bring up the bill?

Mr. MCCAIN. I would be glad to. My colleagues may object, however, because they know we just entered into a unanimous consent agreement which, if the Senator from Iowa or the Senator from Massachusetts wanted differently, they could have objected to.

Mr. HARKIN. The point is we did bring up a clean bill, and, obviously, there is an objection on that side.

Mr. COATS. Would the Senator from Arizona yield?

Mr. MCCAIN. Yes, for a question.

Mr. COATS. I say to the Senator from Arizona, we have just been put through about 5 hours worth of procedural gimmickry by the Senator from Massachusetts and the Senator from Iowa when the House has already adjourned, when the Nation's business in this Congress has been finished. Because the Senator from Massachusetts, as some, apparently, gift to organized labor, is not happy with one of the small provisions in a bill that provides airport safety and critical airport funding says, "I don't care what the rest of the Senate thinks, I do not care what the House of Representatives thinks," 435 people have finished their business in the House of Representatives and gone back home to their districts, and 100 Senators would like to complete their business—we thought we had at 6 o'clock, when a motion to table was overwhelmingly supported against the provision offered by the Senator from Massachusetts.

Do you remember what that vote was? That is my question. What was the vote on the motion to table?

Mr. MCCAIN. Ninety-seven to two, I believe.

Mr. COATS. Ninety-seven to two. So clearly both Republicans and Democrats, with the exception of the two Senators—maybe there were three; I guess the Senator from Wisconsin was involved in this also—said, "No; we are going to hold onto the last procedural gimmick that we can possibly hold onto," and make the entire U.S. Senate not only stay in business until 11 o'clock this evening but come back tomorrow to debate only this issue, come back Wednesday to debate only this issue, come back Thursday so that we can have a procedural vote finally to force the Senator from Massachusetts, the Senator from Iowa and the Senator from Wisconsin to give up and yield to the overwhelming will of the U.S. Senate.

Is that the understanding of the Senator from Arizona of what is going on here?

Mr. MCCAIN. That is my understanding.

Also, as you know, the House did vote on this very issue. There was a majority vote in the other body that approved of this legislation with the provision that the Senator from Massachusetts found objectionable.

I am sorry the Senator from Massachusetts and the Senator from Iowa have left the floor. So I will refrain from belaboring them further because I think it would be unfair to do so.

Mrs. HUTCHISON. Will the Senator yield?

Mr. MCCAIN. I yield to the Senator from Texas as for a question.

Mrs. HUTCHISON. I would like to ask the Senator from Arizona, besides the fact that we are going to have to come back and debate this for 2 more days, if there isn't another point; that is, what happens tomorrow? Tomorrow is October 1.

I wonder how many States have airports with runways being built that might have to stop that construction. I wonder if there are air traffic control systems that are being improved that will not have the money tomorrow because we did not vote on this bill. I wonder if the Senator from Arizona knows there are some real issues that are going to be determined because there is not funding tomorrow for airport safety and terrorism and other very important airport issues that we have been talking about, as the Senator from Arizona knows, for months and months and months here trying to make sure that we fight terrorism, that we allow Americans to fly in safety and tomorrow, October 1, is the first day of the fiscal year.

I just wondered if the Senator from Arizona would like to discuss what we are going to miss tomorrow and the next day while we play games on the Senate floor.

Mr. MCCAIN. I thank the Senator from Texas for raising that question because I think it is a very good one. We are talking about Tuesday, Wednesday, and a final vote on Thursday. We are talking about 3 days here. I intend to find out, between now and when we commence debate again tomorrow, how many projects, indeed, will have to be terminated for 3 days, how many projects will not be able to be started because for some reason we are dragging out the inevitable.

We all know there will be an overwhelming vote, probably end up with a voice vote once we vote cloture, I would imagine. And also as important is that we need to move forward as quickly as possible on these antiterrorism measures. In all due respect, I remember being belabored and beaten up because I did not support an increase in the minimum wage, that somehow I was cruel and inhumane to working men and women in America.

That is an allegation that may be true or not, depending on your philosophy, but I do not see how you can be concerned about the safety of people who are flying in the airlines if you are going to delay for no good reason the antiterrorism measures that we need to get to work on immediately. I fear and so do other people—certainly the Vice President's commission, certainly the task force that the Senator from Texas was a key and important member of in recommending the antiterrorism measures which are included in this bill—that there should be delay in moving forward with them as quickly as possible.

Look, again, I feel rather badly because the Senator from Massachusetts is not in the Chamber, nor is the Senator from Iowa, to respond. So I want to be very careful, and perhaps we will be able to reinitiate this debate and discussion tomorrow or the next day or the next day. But there was some very harsh rhetoric used about this side of the aisle when we were debating the minimum wage bill about insensitive, uncaring, and those kinds of things. Some of it I really regretted hearing and I thought it lowered the level of the debate and discourse in the Senate.

I have to say I cannot think of any good reason why we should not vote tomorrow, vote cloture on this bill tomorrow and move forward, why we should drag it out for 3 days and not have these projects, many of which the Senator from Texas referred to and which, by the way, I will get a list of and have read and included in the RECORD tomorrow. Why we do not move forward with those escapes me.

I want to point out one thing again for the RECORD. The Senator from Texas was involved in a task force convened immediately after the TWA tragedy and made some very in-depth studies and came up with some recommendations, which, by the way, I am very happy to say, the Vice President's task force came up with almost identically. I am very grateful for her efforts because if it had not been for that, some of these provisions would not be in this legislation which is so important. So we owe a great debt to the Senator from Texas.

Mr. President, I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I rise not to prolong our proceedings; they have gone on far too long, but I wanted to express my thanks to the Senator from Arizona for his willingness to consider the problems with Denver's sixth runway. Denver is not only the newest major airport in the Nation but the biggest and perhaps one of the biggest in the world. It does need a sixth runway. I support the sixth runway. It is integral, I think, not only for operations in severe weather but integral for international flights out of the airport.

Mr. President, I have had a concern as the sixth runway has gone forward, and that is the record of Denver of not accepting the lowest bid when they contract out for projects. It strikes me we all have a responsibility, including within our States and districts, to make sure the public money is not wasted.

In requesting the GAO audit of the practices that led to the huge cost overruns at the Denver airport, we discovered, as reported by the GAO, that there were a significant number of contracts which were let for construction at the airport that were not given to the lowest qualified bidder.

Here, Mr. President, let me emphasize these are screened and deemed qualified, and there were a large number, significant number of contracts, I should say, that were not given to the lowest bidder who was qualified.

I had asked the GAO to determine how much money that cost the taxpayers, how much difference there was between the lowest bid and the higher bid that the airport in Denver accepted, and they were unable to come up with that. The information was simply not available as to how much money the taxpayers had lost because they had not taken the lowest qualified bid.

I give that background because my concern about the sixth runway is that that practice may be repeated on the sixth runway construction grants, and I think we would be remiss if we gave money for construction to that project which did not insist on either the lowest bid or, if they choose not to take the lowest bid—and there may be circumstances that justify that—at least they would disclose the amount of money that the bid they accepted exceeded the lowest bid.

Frankly, I believe disclosing that would be a strong incentive for officials who get Federal money to look for the best bargain for the taxpayer.

Here is what has happened. The amendment I offered—it was adopted on this floor—that required disclosure when you do not take the lowest bid of the major contracts was lost in conference. The House would not go along with it. I asked the City of Denver to give me a letter committing to disclose the amount of money of the bid that they accepted for the sixth runway exceeds the lowest bid, and they have declined to do so.

Mr. President, I cannot in good conscience ask this Congress to send money for the sixth runway in Denver without at least a disclosure by the city of how much money they leave on the table or how much money it cost the taxpayers.

So I am sad tonight. The Senator from Arizona listened to our concern. He was willing to help out Denver to try to work with us. He bent over backwards to try to be helpful, to look for avenues where this could be corrected and the sixth runway could go ahead, but I was not able to bring to the Senator from Arizona or this body a commitment from Denver that said they will disclose the facts when they get the lowest bid.

Mr. President, in light of that, unfortunately, the sixth runway is lost for this year. As I leave this body, I know it will be considered again next year. But, Mr. President, I hope future Congresses do not hand out money for someone who is not going to take the lowest bid, or at least disclose how much over that lowest bid they took.

Mr. President, I might point out that what happens in some of these cases is that the contractor who gets the bid, when he has not been the lowest bidder, then gets hit up for paying contributions from the politicians who ran for office who were involved in letting the bids. I think it is crystal clear to everyone what is involved here. You turn down the lowest bidder, you give the contract to someone who did not deserve it, at least in terms of the bidding process, and then you go and ask that contractor for money. I think there is not any doubt in anybody's mind who understands this situation what is going on there.

I do not think we ought to let it happen. I do not think we ought to hand out money without at least insisting that it be disclosed. I appreciate the efforts of the Senator from Arizona. I appreciate the efforts of the Senator from South Dakota, to work on this.

I am sad that we have not been able to go ahead with the sixth runway. But, Mr. President, this is an issue we should not ignore.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Colorado. I want to tell him that I had no idea that it was not a matter of public record when taxpayers' dollars are being used, as to what the bids were and who made the low bid and who made the high bid and what, in fact, was the entire process of ascertaining and awarding these bids. They should be open to public scrutiny. For the life of me, I cannot understand any rationale, when it is taxpayers' dollars being used, why this procedure and process should be hidden from public view.

I want to assure the Senator from Colorado that I view it, not only as something that I would want to do, it is something that I feel obligated to do, and that is to follow up on this issue next year. I do not know all the details of this matter in regards to Denver International Airport but let me tell the Senator from Colorado, as he knows as well as I do, when processes like this are kept from public view, it lends itself to procedures and results which are not always in the public's interest. That is why we demand open disclosure of bidding in the Federal process. Frankly, it should not happen anywhere without an open and complete accounting to the taxpayers for the taxpayers' dollars uses.

If they are using private money, if someone donates the money to the airport and says use this however you want to—fine. If they do not want to describe how it is being used or who gets the bid, that is fine also.

But, as long as it is taxpayers dollars—and correct me if I am wrong, some $4 billion has gone into the construction of Denver International Airport, I would ask the Senator from Colorado? Then I think, obviously, the best value for the dollar should be gained, not only for the people of Colorado, but for taxpayers all over America.

So, I again thank my dear, dear friend from Colorado. Frankly, I view him as our conscience. I am not sure what we are going to do without him. Everyone is replaceable around here, but he is one that I think is far harder to replace than most. I appreciate, again, his commitment on this effort.

Mr. President, before going through closing down the Senate, I want to again thank my friend from South Dakota, Senator PRESSLER, the chairman of the Commerce, Science, and Transportation Committee, which I will do again at the end of this process on Thursday. And I hope it is earlier.

Senator PRESSLER has been committed to this process. He has been actively involved. His leadership in the conference, his leadership as we went through this two year-long process, was absolutely critical and vital. I am grateful for his leadership and his example of conscientiousness, that he sets for all of us.

MORNING BUSINESS

Mr. McCAIN. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEMOCRATIC TRENDS IN ASIA

Mr. PELL. Mr. President, as the 20th century draws to a close, we all find ourselves musing and marveling over the changes history has brought the world in this millennium. Human ingenuity has brought astounding advances in technology and in medicine. Society has also faced revolutionary changes and our forbearers who welcomed the year 1900 would little recognize the lives their descendants lead today. In politics, the 20th century brought new ways of thinking about the social contract between citizens and their government. Some, like fascism and communism, were dangerous and ultimately discredited failures. But democracy, the great experiment our Founding Fathers created on the shores of the New World, has not just endured but spread around the world. It has been my great delight to watch democracy begin to spread in Asia.

Some would argue that it is not natural that democracy would grow in Asia. Some Asian leaders and intellectuals have actively resisted the idea that democracy be a political option for the region. They have argued that Asian values—loosely Confucian, authoritarian, and family- or group-focused rather than individually-focused—are inconsistent with democracy. These leaders further argue that the stunning economic success of the East Asian "Tigers" is specifically due to their more closed political systems and to their emphasis on social stability at the expense of individual voice and choice. Moreover, these same leaders will point to legitimate problems in many Western societies—such as drug abuse, homelessness, violent crimes, to name a few—are the direct result of an overly permissive society that emphasizes individual freedom over social stability. But I believe that these cultural arguments distort reality and are often used as excuses for maintaining an authoritarian-style regime.

Democracy precludes neither economic success nor social stability. In fact, the rapid economic development of many Asian countries has brought new social problems and pressures that perhaps only a more democratic political system can relieve. Take, for example, Taiwan. As income levels rose, individuals gained a new sense of control over their own and their children's futures. Many traveled to the West and sent their children to study in Western universities, where they learned of the plethora of opportunities—professional, social, and personal—that democratic societies offer their citizens. They returned with new ideas and new expectations of and for their own government. The authoritarian style of leadership that characterized the government under Chaing Kai-shek proved unable to meet the needs of the rising middle class in Taiwan and the government was forced to evolve. Taiwan's current president, Lee Teng-hui, deserves much credit for managing and even fostering the change. Perhaps as a just reward, Lee won a popular re-elected bid last March and became the first democratically-elected Chinese leader in history.

Mr. President, the political and social system on Taiwan is far from perfect, something the leadership there readily admits. But Taiwan has managed an astounding economic and political transformation in a relatively short period of time, with little violence or social upheaval. I believe that Taiwan serves as a sharp rebuttal to those who say that traditional Asian values will not permit the growth of a healthy democracy. Other Asian states, including Japan and South Korea, have found democracy to be consistent with economic development. Now even Mongolia has chosen democracy as its path to a brighter future.

Other Asian nations could benefit from following a Taiwan model of political reform. I find it unlikely that a country that is experiencing the rapid economic growth, technological development and social change that China is experiencing can long restrain the inevitable pressure for political changes as well. The military leaders in Burma have only hindered their country's economic development by forcibly resisting the results of democratic elections there.

Indonesia, in particular, has reached a critical point in its economic and social development. There are clear signs that the developing middle class is restless and chaffing within the current restrictive political system. President Soeharto, who has done so many good things for his country's development already, could cement his legacy as a great leader by taking steps toward a more responsive and participatory political system. Such steps would serve to enhance his government's standing in the country and in the world, not diminish it.

Mr. President, the U.S. cannot and should not ignore important cultural and historical differences between our own country and countries in Asia. There is much in Asian society that we in this country can learn from and we should be open to doing so. But Asian individuals are no less deserving of a responsive government and freedom of choice than their Western counterparts and cultural differences should not be used as a mask to conceal and support authoritarian regimes. It is very much in the U.S. interest to promote and support the trend toward democracy in Asia, as we have done for several decades.

We do not know what changes the 21st century will bring to our world. But we can hope and expect that our descendants will enjoy greater peace and prosperity if our nation trades and cooperates with a democratized Asia. Individual freedom and choice are not exclusively Western values and promoting them around the world is not Western imperialism. The growth of democracy has brought great benefits to nations that adopted it and Asian nations deserve these benefits as well. The trend toward democracy is already there; we should do all we can to foster and encourage it.

THE SAVINGS IN CONSTRUCTION ACT OF 1996

Mr. PELL. Mr. President, during my time in the Senate, I have worked to see that United States joins the rest of the world by converting to the metric system of measurement. Believe it or not, the United States is the only industrialized nation in the world that has failed to change to the metric system of measurement.

I believe the Federal Government, as a major consumer of goods and services, should lead the way and convert to the metric system. In 1973, I authored the Metric Conversion Act that later became law in 1975. That act set forth the policy of the United States to convert to the metric system. Section 3 of the Act requires each Federal Agency to use the metric system of measurement in its procurement, grants and other business-related activities.

Slowly but surely, the Federal Government has started to make that move. Federal construction officials in particular have made great progress in this area and have met with limited resistance from the construction community around the United States. All concerned deserve our praise for their efforts.

Unfortunately, legislation introduced in both the House and the Senate during this Congress would have provided permanent, complete exemptions for two industries from requests for the metric-sized building products required by Federal law for Federal construction projects.

Needless to say, I strongly opposed that legislation. Federal laws and Presidential Executive orders signed by Presidents of both parties over for 20 years clearly state that the United States should move to the metric system and that the Federal Government should lead the way—by example.

Over the last several weeks, I have joined with Senators HOLLINGS, GLENN, and BURNS to craft an acceptable amendment to the original legislation. I am not completely pleased with the result of our efforts and it is certainly not what I would have written. The result is, however, a compromise. I believe compromise to be integral to the working of the U.S. Senate and did, therefore, not oppose this substitute.

THANKS TO STAFF OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, when I first came to the Senate, I was assigned to the Committee on Interior and Insular Affairs, which we of course know today as the Committee on Energy and Natural Resources. As I prepare to finish my Senate career, I look back on my years on that committee as the source of the most rewarding and intellectually stimulating challenges of my years here. From the Arab embargo of 1973 to the natural gas wars of 1978, from the complex Alaska land issues of the early 1980's to the National Energy Policy Act of 1992, we have been engaged in vitally important work that is often long on complexity and short on glamour.

I am proud of the record we achieved, not only during my 8 years as chairman, but throughout my service, and I wish today to say thank you to a professional staff unlike any other, one which has served the committee and the country so well over the years.

Some of the best minds in the country have served on the committee staff over the years.

Whatever their reasons for coming, I believe most stayed and relished their time there because they found themselves in the company of other keen minds, and they knew that their mission would not be mortgaged to politics and that their task was to find honest, pragmatic, workable solutions to vexing problems. Almost all of them have gone on to rewarding careers in government and business, and I can only hope they were as enriched by their experience as the public product was by their service.

Luckily for me, some of the very best and brightest have remained to assist me as my service in this body comes to a close.

One of those staff members who has served me the longest and with particular distinction is the minority staff director of the committee, Dr. Ben Cooper. About the time I joined the committee, we became involved in the development of national energy policy in response to the crude oil supply interruptions in the Middle East that were disrupting our domestic economy. The committee has continued to be involved deeply in this issue, as indicated by its current name, which was attached to the committee during the reorganization of Senate committees that occured in early 1977.

Shortly after I joined the committee, a long-haired doctor of physics joined the Democratic committee staff from the University of Iowa, where he had been an instructor. He first joined the staff as a congressional science fellow employed by the then-chairman, our dear departed colleague, Senator Henry M. Jackson. Since those early days, I have worked closely with Ben, who officially became part of my staff in 1981, when I became ranking minority member of the committee. Ben has continued with me through my chairmanship of the committee and through our return to the minority.

Mr. President, there can be no better staff than Dr. Ben Cooper. He is perhaps the only remaining staff of either the House or Senate who has a complete institutional memory of the evolution of modern Federal energy policy. Ben has been active on energy issues that range from crude oil pricing to natural gas deregulation to the current electric restructuring debate. Ben is particularly an expert on nuclear policy, as would be expected from his physics background. I can say without reservation that Ben has played an active and, usually, key staff role on every piece of legislation relating to nuclear matters that has been considered by Congress in the last 20 years. In addition, Ben has played a key role on non-energy-related legislation ranging from public lands legislation to the risk assessment legislation that has been considered by the Senate during the last two Congresses.

Mr. President, throughout his long career as Senate staff, Ben has earned a reputation for honesty and professionalism both among the staff and Members of the House and Senate. Unfortunately for the Senate and, I believe, the process of developing sound public policy, Ben has indicated that he will be leaving the Senate by the end of the year to pursue new challenges.

Mr. President, my friendship with Ben Cooper will continue, but our daily interaction is not likely to continue, and I will miss Ben's daily good counsel tremendously. I commend Ben for a career well spent and well-conducted, congratulate him on the contribution he has made to our Nation and wish him the best in his future pursuits.

The Senate Energy and Natural Resources Committee has been fortunate to have a second long-term Democratic staff member who is as eminent in his field as Dr. Cooper is in the field of energy policy. I refer, of course, to Tom Williams, who is without equal in his knowledge of Federal policy toward public lands, national parks, the United States Forest Service and a variety of lands issues relating to the great State of Alaska.

Tom joined the Democratic committee staff of the committee in 1973 and has continued his service with the committee through today, except for a brief interlude at the Department of the Interior early in the current administration. During his service with the committee, Tom has served as key staff on every public lands and national parks bill that has been considered or enacted by the Senate. No staff member in the Congress has a greater institutional knowledge of these important, and often divisive issues that are often at once arcane and tremendously important both to the Nation as a whole and to individuals that may be affected directly by Federal policy.

I have had the pleasure of considering Tom my staff since I became ranking member of the committee in 1981. Throughout that period of time, I have valued Tom's counsel not only on the parks and lands issues, but on a host of other issues including the mining reform legislation that has been considered by the committee in the past several Congresses. Tom has the ability to counsel wisely and honestly on the various policy options available and on the often diametrically opposed arguments of industry and the environmental community. Tom has that great ability, shared by Ben Cooper and many of my staff, to remain calm and professional in the midst of the hottest and most divisive debates. For that reason, among others, Tom Williams has earned an excellent reputation among Members and staff alike in both the House and Senate.

Mr. President, I will miss my daily interaction with Tom, but I understand that Tom's talents will not be lost to the Senate or the public. I understand that Tom desires to continue in his service and I am sure that my colleague and friend, the senior Senator from Arkansas, who will become the ranking Democrat on the committee, will continue Tom's service with the committee.

Mr. President, I extend my thanks to Tom for his service and counsel to me and for his friendship and I am pleased that the committee and the Senate will continue to have access to Tom's talents and service.

A uniquely talented attorney serves as minority chief counsel of the committee: Sam Fowler. Sam has a long history of distinguished public service, first with the Smithsonian Institution, then with the President's Council on Environmental Quality, next with the House Interior and Insular Affairs Committee and, finally, beginning in 1991, with our committee.

Mr. President, Sam is a lawyer's lawyer. If Sam says the law says X, then you can be sure that the law says X. He is one of the most fastidious and careful researchers I have ever encountered. He has a special talent for expressing himself through the written word in a concise and precise manner.

Sam has staffed many issues in which I have taken particular interest. Perhaps in no area has his contribution been any greater than in the area of nuclear policy. Sam has exhibited the rare talent, at least among lawyers, for mastering the scientific terms and concepts associated with the development of nuclear power and the safe disposal of nuclear waste.

Finally, Mr. President, I would be remiss if I did not mention one other activity of Sam's that has enlightened and enriched my life and those of the committee staff. Sam, on his own time, prepares incisive memoranda that trace the history and development of various aspects of the institution of republican government. Among his topics have been a history of gift rules, privileged motions, and the evolution of the modern State of the Union Address. This aspect of Sam's life illustrates his wonderful intellectual curiosity that is so vital in good staff.

Mr. President, Sam is a treasure of the committee, a treasure I will miss greatly.

In 1993, I learned that Bob Simon of the Department of Energy would be detailed to the Energy and Natural Resources Committee. Bob had started working for the Department during the Bush administration, and my staff director, Ben Cooper, told me of the high regard he had for Bob's acumen and integrity. I can say now from the perspective of 3 years later that Ben's endorsement, strong though it was, has turned out to be an understatement.

While many agency detailees treat their time with congressional offices as something like school without the examinations, Bob took his opportunity very seriously and began distinguishing himself almost immediately by his deft and thorough handling of difficult issues. Since coming on board, Bob has won the respect and admiration of his colleagues on the staff and the trust of the members who rely on his work, and he has demonstrated his possession of a rare combination of attributes—intellectual and technical mastery, outstanding political and strategic judgment, and complete reliability—which has made his work extremely valuable.

I want to express my sincere appreciation for Bob Simon's hard work and dedication, and I wish him the very best in the future.

No subject has presented more of a challenge to my committee or consumed more of our time than the vast issue of electricity deregulation, and I am frank to say that the sterling work done by Betsy Moeller, Don Santa and Bill Conway raised the bar significantly on my expectations for staff work in this area.

I am pleased to say that Cliff Sikora, whom we enticed to come from the Federal Energy Regulatory Commission, has more than met those standards. I am persuaded that no one in the country has a more commanding overall grasp of the thorny issue of electricity deregulation than Cliff, and he has done an exceptional job of bringing those talents to bear to assist me and other members of the committee in our deliberations in the scant year or so that he has been on the staff.

David Brooks came over from the House Interior Committee to join our staff in 1989. He has played a major role in shaping much of this country's recent policy on public lands, national parks and historic preservation. The California Desert Protection Act is one such example of David's craftsmanship. And there could be no more appropriate bill with which to associate David—whom we often refer to as the third Senator from Arizona—than the Arizona Wilderness Act, to which he devoted his unstinting attention. If we are fortunate enough to see enactment of the pending omnibus parks bill before the end of this Congress, it will owe in significant measure to David's determination and negotiating skills. His great knowledge and exemplary work ethic have added so much to the work of our committee, and I am most grateful.

Vicki Thorne, through her years as majority and minority office manager and clerk, has performed the unsung, often unnoticed, but always critical job of keeping the committee running, whether in organizing hearings, supervising publications or playing den mother to a large and diverse family of staff. Her efficiency has been matched only by an equable temperament and warm smile that enabled her and us to get our way far more often than not. She has my deepest thanks.

TRIBUTE TO STAFF OF SENATOR JOHNSTON

Mr. JOHNSTON. Mr. President, it was my great fortune to be assigned to the Committee on Appropriations relatively early in my first term in the Senate. It is through that committee that I have been able to serve my State in a way that I believe has contributed measurably to an improvement in the economic quality of life for the people of Louisiana.

As I began my second full term in the Senate, I had the added good fortune of taking over the reins of the Appropriations Subcommittee on Public Works, as it was known at the time, from a wonderful man who taught me so much about the Senate, the late and beloved Senator John Stennis of Mississippi. When I fell heir to that chairmanship, I also inherited the services of the longtime staff director of the subcommittee, Proctor Jones. It is of Proctor and his service to the Senate and his country that I wish to speak today.

Every now and then in this body, someone of the thousands of loyal staff who toil for us and our constituents achieves an elevated status among Senators and staff colleagues. I think few would deny that Proctor has long since reached that plateau.

Proctor Jones came to this body in 1960, and aside from 4 years of service as a proud Marine, he has served here continuously since that time. He has seen and participated in more of the sweep of politics and public policy than most of us can imagine, and along the way he has amassed an unrivaled knowledge of the legislative process and a nearly unmatched institutional memory.

Members of both Houses and on both sides of the aisle know they can turn to Proctor for advice and assistance with absolute confidence that their requests will be treated fairly and respectfully. And they know that he gets results. Proctor's broad and detailed knowledge of his appropriation areas helps account for his uncanny ability to find the means—when none appears available—to achieve the legislative goals that we set. While such knowledge gives Proctor authority, he would never think of abusing the great powers we entrust to him. He is a man who loves and cherishes the institutions of government and who is guided by the fine Georgia code of honor he learned from his early mentor, the late Senator Richard Russell, the giant whom Proctor served early in his Senate career.

If anything, he is self-depreciating and deferential to a fault: as he is fond of saying, "I just work here, I don't vote. And I love my job." He has indeed loved his job and has performed his duties in a way that has made a profound difference in those areas covered under our Energy and Water Development Appropriations Subcommittee. He has always understood that we have a serious obligation to protect and improve the country's physical infrastructure and to support and nurture the Nation's scientific brain trust at the national laboratories and throughout the Federal Government. Uninformed critics have sometimes derided those vital responsibilities as pork or misplaced priorities, but I firmly believe that Proctor's vision and dedication have contributed mightily to the security and strength of this country.

Proctor has also become my valued personal friend, owing in large measure to his infectious enthusiasm for everything in life from opera, to travel, to sports, to hiking, and joyous gatherings of friends and family. As I conclude my service in the Senate, I want Proctor and his family to know that I speak for my colleagues, past and present, in saying thanks for a job done well and as no one else could have done it.

Mr. President, no senator has been blessed with a more capable, more loyal, more effective staff than I have. For 24 years, they have worked for my office, our State, and our Nation with energy and diligence. All of the staff over these years have been excellent, but at this time I want to especially recognize the three most senior staffers in my Washington office for their special talents and contributions.

When I arrived in Washington in November 1972, I was taken in tow by Bill Cochrane of the Rules Committee, who gave me invaluable assistance and counsel in setting up my office. Like most new Senators, I was short-handed and uncertain about the best way to staff my office and deal with the avalanche of mail, telephone calls, and visitors. Bill mentioned to me that he knew of a young woman, Patsy Guyer, who had worked with him on the staff of Senator B. Everett Jordan of North Carolina and who was available and was a prodigious worker. She was quickly hired, and I don't think her output has slowed one iota over the 24 years she has been on my staff. As my executive assistant, Patsy has handled a huge array of responsibilities over the years, ranging from supervising State offices to managing summer interns, to creating and overseeing an exceptionally efficient mail operation.

But if Patsy should be singled out for anything, it is her management of and deep personal commitment to a "case work" operation that is unmatched in the volume and quality of service it has rendered to countless thousands of Louisianians in need. I am very proud of the aid my office has given over the years to people who had nowhere else to turn, whether it was securing a visa, locating a loved one, or breaking an impasse on a disability payment or a VA widow's benefits.

We were able to be effective principally because Patsy Guyer has an astounding network of friends and colleagues throughout the Congress and among Federal agencies and, most of all, because she greeted every case, no matter how routine, with the enthusiasm and commitment she brought to her first day on the job in November of 1972. Whether the challenge was to bring home from Abu Dhabi a tragically injured Louisiana businessman, locate a missing child in a Rwandan refugee camp, or organize a food airlift to Cambodia, we always knew Patsy would have the ingenuity and contacts to start the process and the absolutely iron-willed determination and dedication to see it through to completion. I have never known a more selfless and giving individual, and I know I speak for untold thousands in Louisiana in expressing deep gratitude for the extraordinary service that this loyal daughter of North Carolina has rendered to Louisiana and our country.

Mr. President, as many Senators know, Becky Putens has been my personal secretary for the last 18 years. While that is her title, it hardly does justice to the multitude of roles that she has had to play in that time. She has been my gatekeeper, my scheduler, my right-hand person; she keeps track of where I need to be, arranges how I will get there, and generally has acted as a buffer between me and the enormous number of outside demands on my time and attention that characterizes this job. Most of all, though, Becky Putens is a fixer: she takes care of problems, from the routine to the seemingly insurmountable, with an aplomb and calmness that is remarkable, and that has, in countless large and small ways, made my time as a Senator more effective, more efficient, and generally more fun.

As my colleagues and her peers—a group of Senators' personal secretaries who call themselves "senior babes"—can attest, the small area just outside a Senator's office often takes on the aspect of Grand Central Station at rush hour. Becky is the person who keeps it all together and all running smoothly. Through it all, and maybe because of it all, Becky displays a sense of humor and a way with people and with words that is legendary among many of the longtime staff and Senators. For someone in a position that is always demanding and often thankless, such an attitude is almost a requirement, and for me it has often served to make even the most tiring and demanding days and nights in the Senate bearable.

But, to me, the most fundamental aspect of Becky's personality is her unquestioning dedication. Whatever the circumstances, however late or early, on weekends or during vacations, if I am there, Becky is there; if I am under the gun, Becky is at my side. In short, in a field of endeavor where loyalty is an often-invoked but seldom-realized ideal, Becky personifies it. I am grateful for her service.

Mr. President, Eric Silagy has managed to pack more achievements into his brief career than any young man I know. He came to my office in 1987, fresh out of the University of Texas. In less than 2 years, he was chief scheduler for a Senate campaign that was as politically significant and hard fought as any in this century. His intelligence, good judgment, and youthful energy were important factors in our victory. For the next 4 years, he served as my legislative assistant while attending Georgetown University Law School, performing superbly in both capacities. Since 1994, he has been my administrative assistant and chief of staff. Thanks to his excellent organizational skills and his tact and good humor, it is an office that has been a productive workplace for a happy, hardworking, and extremely talented staff.

Just as important to me as his skill in running the office, however, has been his remarkable political and policy judgment, which I rely upon in making all the most crucial decisions that come before me; and his extraordinary effectiveness in getting the job done, no matter what the odds against it. Once an ideal legislative outcome has been selected, there is very little that can stand in the way of Eric's efforts to find a way to get there. While some divide the world into thinkers and doers, Eric Silagy manages to combine the best aspects of both. I want to express my gratitude for his diligence and devotion, and commend him for a job well done.

TRAGEDY AND TRIUMPH: A PILOT'S LIFE THROUGH WAR AND PEACE

Mr. PRYOR. Mr. President, I want to call the attention of my colleagues to a new book by a very brave Arkansan, James "Paladin" Fore. Written along with Larry Jacks, the book, "Tragedy and Triumph: A Pilot's Life Through War and Peace," serves as both a biography and a history. In a very unique way, Jim writes about the horrific events he witnessed through a flying career of more than 40 years. I want to commend Jim for writing this fascinating book which follows him from World War II through the conflict in Southeast Asia accumulating more than 37,000 flying hours.

As both a military and civilian pilot, Jim witnessed history in the making in over 100 countries. Mr. President, for a unique perspective on history through the eyes of a pilot, I highly recommend this book.

TRIBUTE TO JAN PAULK

Mr. PRYOR. Mr. President, I rise today to pay tribute to a very dear friend who has spent more time working for the U.S. Senate than I have. Jan Paulk has left this body to go on to bigger and better things, and Barbara and I want to wish her all the best in her future endeavors.

Mr. President, there is not a member of this Senate that Jan has not helped in one way or another, and I know all my colleagues join me in thanking Jan for her service.

As a fellow Arkansan from Russellville, Jan came to Washington in 1966 as a staff member to the late Senator J. William Fulbright. In 1971, she joined the Committee on Foreign Relations and served as a professional staff member for 10 years. However, most of my colleagues have become better acquainted with her in her most recent post.

Since 1982, Jan Paulk has served as the director of the Office of Interparliamentary Services, guiding and assisting each one of us in our official duties both here and abroad as Members of the U.S. Senate. Mr. President, the entire Senate will miss Jan Paulk, but I know she will move on to other challenges. Mr. President, Jan Paulk will face all of these new endeavors with the charm and grace that made her such a viable part of the United States Senate.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. HOLLINGS. Mr. President, truth be told, I don't know which I find more upsetting, the idea that the Government is losing a much-valued judicious voice, or the idea that I might inherit the dubious honor of having "the slowest drawl in the U.S. Senate." Either way, we'll miss HOWELL HEFLIN greatly.

However, I welcome this opportunity to celebrate the career of a man who has built a grand reputation as both advocate and judge.

Today, with every front page screaming about the public's disillusionment with politicians, HOWELL HEFLIN stands as a model of integrity and dedication. In this era of increasing partisanship, he is a Senator who would not vote along party lines against his own constituency. In this atmosphere of media scrutiny, he is a judge who could not vote along the lines of popular opinion against his own conscience. He leaves a legacy of what it truly means to be in government: to represent the interests of the voters and to govern according to the law.

Whether he was working on court reforms, championing agriculture, advocating a balanced budget, or defending the space program, HOWELL has spent his 16 years in the Senate working hard for the people who put him there. He has been a tireless representative for the people of Alabama, and a tenacious defender of their interests. He is not a distant politician immersed in Washington business.

HOWELL HEFLIN's record of public service did not just benefit his home State. With his distinguished service on the Senate Ethics Committee, the country came to know a just, pragmatic, and compassionate judge of character. Though he didn't like to sit in judgment of his peers, he steered the country through some rough and divisive episodes and our Nation became familiar with the man we already knew as the Judge.

As you well know, Senator HEFLIN has a reputation for being an independent thinker, a master storyteller, and a strong proponent of issues he believes in from civil rights to family values.

One thing that never fails to amuse me is when critics attempt to malign HOWELL HEFLIN, the most scathing thing they can come up with is to call him a fence-straddler or indecisive. This is ironic because it is this quality that has made him such an exemplary Member of the Senate. He listens to all the arguments before making his decision, and when he does, it is fair and just. As Thomas Jefferson pointed out in a letter to George Washington: "Delay is preferable to error."

We will miss Senator HEFLIN and his charming wife Mike, but we couldn't expect to keep them in Washington forever. So I wish for them the best of luck in the future.

TRIBUTE TO SENATOR BROWN

Mr. FEINGOLD. Mr. President, I rise today to bid farewell to the senior Senator from Colorado, HANK BROWN and to wish him all the best upon his retirement from this Chamber.

Mr. President, my association with Senator BROWN has been brief, by Senate standards, but it has been quite enjoyable. We have the shared goal of reducing this Nation's deficit, even if we have not agreed on each and every step of the way.

I am proud to say I worked with Senator BROWN on the Kerrey-Brown deficit reduction package 3 years ago, a proposal that would in and of itself have chopped $100 billion from the deficit. Although we were ultimately unsuccessful, the Kerrey-Brown proposal was a model of bipartisanship, and I am convinced it laid the groundwork for more recent bipartisan deficit reduction efforts.

Senator BROWN and I have also served together on the Judiciary and Foreign Relations Committees, and I have appreciated his comity and his openmindedness.

Mr. President, Senator BROWN leaves us after only one term as a U.S. Senator. We all wish him well, and we all hope future Senators, from Colorado and elsewhere, take a lesson from his tenure in the value of bipartisanship and civility. Those qualities have served him well, and they have served the Senate well.

TRIBUTE TO SENATOR BRADLEY

Mr. FEINGOLD. Mr. President, I rise today to salute Senator BILL BRADLEY as he closes a distinguished career in the U.S. Senate.

A thorough recitation of Senator BRADLEY's achievements would require a large portion of today's RECORD. His many accomplishments as a scholar, an athlete, a writer, and a lawmaker are well-known. So let me limit myself with just one area to which he has applied his considerable intelligence and energy, that of bringing a sense of fiscal responsibility to the Federal budget, and particularly, fairness to our Tax Code.

Senator BRADLEY has been praised as a serious student and an original thinker in terms of fiscal policy, marked by a disposition for prudence, fairness, and clarity. Little wonder he has been ranked highly by the bipartisan Concord Coalition for his efforts to cut wasteful spending.

I have specifically appreciated his leadership in the effort to reform our system of tax expenditures, what amounts to a $400 billion annual Federal spending program with scant congressional oversight. Senator BRADLEY has sought reform of this system for years, and I will be one of those who will continue that fight in the 105th Congress. I hope citizen BRADLEY will be available for advice, encouragement and support in that effort.

Mr. President, I know the U.S. Senate will miss the presence of BILL BRADLEY, and I hope that, from whatever vantage point he has after he takes his leave of us, he remains engaged in the public policy debate. We need people of intelligence, energy and good will, and BILL BRADLEY possesses all those traits.

TRIBUTE TO SENATOR SIMPSON

Mr. FEINGOLD. Mr. President, I rise today to extend my best wishes to Senator ALAN SIMPSON of Wyoming upon his retirement from the U.S. Senate.

Mr. President, in a New York Times interview published in June, Senator SIMPSON was asked to offer valedictory advice to the next class of Senators who will arrive with the 105th Congress. Among his suggestions was "be your best self" and "learn to compromise an issue without compromising yourself." Those words would be an apt summation of Senator SIMPSON himself.

You always know where you stand with ALAN SIMPSON, and where he stands with you, even when it's against you. He has demonstrated respect for the Senate, his colleagues, and for the public policymaking process. He is a man to be trusted, and, therefore, respected, and that has made working with him on the Judiciary Committee a pleasure.

I also appreciated Senator SIMPSON's cosponsorship of the McCain-Feingold campaign finance reform legislation.

Like so many of my colleagues, I will miss ALAN SIMPSON, and I wish him and his wife, Ann, all the best for the future.

TRIBUTE TO SENATOR SIMON

Mr. FEINGOLD. Mr. President, I rise today to pay tribute to a distinguished lawmaker, a devoted public servant, and a good friend, the senior Senator from IL, PAUL SIMON.

It has been nearly half a century since PAUL SIMON bought the Troy, Illinois, Tribune and began crusading against local crime and political corruption, a pretty gutsy thing to do for a 19-year-old who had just left college.

But, as many of us have learned, courage, candor, and dedication to principle are fundamental components of PAUL SIMON's character. I am proud to have had the opportunity to serve with him in the U.S. Senate, and I will miss him greatly upon his retirement.

Mr. President, 1996 marks Senator SIMON's 40th year in public service. He served in the Illinois House and Senate, and as Illinois' Lieutenant Governor before coming to Washington in 1974 as a Congressman. He joined this body in 1985.

Millions of Americans can thank PAUL SIMON for his important role in the passage of legislation to improve literacy and to support adult education and school-to-work programs. He fought to make student loans more affordable.

He has stood by America's working families. He has worked to improve America's relations with the nations of Africa. His sense of social justice has anchored his opposition to the death penalty, and, not surprisingly, this former crusading journalist also has been a reliable defender of the first amendment.

He has been, as columnist Jack Anderson once described him, "a model of integrity."

He has also found time to write a weekly newspaper column, which has enjoyed a run of 48 years.

Mr. President, Senator SIMON and I have served together on the Judiciary Committee and the Foreign Relations Committee, and we have worked together closely on many issues, including bipartisan legislation to reform our system of funding political campaigns, legislation on which he was a cosponsor. Throughout it all, I have valued his opinions, his camaraderie and his ability to maintain his cordiality so many feel is slipping away in our public debate.

I understand Senator SIMON will be taking a post at Southern Illinois University, teaching journalism and politics. I expect he may also keep writing books. He has authored or coauthored 16 of them at last count, including an authoritative book on Abraham Lincoln's years in the Illinois Legislature and one about another crusading journalist, Elijah Lovejoy.

Whatever his future pursuits, PAUL SIMON has already created a memorable legacy in his public service career.

TRIBUTE TO SENATOR PRYOR

Mr. FEINGOLD. Mr. President, I rise today to acknowledge the service and the friendship of Senator DAVID PRYOR of Arkansas.

Mr. President, Senator PRYOR's story begins in much the same way as another retiring Senate colleague, PAUL SIMON—as a journalist. After graduating from the University of Arkansas in Fayetteville in 1957, Senator PRYOR founded a weekly newspaper, The Ouachita Citizen. He entered politics in 1960, winning a seat in the Arkansas House of Representatives, to which he was reelected in 1962 and 1964, while simultaneously earning a law degree from the University of Arkansas.

His career in public service carried him to Congress in 1966, to the Governor's office in 1974 and then to the U.S. Senate in 1978. Following him to the Governor's office that same year was the young attorney general of Arkansas, William Jefferson Clinton.

Mr. President, my association with Senator PRYOR began with my joining the Senate in 1993. As it happened, we both share a deep interest in the issues affecting older Americans. Whether the issue is nursing homes, the price of prescription medications, fighting fraud and abuse, consumer protection, or, perhaps most importantly, the reform of our system of providing long-term health care, Senator PRYOR has been a leader.

In his position as chairman of the Special Committee on Aging, and now in his role as ranking member, Senator PRYOR has been this Chamber's preeminent voice on aging issues. It was no surprise that he was selected last year to chair the White House Conference on Aging.

Perhaps most crucially, Senator PRYOR has helped Americans to see that we must all face the inescapable fact of growing older and the issues that fact presents. He has argued that issues of concern to our senior citizens are not special interest issues, but have an impact on all other generations as well. When we are debating and voting on these issues, we are debating and voting on our own futures. In Senator PRYOR's eyes, we are all, in fact, in this together, and one of the measures of our society is how well we treat one another.

Mr. President, America's senior citizens are losing a knowledgeable and effective advocate as DAVID PRYOR retires, and the U.S. Senate is losing a gentleman and a friend. I have enjoyed working with Senator PRYOR, and I wish him and his family all the best as he takes his leave of an institution he has served so well.

TRIBUTE TO SENATOR EXON

Mr. FEINGOLD. Mr. President, I rise today to extend my best wishes to my colleague, Senator JAMES EXON of Nebraska, upon his retirement from the U.S. Senate.

Senator EXON's political career stretches back to 1970, when Nebraskans first elected him as their Governor, and throughout, he has built a reputation for fiscal responsibility and sober assessment of the cost of government. He carried those qualities with him when he was elected to the Senate in 1978, part of a class which is seeing several members retire this year.

In a political environment that many fear is marked, perhaps a better word is scarred, by ever-greater partisanship and ever-declining civility, Senator EXON has been able to work in a birpartisan manner and retain his cordiality, qualities which would be well-recommended to any lawmaker. His dedication to fiscal responsibility and reducing the Federal deficit has led him to take many courageous stands. I am particularly grateful for his early and steadfast support of my efforts to prevent a massive tax cut from undermining our efforts to achieve a balanced budget, a position that has not always been popular.

I have enjoyed working with JIM EXON, and I hope he enjoys a well-earned retirement from public service.

TRIBUTE TO SENATOR PELL

Mr. FEINGOLD. Mr. President, I rise today to pay tribute to a gentleman who has done so much to advance the cause of education in our Nation, Senator CLAIBORNE PELL, as he nears the close of a 36-year tenure in the U.S. Senate.

A recitation of Senator PELL's accomplishments and the qualities of his character that have earned him the respect of so many of his Senate colleagues would fill a sizable portion of the CONGRESSIONAL RECORD, but I will limit myself to a few remarks which, I hope, reflect the respect and admiration I feel for the senior Senator from Rhode Island.

Mr. President, I have served with Senator PELL on the Foreign Relations Committee since I joined the Senate in 1993, and I quickly learned to respect the word of a man who has been engaged in international affairs, and the development of America's role in the postwar world, since he attended the founding conference of the United Nations in 1945.

He has been a stalwart supporter of the movement to secure and protect human rights in all parts of the world. We have joined forces, for example, to protest human rights abuses by the Indonesian Government against the people of East Timor.

Senator PELL pressed for his country to take a strong leadership role in protecting the global environment, and he has also been active in efforts to control chemical weapons and to keep nuclear weapons from being sited on the floors of our oceans.

But, Mr. President, CLAIBORNE PELL will doubtless be remembered for another accomplishment.

Since 1973, more than 60 million Americans have received college educations with the assistance of the Basic Educational Opportunity Grant Program, known since 1980 as the Pell grants. Fathering a program that has done so much good would, in and of itself, rightly establish a Senator's reputation. For Senator PELL, it was a high point in a long and distinguished career.

Mr. President, it has been wisely said that only the educated are free. In that sense, Senator PELL has probably been as responsible as anyone for securing freedom for millions of Americans.

He also did much to improve the quality of their lives with his efforts to create and nurture the National Endowments for the Arts and for the Humanities.

If his accomplishments were not enough, Mr. President, CLAIBORNE PELL also set an example for senatorial behavior.

The people who send us here expect us to study the issues with care, conduct our business with civility and make our decisions with respect to the common good. That is exactly what

Senator PELL did for 36 years, and that is why the people of Rhode Island kept sending him here.

Mr. President, I will miss CLAIBORNE PELL. I wish him every contentment in his life after he leaves this chamber, and I hope that we who remain will be mindful of his example.

TRIBUTE TO SENATOR NUNN

Mr. FEINGOLD. Mr. President, I rise today to acknowledge the long service of Senator SAM NUNN of Georgia and to wish him well as he leaves the Senate after 24 years.

Mr. President, I have read that, as a young man, SAM NUNN was judged by his home town newspaper back in Perry, GA as "headed for something big or important in this old world." Anyone who reflects on Senator NUNN's long and distinguished career in this Chamber would agree that prediction was fulfilled, both in terms of "something big" and "something important." For Senator NUNN leaves behind an impressive reputation as a lawmaker.

Senator NUNN's reputation as an expert on military matters is well-known, and, of course, well deserved. But I believe that reputation inadequately describes the breadth of Senator NUNN's intellectual reach, his deliberate and thoughtful approach to the issues before him, and his skill at forging bipartisan consensus. I was particularly pleased when he became a cosponsor of the McCain-Feingold bipartisan campaign finance reform bill.

Whether the subject is national defense, economics, domestic policy or cultural values, and whether or not you end up agreeing with him, you can learn things from listening to SAM NUNN. Equally as important, you could, through his actions, be reminded of the value of respecting this institution and the lawmaking process.

Mr. President, when Senator NUNN last year announced he would be leaving this body, to the shock and surprise of nearly everyone, he expressed concern that the qualities of sensitivity and prudence were being driven out of political debate "by the extremes in both parties, who are usually wrong but never in doubt."

I am not alone in sharing that concern with Senator NUNN, and I am certain I am not alone in my appreciation for the way he has demonstrated the value of a thoughtful, prudent approach to the making of public policy.

TRIBUTE TO SENATOR KASSEBAUM

Mr. FEINGOLD. Mr. President, I rise to offer a few heart-felt words of appreciation to Senator NANCY KASSEBAUM as she closes the book on a truly distinguished public service career.

Last December, shortly after she announced her intention to retire, I rose to thank Senator KASSEBAUM for her leadership, her independent mind, and her graciousness, particularly in her stewardship of the Subcommittee on African Affairs. I am here today to offer a last farewell to an outstanding colleague.

Since I spoke last December, Senator KASSEBAUM has added another significant accomplishment to her career—the passage of the Kassebaum-Kennedy health insurance reform bill, and she was a cosponsor of the McCain-Feingold campaign finance reform bill, support I greatly appreciated.

I am not certain what the future holds for Senator KASSEBAUM, but no matter where she goes, she will, I am certain, always be an example of independence, intelligence, prudence, and integrity.

TRIBUTE TO SENATOR JOHNSTON

Mr. FEINGOLD. Mr. President, I rise today to bid farewell to the senior Senator from Louisiana, J. BENNETT JOHNSTON, and to acknowledge his long service in this body.

Senator JOHNSTON's political career spans 32 years, beginning in the Louisiana State legislature. Since his first election to the U.S. Senate in 1972, he has universally been regarded as a leader on issues affecting this Nation's energy policy. He has also built a reputation as a patient lawmaker, willing to listen and always cordial.

When he announced his retirement in January of 1995, Senator JOHNSTON delivered a ringing statement of his respect for this chamber, saying, "The United States Senate, with all its faults and criticisms, remains a bulwark of our democracy and a hallowed institution. I will stand up for it, will not bash it, and will defend it against those who do." He has contributed much to the deliberations and the workings of this body, as well as being dedicated to advancing the interests of Louisiana and his constituents.

I wish Senator JOHNSTON well after he leaves this body.

TRIBUTE TO SENATOR HATFIELD

Mr. FEINGOLD. Mr. President, I rise today to bid farewell to an outstanding U.S. Senator, MARK HATFIELD of Oregon, upon his retirement from this Chamber.

Serving in the U.S. Senate with MARK HATFIELD, who was one of my personal heroes long before I aspired to join this body, has been a very meaningful experience in my career in public service. Senator HATFIELD has made his mark as one of the finest Senators to serve in this body.

In a New York Times article 2 years ago, Senator HATFIELD characterized himself as having been out of step most of my political life. While it may perhaps be accurate that Senator HATFIELD was out of step with political fashion, he was always in step with his conscience, his view of right and wrong, and his personal sense of integrity.

As a student in Wisconsin during the turbulent Vietnam war era, MARK HATFIELD's courage and leadership were well known to me. His persistent opposition to the United States' involvement in that tragic conflict drew attention to the costs, material and spiritual, of the war, and he took a bold step toward trying to avert further tragedy with his joining then-Senator George McGovern in sponsoring the McGovern-Hatfield amendment to end the war.

This was the stance of a man who had himself seen the terrible costs of war up close. He commanded landing craft at Iwo Jima and Okinawa, and he was one of the first Americans to see Hiroshima after the dropping of the first atomic bomb in 1945.

A man of fiscal prudence, Senator HATFIELD has consistently advocated more reasonable levels of military spending, even during the 1980's, when a President from his own party was calling for the largest military expansion in our Nation's history. He voted for a nuclear freeze and voted against the gulf war resolution.

Mr. President, I have also admired Senator HATFIELD's unwavering opposition to the death penalty, even in a time when increasing numbers of political leaders are suggesting that capital punishment is the solution to crime.

Senator HATFIELD once reminded us that, "shallow symbols like the death penalty, only serve to further pummel the battered fabric of our decreasingly civilized society."

It has been an honor to stand with Senator HATFIELD, voting against measures that would expand this barbaric practice of executions.

Mr. President, I spoke moments ago of Senator HATFIELD as a man of fiscal prudence. He demonstrated his fidelity to that principle when he withstood great pressure and voted against a proposed balanced budget amendment to the Constitution, asserting that the amendment was nothing more than a procedural gimmick. Senator HATFIELD recognized that Congress must accept its responsibility to use its power to reduce spending and balance the budget.

Mr. President, when Senator HATFIELD announced his retirement, he said, "I felt the call to public service and believed in the positive impact government can have on the lives of people." For 40 years, MARK HATFIELD has been an example of a public servant who obeys the dictates of his conscience, who acts with the common good foremost in his mind, and who has tried to have a positive impact.

It truly has been an honor, Senator HATFIELD, one for which I thank you.

TRIBUTE TO SENATOR HEFLIN

Mr. FEINGOLD. Mr. President, I rise today to pay tribute to the senior Senator from Alabama, a dedicated public servant, a respected lawmaker and a man I am proud to call my colleague, HOWELL HEFLIN.

Mr. President, in three U.S. Senate terms, HOWELL HEFLIN has distinguished himself in many ways, and perhaps the most prominent has been in the area of judicial reform. He has always trusted and respected the American judicial system.

His passion for the highest standards in our judicial system was kindled long before HOWELL HEFLIN joined the U.S. Senate in 1978. During his tenure as Chief Justice of the Alabama State Supreme Court, he was recognized as one of the Nation's leaders on judicial reform.

He was subsequently selected as this country's outstanding appellate jurist in 1975 and served as chairman of the National Conference of Chief Justices in 1976 and 1977.

I have worked alongside Senator HEFLIN on the Judiciary Committee and, in particular, on the Subcommittee on Administrative Oversight and the Courts. Throughout that association, I have appreciated his intelligence and his wisdom.

I will miss him, as, I am sure, will all his colleagues in the U.S. Senate, as he retires, I am told, to Tuscumbia, AL. I wish him all the best as he takes his leave.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 27, the Federal debt stood at $5,199,074,786,599.17.

One year ago, September 27, 1995, the Federal debt stood at $4,955,603,000,000.

Five years ago, September 27, 1991, the Federal debt stood at $3,638,661,000,000.

Twenty-five years ago, September 27, 1971, the Federal debt stood at $415,658,000,000. This reflects an increase of more than $4 trillion—$4,783,416,786,599.17—during the 25 years from 1971 to 1996.

TRIBUTE TO SENATOR JAMES EXON

Mr. DODD. Mr. President, I would like to take a few moments today to pay tribute to our departing colleague, Senator JIM EXON.

JIM EXON's retirement brings to a close 26 years of distinguished public service to the people of Nebraska. In Nebraska's proud political tradition, JIM EXON may be its most celebrated figure having served that State for more than a quarter century—8 years as Governor and 18 as Senator.

Over the past 16 years of my Senate tenure, I've had the privilege to serve alongside JIM EXON, and I will sorely miss his spirit of fairness, his sense of humor and his fiery independent streak.

Mr. President, one of the most stricken features of the U.S. Senate is the wonderful river of diversity that flows through this Chamber. Case in point; JIM EXON and CHRIS DODD.

JIM EXON and I come from far different backgrounds. We were born and raised in different parts of the country, he from South Dakota and Nebraska, I from Connecticut. My training is as lawyer, his as a small businessman. And of course we focus on many different issues here in the Senate, he on rural, agricultural and trade issues, me on children's, banking and foreign policy issues.

But that level of diversity is what makes this body and this Nation such a wonderful place. Ultimately, our recognition and appreciation for those with different backgrounds and divergent views is what bring such greatness to America.

It is in that spirit that while serving on the Budget Committee with JIM EXON I have come to truly cherish his small-town, common sense, Midwestern values.

If any trait best epitomizes JIM EXON, it is his overriding desire to make the Federal Government live within its means. Democrats are often unfairly stereotyped as politicians who never met a spending program they didn't like. While I find that characterization unfair, I can guarantee one thing, no one will ever say it about JIM EXON.

JIM EXON is certainly no Johnny-come-lately to the issue of deficit reduction. His adherence to the notion of fiscal responsibility has characterized his career, from his days as a small businessman to the Nebraska Governor's Mansion and the U.S. Senate.

And, while I may have disagreed with his long-standing support for the balanced budget amendment, I've always deeply respected and appreciated his tireless efforts to trim the Federal deficit.

Because, Senator EXON always rallies behind ideas and beliefs and not partisan politics.

He has always been a champion of a strong military force. When not fighting to keep our military preparedness at the highest level, he worked to lessen American military dependance on foreign suppliers and stop foreign takeovers that threaten national security.

Yet, at the same time he advocated a strong military, he was working tirelessly to end U.S. nuclear testing. JIM EXON can take particular pride that due in part to his efforts, the United States signed on to a Comprehensive Nuclear Test Ban Treaty recently at the United Nations in New York. His unyielding pugnacity in bringing this issue to the fore deserves the appreciation of every American.

But, for all his legislative accomplishments his most enduring legacy may be his willingness to stretch out his hand in the name of compromise and bipartisanship. As the National Journal noted, JIM EXON's instincts run toward conciliation.

I fear that his intense dislike for conflict, partisan politics, and as he put it, the ever-increasing vicious polarization of the electorate, has hastened his departure from the Senate

If anything, this is a body that must embody the spirit of men like JIM EXON and not turn them away from the legislative process.

But, Senator EXON has made the decision to return to his beloved Nebraska with his wife of 53 years, Patricia, and I join all my colleagues in wishing him the best of luck in his retirement.

Most of all, and I'm sure this is the way JIM would want it, I wish best of his luck to his beloved St. Louis Cardinals, champions of the National League Central division. I know he looks forward to the end of the 104th Congress so he can get out to the ballpark and cheer on the Cards.

Mr. President, for almost two decades JIM EXON's dedication, sincerity, and commitment to public service have graced these Halls. I join all my colleagues in saying he will be sorely missed.

OCEAN SHIPPING REFORM

Mr. PRESSLER. Mr. President, as we bring the 104th Congress to a close, I want to provide an update on our progress to enact ocean shipping reform legislation.

Last October, I introduced S. 1356, a companion bill to H.R. 2149. I did so to begin Senate discussion of this important reform proposal. In November, I chaired a Committee on Commerce, Science, and Transportation hearing on the bill. The hearing revealed numerous issues affecting all segments of the liner ocean shipping industry that required further consideration. On July 18, 1996, I placed a proposed amendment to S. 1356 in the RECORD for public review and comment. After several additional meetings with affected segments of the ocean shipping industry, we have made further progress in crafting acceptable legislation.

Today I will ask to have printed in the RECORD a revised version of that amendment to S. 1356. While there are a few issues requiring additional work, we have made substantial progress toward producing a bill that will gain broad support within the affected industries and the Congress.

I am pleased to be joined by Senators GORTON, LOTT, HUTCHISON, SNOWE, INOUYE, EXON, and BREAUX as cosponsors in this amendment. This bipartisan approach demonstrates just how serious we are about achieving meaningful reform.

We have run out of time in the 104th Congress to complete this effort. However, I intend to introduce ocean shipping reform legislation early in the 105th Congress. With the support of my fellow Commerce Committee members and other Senators, we can pass ocean shipping reform legislation next year.

Mr. President, 95 percent of U.S. foreign commerce is transported via ocean shipping. Approximately half of this amount is shipped in bulk form, oil, grain, chemicals, and so forth, on an unregulated vessel charter basis. The remainder is shipped by container on liner vessels, regularly scheduled service under the Shipping Act of 1984, as regulated by the Federal Maritime Commission [FMC]. As the international liner shipping trade has evolved since 1984, many industry segments have requested changes in the Shipping Act of 1984 to keep pace with this evolution.

My amendment, the International Ocean Shipping Act of 1996, would improve the Shipping Act of 1984 in several key areas. First, it would eliminate the filing of common carrier tariffs with the Federal Government. Instead of requiring Government approval, tariffs would become effective upon publication through private systems. My amendment also would increase tariff rate flexibility by easing restrictions on tariff rate changes and independent action by conference carriers.

Second, it would allow for greater flexibility in service contracting by shippers and ocean common carriers. The amendment would allow individual ocean common carriers and shippers to negotiate confidential service contracts.

Finally, responsibility for enforcing U.S. ocean shipping laws would be shifted to the Surface Transportation Board, which would be renamed the Intermodal Transportation Board. The Federal Maritime Commission would be terminated at the end of fiscal year 1998. A single independent agency would then administer domestic surface, rail, and water transportation and international ocean transportation regulations. The Government would catch up to the carriers and shippers, who are already thinking intermodally.

Mr. President, I ask unanimous consent that my proposed amendment to S. 1356 be printed in the RECORD at the end of my statement.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. —

(Purpose: To amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports, and for other purposes)

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Ocean Shipping Act of 1996".

SEC. 2. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act, this Act and the amendments made by this Act take effect on October 1, 1997.

TITLE I—AMENDMENTS TO THE SHIPPING ACT OF 1984

SEC. 101. PURPOSE.

Section 2 of the Shipping Act of 1984 (46 U.S.C. App. 1701) is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) striking "needs." in paragraph (3) and inserting "needs; and"; and

(3) adding at the end thereof the following:

"(4) to promote the growth and development of United States exports through competitive and efficient ocean transportation and by placing a greater reliance on the marketplace.".

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702) is amended by—

(1) striking paragraph (5) and redesignating paragraph (4) as paragraph (5);

(2) inserting after paragraph (3) the following:

"(4) 'Board' means the Intermodal Transportation Board.";

(3) striking "the government under whose registry the vessels of the carrier operate;" in paragraph (8) and inserting "a government;";

(4) striking paragraph (9) and inserting the following:

"(9) 'deferred rebate' means a return by a common carrier of any portion of freight money to a shipper as a consideration for that shipper giving all, or any portion, of its shipments to that or any other common carrier over a fixed period of time, the payment of which is deferred beyond the completion of service for which it is paid, and is made only if the shipper has agreed to make a further shipment or shipments with that or any other common carrier.";

(5) striking "in an unfinished or semifinished state that require special handling moving in lot sizes too large for a container" in paragraph (11);

(6) striking "paper board in rolls, and paper in rolls." in paragraph (11) and inserting "paper and paper board in rolls or in pallet or skid-sized sheets.";

(7) striking "conference, other than a service contractor contract based upon time volume rates," in paragraph (14), and inserting "conference";

(8) by striking "conference." in paragraph (14) and inserting "conference and the contract provides for a deferred rebate arrangement.";

(9) striking paragraph (17) and redesignating paragraphs (18) through (27) as paragraphs (17) through (26), respectively;

(10) striking paragraph (18), as redesignated, and inserting the following:

"(18) 'ocean freight forwarder' means a person that—

"(A)(i) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; and

"(ii) processes the documentation or performs related activities incident to those shipments; or

"(B) acts as a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.";

(11) striking paragraph (20), as redesignated and inserting the following:

"(20) 'service contract' means a written contract, other than a bill of lading or a receipt, between one or more shippers and an individual ocean common carrier or an agreement between or among ocean common carriers in which the shipper or shippers makes a commitment to provide a certain volume or portion of cargo over a fixed time period, and the ocean common carrier or the agreement commits to a certain rate or rate schedule and a defined service level, such as assured space, transit time, port rotation, or similar service features. The contract may also specify provisions in the event of nonperformance on the part of any party.";

(12) striking paragraph (22), as redesignated, and inserting the following:

"(22) 'shipper' means:

"(A) a cargo owner;

"(B) the person for whose account the ocean transportation is provided;

"(C) the person to whom delivery is to be made;

"(D) a shippers' association; or

"(E) an ocean freight forwarder, as defined in paragraph (18)(B) of this section, that accepts responsibility for payment of the ocean freight.".

(b) SPECIAL EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of enactment, except that the amendments made by paragraphs (1) and (2) take effect on October 1, 1998.

SEC. 103. AGREEMENTS WITHIN THE SCOPE OF THE ACT.

Section 4(a) of the Shipping Act of 1984 (46 U.S.C. App. 1703(a)) is amended by—

(1) striking "operators or non-vessel operating common carriers;" in paragraph (5) and inserting "operators;";

(2) striking "and" in paragraph (6) and inserting "or"; and

(3) striking paragraph (7) and inserting the following:

"(7) discuss and agree upon any matter related to service contracts.".

SEC. 104. AGREEMENTS.

Section 5(b)(8) of the Shipping Act of 1984 (46 U.S.C. App. 1704) is amended to read as follows:

"(8) provide that any member of the conference may take independent action on any rate or service item upon not more than 5 calendar days' notice to the conference and that, except for exempt commodities not published in the conference tariff, the conference will include the new rate or service item in its tariff for use by that member, effective no later than 5 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate or service item on or after its effective date, in lieu of the existing conference tariff provision for that rate or service item. A conference agreement may not require a member of the agreement to disclose the existence of an existing individual service contract under section 8(c)(3) of this Act or a negotiation on an individual service contract under section 8(c)(3) of this Act. A conference agreement may not prohibit members of the agreement from negotiating and entering into individual service contracts under section 8(c)(3) of this Act.".

SEC. 105. EXEMPTION FROM ANTITRUST LAWS.

(a) IN GENERAL.—Section 7 of the Shipping Act of 1984 (46 U.S.C. App. 1706) is amended by—

(1) inserting "or publication" in paragraph (2) of subsection (a) after "filing";

(2) inserting "Federal Maritime" before "Commission" in paragraph (6) of subsection (a);

(3) striking "or" at the end of subsection (b)(2);

(4) striking "States." at the end of subsection (b)(5) and inserting "States; or"; and

(5) adding at the end of subsection (b) the following: "(4) to any loyalty contract.".

(b) SPECIAL EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of enactment except the amendment made by paragraph (2) of subsection (a) takes effect on October 1, 1998.

SEC. 106. TARIFFS.

Section 8 of the Shipping Act of 1984 (46 U.S.C. App. 1707) is amended by—

(1) inserting "new assembled motor vehicles," after "scrap," in subsection (a)(1);

(2) striking "file with the Commission, and" in subsection (a)(1);

(3) striking "inspection," in subsection (a)(1) and inserting "inspection in an automated tariff system approved by the Board,";

(4) inserting before "However," in subsection (a)(1) the following: "An ocean freight forwarder described in section 3(18)(B) of this Act that is not, or whose assets are not, directly or indirectly, owned or controlled by an ocean common carrier is exempt from the requirements of this subsection.";

(5) striking "tariff filings" in subsection (a)(1) and inserting "tariffs";

(6) striking "loyalty contract," in subsection (a)(1)(E);

(7) striking paragraph (2) of subsection (a) and inserting the following:

"(2) Tariffs shall be made available electronically to any person, without time, quantity, or other limitation, through appropriate access from remote terminals, and a reasonable charge may be assessed for such access. No charge may be assessed for access by a Federal agency.";

(8) striking subsection (c) and inserting the following:

"(c) SERVICE CONTRACTS.—

"(1) IN GENERAL.—An individual ocean common carriers or an agreement between or among ocean common carriers may enter into a service contract with one or more shippers subject to the requirements of this Act. The exclusive remedy for a breach of a contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree.

"(2) AGREEMENT SERVICE CONTRACTS.—Except for service contracts dealing with bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper, or paper waste, each contract entered into under this subsection by an agreement shall be filed with the Commission, and at the same time, a concise statement of its essential terms shall be filed with the Commission and made available to the general public in tariff format, and those essential terms shall be available to all shippers similarly situated. The essential terms shall include—

"(A) the origin and destination port ranges in the case of port-to-port movements, and the origin and destination geographic areas in the case of through intermodal movements;

"(B) the commodity or commodities involved;

"(C) the minimum volume;

"(D) the line-haul rate;

"(E) the duration;

"(F) service commitments; and

"(G) the liquidated damages for nonperformance, if any.

"(3) INDIVIDUAL SERVICE CONTRACTS.—Notwithstanding subsection (a) of this section and paragraph (2) of this subsection, service contracts entered into under this subsection between one or more shippers and an individual ocean common carrier may be made on a confidential basis. Service contracts entered into under this subsection shall be retained by the parties of the contract for 3 years subsequent to the expiration of the contract.";

(9) striking "30 days after filing with the Commission" in the first sentence of subsection (d) and inserting "21 calendar days after publication";

(10) striking "30" in the second sentence of subsection (d) and inserting "21"; and

(11) striking "and filing with the Commission" in the last sentence of subsection (d);

(12) striking subsection (e) and inserting the following:

"(e) MARINE TERMINAL OPERATOR SCHEDULES.—A marine terminal operator may make available to the public a schedule of rates, regulations, and practices, including limitations of liability for cargo loss or damage, pertaining to receiving, delivering, handling, or storing property at its marine terminal. Any such schedule made available to the public shall be enforceable as an implied contract, subject to section 10 of this Act, without proof of actual knowledge of its provisions."; and

(13) striking subsection (f) and inserting the following:

"(f) REGULATIONS.—The Commission shall by regulation prescribe the requirements for automated tariff systems established under this section and shall approve any automated tariff system that complies with those requirements. The Commission shall disapprove or, after periodic review, cancel any automated tariff system that fails to meet the requirements established under this section. The Commission shall by regulation prescribe the form and manner in which marine terminal operator schedules authorized by this section shall be published.".

SEC. 107. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM.

Section 502 of the High Seas Driftnet Fisheries Enforcement Act (46 U.S.C. App. 1707a) is repealed.

SEC. 108. CONTROLLED CARRIERS.

Section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708) is amended by—

(1) striking "filed with the Commission" in the first sentence of subsection (a) and inserting a comma and "or charge or assess rates";

(2) striking "or maintain" in the first sentence of subsection (a) and inserting "maintain, or enforce";

(3) striking "disapprove" in the third sentence of subsection (a) and inserting "prohibit the publication or use of"; and

(4) striking "filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission" in the last sentence of subsection (a) and inserting "that have been suspended or prohibited by the Board";

(5) striking "may take into account appropriate factors including, but not limited to, whether—" in subsection (b) and inserting "shall take into account whether";

(6) striking "(1)" in paragraph (1) of subsection (b) and resetting the text of paragraph (1) as a full measure continuation of the matter preceding it;

(7) striking "filed" each place it appears in subsection (b) and inserting "published or assessed";

(8) striking "similar trade;" in subsection (b) and inserting "similar trade. The Board may also take into account other appropriate factors, including, but not limited to, whether—";

(9) redesignating paragraphs (2), (3), and (4) of subsection (b) as paragraphs (1), (2), and (3), respectively; and

(10) striking "filing with the Commission" in subsection (c) and inserting "publication";

(11) striking "DISAPPROVAL.—" in subsection (d) and inserting "PROHIBITION OF RATES.—Within 120 days after the receipt of information requested by the Board under this section, the Board shall determine whether the rates, charges, classifications, rules, or regulations of a controlled carrier may be unjust and unreasonable." ;

(12) striking "filed" in subsection (d) and inserting "published or assessed";

(13) striking "may" in the second sentence of subsection (d), as amended by paragraph (11) of this section, and inserting "shall";

(14) striking "disapproved" in such sentence and inserting "prohibited";

(15) striking "60" in subsection (d) and inserting "30";

(16) inserting "controlled" after "affected" in subsection (d);

(17) striking "file" in subsection (d) and inserting "publish".

(18) striking "disapproval" in subsection (e) and inserting "prohibition";

(19) inserting "or" after the semicolon in subsection (f)(1);

(20) striking paragraphs (2), (3), and (4) of subsection (f); and

(21) redesignating paragraph (5) of subsection (f) as paragraph (2).

SEC. 109. PROHIBITED ACTS.

(a) Section 10(b) of the Shipping Act of 1984 (46 U.S.C. App. 1709(b)) is amended by—

(1) striking paragraphs (1) through (3);

(2) redesignating paragraph (4) as paragraph (1);

(3) inserting after paragraph (1), as redesignated, the following:

"(2) provide service in the liner trade that—

'(A) is not in accordance with the rates contained in a tariff published or a service contract entered into under section 8 of this Act unless excepted or exempted under section 8(a)(1) or 16 of this Act; or

"(B) is under a tariff or service contract which has been suspended or prohibited by the Board under section 9 or 11a of this Act;";

(4) redesignating paragraphs (5) through (8) as paragraphs (3) through (6), respectively;

(5) striking paragraph (9) and redesignating paragraphs (10) through (16) as paragraphs (7) through (13), respectively;

(6) in paragraph (7), as redesignated, inserting "except for service contracts," before "demand,";

(7) in paragraph (9), as redesignated —

(A) inserting "port, class or type of shipper, ocean freight forwarder," after "locality,"; and

(B) inserting "except for service contracts," after "deal or,";

(8) striking "a non-vessel-operating common carrier" each place it appears in paragraph (11) and paragraph (12), as redesignated, and inserting "an ocean freight forwarder";

(9) striking "sections 8 and 23" in paragraph (11) and paragraph (12), as redesignated, and inserting "section 19";

(10) striking "a tariff and" in paragraphs (11) and (12), as redesignated;

(11) striking "paragraph (16)" in the matter appearing after paragraph (13), as redesignated, and inserting "paragraph (13)"; and

(12) inserting "the Commission," after "United States," in such matter.

(b) Section 10(c)(5) of the Shipping Act of 1984(46 U.S.C. App. 1709(c)(5)) is amended by inserting "as defined by section 3(18)(A) of this Act," before "or limit".

(c) Section 10(d)(3) of the Shipping Act of 1984 (46 U.S.C. App. 1709(d)(3)) is amended by striking "subsection (b)(11); (12), and (16) of this section apply to" and inserting "subsection (b)(8), (9), and (13) of this section apply to ocean freight forwarders and".

SEC. 110. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

Section 11(g) of the Shipping Act of 1984 (46 U.S.C. App. 1710(g)) is amended by—

(1) striking "10(b)(5) or (7)" and inserting "10(b)(3)"; and

(2) striking "10(b)(6)(A) or (B)" and inserting "10(b)(4).".

SEC. 111. DEFINITIONS.

Section 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a) is amended by—

(1) striking "non-vessel-operating common carrier," in subsection (a)(1) and inserting "ocean freight forwarder,";

(2) striking "non-vessel-operating common carrier operations," in subsection (a)(4);

(3) striking "filed with the Commission," in subsection (e)(1)(B) and inserting "and service contracts,";

(4) inserting "and service contracts" after "tariffs" the second place it appears in subsection (e)(1)(B); and

(5) striking "13(b)(5) of the Shipping Act of 1984 (46 App. U.S.C. 1712(b)(5))" in subsection (h) and inserting "13(b)(3) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)(3))".

SEC. 112. SUBPOENAS AND DISCOVERY.

Section 12(a)(2) of the Shipping Act of 1984 (46 U.S.C. App. 1711 (a)(2)) is amended by striking "evidence." and inserting "evidence, including individual service contracts described in section 8(c)(3) of this Act.".

SEC. 113. PENALTIES.

(a) Section 13(a) of the Shipping Act of 1984 (46 U.S.C. App. 1712(a)) is amended by adding at the end thereof the following: "The amount of any penalty imposed upon a common carrier under this subsection shall constitute a lien upon the vessels of the common carrier and any such vessel may be libeled therefor in the district court of the United States for the district in which it may be found.".

(b) Section 13(b) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)) is amended by—

(1) striking paragraphs (1) through (3) and redesignating paragraphs (4) through (6) as paragraphs (2) through (4);

(2) inserting before paragraph (2), as redesignated, the following:

"(1) If the Commission finds, after notice and an opportunity for a hearing, that a common carrier has failed to supply information ordered to be produced or compelled by subpoena under section 12 of this Act, the Commission may request that the Secretary of the Treasury refuse or revoke any clearance required for a vessel operated by that common carrier. Upon request by the Commission, the Secretary of the Treasury shall, with respect to the vessel concerned, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91)"; and

(3) striking "penalties authorized under paragraphs (1), (2), and (3) of this subsection." in paragraph (3), as redesignated, and inserting "penalty authorized under paragraph (1) of this subsection.".

(c) Section 13(f)(1) of the Shipping Act of 1984 (46 U.S.C. App. 1712(f)(1)) is amended by striking "section 10(a)(1), (b)(1), or (b)(4)" and inserting "section 10(a)(1) or 10(b)(1).".

SEC. 114. REPORTS AND CERTIFICATES.

Section 15 of the Shipping Act of 1984 (46 U.S.C. App. 1714) is amended by—

(1) striking "and certificates" in the section heading;

(2) striking "(a) REPORTS.—" in the subsection heading; and

(3) striking subsection (b).

SEC. 115. EXEMPTIONS.

Section 16 of the Shipping Act of 1984 (46 U.S.C. App. 1715) is amended by striking "substantially impair effective regulation by the Commission, be unjustly discriminatory, result in substantial reduction in competition, or be detrimental to commerce." and inserting "result in substantial reduction in competition or be detrimental to commerce.".

SEC. 116. AGENCY REPORTS AND ADVISORY COMMISSION.

Section 18 of the Shipping Act of 1984 (46 U.S.C. App. 1717) is repealed.

SEC. 117. OCEAN FREIGHT FORWARDERS.

Section 19 of the Shipping Act of 1984 (46 U.S.C. App. 1718) is amended by—

(1) striking subsection (a) and inserting the following:

"(a) LICENSE.—No person in the United States may act as an ocean freight forwarder unless that person holds a license issued by the Commission. The Commission shall issue a forwarder's license to any person that the Commission determines to be qualified by experience and character to act as an ocean freight forwarder.";

(2) redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) inserting after subsection (a) the following:

"(b) FINANCIAL RESPONSIBILITY.—

"(1) No person may act as an ocean freight forwarder unless that person furnishes a bond, proof of insurance, or other surety in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

"(2) A bond, insurance, or other surety obtained pursuant to this section—

"(A) shall be available to pay any judgment for damages against an ocean freight forwarder arising from its transportation-related activities under section 3(18) of this Act, or any order for reparation issued pursuant to section 11 or 14 of this Act, or any penalty assessed pursuant to section 13 of this Act; and

"(B) may be available to pay any claim against an ocean freight forwarder arising from its transportation-related activities under section 3(18) of this Act that is deemed valid by the surety company after providing the ocean freight forwarder the opportunity to address the validity of the claim.

"(3) An ocean freight forwarder not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.";

(4) striking "a bond in accordance with subsection (a)(2)" in subsection (c), as redesignated, and inserting "a bond, proof of insurance, or other surety in accordance with subsection (b)(1)";

(5) striking "forwarder" in paragraph (1) of subsection (e) and inserting "forwarder, as described in section 3(18),";

(6) striking "license" in paragraph (1) of subsection (e) and inserting "license, if required by subsection (a),";

(7) striking paragraph (3) of subsection (e), as redesignated, and redesignating paragraph (4) as paragraph (3); and

(8) adding at the end of subsection (e), as redesignated, the following:

"(4) No conference or group of 2 or more ocean common carriers in the foreign commerce of the United States that is authorized to agree upon the level of compensation paid to an ocean freight forwarder, as defined in section 3(18)(A) of this Act, may—

"(A) deny to any member of the conference or group the right, upon notice of not more than 5 calendar days, to take independent action on any level of compensation paid to an ocean freight forwarder, as so defined; or

"(B) agree to limit the payment of compensation to an ocean freight forwarder, as so defined, to less than 1.25 percent of the aggregate of all rates and charges which are applicable under a tariff and which are assessed against the cargo on which the forwarding services are provided.".

SEC. 118. CONTRACTS, AGREEMENTS, AND LICENSES PRIOR TO SHIPPING LEGISLATION.

Section 20 of the Shipping Act of 1984 (46 U.S.C. App. 1719) is amended by—

(1) striking subsection (d) and inserting the following:

"(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, and exemptions previously issued, approved, or effective under the Shipping Act, 1916, or the Shipping Act of 1984 shall continue in force and effect as if issued or effective under this Act, as amended by the International Ocean Shipping Act of 1996, and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act, as amended by the International Ocean Shipping Act of 1996.";

(2) inserting the following at the end of subsection (e):

"(3) The International Ocean Shipping Act of 1996 shall not affect any suit—

"(A) filed before the effective date of that Act, or

"(B) with respect to claims arising out of conduct engaged in before the effective date of that Act filed within 1 year after the effective date of that Act.

"(4) Regulations issued by the Federal Maritime Commission shall remain in force and effect where not inconsistent with this Act, as amended by the International Ocean Shipping Act of 1996.".

SEC. 119. SURETY FOR NON-VESSEL-OPERATING COMMON CARRIERS.

Section 23 of the Shipping Act of 1984 (46 U.S.C. App. 1721) is repealed.

SEC. 120. REPLACEMENT OF FEDERAL MARITIME COMMISSION WITH INTERMODAL TRANSPORTATION BOARD.

Effective October 1, 1998, the Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.) is amended by—

(1) striking "Federal Maritime Commission" each place it appears, except in section 20, and inserting "Intermodal Transportation Board";

(2) striking "Commission" each place it appears (including chapter and section headings), except in sections 7(a)(6) and 20, and inserting "Board"; and

(3) striking "Commission's" each place it appears and inserting "Board's".

TITLE II—TRANSFER OF FUNCTIONS OF THE FEDERAL MARITIME COMMISSION TO THE INTERMODAL TRANSPORTATION BOARD

SEC. 201. TRANSFER TO THE INTERMODAL TRANSPORTATION BOARD.

(a) CHANGE OF NAME OF SURFACE TRANSPORTATION BOARD TO INTERMODAL TRANSPORTATION BOARD.—The ICC Termination Act of 1995 (Pub. L. 104-88) is amended by striking "Surface Transportation Board" each place it appears and inserting "Intermodal Transportation Board".

(b) FUNCTIONS OF THE FEDERAL MARITIME COMMISSION.—All functions, powers and duties vested in the Federal Maritime Commission shall be administered by the Intermodal Transportation Board.

(c) REGULATIONS.—No later than July 1, 1997, the Federal Maritime Commission, in consultation with the Surface Transportation Board, shall prescribe final regulations to implement the changes made by this Act.

(d) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1997.—There is authorized to be appropriated to the Federal Maritime Commission, $19,000,000 for fiscal year 1997.

(e) COMMISSIONERS OF THE FEDERAL MARITIME COMMISSION.—Subject to the political party restrictions of section 701(b) of title 49, United States Code, the 2 Commissioners of the Federal Maritime Commission whose terms have the latest expiration dates shall become members of the Intermodal Transportation Board. Of the 2 members of the Intermodal Transportation Board first appointed under this subsection, the one with the first expiring term (as a member of the Federal Maritime Commission) shall serve for a term ending December 31, 2000, and the other shall serve for a term ending December 31, 2002. Effective October 1, 1998, the right of any Federal Maritime Commission commissioner other than those designated under this subsection to remain in office is terminated.

(f) MEMBERSHIP OF THE INTERMODAL TRANSPORTATION BOARD.—

(1) NUMBER OF MEMBERS.—Section 701(b)(1) of title 49, United States Code, is amended by—

(A) striking "3 members" and inserting "5 members"; and

(B) striking "2 members" and inserting "3 members".

(2) QUALIFICATIONS.—Section 701(b)(2) of title 49, United States Code, is amended by inserting after "sector." the following: "Effective October 1, 1998, at least 2 members shall be individuals with—

"(A) professional standing and demonstrated knowledge in the fields of maritime transportation or its regulation; or

"(B) professional or business experience in the maritime transportation private sector, including marine terminal or public port operation.".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, except as otherwise provided.

TITLE III—AMENDMENTS TO OTHER SHIPPING AND MARITIME LAWS

SEC. 301. AMENDMENTS TO SECTION 19 OF THE MERCHANT MARINE ACT, 1920.

(a) IN GENERAL.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876) is amended by—

(1) striking "Federal Maritime Commission" each place it appears and inserting "Intermodal Transportation Board";

(2) inserting "ocean freight" after "solicitations," in subsection (1)(b);

(3) striking "non-vessel-operating common carrier operations," in subsection (1)(b);

(4) striking "methods or practices" and inserting "methods, pricing practices, or other practices" in subsection (1)(b);

(5) striking "tariffs filed with the Commission" in subsection (9)(b) and inserting "tariffs and service contracts"; and

(6) striking "Commission" each place it appears (including the heading) and inserting "Board".

(b) SPECIAL EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of enactment of this Act, except that the amendments made by paragraphs (1) and (7) of that subsection take effect on October 1, 1998.

SEC. 302. TECHNICAL CORRECTIONS.

(a) PUBLIC LAW 89-777.—

(1) The Act of November 6, 1966, (Pub. L. 89-777; 80 Stat. 1356; 46 U.S.C. App. 817 et seq.) is amended by—

(A) striking "Shipping Act, 1916" in section 2(d) and inserting "Shipping Act of 1984";

(B) striking "Shipping Act, 1916" in section 3(d) and inserting "Shipping Act of 1984";

(C) striking "Federal Maritime Commission" each place it appears and inserting "Intermodal Transportation Board"; and

(D) striking "Commission" each place it appears and inserting "Board".

(2) The amendments made by subparagraphs (A) and (B) of paragraph (1) take effect on September 30, 1996. The amendments made by subparagraphs (C) and (D) of paragraph (1) take effect on October 1, 1998.

(b) TITLE 28, UNITED STATES CODE, AND CROSS REFERENCE.—

(1) Section 2341 of title 28, United States Code, is amended by—

(A) striking "Commission, the Federal Maritime Commission," in paragraph (3)(A); and

(B) striking "Surface" in paragraph (3)(E) and inserting "Intermodal".

(2) Section 2342 of such title is amended by—

(A) striking paragraph (3) and inserting the following:

"(3) all rules, regulations, or final orders of the Secretary of Transportation issued pursuant to section 2, 9, 37, 41, or 43 of the Shipping Act, 1916 (46 U.S.C. App. 802, 803, 808, 835, 839, or 841a) or pursuant to part B or C of subtitle IV of title 49 (49 U.S.C. 13101 et seq. or 15101 et seq.);"; and

(B) striking paragraph (5) and inserting the following:

"(5) all rules, regulations, or final orders of the Intermodal Transportation Board—

"(A) made reviewable by section 2321 of this title; or

"(B) pursuant to—

"(i) section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876);

"(ii) section 14 or 17 of the Shipping Act of 1984 (46 U.S.C. App. 1713 or 1716); or

"(iii) section 2(d) or 3(d) of the Act of November 6, 1966 (46 U.S.C. App. 817d(d) or 817e(d));".

(3) Section 10002(i) of the Foreign Shipping Practices Act of 1988 (46 U.S.C. 1710a(i)) is amended by striking "2342(3)(B)" and inserting "2342(5)(B)".

(c) TARIFF ACT OF 1930.—Section 641(i) of the Tariff Act of 1930 (19 U.S.C. 1641) is repealed.

THE 100TH ANNIVERSARY OF OAKWOOD COLLEGE

Mr. HEFLIN. Mr. President, I want to congratulate Oakwood College as it celebrates its centennial year. Located in a beautiful setting on 1,185 acres of prime land in the northwest region of Huntsville, AL, Oakwood College was founded in 1896. It is a historically black liberal arts college operated by the Seventh-day Adventist Church.

The school enjoys a rich mix of more than 1,600 students drawn from many States, nations, experiences, and outlooks on life. The college fosters a nurturing environment that has enabled students to develop self-esteem and achieve academic success, often for the first time.

A caring, supportive faculty of over 90 members—57 percent of whom hold doctorates—is responsible for Oakwood's proven ability to meet its students' academic needs.

Oakwood's keen sense of community is reflected in its direct involvement with citizens of the Tennessee Valley through various campus initiatives and services. These include a speakers bureau, adult degree completion program, student-manned Volunteer Action League, a 25,000 watt radio station, annual United Negro College Fund banquet, and homecoming. Each year, the Oakwood homecoming events bring over 10,000 alumni and friends of the college to Huntsville.

Oakwood is accredited by the Southern Association of Colleges and Schools, and offers associate and bachelor's degrees in more than 35 areas of concentration.

Oakwood has much to celebrate during its centennial year. Enrollment is higher than ever, graduates are achieving success at levels higher than ever before, and the campus is beautiful and its atmosphere inviting. I congratulate Oakwood College on its 100th anniversary and commend its administration, faculty, and students on all their accomplishments and academic success.

RECOGNIZING THE HISTORIC TREATY BETWEEN HUNGARY AND ROMANIA

Mr. MOYNIHAN. Mr. President, I rise today to bring attention to a historic event in Central Europe that, given the world focus on Bosnia, may have been overlooked, the signing of a treaty this month making the end of a rivalry between Hungary and Romania that dates back at least 1,000 years.

Our admirable Ambassadors, Donald M. Blinken in Hungary, and Alfred H. Moses in Romania, have written an article that nicely sums up the significance of this agreement in securing a stable Central Europe and protecting the rights of ethnic minorities. It deserves as wide an audience as possible.

I ask unanimous consent that the full text of the attached article from the Washington Post be placed in the RECORD at this point.

There being on objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 19, 1996]

LOOKING BEYOND BOSNIA

(By Donald M. Blinken and Alfred H. Moses)

The attention devoted to events in Bosnia overlooks other important and positive developments in the region which, in history's ledger, could prove equally important. This week Hungary and Romania signed a basic bilateral treaty marking the end to centuries of contention. The treaty has the same significance to Central Europe as the Franco-German reconciliation had to Western Europe. Similar treaties have been concluded between longtime rivals Slovakia and Hungary and between the former Yogoslav Republic of Macedonia and Greece.

Historic rivalry between Hungary and Romania dates back at least a thousand years to the Magyar migrations from Central Asia. This led to Hungarian domination of the Carpathian basin, including modern-day Transylvania now in Romania, which was part of Hungary until 1919, when the Treaty of Trianon put an end to 300 years of Austro-Hungarian dominance in the region. Unfortunately, Trianon did not end the rivalry, and at the end of World War II, Budapest found itself occupied by Romanian troops for the second time in the century.

The people of Romania and Hungary liberated themselves from communism seven years ago. But their rivalry remained. Now, together, they are engaged in one final act of liberation, this time from the unresolved legacies of their own tragic and angry past.

The heart of the treaty also is the heart of post-Cold War Europe's security challenges: how to reconcile the rights and responsibilities of minorities with majorities in a part of the world where peoples and borders do not match.

Bosnia is a brutal reminder of the power of these ethnic and nationalistic hatreds. It shows how dangerous this power is to peace not just in the Balkans but to Europe as a whole, and how important it is to defuse ethnic grievances before they explode.

The basic treaty obligates both countries to protect the civil liberties and cultural identity of their national minorities. Education at all levels is guaranteed by the state in the minority's native tongue, as is the right to use one's historic language in administrative and judicial proceedings in areas of minority concentration. The same is true of road signs, print and broadcast media and almost every other aspect of communal life.

The test, of course, will come with implementation, but the overwhelming support for the treaty in both countries is reason for optimism. Moreover, both sides are committed because both know the treaty clears an important hurdle to an even more historic goal: integration with the West.

President Clinton's January 1994 decision, embraced by our allies, to open NATO to new members and new partners, together with efforts by the European Union to enlarge eastward, has given every nation of Central Europe an incentive to strengthen democracy and improve relations with its neighbors.

Both Hungary and Romania have been active participants in the Partnership for Peace, the innovative U.S. initiative that has as one of its purposes to prepare NATO aspirants for eventual membership. Romania was the first to join. And Hungary hosts U.S. forces engaged in Bosnia. Troops from both countries participate in joint Partnership for Peace exercises on the territory of the other and are serving with the implementation force in Bosnia.

NATO and the European Union have made it clear that states aspiring to membership that have unresolved border disputes or are unable to respect international norms on the treatment of minorities "need not apply."

This clear message moved Hungary and Romania to look beyond traditional boundaries and historical divisions toward a new vision of a secure and prosperous continent no longer mired in the conflicts of the past. In this spirit, both nations have committed in the basic treaty to support NATO and EU membership for the other.

By embracing countries in Central Europe that show the will and the means to contribute to the stability and prosperity of the continent as a whole, the EU and NATO can help bring an end to historic enmities based on ethnic, cultural and religious differences, including the historic divide between Catholic West and Orthodox East. The example of Hungary and Romania may point to the end of a millennium of Central European history marked by perpetual conflict and human tragedies past counting.

AMERICA'S FUTURE BIRTHDAY: 50 YEARS OF REMARKABLE SERVICE BY GREAT PATRIOTS

Mr. HELMS. Mr. President, speaking of remarkable, I have been in correspondence with a great lady who fits that description perfectly. Phyllis Schlafly long ago became a legend in her own time, a fact that once more came to mind a few weeks back when she and I discussed the then-upcoming 50th anniversary of America' Future, Inc.

America's Future was founded by great Americans dedicated to the preservation—and the restoration—of the principles outlined by the Founders of this Republic. Dr. Robert Morris, who, by the way, celebrates his 81st birthday today, is chairman and president, and a trustee of America's Future, along with the following who also serve as trustees: D. Clifford Allison, attorney of Wichita; Dr. Anthony T. Bouscaren of Fayetteville, NY; Philip C. Clark of Greensboro, NC; William J. Gill of Washington; Wesley H. Hillendahl of Santa Rosa, CA; Dr. Anthony Kubek of Clearwater Beach, FL; John J. Metzler of New York City; Mrs. Herbert Philbrick of Rye Beach, NH; Elizabeth E. Racer of Winchester, VA; Brig. Gen. Robert C. Richardson III (retired) of Washington; Henry Salvatori of Los Angeles; Phyllis Schlafly of Alton, IL; Maj. Gen. John K. Singlaub (retired), Arlington, VA; Retired Ambassador Raymond L. Telles of El Paso; James L. Tyson of Darien, CT; W. Raymond Wannall, retired Assistant FBI Director, Silver Spring, MD, and John C. Wetzel, Milford, PA. Gen. Dan Graham was a trustee prior to his death sometime back. I have been a trustee for several years.

Mr. President, when America's Future was founded, 50 years ago, the Second World War had just ended and the United Nations had just been launched. The cold war had not yet begun, and neither had the conservative movement. Fifty years ago, the number of conservative, constitutionalist, free-market-oriented organizations and publications could be counted on one hand. But the number of Communist-front organizations, to say nothing of liberal and left groups, numbered more than 1,000.

Our Nation was in transition, and our enemies moved quickly to make the most of it. There was an obvious need for organizations and individuals willing to defend the American way. And so, on April 24, 1946, America's Future, Inc., a nonprofit, tax-exempt educational organization, was founded in New York City by a group of businessmen dedicated to the preservation of two great fundamental principles: The competitive, private enterprise system that has made our country strong and prosperous, and the constitutional form of government that has kept us free from the tyranny of individuals or factions.

America's Future had among its founding members such distinguished Americans as Frank E. Gannett, Mrs. Amos Pinchot, and Gen. Robert E. Wood of Sears, Roebuck & Co. The many prominent Americans who served as trustees include National Association of Manufacturers past president, Robert L. Lund, Henning W. Prentis, Jr., of Armstrong Cork Co., former New Jersey Governor Charles Edison, George W. Strake of Houston, and Charles Hook of Armco Steel.

Mr. President, between 1946 and 1948, America's Future sponsored and produced over the ABC Radio Network a Sunday afternoon commentary featuring Samuel B. Pettengill, former Member of Congress and nationally known constitutional authority. America's Future also began the publication and distribution of books, pamphlets, and reprints now numbering in the millions.

In the 1950's, noted journalist and staunch patriot John T. Flynn joined forces with America's Future. He went behind the headlines to explain the real significance of events and personalities. His commentary for America's Future, aptly named "Behind The Headlines," was carried on more than 300 radio stations of the Mutual Broadcasting System. Commentaries by Flynn were also distributed to hundreds of newspapers.

America's Future launched its Textbook Evaluation Project in 1958, to give due recognition to textbooks that accurately portray our history, our government, and our economic system—and to alert the unsuspecting public to those who distort the fact or justify the expansion of big government. The first issue of the America's Future newsletter appeared the following year, in 1959.

R.K. Scott devoted 31 years of his life to America's Future, succeeding the late Robert Lund as president in 1958, and becoming the full-time moderator of "Behind the Headlines" in 1961. John Wetzel, who had served America's Future as treasurer since 1958, succeeded as president in 1989. Philip Clarke, a veteran journalist who has reported for the Associated Press, Newsweek magazine, and the Mutual Broadcasting System, became the voice of the syndicated radio commentary, "Behind the Headlines."

Robert Morris, the renowned geopolitical strategist and one of America's foremost authorities on intelligence and national security, became chairman of the board of America's Future in 1989 and president in 1995. He served as a U.S. Navy intelligence officer during World War II and was chief counsel to the U.S. Senate Internal Security Subcommittee from 1951 to 1953. A former judge, the former president of two Texas universities, the author of numerous books and a syndicated newspaper column, Morris is currently the chairman of the National Committee to Restore Internal Security.

Mr. President, America's Future continues to provide its "Behind The Headlines" commentaries free of charge to any radio station or newspaper that requests them. "Behind the Headlines" is currently broadcast by more than 120 radio stations across America, and published by more than 300 newspapers. The commentaries are summarized for thousands of subscribers nationwide in the bimonthly America's Future newsletter, which is available free of charge to college and high school libraries, "Behind The Headlines" can also be found on the America's Future worldwide website—http://www.accessus.net/~eamiller/af.

Methods of communications may change, but the principles America's Future espouses will remain timeless. Whether it's on the radio, in newspapers and pamphlets and newsletters, on the Internet, or though some medium not yet imagined, America's Future will keep reminding our countrymen that the best way to protect the freedoms Americans enjoy is by preserving our constitutional form of government and our private enterprise system.

As it stands poised on the threshold of a new century, America's Future can by justly proud of its success in combating the philosophical errors of our era. Big government is not dead yet, but it is discredited. We have every reason to hope, therefore, that tomorrow will bring a rebirth of freedom in our country. There truly is a lot to look forward to in America's future, and we congratulate America's Future, Inc., on the occasion of its golden anniversary.

SENATOR DAVID PRYOR

Mr. DODD. Mr. President, as we approach the end of another Congress, we engage in our biannual tradition of bidding farewell to those Senators who will not be returning in January. This practice epitomizes the wonderful circle of closure and renewal that marks our service in the U.S. Senate. Senators who have been blessed to serve their country move on to accept new challenges, and fresh lawmakers, intent on serving their constituents and their Nation, take that place. All, of course, of these exits are not always voluntary because they are also contingent on the desires and wishes of the people we represent. But, in some cases, our fellow Members decide on their own, sometimes against the wishes of their constituents, that they will no longer serve in the U.S. Senate. Such is the case this year.

Mr. President, the 105th Congress will be a much different place come January 1997, whether it is controlled by Democrats or Republicans. Come January, some of America's finest public servants will be moving on to fresh challenges and embracing new goals.

For more than 200 years, some of our Nation's greatest thinkers and most eminent legislators have served in this body, from John Calhoun, Henry Clay, and Daniel Webster to Lyndon Johnston, Everett Dirksen, and Richard Russell.

Those who are retiring this year, both Democrats and Republicans, are a distinguished and impressive group of lawmakers.

Mr. President, we unfortunately live in an era where the level of partisanship and the level of brinkmanship, I believe, threatens the very foundations of this institution. When compromise has become synonymous with failure, and name calling, too often, and scoring political points is taking the place of legislating, the 13 Senators who are retiring represent, in my view, the spirit of compromise and bipartisanship that must invigorate this institution if we are to regain the abiding faith of the American people.

These legislators—these 13, in my view—are the sort of legislators who have sought common ground, not partisan advantage. They have strived to build bridges to their opponents instead of using wedge issues to divide us as a people and as a nation. They are exactly the type of lawmakers I believe our Founding Fathers had in mind when they created this institution more than 200 years ago.

Over the past 2 years I have come to the floor on several occasions to bid farewell to our retiring colleagues. Today I would like to focus my remarks on two Members who I know will be particularly missed.

Throughout my 16 years as a Member of the U.S. Senate, I have had the great honor to serve alongside DAVID PRYOR. I mean that both figuratively and literally, as he has been my neighbor here on the Senate floor for the past 12 years. DAVID PRYOR is one of the body's most distinguished and best loved Members. He is an able legislator and, most of all, a very close and dear friend.

Mr. President, the small State of Arkansas has an impressive political tradition. By all accounts, it has given this country some of its most influential and distinguished leaders and lawmakers. William Fulbright was a giant in the area of international relations. Senator BUMPERS, our colleague in the Senate, is truly one of the great orators of this institution and one of the most passionate voices who has ever served in the U.S. Senate. And, of course, our President, William Clinton.

But for all of those wonderful politicians who have served the State of Arkansas, DAVID PRYOR remains by all accounts the most popular and the most beloved politician in all of Arkansas. This is certainly no accident, because throughout his career in politics, from the House of Representatives to the Arkansas Governor's mansion to the U.S. Senate, DAVID PRYOR never forgot where he came from and he never lost touch with the people who elected him.

Our colleague, DALE BUMPERS, said of DAVID PRYOR that he personifies "the nobility of public service." Mr. President, I could not agree more.

As a freshman Senator in 1979, DAVID sent his Senate staff back to Arkansas to work alongside their constituents to learn firsthand the concerns of Arkansans, and as a young House Member he investigated nursing homes by donning an orderly's uniform and going undercover into nursing homes. That subterfuge is one of many burdens DAVID PRYOR took on for our Nation's elderly.

Throughout his hard work, he helped establish the Special Committee on Aging. And he never stopped fighting to keep drug prices down for elderly patients. DAVID and I didn't always see eye to eye on this issue. In fact, we disagreed on this particular question. But our policy differences never resulted in personal differences. Most importantly, they never got in the way of our friendship and genuine affection for each other.

DAVID PRYOR has also long been a tireless advocate for American taxpayers, working from his position on the Senate Finance Committee to smooth relations between the Internal Revenue Service and taxpayers.

Here in the U.S. Senate he has worked as hard as any Member to encourage civility and a family-friendly atmosphere. Time limits on votes and recess schedules remain a lasting part of his senatorial legacy.

But, most of all, DAVID PRYOR brought a quiet humility and gentle demeanor to a place that too often is known for its sharp elbows and short tempers. He has earned the respect and admiration of both Republicans and Democrats, which is no easy feat in this day and age.

I doubt there is a Member who isn't genuinely saddened to see DAVID PRYOR leave the U.S. Senate. He personifies all that we must continue to strive for as politicians and lawmakers, and as national leaders.

For myself and all of those whose lives he has touched and for all of those in this Chamber, he will be sorely missed. I wish he and Barbara a happy and healthy and busy retirement.

RETIRING MEMBERS

Mr. HATCH. Mr. President, we are coming to the end of an interesting Congress. It has been a contentious one. We have had a lot of difficulties among various colleagues here. We have had some awful battles, but by and large it has been a Congress of great capacity, a Congress of great accomplishment.

I personally want to express appreciation to my colleagues on both sides of the aisle for being able to work together as well as we have and being able to accomplish all the good things we have accomplished. I also want to pay tribute to all of those who are now about to leave the Congress of the United States and in particular, the U.S. Senate.

We have had a remarkable group of people serving with us in the U.S. Senate who are leaving this year, and I, for one, will miss each and every one of them. I wish my colleagues the best in the upcoming election.

SENATOR J. BENNETT JOHNSTON

Mr. DODD. Mr. President, let me also today pay tribute to a great Senator and a close and dear friend from the State of Louisiana, J. BENNETT JOHNSTON.

BENNETT JOHNSTON has served his beloved State of Louisiana for the past 32 years. He began his life in politics in the Louisiana House of Representatives in 1964, and went on to the Louisiana Senate in 1968, and in 1972 he became a Member of the U.S. Senate, where he has served with great distinction and honor for the past 24 years.

As much as any man or woman in this body, BENNETT JOHNSTON truly understands the critical importance of compromise, bipartisanship, and working across party lines. He always embraced the opportunity to engage an opponent rather than tear them down, and by doing so he has made the Senate a more civil place in which to serve.

I think the words of our former colleague, Russell Long, best described BENNETT JOHNSTON's tenure. Russell Long said, "No other Member of the Senate has accomplished more for the people he represents. No State in the Union has had a more faithful servant nor a more powerful advocate than Louisiana has had in BENNETT JOHNSTON."

BENNETT JOHNSTON was always looking out for the people and the best interests of the people of Louisiana. He became an expert on issues that make many Senators' eyes glaze over with the mere mention of the subject matter. But they were vitally critical to his State's future: wetlands issues, national defense, and energy policy.

For his home State of Louisiana, BENNETT JOHNSTON worked to improve educational opportunities and helped to provide funds for new research facilities, better interstate highways, new ports, levies, and three national parks.

His knowledge of the minutia of energy issues, his skill at crafting coalitions, and his tireless efforts shepherded one of the most comprehensive energy-related measures through the U.S. Senate in 1992. That bill remains one of the most important achievements of the 102d Congress, and it is a fitting legacy to BENNETT JOHNSTON's tenure in the U.S. Senate.

When he announced his retirement from this body, he didn't use it as an opportunity to attack the Senate or to decry his service here, but instead to reaffirm his commitment to the principles and values of this institution, and of public service.

I would like to quote from his own statement on the day he announced his retirement. He said, "Politics and public service are synonymous with the pursuit of public office. It is a high calling in our society. It is the best opportunity for helping your State, your country, and your fellow man. The Senate, with its faults and criticisms, remains the bulwark of our democracy, and a hallowed institution. I will stand up for it, will not bash it, and will defend it against those who do."

Those words, I think, Mr. President, stand in sharp contrast to the voices of cynicism that we often hear not only in this town but also, frankly, too often in this Chamber. They are the words of a man who loves the U.S. Senate and who treasures the opportunity to serve his State and his country.

To BENNETT JOHNSTON and his wife, Mary, and their family, I wish them Godspeed and the best wishes in their future endeavors.

TRIBUTE TO THE JUDGE

Mr. DODD. Mr. President, I rise today to add my voice to those of my colleagues in paying tribute to our distinguished and venerable colleague, the Judge, Senator HOWELL HEFLIN.

I've had the great honor to serve—and here on the floor of the Senate, to sit alongside the Judge from Alabama—throughout my entire tenure as a U.S. Senator.

Mr. President, HOWELL HEFLIN brought integrity, character, virtue and his folksy Southern humor to a body that is often devoid of such characteristics. What's more, his life has been consistently marked by a constant, single-minded devotion to public service and the love of his country.

During WWII, like many of his contemporaries, he answered the call of his Nation and enlisted in the Marine Corps. In the process, he became a bonafide war hero.

Lt. HOWELL HEFLIN joined in the initial assault to liberate the island of Guam from its Japanese occupiers. He was wounded twice and spent considerable time recovering in stateside hospitals. For his bravery, he was awarded two Purple Hearts and the Silver Star.

After the War, Senator HEFLIN became a trial lawyer in his native Alabama, which began his career-long fascination and devotion to the law. In 1970, he was elected Chief Justice of the Supreme Court, where he received the moniker that many know him by in this body—Judge HEFLIN.

That nickname describes well his tenure here in the U.S. Senate and provides context to the issues he championed as a Senator.

As a member of the Senate Judiciary Committee, he brought an unparalleled understanding of the judicial process and judicial interpretation to the Senate. Judge HEFLIN was instrumental in improving our Federal courts, and he worked tirelessly to improve and reform our Nation's judicial system.

HOWELL HEFLIN also brought his wealth of legal knowledge to his role as chairman of the Senate Ethics Committee. While largely a thankless and sometimes tedious position, he never shirked his responsibilities to his colleagues and to the reputation and integrity of the Senate.

Most of all though, HOWELL HEFLIN was always looking out for the people of Alabama. Not surprisingly he's been dubbed the "Spokesman for Southern Agriculture" for his unwavering and vigilant support for Alabama's rich agricultural heritage.

While often tagged as a conservative Democrat, he displayed the fervor of many a New Deal Democrat when he came to the Senate floor to speak passionately about issues that directly affected his constituents—from rural electrification, Federal crop insurance, the peanut subsidy program to the space station and civil rights legislation.

But, most of all HOWELL HEFLIN brought a sense of quiet dignity and tolerance to this body. When he announced his retirement from the Senate, he spoke with great fervor about the need for a new level of political discourse and conduct in our Nation.

He said: "We must set a new course in this Congress and across the land—a course of moderation, tolerance, responsibility and compassion." These words epitomized HOWELL HEFLIN's service in this body, and in my view they are the essence of what service in the U.S. Senate is all about.

This place will not quite be the same without HOWELL HEFLIN's indomitable presence, his deep Southern drawl and and his wonderful sense of humor. They will not easily be replaced.

But for every Member of this body there comes a time to move on and embrace new challenges and new goals. That time has come for the Judge. I wish HOWELL and his wife "Mike" best wishes in their retirement and all their future endeavors.

TRIBUTE TO PAUL SIMON

Mr. DODD. Mr. President, as the Senate fast approaches the end of the 105th Congress, I would like to take this opportunity to bid a fond farewell to one of our most distinguished colleagues—Senator PAUL SIMON from Illinois.

Throughout his entire life, PAUL SIMON has been devoted to his fellow citizens and has never wavered from the firmly-held beliefs and principles that guide his public life.

From his first job in 1948, at the tender of age 19, as the Nation's youngest editor-publisher, PAUL SIMON was focused on helping his community. From his position at the Troy Tribune he led an impressive crusade against local criminals and machine politicians.

In 1954, he officially began his career in public service as a member of the Illinois House of Representatives. He went on to serve in the State Senate and as Illinois Lieutenant Governor until coming to Washington as a Congressman in 1974 and finally becoming a Senator in 1984.

Throughout that time, PAUL SIMON never lost touch with his Midwestern roots, his reformist ideals or with his constituents, who continued to return him to office, year after year.

PAUL SIMON was one of the first politicians in this Nation to disclose his personal finances, starting in the 1950's.

Additionally, throughout his career he focused on helping provide educational opportunity for the American people. In the Illinois Legislature, he was one of the first lawmakers to propose legislation that would provide a public education for children with disabilities.

Later he was one of the original sponsors of similar landmark legislation on the Federal level, which became the law of the land in 1975.

PAUL SIMON helped lead the way in attacking the problem of illiteracy by working to pass the National Literacy Act.

In 1994, he continued to lead the way on education by working to open up new school-to-work opportunities, and he was the lead sponsor of the President's effort to reform our student loan program. I was pleased to work with Senator SIMON and today we can both look with pride to the new direct student loan program.

Throughout his career, PAUL SIMON has represented the traits of fairness, integrity, and honesty, which has earned him the respect of all members of this body.

This was never more evident then last week, when all the members of the Senate gathered together to honor him by donning imitations of his trademark bow-tie. That salute to our distinguished colleague was an appropriate tribute to a man as unique and distinctive as PAUL SIMON.

To Paul and his wife Jeanne, I wish him the best of luck in all their future endeavors. For a man who has written 15 books I can't imagine that we've heard the last of PAUL SIMON and I look forward to enjoying his wise counsel in the years to come.

TRIBUTE TO SENATOR HANK BROWN

Mr. DODD. Mr. President, I would like this opporunity to pay tribute and bid farewell to our distinguished colleague from Colorado—Senator HANK BROWN.

HANK BROWN will be leaving the U.S. Senate after an all-too brief, yet impressive stay in this body. A dedicated and thoughtful legislator, his leadership and intellect will be sorely missed.

Beginning with his experiences in the House of Representatives to his one term here in the Senate, he's been an outspoken leader on issues of foreign policy, deficit reduction, trade, and the military.

His integrity, fairness, and commitment to principles were evident in his approach to all these issues.

I had the pleasure of working with Senator BROWN on both the Budget and Foreign Relations Committees. In both committees, I've been impressed with his perseverance and dedication to developing innovative policy options.

Senator BROWN possesses a rare but important enthusiasm for delving into the Government's fiscal situation. His dedication to discuss budgetary issues is particularly evident in his extra-curricular activities.

While many of us are consumed by the lengthy schedules of day-to-day congressional affairs, HANK BROWN took the time to earn two graduate degrees while a Member of the Congress. In 1988, while still in the House, he earned a degree in accounting, and 2 years earlier, he received a master's degree in taxation. His scholarly grasp of budgetary matters is evidence of his abiding commitment to be well-informed and aware of all possible policy directions.

Senator BROWN has been equally dedicated to foreign policy issues. His amendment to expand NATO to include former Communist states in central and Eastern Europe is just one example of his efforts. The NATO amendment gained bipartisan support because of his strong analytical grasp of the issue and an important willingness to seek out compromise.

HANK BROWN's efforts on this issue stand as an example to us all that a political process often accused of inefficiency and gridlock can work when ideas and cooperation are elevated above the cynical tone too often found in this Chamber.

Senator BROWN is also a distinguished Vietnam veteran, awarded the Air Medal with gold stars, the Vietnam Service Medal, the National Defense Medal, and a Naval Unit Citation. He served in the Colorado State Senate from 1972 to 1976, and was named "Outstanding Young Man of Colorado." Afterwards, he spent 10 years in the House of Representatives before being elected to the Senate in 1990.

Senator BROWN's experience as a military veteran and long-term public servant is indicative of his tireless devotion to addressing the problems that face our Nation today.

His extraordinary public service has been marked by his intelligence, firm commitment to principle, and genuine sense of duty to the State of Colorado. He has made a place for himself in this Senate that will far outlast the time spent here.

I wish him and his wife Nan the best of luck in all their future endeavors.

A TRIBUTE TO SAM NUNN

Mr. HOLLINGS. Mr. President, after 24 years of service we are sad to see Senator SAM NUNN of Georgia go. Like his uncle before him, the Honorable Carl Vinson, chair of the House Armed Services Committee, and that other eminent Georgian, the Venerable Richard Russell, chair of the Senate Armed Services Committee, he has served with distinction, ensuring our Nation's defense in the shifting sands of the post cold war. SAM NUNN can claim credit for overhauling the much maligned procurement system and for streamlining excess base closings. Additionally, he is responsible for engaging the Department of Defense in the war against drugs. With bipartisan support, he sponsored the comprehensive Omnibus Anti-Drug Substance Abuse Act of 1988 that addresses every facet of the issue: law enforcement, interdiction, treatment, education, and increased cooperation with the international community and our own Internal Revenue Service. The latter signals the agency's return to its former G-man days, targeting organized crime and the narcotics industry.

Among our esteemed colleague's forays on crime are his chairmanship and current ranking minority leadership on the Senate's Permanent Subcommittee on Investigations. In this venue, SAM probed the fraud and abuse of student financial aid. He likened the Nation's PELL Grant Program to "an open bank with no security guards and no tellers". As a result of this and other investigations like it, reform measures were included in reauthorization of the Higher Education Act in 1992.

Other significant achievements belonging to SAM include a 1974 bill which created a mechanism for tracking down runaway parents and holding them financially responsible for their children, definitely a harbinger of family values. He saw the value of providing numerous initiatives for small businesses, including the Small Business Development Center program which provides management and technical assistance to small businesses across the country, and the Preferred Surety Bond Guaranty Program enacted in 1988 and designed to encourage more standard surety companies to participate in the Small Business Administration's Guaranteed BOND Program, strengthening the heart of the American economy, the small businessman. And lest you ever think that SAM forgets the agricultural heritage of Georgia, he cosponsored the Conservation Reserve Program that encourages farmers to retire highly erodible and environmentally sensitive crop land on a 10-year cycle. Georgia, along with the rest of us, can thank him for the Georgia Wilderness Act of 1984 and the creation of the Chattahoochee River National Recreation Area.

Yes, he will be remembered as an outstanding Senator and defence expert in the Georgia tradition, but as you can see, he has been much more. Most of all, he has been someone that the people of Georgia and the United States were proud to have serve them as a Senator.

SENATOR PRESSLER'S SERVICE AS CHAIRMAN OF THE SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION IN THE 104TH CONGRESS

Mr. LOTT. Mr. President, I rise to talk about a friend and long-time colleague, Senator LARRY PRESSLER from South Dakota. Not only does Senator PRESSLER serve South Dakotans' by fighting for the traditional way of life South Dakotans want and deserve, he serves the people of his State and all Americans as Chairman of the Senate Committee on Commerce, Science, and Transportation. Mr. President, by any measure the Senate Commerce Committee has been one of the most productive in the Senate and, indeed, in either body, during the 104th Congress.

I say this with the greatest sincerity. I know it is true because I have the pleasure of working side-by-side with Senator PRESSLER on the Commerce Committee. As a committee member, I have watched him work tirelessly on behalf of all Americans on some of the most far-reaching and challenging issues this Congress has faced.

Let me say a bit about the vast responsibilities the senior Senator from south Dakota has as chairman of the Commerce Committee. On a daily basis, Chairman PRESSLER labors on matters ranging from promoting the United States as an international tourism destination to shaping the dynamic course of a modernized national communications policy; from intervening on behalf of ranchers into questionable meatpacking concentration practices to working to make the skies as safe as possible for the travelling public.

These are just a few examples of the chairman's vast responsibilities. The list goes on. His job is no small task and in my humble opinion, Senator PRESSLER is a superb chairman.

As I think about significant national events we faced during the 104th Congress, the safety of our Nation's skies comes to mind. Two recent air tragedies, first in the Florida Everglades, and more recently, off the coast of New York, have focused the Nation on aviation safety. Long before he was chairman of the committee with jurisdiction over aviation, Senator PRESSLER worked aggressively to achieve safer skies for the travelling public.

As chairman, Senator PRESSLER made aviation safety one of the main priorities of his committee, holding various aviation safety hearings and leading Congress on working to improve air safety.

Much of his work on aviation safety and security should soon become law as part of compromise legislation he introduced reauthorizing the Federal Aviation Administration. Senator PRESSLER served as chairman of the joint House/Senate Conference Committee that produced the compromise FAA reform and reauthorization bill that will soon be on its way to the White House for the President's signature.

Among its provisions, the bill makes it easier for family members to get accurate information and counseling after a loved one has perished in a plane crash. The bill also calls for the immediate installation of explosive detection technology to beef-up security at our Nation's most vulnerable airports. This is why I chose Senator PRESSLER to represent the Senate on Vice President's GORE's Commission on Air Safety and Security. He has the kind of experience in aviation matters that the Gore Commission needs.

As he does time and time again, Senator PRESSLER also delivered for South Dakota in this legislation. Under his leadership, the bill reauthorizes the Essential Air Service program at a level of $50 million per year. Mr. President, that doubles the size of this program so vitally important to South Dakota's, and this Nation's, smallest air ports. Senator PRESSLER's hard work ensures people living in our small communities will remain linked to the national air transportation network.

The bill also creates a new funding formula for the Airport Improvement Program. AIP is the program by which airports across the country, from the largest to the smallest, receive assistance in maintaining their core facilities such as runways and terminals. Once again fighting for the people of South Dakota, Chairman PRESSLER saw to it that the new AIP program guarantees that if overall airport funding is significantly reduced, smaller airports will not be disproportionately disadvantaged. Also of importance to smaller airports, the bill directs the Secretary of Transportation to conduct a rural air service study, including an examination of why air fares are so high in small air service markets and provides increased flexibility to small airports working on multi-year airport construction projects.

If we look at aviation in the context of global commerce, Senator PRESSLER has used his chairmanship to pry open air service markets for U.S. carriers worldwide. The German open skies aviation agreement, which PRESSLER helped secure earlier this year, is just one example. These agreements are good for our national economy, good for the airline industry and good for the consumer. Under PRESSLER's stewardship, we are making more progress than ever before on securing international aviation agreements.

When most people hear the name PRESSLER, they think of telecommunications. He is, after all, credited with achieving the most massive overhaul of our Nation's telecommunications policy since the 1930's. Already, people are using new telecommunications products made possible through the deregulation of the industry. Through Chairman PRESSLER's efforts, we are now ready to take America's telecommunications industry into the 21st century.

PRESSLER's telecommunications law translates into new, more affordable communications options for our homes, hospitals, schools, farms and even highway infrastructure. Under the Pressler Telecommunications Act, phone service providers, cable companies, local television broadcasters, and other companies will compete to bring us entertainment, telephone service, news and information. Once fully implemented, this will mean lower prices for a wide range of communication products.

Mr. President, this new law certainly will benefit all Americans. However, in drafting the law, Senator PRESSLER once again championed the needs of those in rural parts of the country—those who historically have benefited least from advances in communications technologies. Thanks to Senator PRESSLER, South Dakotans will enjoy a wide range of new services.

Take, for example, telemedicine. Telecommunications can connect the world's finest physicians to the most remote areas of the country. It means equality. It means people living in sparsely populated or rural areas will enjoy the latest medical information via computer and satellite.

On the farm, access to information on weather, market conditions, new crops and the latest scientific advances is vital to successful farming operations. The Pressler Telecommunications Act will help bring this information to farmers and ranchers more quickly and efficiently than ever before, and at affordable rates.

Thanks to Senator PRESSLER, students in the classrooms of South Dakota will more rapidly see expanding opportunities in distance learning. These students will be able to receive foreign language, science and advanced mathematics instruction from teachers miles away. Electronic library support will increase, allowing more readers to reserve or renew books by phone or computer. All this will allow schools to better manage scarce resources.

Mr. President, the Pressler Telecommunication Act is one of, if not the most significant legislative accomplishment of this Congress. It is extremely important consumer oriented legislation. It is the most sweeping and revolutionary piece of legislation authored by a South Dakota Senator since the framing of America's Interstate Highway System was initiated by the venerable Senator Karl Mundt.

A second major piece of consumer oriented legislation also came from Senator PRESSLER's Commerce Committee—a product liability reform bill aimed at curtailing frivolous lawsuits. This legislation is good for businesses both small and large. At the same time, Chairman PRESSLER was committed to the proposition that the Commerce Committee write a reform bill that also would benefit consumers.

In 1995, the Commerce Committee reported legislation that would do so in a number of ways. First, it would mean more jobs. Second, it would lower the cost of goods. Third, it would mean a greater selection of goods from which to choose. Fourth, it would encourage testing to make goods safer. Finally, it would help to maintain and, in some cases, improve the quality of products available to consumers.

While the Commerce Committee had held 23 days of hearings on product liability reform and reported seven product liability reform bills since 1981, under Senator PRESSLER's chairmanship, the full Senate passed a bill for the very first time in its history. Chairman PRESSLER then led the Senate delegation into a conference that crafted a compromise bill that ultimately looked very much like the legislation originally reported from PRESSLER's committee.

In another first, both Houses of Congress passed this product liability reform legislation and sent it to the White House for signature. Sadly, in a display of raw, election year political game playing, the President vetoed this important bill. I know Chairman PRESSLER's committee will again produce meaningful product liability reform legislation in the next Congress.

As Chairman of the Commerce Committee, Senator PRESSLER also has been a leader in efforts to reduce the size of government. Late last year, the President signed into law the ICC Termination Act of 1995. Senator PRESSLER introduced the bill in the Senate. As a result of his efforts, an entire Federal agency, the Interstate Commerce Commission, closed its doors forever on December 31, 1995.

The ICC Termination Act also eliminated scores of outdated, unnecessary, and burdensome regulatory requirements and restrictions hampering surface transportation industries. At the same time, Senator PRESSLER ensured the law also was designed to ensure continued protections for shippers against industry abuse—protections vitally important to shippers in places like his home State of South Dakota. A balance between regulatory relief and continued oversight was achieved.

The law also created a Rail-Shipper Transportation Advisory Council. The council is designed to advise the new Board and Congress on issues of importance to small shippers and small railroads, issues such as rail car supply, rates, competition, and procedures for addressing claims.

Mr. President, earlier this year, in response to the disturbing trend under which America slipped out of first place as the world's most visited country, Senator PRESSLER wrote legislation to put the United States back on the map as the world's No. 1 tourism destination. His bill, the Tourism Organization Act of 1996, passed the Senate and he worked tirelessly to craft a compromise bill that later passed in the House.

The Pressler tourism bill is now heading to the White House for the President's signature. Some may overlook the significance of the travel and tourism industry, but it employs more than 6.3 million people and is the second largest employer in America. Senator PRESSLER knows how vital this industry is to all Americans.

I have mentioned just a few of the different hats this chairman has worn during the 104th Congress. There are many, many more. Chairman PRESSLER toiled hard at the helm of a committee that also produced a great deal of vital, although not headline grabbing, legislation. His committee developed legislation needed to allow the Coast Guard to continue its functions vital to the security and safety of this Nation. It crafted what many are calling the most important environmental legislation to come out of the 104th Congress in the form of the Sustainable Fisheries Act. Senator PRESSLER's Commerce Committee furthered its environmental agenda by producing the Antarctic Science, Tourism, and Conservation Act of 1996. Each of these bills is of major consequence. All of these measures are on their way to the President for signature.

Mr. President, I note with a certain amount of personal pride that Congress also acted on a bill I introduced, S. 1505, the Accountable Pipeline Safety and Partnership Act of 1996. This legislation also originated in the Commerce Committee. It reauthorizes appropriations for natural gas and hazardous liquid pipeline safety programs, but it does much more.

S. 1505 is designed to make changes in existing law that reduce the risks and enhance environmental protection associated with pipeline transportation. I introduced this bill last December. Since that time, Chairman PRESSLER and I have worked with a broad constituency interested in the legislation. Together, we worked out a consensus amendment to the bill that was unanimously approved by the Commerce Committee in June.

S. 1505, as passed by the House and Senate, applies a simple, flexible, commonsense risk assessment and cost-benefit analysis to new pipeline safety standards. It moves pipeline safety away from prescriptive, command-and-control approaches and focuses future standards on actions that address assessed safety risks. I am proud of the bill this Congress sent to the President for signature into law. I thank Chairman PRESSLER for all his good efforts in getting this important job done.

Mr. President, under Senator PRESSLER's leadership the Commerce Committee also produced, and the Congress has now passed and sent to the President, reauthorization legislation for the National Transportation Safety Board and the Federal Trade Commission. The NTSB is one of our Government's most important agencies. Its mission is to determine the probable cause of transportation accidents and to promote transportation safety. The NTSB is world renown for its timely and expert determinations of accident causation and for issuing realistic and feasible safety recommendations. The FTC is charged with the dual mission of consumer protection and antitrust enforcement. Both agencies are critically important to the safety and well being of American consumers. Both will continue their important work thanks to Chairman PRESSLER's efforts.

Finally, Mr. President, I want to make brief mention of two other bills. Chairman PRESSLER has worked over the last 2 years to achieve a consensus on a National Space Policy Act and authorization legislation for the National

Oceanic and Atmospheric Administration, both of which were also introduced by Senator PRESSLER. The Space Policy Act embodies authorizations for NASA programs such as Mission to Planet Earth and the space station and enjoys broad bipartisan support in both Houses of Congress. The NOAA authorization legislation is another bill vital to the public safety. Among other things, NOAA is charged with forecasting and warning against impending destructive natural events such as hurricanes, thunderstorms, and tornados.

Mr. President, I commend Commerce Committee chairman, Senator LARRY PRESSLER. He is a shining example of how to get things done in the Senate. Just look at the record. Chairman PRESSLER has left his distinguished mark on some of the most important pieces of legislation this Congress produced.

I conclude by also congratulating the members, members on both sides of the aisle, of the Senate Committee on Commerce, Science, and Transportation for an exceptional legislative record in this Congress. Without a doubt this was one of the most active and productive of all Senate committees.

TIRBUTE TO SENATOR MARK O. HATFIELD

Mr. INOUYE. Mr. President, when the full Appropriations Committee marked up H.R. 3755, the fiscal year 1997 Labor/HHS appropriations bill, I was pleased that the committee accepted an amendment to name the new NIH clinical research center, the Mark O. Hatfield Clinical Research Center. This center will be of major importance to our Nation's health and will be named for a man who has dedicated his entire public life to enhancing the quality of all human life. There is no greater tribute to his innumerable contributions in this area than to designate, in his name, a living legacy within whose walls will be state-of-the-art facilities for a combined effort of basic and clinical research—laboratories and clinics side-by-side—to discover interventions and deliver the most effective health care our Nation or any nation has ever known.

In his 30 years of Senate service, Senator HATFIELD brought to this institution, his great intellect, a quiet decency, and a tenacious advocacy for those who have little voice. He is a true and eloquent spokesman for the protection of our people from the forces of ignorance and illiteracy, social injustice, weapons of mass destruction, and diseases that ravage the mind and body. Throughout his career, he consistently fought to direct our Nation's precious fiscal resources to programs that held promise in eradicating society's ills and improving the human condition. At times, he was a lone voice facing a hostile reception by administrations with different priorities but his dedication did not waiver.

Our chairman adheres to no political or ideological boundary but the voice of his own conscience, often placing himself in direct opposition the prevailing winds of the day. Whether fighting major rescissions in social discretionary programs in the early 1980's or in protecting biomedical research funding as recently as in last year's budget resolution, he never lost sight of the importance of maintaining strong national programs for both basic and clinical health research as well as the training of tomorrow's scientists.

Our colleague always believed that we would be acting irresponsibly by shortchanging these and other life sustaining efforts, therefore, any immediate savings achieved would be offset by a weakened human condition for decades to come. "If we fail to provide adequately for the training of future generations of research scientists", I have often heard him say, "then we are effectively eating our seed corn." In failing to provide necessary annual increases in funds for research grants, he insists, we will "lose the momentum" in our capacity to eradicate human suffering at home and world-wide.

WHen it is completed, the Mark O. Hatfield Clinical Research Center will be a magnificent structure and a world model. With this amendment, we honor a man who, in his retirement from the Senate, should leave secure in the knowledge that his life's work has made a difference. By creating the opportunity for new discoveries in disease prevention and treatment a more healthy future has been insured for all Americans today and for generations to come.

TRIBUTE TO SENATOR COHEN

Mr. FEINGOLD. Mr. President, I rise today to acknowledge the contributions of retiring Senator WILLIAM COHEN of Maine, as he prepares to take leave of the U.S. Senate.

Mr. President, the Christian Science Monitor once referred to Senator COHEN as a "true Renaissance man." That is an apt compliment, because it describes a person of broad interests who applies his intellect and energy with distinction in many theaters of human activity.

Senator COHEN certainly embodies that description.

In my 3 years here, I have come to appreciate Senator COHEN's intelligence, independence of thought and action, his integrity, his capacity for hard work and his respect for the Senate and for the process of making public policy.

He has also found time to write a pretty good book or two.

Senator COHEN and I have both served on the Senate Special Committee on Aging, and there I have been able to watch, first-hand, his skill and dedication in dealing with issues of particular importance to senior citizens and of relevance to us all. He has, in particular, been a leader in the battle against waste, fraud and abuse in our Medicaid system.

He has also, upon assuming the chair, continued the tradition of bipartisan cooperation on that committee.

I have also appreciated Senator COHEN's insistence on the highest ethical standards for lawmakers. He wrote the law that renewed the Office of Government Ethics and, in fact, made it stronger. He has been a reliable ally in the fight for congressional reform. He played an important role in lobbying reform and was an important supporter of the efforts to restrict gift giving.

Mr. President, several months ago, Senator COHEN delivered a moving tribute to another Maine lawmaker, Senator Edmund Muskie, after Senator Muskie's passing.

Senator COHEN quoted John Kennedy on how to take the measure of people: "First, were we truly people of courage? Second, were we truly people of judgment? Third, were we truly people of integrity? Fourth, were we truly people of dedication?"

Senator COHEN said at the time that the answer to each of those questions in Ed Muskie's case was "yes." The same can be said for Senator COHEN.

Mr. President, the residents of Maine know, I am sure, they have been well-served by Senator COHEN. Let me say, for the record, so have the American people.

FOOD AND DRUG ADMINISTRATION REFORM LEGISLATION IN THE 104TH CONGRESS

Mr. HATCH. Mr. President, as the 104th Congress winds to a close, I wanted take this opportunity to comment on the demise of the Food and Drug Administration Reform legislation.

It has been extremely disappointing to me that efforts to prod the FDA into meaningful reform have not been fruitful. It is doubly disappointing because, our colleague, Senator KASSEBAUM, and her staff have spent countless hours crafting a solid reform bill, a bill that won overwhelming, bipartisan support from the Labor and Human Resources Committee.

In remarks before this body earlier this year, I outlined my views on the need for FDA reform and the principles which should be embodied in any reform legislation. I continue to believe that reform of this tiny, but important, agency is sorely needed, reform that will both streamline its operations and preserve its commitment to ensuring the public health.

I know that many who have worked on the FDA issues are discouraged, but we can be proud of three significant reforms to food and drug law this year:

The first being the drug and device export amendments I authored with Representative FRED UPTON; the Delaney clause reform embodied in the pesticide legislation the President recently signed; and the animal drug amendments so long championed by Senator KASSEBAUM. It seems, therefore, that the revolutionary course we charted for FDA reform at the beginning of the 104th Congress, evolved into a path evoluntary in nature, but still productive nonetheless.

Much more remains to be done, and I will continue to work with my colleagues next year to advance the work we started this year. There are many priorities for further action, among them—speeding up generic drug approvals, clarifying how tissue should be regulated, expediting medical device approvals, deficiencies in the foreign inspection program, and rigorous oversight of the Dietary Supplement Health and Education Act's implementation.

Another issue that I would like to see addressed next year is one that has been periodically on the FDA radar screen: The issue of national uniformity in regulation of products that fall within the FDA's purview.

In 1987, FDA Commissioner Frank Young, in response to California's proposition 65, was on the verge of issuing an FDA regulation that would have acted to preempt certain warning statements required by the State of California. In fact, in August of that year, Commissioner Young wrote the Governor of California to underscore his concerns about the potential negative effect of proposition 65 on "the interstate marketing of foods, drugs, cosmetics and other products regulated by the FDA."

Further, Commissioner Young pointed out that "the Agency has adequate procedures for determining their safety and taking necessary action if problems arise."

Although ultimately this regulation was not issued, the 1991 Advisory Committee on the Food and Drug Administration, chaired by former FDA Commissioner and Assistant Secretary for Health, Dr. Charles Edward, examined this issue. The panel recommended that Congress enact legislation, "that preempts additional and conflicting state requirements for all products subject to FDA regulation."

The issue of Federal preemption is extremely important for several industries, especially over-the-counter drugs, cosmetics, and foods. I was heartened when the Labor and Human Resources Committee approved Senator Gregg's amendment on national uniformity for over-the-counter drugs during consideration of the FDA reform legislation, S. 1477, but was disappointed that Senator GREGG did not extend the concept further in his amendment.

Let us take the cosmetics industry as a case in point.

In the United States, the cosmetics sector of the economy represents an estimated $21 billion in annual sales, a significant amount by almost any measure. It consists of over 10 billion individual packages that move through the stream of interstate commerce annually. These include soap, shampoo, mouthwash, and other products that Americans use daily. These hundreds and hundreds of product lines, and thousands and thousands of products are each subject to differing regulation in the various State—even though all must meet the rigorous safety, purity, and labeling requirements of Federal law.

Given this volume of economic activity, it is imperative that manufacturers be able to react quickly to trends in the marketplace; they must have the ability to move in to new product lines and move into and out of new geographic areas with a minimum—but adequate—level of regulation to ensure the products are not adulterated and are made according to good manufacturing practices.

Today, cosmetics manufacturers are competing more and more in a global economy, and are making products consistent with the international harmonization of standards in such large marketing areas as the European Union. A single nationwide system for regulating the safety and labeling of cosmetic products would take a great step toward helping that industry move toward the international trends in marketing. At the same time, it would be a more efficient system, since allowing individual States to impose varying labeling requirements inevitably leads to higher prices.

In other words, the time has more than come for enactment of a national uniformity law for cosmetic regulation. It is my hope that this issue will be high on our congressional agenda next year.

In closing, Mr. Chairman, I want to offer my great respects to Chairman KASSEBAUM for the hours, weeks, and months of time she has devoted to the FDA reform issue. Although I have paid tribute to Senator KASSEBAUM in separate remarks here today, I must reiterate again how much her reputation for equilibrium and fairness have lent to development of an FDA reform proposal which cleared the committee in such a bipartisan fashion.

Finally, I must also pay tribute to the lead staffer on FDA issues, Jane Williams, who has worked virtually round-the-clock to try to fashion a good, fair, bipartisan reform bill. Jane more than exceeded that goal, and I think this body should give her some much-deserved recognition.

I yield the floor.

TRIBUTE TO BENNETT JOHNSTON—LOUISIANA'S SENIOR SENATOR

Mr. PRESSLER. Mr. President, I would like to bid fond farewell and Godspeed to one of my good friends and colleagues, BENNETT JOHNSTON, the senior senator from Louisiana. Senator JOHNSTON soon will retire from the Senate, leaving behind a record of major legislative achievements. His dedication and perseverance will be missed by all of us who remain, as well as his constituents in Louisiana. BENNETT JOHNSTON's career of public service began with his enlistment in the Army in 1956. He served in the Louisiana State Legislature—4 years each in the House and Senate—before he was elected to the U.S. Senate in 1972.

Mr. President, during his four terms in the Senate, BENNETT JOHNSTON always championed his state's interests. He fought diligently for Federal funding that transformed a pothole-filled road through Louisiana into frequently traveled Interstate 49. This vital transportation artery will be a fitting reminder to all Louisianians of BENNETT JOHNSTON's commitment to them. He also led the way for a new Red River navigation system, ports and levees, research facilities, wildlife refuges and parks.

His roles as chairman and ranking member of the Senate Committee on Energy and Natural Resources made Senator JOHNSTON a national figure. Perhaps his most significant legislative achievement was the National Energy Security Act—a comprehensive bill that established him as a master of energy policy. This bill was passed in the wake of the Persian Gulf War, and it has reduced our country's dependence on foreign oil. According to Marribell S. Ayres, executive director of the National Independent Energy Producers, the way BENNETT JOHNSTON handled the bill reminded her of the old saying, "talent is when opportunity meets preparation." The bill was a masterful achievement in legislating and he always will be remembered for that accomplishment.

I will miss BENNETT JOHNSTON's thoughtfulness and fairness on issues relating to our national resources, such as mining and timber issues. He has been a fair advocate for the concept of multiple use of Federal lands. He knows that multiple use is responsible use.

Mr. President, BENNETT JOHNSTON put it best when he announced in January 1995 that he would not run for reelection: There are rhythms and tides and seasons in life. I have been fortunate in my life to sense the rhythm and sail it full tide, and now I believe that season for a new beginning approaches. With that thought in mind, I wish my friend from Louisiana and his wonderful wife, Mary, the best of luck as they set sail from the Senate on what surely will be yet another rewarding journey in an already exciting, fulfilling lifetime voyage of public service.

TRIBUTE TO SENATOR MARK HATFIELD

Mr. PRESSLER. Mr. President, I am honored to salute one of Oregon's and our nation's finest legislators and statesmen, my colleague Senator MARK HATFIELD, who will soon retire from the U.S. Senate. MARK HATFIELD is one of the Senate's all-time great leaders. His career has been marked by a voting record based upon consistency and a deep commitment to high principles. The Senator from Oregon will leave behind a very distinguished history of public service to his State and country.

As a young serviceman in the Navy, MARK HATFIELD was one of the first Americans to see Hiroshima after the atomic bomb was dropped. When he returned home, he became a political science professor and university dean at his alma mater, Willamette University. In 1951, MARK HATFIELD was elected to the Oregon House of Representatives where he quickly moved up through the ranks and then was appointed Oregon's secretary of state. Soon after, he was elected Governor of Oregon for two terms. Throughout his career of more than four decades in state and national politics, MARK HATFIELD never lost an election. In 1966, he was elected to the U.S. Senate.

During two periods as chairman of the Senate Appropriations Committee, Senator HATFIELD exemplified the perseverance and diligence of an experienced legislator. In his role as chairman, he succeeded in the challenging task of matching the more local needs of his colleagues with the national need to reduce our budget deficits. In the past 2 years, he has kept his committee on track to achieve a balanced budget by the year 2002. For that alone, all Americans should be grateful.

My friend from Oregon has been one of our most articulate champions for arms control and nuclear nonproliferation. These are special issues for me as well. He has stood by me as I've worked to reduce the spread of nuclear weapons in South Asia. He deserves to feel great pride in his untiring efforts to achieve a moratorium on nuclear testing.

MARK HATFIELD also will be remembered as a strong voice for economic growth and development. He has pushed to allow more roads and responsible logging practices in Federal forests. He has fought to protect Columbia River salmon and has demonstrated much concern for the interests of Oregon's Indian tribes.

Senator HATFIELD's determination to stand by his principles, even in the face of severe partisan pressure, has been admired by all his colleagues. MARK HATFIELD has always been a consensus builder on bills that have become bogged down in partisan politics. For example, he voiced his strong concerns about the safe drinking water legislation and the need to establish reasonable standards for contaminants. In this effort he kept in mind the many concerned States and cities that fear the onerous financial burdens the Federal bureaucracy too often impose. I applaud my colleague for his many valiant bipartisan efforts.

The Senate soon will bid farewell to our friend from Oregon, MARK HATFIELD. His colleagues and constituents can look back on his career with great respect and gratitude. Mr. President, as the 104th Congress draws to a close, I wish Senator HATFIELD all the best in his future endeavors. My wife, Harriet, and I wish Senator HATFIELD and his lovely wife Antoinette continued happiness, joy, and more quality time with their grandchildren. I am proud to have served in the Senate with MARK HATFIELD. I am even more proud to call MARK and Antoinette Hatfield my good friends.

TRIBUTE TO BILL COHEN—A MAN FOR ALL SEASONS

Mr. PRESSLER. Mr. President, I rise to pay tribute to my dear friend and colleague, Senator WILLIAM COHEN of Maine. Upon his retirement from this body, Senator COHEN will leave behind a legacy of camaraderie, hard work, and dedication to the people of Maine and the United States. His spirit of cooperation will be missed by his friends, constituents and colleagues.

Mr. President, it is fitting that Senator COHEN announced his retirement in the chambers of the Bangor City Council—the place where he began his three decades of public service to the people of Maine. In 1969, he proved to be a gifted leader during his tenure as Bangor City Councilor. In 1971, he was elected mayor. In his role as a local public official, Senator COHEN realized quickly the necessity for strong leadership and representation at the national level. In response, he walked over 600 miles across the State of Maine and knocked on thousands of doors in his campaign for the U.S. House of Representatives. In 1972, his grassroots effort paid off and he was elected to Congress.

It was in the House that my colleague first made his mark as an advocate of a stalwart national defense, effective intelligence system, and the highest ethical standards for Members of Congress and intelligence agency employees. As a member of the Armed Services Committee, he consistently has sought to keep our national security a top priority. He fought to ensure that America's defense readiness did not fall by the wayside in the face of budgetary constraints. He has been a true guardian of our Nation's security. His efforts have earned the gratitude and respect of all Members of this body and the people of Maine and our Nation.

A legislator, author, father, husband, and attorney, BILL COHEN often is referred to as a "Renaissance Man." Over the years, he has shared his literary talents through books such as "Of Sons and Seasons," "Murder in the Senate," and "A Baker's Nickel." His poetry first impressed us 20 years ago during a congressional prayer breakfast when he read several of his poems aloud. He acquired many of his literary fans then and has kept us entertained and inspired ever since. Since then, his literary gift has provided us a fascinating glimpse into his thoughtful and insightful mind. He is a multi-talented leader whose knowledge and genius are certain to guide him through a fulfilling post-Senatorial career.

My friend from Maine has said that writing takes solitude—a rare commodity in the busy life he now leads. As he moves on from this hurried lifestyle, I wish him years of solitude, peace, and happiness with his children and wife Janet. Godspeed to my dear friend from Maine.

TRIBUTE TO JIM EXON: A DEDICATED MIDWESTERN SENATOR

Mr. PRESSLER. Mr. President, today I pay tribute to a friend and fellow midwestern Senator—Jim EXON. Senator EXON and I entered the Senate together in 1978. I have enjoyed working with him on issues important to our states: South Dakota and Nebraska. We are not just fellow Senators, but fellow South Dakotans. He was born in Geddes, South Dakota, and once a South Dakotan, always a South Dakotan. When he retires at the end of the 104th Congress, I will miss him personally, as well as his dedication to rural America.

I have a great deal of respect for Senator EXON. He has served his fellow Nebraskans well. As ranking member of the Senate Budget Committee, he has been a driving force to get a balanced budget amendment passed in Congress. He understands well the importance of balancing the Federal budget. He knows that Federal spending must be reined in and that we owe it to our children to control our Government's "out-of-control" spending habits. He has a vision for our economic future—a vision that embraces the interests of rural America.

Senator EXON and I have served together for many years on the Senate Commerce, Science, and Transportation Committee. He has worked hard on the Commerce Committee, as he has on the Armed Services and Budget Committees. As our Nation evolves into the information age, JIM EXON has worked diligently to ensure that the information superhighway maintains high decency standards and that telecommunications reform includes the interests of rural states. Additionally, JIM EXON has worked to keep our transportation network safe. Whether the issue is high speed rail safety or the transportation of hazardous materials, JIM EXON has been committed to improving our current transportation infrastructure.

JIM EXON's expertise on commerce and budget issues will not be easily replaced in Congress following his retirement. His care and concern for the people of Nebraska and the midwest will be missed. I will not forget JIM's dedication and commitment to his State and nation. As a World War II veteran, he has brought a level of patriotism, pride, and tenacity to this congressional body that cannot be matched. As I bid my friend farewell, I am saddened by his departure, but am happy for him as he embarks on a new facet of his life. I wish JIM and his wife, Patricia Ann, all the best in their post-Senate days. Their presence in Washington will be missed, but never forgotten.

TRIBUTE TO RETIRING SENATORS

Mr. SHELBY. Mr. President, we hope this will be the last day of the 104th Congress, and I would be remiss if I did not take this opportunity to remark about several of my colleagues—friends from both sides of the aisle—for whom today will be their last day as a member of this distinguished institution.

Let me first acknowledge my colleague from Alabama, Senator HOWELL HEFLIN. He came to the Senate the same year I came to the House of Representatives: 1979. He had a distinguished record as a lawyer and then as Chief Justice of the Alabama Supreme Court. As Chief Justice, Senator HEFLIN led the modernization of the judicial system in Alabama.

Throughout his three terms as a member of the Senate, he has served with distinction and honor. His integrity and dedication made him an exemplary Chairman of the Ethics Committee. We also should not forget his service on both the Judiciary and Agricultural Committees. He was very active, as he has been throughout his career, on both of these committees, where he showed his concern for the welfare of the country. Senator HEFLIN's retirement is indeed a great loss to this body.

There are a number of other colleagues, in addition to Senator HEFLIN, whom we will miss.

Senator SIMPSON of Wyoming, who served this side of the aisle as our assistant minority leader, is a man of untold ability, wit and intelligence.

Senator SIMON of Illinois is a man of unquestioned integrity.

Senator David PRYOR of Arkansas, who was on the floor just a few moments ago, is ending his third term as a Member of the U.S. Senate where he, too, has distinguished himself. A former Congressman and Governor of Arkansas, he concludes a laudable political career.

One of our most senior Senators, CLAIBORNE PELL of Rhode Island, the longtime chairman of the Foreign Relations Committee, is recognized as a leader in the area of international relations. He also has made his mark in the field of education. All of us are familiar with the Pell grant and other programs that he has inspired.

We will certainly miss Senator NUNN who brought a very reasoned position to all issues relating to foreign relations and national security. This goes without saying, but I thought he was an outstanding chairman of the Armed Services Committee. I feel fortunate to have had the privilege to serve with him on that committee for 8 years.

Senator NANCY LANDON KASSEBAUM, a Republican from Kansas who currently chairs the Labor and Human Resources Committee, is a distinguished Senator in her own right. Just look at her recent leadership to bring about long overdue reforms in the field of health insurance.

Senator BENNETT JOHNSTON of Louisiana is the former chairman of the Energy and Natural Resources Committee. We are certainly going to miss him. He has had a distinguished career here during his 24 years in the U.S. Senate.

Senator MARK HATFIELD of Oregon, the current chairman of the Appropriations Committee on which I now serve, has served with his characteristic civility and integrity. In recent days, he has worked through the night in the negotiations with the White House on the omnibus appropriations bill that we are getting ready to consider in a few hours.

Senator JIM EXON of Nebraska, a former Governor of Nebraska, is a three-term Senator from that state. I had the privilege of serving with him on the Armed Services Committee.

Senator WILLIAM S. COHEN, a Republican from Maine, a former outstanding Member of the U.S. House of Representatives before he was elected to the Senate. We will miss not only his wit, his intelligence, and his thoughtfulness, but also his writing ability, which at one time or another helped us all.

It has been an honor to serve with Senator HANK BROWN, a Republican from Colorado as it was to serve together in the U.S. House of Representatives. What has saddened me, and a number of my colleagues, is he will leave this body with such a bright and promising career after only 6 years.

Senator BILL BRADLEY of New Jersey has served 18 years in the Senate. He has spent days and nights, weeks and months up here, and I think, not in vain, in dealing with a common sense income tax program for all Americans.

Mr. President, we will miss all these people because individually and collectively they have enriched this body. I wish them well in their future endeavors. I yield the floor.

RETIREMENT OF SENATOR NANCY KASSEBAUM

Ms. MOSELEY-BRAUN. For the past 17 years, the people of Kansas and of the United States have had the great honor of being represented by Senator NANCY LANDON KASSEBAUM. For the past 4 years, I have had the privilege of serving with her.

I am here today because of I admire what she has accomplished in the Senate, what she has modeled for women and because I am pleased to be able to call her my friend.

I have disagreed with Senator KASSEBAUM on some legislative issues, but on many occasions there were common ground and agreement. Nonetheless, I always knew that she considered issues fully and made independent judgements on the merit of a specific piece of legislation. I know that she always considered the competing interests and judged them against her own beliefs.

Senator KASSEBAUM has championed causes that I hold dear, including reproductive choice, responsible gun control, and the 1994 crime bill that, among other things, sent police back to the neighborhoods to walk the beat. But even when I don't agree with her, I respect her intellect, her integrity, and her votes, for they are always votes of conscience.

Her leadership of the Labor, Education, and Human Resources Committee exemplifies her desire and ability to work across party lines on issues such as health insurance portability which is vital to working families and to the Nation.

She is the first woman in the Senate ever to chair a full committee. In this, as in all her accomplishments, Senator KASSEBAUM is a role model for women. She showed women active in community issues or serving in local and State governments, that they could aspire to more.

She served from 1978 to 1980 as the only female member of this illustrious body. I remember when I got here, elected with three other female freshman, and they handed me a spouse's I. D. badge. I know that mistakes like this must have been plentiful when Senator KASSEBAUM arrived. From all the women Senators, I thank her for making things easier for us, in the little and the big ways.

I'd like to note that it is not just her colleagues who hold Senator KASSEBAUM in such high esteem. There is a quote in an A.P. story from a University of Kansas political science professor that I'd like to share because it illustrates the enormous respect and affection felt by Kansans for the Senator.

"[Senator] KASSEBAUM sometimes deferred to [Senator] Dole as a leader. But [Senator] Dole knew, every day he went to work, that he was the second-most popular politician in Kansas." Another newspaper quotes a Democratic official as saying that in Kansas, "the only thing more popular than Nancy is wheat." Now that's saying something.

The last thing that I would like to say today on the floor is that I will miss Senator KASSEBAUM. I will miss talking with her on the floor. I will miss her contributions to legislative debate. And I will miss her great and moderate influence on this body as a whole.

We need more Senators like NANCY KASSEBAUM in the Senate. I think the Senate, the people of Kansas, and Americans all across this country are lucky to have had her service in the Senate.

TRIBUTE TO SENATOR JIM EXON

Ms. MOSELEY-BRAUN. Mr. President, I rise today to talk about the distinguished service of my friend and colleague, Senator JIM EXON of Nebraska.

When I think of America's heartland—the great plains, the small towns, farmers in the field, hard work, helping your neighbor—I think of Senator EXON. No other Senator better embodies the image, the values, and the beliefs of rural America. He fights for fiscal responsibility. He fights for the family farm. He fights for a strong national defense. After 26 years of public service to Nebraska, and a stunning record of five winning statewide elections in a row, his departure from public service leaves in its wake a record of accomplishment that will be difficult to match.

During his tenure in the U.S. Senate, Senator EXON has worked tirelessly on behalf of issues important to Nebraskans. He has strengthened the farm economy by fighting to promote ethanol fuels and expanding foreign markets for farm commodities. He has fought to improve rural health care by fixing unfair Medicare rules. He preserved Federal funding for the reformed crop insurance program. And he has improved transportation access for rural communities with his authorship of the current Essential Air Service law and by fighting to strengthen and preserve Amtrak.

Senator EXON has also left his mark on issues important to our Nation. He coauthored legislation passed in 1992 requiring the moratorium on nuclear testing and an end to all testing by 1996. He has used his position as a senior Member of the Senate Budget Committee to help reign in Federal spending and reduce the Federal deficit. He has greatly increased safety in the inspection of trucking and railroad industries.

These accomplishments are his legacy. The retirement announcement of Senator EXON, widely recognized as the chief architect in the creating a strong Democratic party in Nebraska, will leave a void in Nebraskan leadership that will likely be felt for years. I know Nebraskans are proud of his achivements. I wish Senator EXON the very best in his future endeavors.

THE RETIREMENT OF U.S. SENATOR HOWELL HEFLIN

Ms. MOSELEY-BRAUN. Mr. President, I rise today to make a few comments about a great U.S. Senator, Howell HEFLIN, or Judge HEFLIN as he is known to all of us who have had the privilege to work with him.

For over 24 years, HOWELL HEFLIN has fought for the interests of Alabama and America. He began his career in public service when he fought in the Pacific during World War II. There he was wounded twice and earned the Silver Star. After graduating from the University of Alabama Law School he began to practice law in Alabama. He went on to serve as President of the Alabama State Bar Association from 1965 to 1966.

In 1971 HOWELL HEFLIN became Chief Justice of the Alabama Supreme Court. He is credited with reforming Alabama's antiquated court system. His court reform package has earned him national recognition. His other accomplishments include serving as chairman of the National Conference of Chief Justices, vice president of the American Judicature Society, and being selected the American Association of Trial Lawyers "Most Outstanding Appellate Judge in the United States" in 1975.

I came to know Judge HEFLIN during his tenure in the Senate. He has provided constant leadership and has always had the time to listen. He has always had the time to take a junior Member under his wing and talk with them about issues, no matter how arcane.

When I first came to the Senate, I was assigned to the Judiciary Committee and was able to take advantage of Judge HEFLIN's incredible expertise as a member of that committee. It has been a pleasure working with him.

A man of integrity, HOWELL HEFLIN represents the new South. He has given rise to the kind of moral force that has lifted this body and indeed, this entire country. His integrity, his intelligence, his commitment to the Constitution, and his faith in what the American dream has always stood for and can be in the future, has led Judge HEFLIN in a direction of greatness that is without peer and without parallel in this body.

HOWELL HEFLIN is a man of courage. He stood on this floor about 2 years ago during the debate on the United Daughters of the Confederacy patent extension and made one of the most eloquent speeches I have ever heard. He made it from the heart and he made it with courage. It was that courage that the people of Alabama recognized when they elected him to serve in this body.

The Senate will not be the same place when HOWELL HEFLIN leaves. He has been a force for the good. He has been a force for the light. He has made a tremendous contribution. I will personally miss Judge HEFLIN and the people of his state will miss one of the best advocates for Alabama the Senate has ever seen. I wish Judge HEFLIN and his wife Mike well.

RETIREMENT OF SENATOR HANK BROWN

Ms. MOSELEY-BRAUN. Mr. President, I am pleased to have the opportunity today to reflect on the career of a Senator who I have had the honor of serving with during the last 4 years, Colorado's Senior Senator, HANK BROWN.

Senator BROWN has served the people and interests of the State of Colorado with distinction and independence, first as a State Senator between 1972 and 1976, then as a United States Congressman from Colorado's 4th district for 10 years and finally as a U.S. Senator since 1990. Prior to his distinguished career in public service, Senator BROWN applied the same affability, hard work, and talent as a vice-president at a Colorado meat-packing firm. In addition to his contributions as a statesman and a businessman, Senator BROWN also contributed to the State of Colorado and to the Nation as a Navy Forward Air Controller in Vietnam, where he earned numerous decorations, including the Air Medal with two Gold Stars.

Senator BROWN will leave behind a clear record as a foe of the budget deficit. In October of 1990, he opposed the budget-summit agreement, going against his party and with his conscience. Senator BROWN also supported the 1995 Balanced Budget Amendment.

This body will certainly miss the voice of Senator HANK BROWN. Upon hearing of Senator BROWN's retirement, the Daily Camera wrote on December 22, 1994 that "we admire the consistency of HANK BROWN's convictions.". I share the Daily Camera's opinion and I wish Senator HANK BROWN the best of luck and God speed as he begins a new life outside of the Senate.

RETIREMENT OF SENATOR J. BENNETT JOHNSTON

Ms. MOSELEY-BRAUN. Mr. President, I rise today to say farewell to a colleague who is retiring from the Senate the end of this Congress—Senator J. BENNETT JOHNSTON of Louisiana. Senator JOHNSTON has been a good friend to Illinois, and his decision to retire will be a loss to Louisiana, a loss to this Chamber, and a loss to the Unites States.

Senator JOHNSTON was born in Shreveport, LA in 1932, attended Byrd High School and studied at the U.S. Military Academy and Washington and Lee University. He began his political career 32 years ago, serving 8 years in the Louisiana Legislature and 24 years in the U.S. Senate.

Since his arrival to the Senate, Senator JOHNSTON has fought hard on behalf of the people of Louisiana. He has used his seniority on the Senate Agriculture Committee to fight for the priorities of Louisiana farmers. He has worked to enhance navigation, flood control and hurricane protection in Louisiana, a State with many critical waterways. And he has fought to bring Federal dollars back to his home State, such as creating five national research centers at Louisiana universities and working to modernize Louisiana's military installations.

Today, Senator JOHNSTON is known nationally as a leader on energy issues. As a member and former chairman of the Senate Committee on Energy and Natural Resources, Senator JOHNSTON has been one of the chief congressional architects in crafting national energy policy, including what is considered his crowning achievement, the National Energy Security Act, the most comprehensive energy bill ever to pass Congress.

I appreciate the assistance that Senator JOHNSTON has provided to the State of Illinois over the years. Illinois is home to two major Department of Energy laboratories, Fermi National Accelerator Laboratory and the Argonne National Laboratory. Senator JOHNSTON's support has been critical to ensuring that Federal funding for these institutions, and the programs under their jurisdiction, is preserved as much as possible during these times of tight budgets. During the debate on the Integral Fast Reactor, a major Illinois research program on next-generation nuclear technology, it again was Senator JOHNSTON whose assistance and support were crucial to our victory. And it was his support that ensured that the jobs, research and hundreds of millions of dollars invested in IFR research were not wasted once the IFR program was eventually phased out.

There are other Illinois programs and priorities that would not have been possible without the assistance of Senator JOHNSTON, including preserving Federal funding for such critical Illinois projects as the reconstruction of the Chicago shoreline, the ongoing development the Deep Tunnel Flood Control System, and the Upper Mississippi River Feasibility Study.

I have always admired the distinguished Senator's skilled advocacy in defending his State's interests. During the Senate debate on ethanol, I found him a formidable opponent, as was demonstrated by the fact that it took a tie-breaking vote from the Vice President to reach a final decision on that issue. That tight margin exemplifies the kind of excellence and thoroughness Senator JOHNSTON brings to his legislative efforts.

This institution will lose a great asset with the retirement of the distinguished Senator from Louisiana. I wish him, and his family, the very best in their future endeavors.

RETIREMENT OF SENATOR SAM NUNN

Ms. MOSELEY-BRAUN. Mr. President, the news today is filled with the sad stories of foreign lands—war in Bosnia, tyranny in Iraq, terrorism in the Middle East. Here, in 1996, on the edge of the 21st century, we live in a world still plagued with fear and war.

These are not, however, the stories of America. America instead is the place where foreign lands turn for hope. When war-torn nations plead for assistance, America answers. When war-like nations terrorize, America responds. And when war-weary nations seek peace, America mediates.

In its 220th year, America stands strong in national security, military might, and world leadership. This is in large part due to one of the chief architects of American strength, Senator SAM NUNN of Georgia.

As a longtime member and former Chairman of the Senate Armed Service Committee, SAM NUNN is internationally recognized as the preeminent American legislator in all aspects of defense policy. His expertise is expansive, from major weapons programs, to manpower, and from defense research, to military benefits. He has faced national crises such as United States citizens held as hostages in Iran, humanitarian relief in Somalia, and war in Kuwait. From disarmament talks, to the demise of the communist eastern bloc, and to the reduced threat of nuclear war, SAM NUNN has helped craft the defense policies that kept America secure during the Soviet years, and left America the sole superpower in the post-cold war era.

In these times of tight budgets, Senator NUNN has also kept a watchful eye on the Pentagon, working to strike the right balance between defense spending and maintaining defense readiness. He has worked to increase fiscal responsibility in defense programs, streamline bureaucracy, and stop wasteful and excessive spending—putting an end to such controversies as the infamous hundred-dollar hammers.

Defense issues are not simple issues; they are divisive, and often, heated. Some decisions are not popular. I have always respected Senator NUNN for making these tough choices. SAM NUNN today is considered a model of American statesmanship and leadership. And that is because his record demonstrates the kind of excellence and thoroughness he brings to his legislative efforts.

After announcing his retirement, one Georgia public official described Senator NUNN's career as "a career that has a beginning and an end, no compromises, no ethical lapses. . .a monument to public service to young people for generations to come." I agree. His departure from the United States Senate leaves a great void of expertise—but in its place, leaves security for our citizens, and leadership for the world. As the longtime watch of Senator NUNN draws to a close, America remains strong.

RETIREMENT OF SENATOR BILL COHEN

Ms. MOSELEY-BRAUN. Mr. President, I rise today to say farewell to a colleague who is retiring from the Senate at the end of this Congress—Senator BILL COHEN of Maine. Senator COHEN's decision to retire will be a loss to Maine, a loss to this body, and a loss to the United States.

BILL COHEN began his career in public service over a quarter of a century ago, when he served a term on the Bangor City Council, and later as the Mayor of Bangor. In 1972 he was elected to the House of Representatives where he represented Maine for three terms. He was first elected to the United States Senate in 1978, and easily won two subsequent elections to that office.

Known for his independence and integrity, he first gained national prominence during his tenure on the House Judiciary Committee during the Watergate investigation. He was the first Republican to oppose President Nixon's attempt to provide edited rather than full transcripts of White House conversations to the committee. He later played an instrumental role in the Iran-Contra hearings.

In 1975 BILL COHEN began serving on the House Aging Committee, and later served as the Chairman of the Senate Special Committee on Aging, where I have had the pleasure of working with him. During his tenure on both the House and Senate committees he has tirelessly fought for issues affecting the elderly. During his tenure in the House he was the author of the Nursing Home Patients Bill of Rights. In 1995 he led the fight in the Senate for more stringent health and safety standards in nursing homes. And he also led a Senate investigation into questionable practices in the hearing aid industry. Due to these efforts, advocates of issues affecting the elderly have dubbed Senator COHEN "one of the most valuable and able and dedicated members" working on seniors issues.

BILL COHEN has also dedicated himself to making government work better. He wrote the Competition in Contracting Act which has saved the government billions of dollars through the use of competitive bidding for the vast majority of goods and services. He drafted comprehensive health care fraud reform legislation which passed the Senate in 1995 and which the Congressional Budget Office estimated would save billions of dollars. And he sponsored the Whistleblower Protection Act of 1989, which provided greater protection for Federal workers who "blow the whistle" on fraud or mismanagement that they witness in their agencies. Mr. President, these are only a few of Senator COHEN's accomplishments during his tenure in Congress, but they demonstrate his commitment to serving the people of Maine and the citizens of our country.

He has provided invaluable leadership in the area of race relations, and demonstrates daily his commitment to equality and opportunity for all Americans. During my first 2 years in the Senate, Senator COHEN joined in hearings on the effect of a popular music genre known as "gansta rap." Senator COHEN made it clear that while he respected the First Amendment claims of the young men who produced the music, all of us—parents, politicians and corporations —have a responsibility to address the ugly realities which that music reflected. He was right, once again, and our country has benefitted from the attention the music industry gave his admonitions.

The State of Maine and the Nation will lose a fine public servant when BILL COHEN retires at the end of this Session. The senior Senator from Maine has served his State and the country with integrity, leadership, and dignity. I wish Senator COHEN and his wife Janet all the best in the future.

TRIBUTE OF SENATOR MARK HATFIELD

Ms. MOSELEY-BRAUN. Mr. President, the dictionary defines a humanitarian as "a person devoted to promoting the welfare of humanity, especially though the elimination of pain and suffering." The picture next to the definition of humanitarian ought to be a picture of Senator HATFIELD.

Over these last 4 years, I have had the honor of working with and learning from the Senior Senator from Oregon. His commitment to the well-being of all people, his historic work to eliminate nuclear proliferation, and his commitment to his State of Oregon have made him a role model in the Senate.

Senator HATFIELD and I agree on many issues. He is a man who truly believes that education is even more important to our national defense than a missile system. His contributions to math and science education will leave a lasting mark on our Nation's youth and future scholars. As the steward of the Appropriations Committee, his steadfast commitment to education funding has earned him numerous professional accolades, my enduring admiration, and the thanks of millions of American schoolchildren and parents.

Where we don't agree, I have never ceased to respect his courage and integrity. We disagreed on the balanced budget amendment, but he earned my admiration as he voted against the amendment and against intense pressure from his party's leaders, because he believed it was the right thing to do. It was a mighty reminder of the strength of principle in men of character.

Senator HATFIELD's rational, bipartisan approach to issues, his respectful manner, and his quiet leadership will be sorely missed. The Senate is a body in which ideas are discussed, arguments made, and thoughtful votes cast. Senator HATFIELD exemplified this ideal of the Senate.

As a representative of the State of Illinois, I would also like to commend Senator HATFIELD for his taste in historical figures. As a Presidential history scholar, he has had the good sense to focus much of his attention on Illinois' native son, Abraham Lincoln.

President Lincoln could have been describing the character and approach of MARK HATFIELD when he said in his second inaugural address, "* * * with malice towards none, with charity for all, with firmness in the right as God gives us [or, in this case, him] to see the right."

The clearest praise for the work of Senator HATFIELD comes from the people of his State of Oregon. He has never, in his 46 years in public service, lost an election. The people of Oregon have supported him from the State Legislature to the state house to the Senate.

MARK HATFIELD is the longest serving Senator in the history of Oregon. I do not need to tell the people of Oregon that they are losing a great voice, but I will tell them that the Senate is losing a great man. We will all miss Senator HATFIELD, and I wish him well as he leaves the Senate after 30 years of dedicated work for the people of Oregon, and the people of the United States.

THE RETIREMENT OF SENATOR BILL BRADLEY

Ms. MOSELEY-BRAUN. Mr. President, I am honored, but also saddened, to be here speaking about one of our finest retiring colleagues, Senator BILL BRADLEY of New Jersey.

As one of the newest members of the Senate Finance Committee, I have had the privilege and the pleasure to work with Senator BRADLEY for only a brief period; however, I have had the opportunity to see what an enormous impact he has had, and I have had the benefit of his counsel and advice—something I will surely miss.

I am sure that all of my Colleagues share my sentiment regarding the outstanding leadership demonstrated by Senator BRADLEY in the Senate. Not only has he been an asset in his position as a Senator, but also in the various positions that he has held over his career. Mr. BRADLEY served this Nation in a number of ways during his lifetime. He represented this country as a member of the 1964 U.S. Olympic Team and from 1967 through 1978 he served this country in the Air Force Reserves. He was a very popular pro basketball player for the New York Knicks during the 1967 through 1977 seasons. BILL BRADLEY has truly been a public servant throughout his life, and it is my hope that after retiring from the Senate, he will go on to serve in another position of national leadership.

In the Senate, BILL BRADLEY has been a central figure in the national fiscal debate, on family issues and helping to strengthen the traditional Democratic values that define our Nation.

Senator BRADLEY is the author of many bills and resolutions here in the Senate but has distinguished himself as an author of a book that had a huge impact on tax policy in the United States, entitled, "The Fair Tax," published in 1982. "The Fair Tax" led directly to the most significant tax legislation of our generation, the 1986 Tax Reform Act. This Act ended the abusive tax shelter regime and closed huge loopholes in many areas of the tax law. Consequently, billions of dollars in revenue were saved. Although many in this body deserve credit, it was Senator BRADLEY's undying persistence and intellectual integrity that were largely responsible for that major tax reform.

Demonstrating a keen understanding and willingness to work on fiscal legislation has not hindered the Senator's efforts to advocate on behalf of families. He has used the bully pulpit of the Senate to hammer home the need for, among other things, more innovative methods of dealing with issues that affect the impoverished of our Nation.

The Senator has worked to prevent cuts in the earned income tax credit, which is legislation that truly helps families go from welfare to work. This measure has proved viable in rewarding work and providing tax relief to those who need it most.

Senator BRADLEY's hallmark, the Urban Community-Building Initiative, has served to revitalize national domestic policy. Three of the main features of this legislation: Community Policing, Community Schools, and Community Banking are essential to revitalizing our communities and restoring its economy, education, and safety. The Senator's Self-Reliance Loans will pave the way for every student to have an opportunity to go on to seek a higher education. Countless future generations will reap the benefits of his education vision and it will prove a long-term benefit for America's economy as a whole.

As a Senator who is noted for having conviction in the face of compromise and faith above cynicism, Senator BRADLEY has shown himself to be a model for statesmanship and as a model for real leadership and real heroism—the kind that is the backbone of democracy. I believe that it was this conviction that has compelled him to speak out on the divisive issue of race. Senator BRADLEY has pushed all Americans on toward a higher calling—to look beyond race, religion, and creed but to relate on personal human levels. In doing so, he has been a true defender of American values, a true Senator for the people of the State of New Jersey, and the United States of America.

I, like many of my colleagues, hope that Senator BRADLEY will continue to serve the public on a national level. His is a voice that bridges community and generation gaps that is needed in the 21st century. As the Senator himself eloquently stated, "there are other ways to serve the country."

In short, Senator BRADLEY has been a model of senatorial excellence. His passion, commitment, and zealous representation will all be greatly missed, yet it is Senator BILL BRADLEY, the personal man, whom we shall miss most.

I know I will miss him greatly. He has always been willing to take the tough stand, to defend American principles and American values, and he has always worked to make sure that the opportunity to achieve the American Dream was available to every American, he has always demonstrated the kind of modesty, good judgment, and good humor that is the hallmark of real leadership.

Senator BILL BRADLEY has lived a life filled with accomplishment. I know that although he is leaving the Senate, his work on behalf of the American people is far from over. I look forward to seeing him continue his record of achievement in whatever new role he chooses.

SENATOR SHEILA FRAHM

Ms. MOSELEY-BRAUN. Mr. President, I would like to take the opportunity to say a few words about a Senator who has been with us briefly, but has nonetheless, made an impact on all of us in the Senate. SHEILA FRAHM joined us in June, bringing the number of women in the Senate to nine, an all time high. This is not the first time that Senator FRAHM has made history. Before her arrival in the Senate, she served as the first woman Lieutenant Governor in Kansas and prior to that, she was Kansas' first woman Senate majority leader.

However, Senator FRAHM is much more than a history maker. In her time here, she has proven how seriously she takes her job as a legislator and policymaker. The best example of this can be found in her voting record, which is perfect. And her voting record is perfect because SHEILA FRAHM decided that it was more important for her to remain in Washington to debate important issues like Kennedy-Kassebaum healthcare reform, and the welfare reform bill than for her to return to Kansas to campaign for reelection. SHEILA FRAHM proved just how senatorial she really is in prioritizing legislative business over her own political race.

I have every confidence that Senator FRAHM will continue to serve her beloved Kansas with the same calm, good humor, and steadfast dedication to duty which she exhibited here in the Senate of the United States.

THE RETIREMENT OF U.S. SENATOR AL SIMPSON

Ms. MOSELEY-BRAUN. Mr. President, as most of the Members of this body, I rise today to wish Senator AL SIMPSON a fond farewell. After 18 years of superior service to the State of Wyoming and his country, Senator SIMPSON is leaving the Senate to teach at Harvard.

AL SIMPSON was born in Cody, Wyoming, a town founded by Buffalo Bill. He comes from a family that helped settle much of northwestern Wyoming and has a long tradition of public service in Wyoming. His father was governor of Wyoming from 1954 to 1958, and served in the U.S. Senate from 1962 to 1966.

AL SIMPSON began his career in public service when he joined the Army, upon graduation from college. He served overseas in the 5th Infantry Division and in the 2nd Armored Division in the final months of the Army of Occupation in Germany. In 1956 he received an honorable discharge and returned to Wyoming to study law at the University of Wyoming. Upon graduation from law school he joined his father's law firm and practiced law in his hometown of Cody for 18 years.

Senator SIMPSON began his political career in Wyoming's State Legislature. In 1964 he was elected to the State Legislature as a State representative of his native Park County. He served there for 13 years.

In 1978, following in his father's footsteps, AL SIMPSON was elected U.S. Senator. He won subsequent reelection bids in 1984 and 1990, easily defeating all challengers.

In the U.S. Senate, he quickly became known for his support of Social Security reform, immigration reform, and veterans issues. I came to recognize his commitment to entitlement reform, when I had the pleasure of serving with him on the bipartisan Commission on Entitlement and Tax Reform in 1994. We also served on the Senate Finance Committee, which has jurisdiction over certain mandatory spending programs such as Social Security, Medicare, Medicaid, and Federal retirement. It was clear from day one that Senator SIMPSON believes that entitlement reform should be a priority in this country. Continuing his belief in reform, I understand that he plans to teach his students at Harvard about the state of entitlement programs, among other things.

During his career in public service, he has won a variety of honors, including the Distinguished Alumni of the University of Wyoming, honorary law degrees from Notre Dame, American University, and Rocky Mountain College, and a variety of awards including the Silver Helmet Award from AMVETS of World War II.

The Senate will miss a Member who is known for his support of bipartisan solutions. I have enjoyed working with ALAN SIMPSON. I will miss his wonderful sense of humor, his willingness to always say what he thinks, and his intellectual integrity. Although we have often disagreed, I am proud to have served with ALAN SIMPSON. I would like to add for the record my respect for this man who has served Wyoming and his country well. I wish Senator SIMPSON, his wife Ann, and his family all the best for the future.

RETIREMENT OF SENATOR DAVID PRYOR

Ms. MOSELEY-BRAUN. Mr. President, I would like to take this opportunity to pay tribute to my colleague and friend, Senator DAVID PRYOR, who will be leaving the Senate at the end of this term.

Public service is a strong tradition in Senator PRYOR's family. His mother was the first woman in Arkansas to run for public office after the passage of the 19th amendment, and both his father and grandfather were county sheriffs.

Senator PRYOR's own involvement in public service began early, as a congressional page. During that time, Senator PRYOR demonstrated both his commitment to a life of public service and his ability to accurately predict the future: As a teenage page, he placed a dime in one of the recesses of a column of the Capitol, and vowed that he would return for that coin as a Senator. Less than three decades later, after serving three terms in the Arkansas House, three terms in the U.S. House, and two terms as Governor of Arkansas, Senator PRYOR reclaimed his dime, which had somehow eluded cleaning crews for all those years.

I am grateful to have served with Senator PRYOR on two committees: Finance and Special Aging, where I have had the opportunity to observe first hand his dedication to serving the needs of our Nation's elderly and children in need, as well as his delightful creativity.

Senator PRYOR's commitment to serving the needs of older Americans was first demonstrated when he was a young freshman Congressman. He was innovative enough to host a number of catfish fundraising dinners to establish the House Select Committee on Aging, which he housed temporarily in a trailer. Senator PRYOR later served as the chairman of the Senate Special Aging Committee, where he concentrated his efforts on improving the quality of long term care in nursing homes. In his own inimitable fashion, he gathered information about these issues while serving as an undercover orderly in the 1960's. The most recent example of his creativity and his thoughtfulness came to fruition earlier this week, when the entire Senate sported bow ties in honor of my colleague, PAUL SIMON. Senator PRYOR arranged to have the ties made in Little Rock as a tribute to my fellow Illinoisian.

The Senate will not be the same without DAVID PRYOR. His presence in Washington will be sorely missed by Arkansas, by the Senate, and by me, personally. I am very proud to have served with him.

RETIREMENT OF SENATOR CLAIBORNE PELL

Ms. MOSELEY-BRAUN. Mr. President, in a very short time, the 104th Congress will adjourn for the last time and bring to a close this chapter of the magnificent career of Senator CLAIBORNE PELL.

Senator PELL's contributions to education have expanded opportunities and opened doors for millions of Americans. His foreign policy accomplishments have made the world a safer and more peaceful place for everyone. His grace, dignity, and dedication have reminded us all for the last 36 years what public service is all about.

Senator PELL has authored or been a major contributor to dozens of laws expanding educational opportunities. No single achievement stands out clearer than the creation of the Pell grant program in 1972. This program has given 60 million students access to the American Dream, by providing $70 billion in Federal grants to students to help them attend postsecondary educational institutions. This program, and the dozens of others that Senator PELL has contributed, are lasting tributes to his recognition that education is a public good, even more than it is a private benefit.

The rungs of the ladder of opportunity in America are crafted in the classroom. Quality, public education gave America a strong middle class, and has given children of all socioeconomic and racial backgrounds reason to believe that the promises of life, liberty, and the pursuit of happiness apply equally to each of them.

Educational attainment has always correlated to career earnings. The most educated Americans today earn 600 percent more than the least educated Americans.

Education is more important than ever. By the year 2000, the Department of Labor estimates that more than half of all new jobs will require an education beyond high school.

Senator PELL's contributions to education will continue to allow millions of Americans to access education beyond high school—assuring them that, at least by the accident of their family's wealth, they will not be shut out of the American dream.

He has also been a leader in foreign policy, carefully helping to steer American foreign policy from his seat on the Foreign Relations Committee for more than two decades. He has contributed to worldwide arms control, nuclear disarmament, and international law. He even helped to draft the original United Nations charter—shaping an organization that, 50 years later, helps to preserve peace and stability around the world.

The incomparable list of legislative and policy accomplishments aside, what I will miss most is the careful grace with which Senator PELL approaches his day-to-day work and his job as Senator. His presence is a constant reminder to me—and to many of my colleagues I know—of exactly why it is an honor to serve in this body as a U.S. Senator.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT

Mr. STEVENS. On October 4, 1995, 12 nations agreed in the Panama Declaration to create a binding regime to reduce dolphin mortality and conserve fish in the Eastern Tropical Pacific Ocean [ETP]. The Panama Declaration would cap dolphin mortality in the ETP at 5,000 dolphin per year, with the goal of eventually eliminating dolphin mortality. To put this cap in perspective, in the 1970's, over 300,000 dolphin were being killed each year.

We now have the opportunity to lock in the significant reductions that have been achieved in the killing of dolphins in the ETP. In addition, the Panama Declaration would create binding measures for fishing vessels for observers, bycatch reduction and measures to protect specific stocks of dolphins in the ETP.

On November 17, 1995, Senator BREAUX and I introduced S. 1420, the International Dolphin Conservation Program Act, to implement the Panama Declaration. Cosponsors include Senators CHAFEE, JOHNSTON, MOSELEY-BRAUN, MURKOWSKI, THURMOND, and SIMPSON. The Commerce Committee held a hearing on S. 1420 in April, and voted to approve the bill on June 6, 1996, without objection. At the hearing in April, we heard the testimony of Senators BOXER and BIDEN. The bill approved by the committee in June accommodated their concerns to the extent that we could. We've also tried to accommodate Senator SMITH, who raised some concerns about the legislation.

The bill passed by the House (H.R. 2823) addresses the concerns of the three Senators as much as possible too. If we make further changes, however, we will not fulfill the requirements of the Panama Declaration, and we may as well pass nothing. The new binding conservation measures under the Panama Declaration can only take effect with the specific changes to U.S. law in S. 1420 and H.R. 2823. The two key changes to U.S. law are: (1) a change to allow tuna caught in compliance with the Panama Declaration (including through the encirclement of dolphins) to be imported into the United States; and (2) a change so that "dolphin safe" in the U.S. will mean tuna caught in a set in which no dolphin mortality occurred (rather than through non-encirclement).

S. 1420 and H.R. 2823 would make these changes and would allow the new regime envisioned in the Panama Declaration to go forward. If the U.S. does not make the changes, other nations will move forward without adequate conservation measures—and progress in protecting dolphins in the ETP will be lost.

Our legislation would guarantee U.S. consumers that no dolphin were killed during the harvest of tuna that is labeled as "dolphin safe." Under existing law, dolphins may have been killed, but as long as the tuna was not harvested by intentionally encircling dolphins, it can be labeled as "dolphin safe." Our legislation is supported by: (1) U.S. tuna boat owners; (2) the mainstream environmental community including Greenpeace, the Center for Marine Conservation, the Environmental Defense Fund, the National Wildlife Federation, and the World Wildlife Fund; (3) the American Sportfishing Association; (4) U.S. Labor, including the National Fishermen's Union, Seafarers International, and the United Industrial Workers; (5) the 12 nations who signed the Panama Declaration (Belize, Columbia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, Vanuatu, and Venezuela); and (6) the Administration.

I ask for unanimous consent that the letter I received from Vice President GORE in support of S. 1420 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE VICE PRESIDENT,
Washington, June 3, 1996.

Hon. TED STEVENS,
Chairman, Subcommittee on Oceans and Fisheries, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR TED: I am writing to thank you for your leadership on the International Dolphin Conservation Program Act, S. 1420. As you know, the Administration strongly supports this legislation, which is essential to the protection of Dolphins and other marine life in the Eastern Tropical Pacific.

In recent years, we have reduced dolphin mortality in the Eastern Tropical Pacific tuna fishery far below historic levels. Your legislation will codify an international agreement to lock these gains in place, further reduce dolphin mortality, and protect other marine life in the region. This agreement was signed last year by the United States and 11 other nations, but will not take effect unless your legislation is enacted into law.

As you know, S. 1420 is supported by major environmental groups, including Greenpeace, the World Wildlife Fund, the National Wildlife Federation, the Center for Marine Conservation, and the Environmental Defense Fund. The legislation is also supported by the U.S. fishing industry, which has been barred from the Eastern Tropical Pacific tuna fishery.

Opponents of this legislation promote alternative fishing methods, such as "log fishing" and "school fishing," but these are environmentally unsound. These fishing methods involve unacceptably high by-catch of juvenile tunas, billfish, sharks, endangered sea turtles and other species, and pose long-term threats to the marine ecosystem.

I urge your colleagues to support this legislation. Passage of this legislation this session is integral to ensure implementation of an important international agreement that protects dolphins and other marine life in the Eastern Tropical Pacific.

Sincerely,

AL GORE.

Mr. STEVENS. I urge other Senators to help us enact this important legislation before the 104th Congress adjourns.

Mr. President, I am greatly disappointed by the efforts that have been made to prevent S. 1420 and H.R. 2823 from being enacted this Congress. As I mentioned in my statement, this legislation would implement the Panama Declaration, an important step forward in the protection of dolphins during tuna fishing in the eastern tropical Pacific Ocean. Because of the Senate floor time needed for the appropriations bills, we simply have not had the time to overcome the procedural obstacles that opponents of S. 1420 have used, or would attempt to use, to try to stop S. 1420.

Mr. BREAUX. I agree with the Senator from Alaska. By stopping our bill, opponents of S. 1420 and H.R. 2823 have sent a dangerous message to the other nations fishing in the eastern tropical Pacific Ocean. That message could have dire consequences on dolphin conservation. If we were from those nations, we might feel the same way. They have satisfied the conservation goals set by the United States in the last 10 years, and now the United States has turned its back on them.

Mr. LOTT. I share the disappointment and concern of the Senators from Alaska and Louisiana. Their bill, S. 1420, as well as the House companion, H.R. 2823, have broad bipartisan support in the Congress and the support of the U.S. tuna boat owners, the mainstream environmental community, and the Administration. Last week Senator BOXER objected to our motion to consider H.R. 2823. Because of the time constraints we face in the closing days of the 104th Congress, there is no way to overcome her objections—even though a substantial majority of the Senate would probably vote for this legislation.

Mr. BREAUX. It is truly unfortunate that the bill will not pass this year, but the issue will not just disappear. We will do what we can to convince the signatory nations of the Panama Declaration not to abandon the Declaration, and we intend to pursue the enactment of these changes early in the next Congress.

Mr. STEVENS. I concur. Though we have been unsuccessful in enacting S. 1420 and H.R. 2823 before the close of the 104th Congress, it is our intent to reintroduce the bill at the beginning of the 105th Congress and seek its expeditious enactment. At the beginning of the next Congress, we will have the time to overcome procedural measures used by opponents.

Mr. LOTT. It pleases me to hear the Senator from Alaska and the Senator from Louisiana commit to pursuing this legislation in the next Congress. I will do everything I can to provide time on the Senate floor to allow a vote on this important legislation as soon as the legislation is ready at the beginning of the year.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1332. An act to make certain technical changes affecting United States territories, and for other purposes.

H.R. 4233. An act to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes.

H.R. 4236. An act to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

H.R. 4278. An act making omnibus consolidated appropriations for fiscal year ending September 30, 1997, and for other purposes.

H.R. 4282. An act to amend the National Defense Authorization Act for Fiscal Year 1993 to make a technical correction relating to the provision of Department of Defense assistance to local educational agencies.

H.R. 4283. An act to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

H.J. Res. 198. Joint resolution appointing the day for the convening of the first session of the One Hundred Fifth Congress and the day for the counting in Congress of the electoral votes for President and Vice President cast in December 1996.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 230. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Fourth Congress.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2700) to designate the building located at 8302 FM 327, Elmendorf, TX, which houses operations of the U.S. Postal Service, as the "Amos F. Longoria Post Office Building."

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2779) to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3005) to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 3118) to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs, to authorize major medical facility construction projects for the Department, to improve administration of health care by the Department, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 3458) to increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain service-connected disabled veterans, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3815) to make technical corrections and miscellaneous amendments to trade laws.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3610) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

H.R. 3723. An act to amend title 18, United States Code, to protect proprietary economic information, and for other purposes.

The message further announced that the House has agreed to the resolution (H. Res. 554) that the Senate amendment to the bill (H.R. 400) to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes, in the opinion of the House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the House and that such bill with the Senate amendment thereto be respectfully returned to the Senate with a message communicating the resolution.

The message also announced that the House has passed the following bills, without amendment:

S. 1711. An act to amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans Affairs, to provide for a study of the Federal programs for veterans, and for other purposes.

S. 1965. An act to prevent the illegal manufacturing and use of methamphetamine.

S. 1973. An act to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes.

S. 2153. An act to designate the United States Post Office building located in Brewer, Maine, as the "Joshua Lawrence Chamberlain Post Office Building", and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 657. An act to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas.

H.R. 680. An act to extend the time for construction of certain FERC licensed hydro projects.

H.R. 1014. An act to authorize extension of time limitation for a FERC-issued hydroelectric license.

H.R. 1290. An act to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes.

H.R. 1335. An act to provide for the extension of a hydroelectric project located in the State of West Virginia.

H.R. 1366. An act to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mt. Hope Waterpower Project.

H.R. 1791. An act to amend Title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.

H.R. 2501. An act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky, and for other purposes.

H.R. 2630. An act to extend the deadline for commencement of a hydroelectric project in the State of Illinois.

H.R. 2695. An act to extend the deadline under the Federal Power Act applicable to the construction of certain hydroelectric projects in the State of Pennsylvania.

H.R. 2773. An act to extend the deadline under the Federal Power Act applicable to the construction of two hydroelectric projects in North Carolina, and for other purposes.

H.R. 2816. An act to reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes.

H.R. 2869. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Kentucky.

H.R. 3259. An act to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community and Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 3546. An act to direct the Secretary of the Interior to convey the Walhalla National Fish Hatchery to the State of South Carolina, and for other purposes.

H.R. 3877. An act to designate the United States Post Office building located at 351 West Washington Street in Camden, Arkansas, as the "David H. PRYOR Office Building".

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 2:31 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1577. An act to authorize appropriations for the National Historical Publications and RECORDS Commission for fiscal years 1998, 1999, 2000, 2001.

S. 2100. An act to provide for the extension of certain authority for the Marshal of the Supreme Court and Supreme Court Police.

H.R. 1011. An act to extend the dealine under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio.

H.R. 1031. An act for the relief of Oscar Salas-Velasquez.

H.R. 1514. An act to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane cosumers and the public, and for other purposes.

H.R. 1823. An act to amend the Central Utah Project Completion Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservance District dated December 28, 1965, and November 26, 1985, and for other purposes.

H.R. 2700. An act to designate the building located at 8302 FM 327, Elmendorf, Texas, which houses the operations of the United States Postal Service, as the "Amos F. Longoria Post Office Building."

H.R. 2779. An act to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes.

H.R. 2967. An act to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes.

H.R. 2988. An act to amend the Clean Air act to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency Rules.

H.R. 3074. An act to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone.

H.R. 3166. An act to amend title 18, United States Code, with respect to the crime of false statement in a Government matter.

H.R. 3458. An act to increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 3660. An act to make amendments to the Reclamation Wastewater and Groundwater Study and Facilities Act, and for other purposes.

H.R. 3871. An act to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations.

H.R. 3916. An act to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings.

H.R. 3973. An act to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives.

H.R. 4138. An act to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes.

H.R. 4167. An act to provide for the safety of journeyman boxers, and for other purposes.

H.R. 4168. An act to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes.

H.J. Res. 197. Joint resolution waiving certain enrollment requirements with respect to any bill or joint resolution of the One Hundred Fourth Congress making general or continuing appropriations for fiscal year 1997.

The enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

At 3:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the resolution (H. Res. 553) that the Honorable ROBERT S. WALKER, a Representative from the Commonwealth of Pennsylvania, be, and he is hereby, elected Speaker pro tempore through the legislative day of Tuesday, October 1, 1996.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 4:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following bill and joint resolution:

S. 1931. An act to provide that the United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, Tennessee, shall be known and designated as the "L. Clure Morton United States Post Office and Courthouse".

S.J. Res. 64. Joint resolution to commend Operative Sail for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship.

The enrolled bill and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL SIGNED

At 7:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 919. An act to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL SIGNED

At 7:36 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3610. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on September 30, 1996, he had presented to the President of the United States, the following enrolled bills and joint resolution:

S. 919. An act to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes.

S. 1931. An act to provide that the United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, Tennessee, shall be known and designated as the "L. Clure Morton United States Post Office and Courthouse."

S. 2100. An act to provide for the extension of certain authority for the Marshal of the Supreme Court and Supreme Court Police.

S. 1577. An act to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, 2001.

S.J. Res. 64. A joint resolution to commend Operation Sail for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1420. A bill to amend the Marine Mammal Protection Act of 1972 to support International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes (Rept. No. 104–373).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (H.R. 531) to designate the Great Western Scenic Trail as a study trail under the National Trails System Act, and for other purposes (Rept. No. 104–374).

Report to accompany the bill (S. 608) to establish the New Bedford Whaling National Historical Park in New Bedford, Massachusetts, and for other purposes (Rept. No. 104–375).

Report to accompany the bill (S. 695) to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas, and for other purposes (Rept. No. 104–376).

Report to accompany the bill (S. 902) to amend Public Law 100–479 to authorize the Secretary of the Interior to assist in the construction of a building to be used jointly by the Secretary for park purposes and by the city of Natchez as an intermodal transportation center, and for other purposes (Rept. No. 104–377).

Report to accompany the bill (S. 951) to commemorate the service of First Ladies Jacqueline Kennedy and Patricia Nixon to improving and maintaining the Executive Residence of the President and to authorize grants to the White House Endowment Fund in their memory to continue their work (Rept. No. 104–378).

Report to accompany the bill (S. 1127) to establish the Vancouver National Historic Reserve, and for other purposes (Rept. No. 104–379).

Report to accompany the bill (S. 1649) to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes (Rept. No. 104–380).

Report to accompany the bill (S. 1699) to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes (Rept. No. 104–381).

Report to accompany the bill (S. 1706) to increase the amount authorized to be appropriated for assistance for highway relocation with respect to the Chickamauga and Chattanooga National Military Park in Georgia, and for other purposes (Rept. No. 104–382).

Report to accompany the bill (S. 1719) to require the Secretary of the Interior to offer to sell to certain public agencies the indebtedness representing the remaining repayment balance of certain Bureau of Reclamation projects in Texas, and for other purposes (Rept. No. 104–383).

Report to accompany the bill (S. 1809) entitled the "Aleutian World War II National Historic Area Act of 1996" (Rept. No. 104–384).

Report to accompany the bill (S. 1844) to amend the Land and Water Conservation Fund Act to direct a study of the opportunities for enhanced water based recreation and for other purposes (Rept. No. 104–385).

Report to accompany the bill (S. 1921) to authorize the Secretary of the Interior to transfer certain facilities at the Minidoka project to the Burley Irrigation District, and for other purposes (Rept. No. 104–386).

Report to accompany the bill (S. 1986) to provide for the completion of the Umatilla Basin Project, and for other purposes (Rept. No. 104–387).

Report to accompany the bill (S. 2015) to convey certain real property located within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District (Rept. No. 104–388).

Report to accompany the bill (H.R. 109) to improve the National Park System in the Commonwealth of Virginia (Rept. No. 104–389).

Report to accompany the bill (H.R. 1786) to amend section 1951 (commonly called the Hobbs Act) of title 18 of the United States Code to prevent violence (Rept. No. 104–390).

Report to accompany the bill (H.R. 2636) to transfer jurisdiction over certain parcels of Federal real property located in the District of Columbia, and for other purposes (Rept. No. 104–391).

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1221. A bill to authorize appropriations for the Legal Services Corporation Act, and for other purpose (Rept. No. 104–392).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

NATIONAL SCIENCE FOUNDATION

John A. Armstrong, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

M. R. C. Greenwood, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Stanley Vincent Jaskolski, of Ohio, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Vera C. Rubin, of the District of Columbia, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Bob H. Suzuki, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Mary K. Gaillard, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Eamon M. Kelly, of Louisiana, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Richard A. Tapia, of Texas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

Anthony R. Sarmiento, of Maryland, to be a Member of the National Institute for Literacy Advisory Board for a term expiring September 22, 1998.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arthur I. Blaustein, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2002.

LEGAL SERVICES CORPORATION

Ernestine P. Watlington, of Pennsylvania, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1999. (Reappointment)

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Donna Holt Cunninghame, of Maryland, to be Chief Financial Officer, Corporation for National and Community Service. (New Position)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMON (for himself and Mr. KENNEDY):

S. 2161. A bill reauthorizing programs for the Federal Aviation Administration, and for other purposes; read the first time.

By Mr. DORGAN (for himself, Mr. DASCHLE, and Mr. PRESSLER):

S. 2162. A bill to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. MOYNIHAN:

S. 2163. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armour; to the Committee on the Judiciary.

By Mr. LUGAR:

S. 2164. A bill to establish responsibility and accountability for information technology systems of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER:

S. 2165. A bill to require the President to impose economic sanctions against countries that fail to eliminate corrupt business practices, and for other purposes; to the Committee on Foreign Relations.

By Mr. HATFIELD:

S. 2166. A bill to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enablng state, local, and tribal governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved flexibility plans; to the Committee on Governmental Affairs.

By Mr. KERREY:

S. 2167. A bill to require that health plans provide coverage for medically necessary health care and related services for children who are age 3 or younger, and for other purposes; to the Committee on Labor and Human Resources.

S. 2168. A bill to amend title 49, United States Code, to provide protection for airline employees who provide certain air safety information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PELL:

S. 2169. A bill to promote the survival of significant cultural resources that have been identified as endangered and that represent important economic, social, and educational assets of the United States and the world, to permit United States professionals to participate in the planning and implementation of projects worldwide to protect the resources, and to educate the public concerning the importance of cultural heritage to the fabric of life in the United States and throughout the world, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. KASSEBAUM:

S. 2170. A bill to establish spending limits for entitlement programs and other mandatory spending programs, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly.

By Mr. CONRAD (for himself and Mr. KERREY):

S. 2171. A bill to provide reimbursement under the medicare program for telehealth services, and for other purposes; to the Committee on Finance..

By Mr. MURKOWSKI:

S. 2172. A bill to provide for the appointment of a Special Master to meet with interested parties in Alaska and make recommendations to the Governor of Alaska, The Alaska State Legislature, The Secretary of Agriculture, The Secretary of the Interior, and the United States Congress on how to return management of fish and game resources to the State of Alaska and provide for subsistence uses by Alaskans, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN:

S. 2173. A bill to amend the Internal Revenue Code of 1986 to allow a family-owned business exclusion from the gross estate subject to estate tax, and for other purposes; to the Committee on Finance.

By Mr. CRAIG:

S. 2174. A bill to amend the Immigration and Nationality Act with respect to the admission of temporary H-2A workers; to the Committee on the Judiciary.

By Mr. KERREY (for himself and Mr. SIMPSON):

S. 2175. A bill to provide for the long-range solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Finance.

S. 2176. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide for personal investment plans funded by employee security payroll deductions; to the Committee on Finance.

By Mr. SANTORUM:

S. 2177. A bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes; to the Committee on Small Business.

By Mrs. KASSEBAUM (for herself, Mr. KENNEDY, Mr. DODD, Mr. DEWINE, Ms. MIKULSKI, and Mr. SIMON):

S. 2178. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. BOXER:

S. 2179. A bill to protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KOHL (for himself and Mr. SHELBY):

S. 2180. A bill to establish felony violations for the failure to pay legal child support obligations and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN:

S. 2181. A bill to provide for more effective management of the National Grasslands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 2182. A bill to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KYL (for himself, Mrs. FEINSTEIN, and Mr. EXON):

S.J. Res. 65. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH (for himself, Mr. THOMAS, and Mr. NUNN):

S. Res. 306. A resolution to state the sense of the Senate that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan and the nations of the Asia-Pacific and that the people of Okinawa deserve recognition for their contributions toward ensuring the Treaty's implementation; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. DASCHLE, and Mr. PRESSLER):

S. 2162. A bill to provide for the disposition of certain funds appropriated to pay judgments in favor of the Mississippi Sioux Indians, and for other purposes; to the Committee on Indian Affairs.

THE MISSISSIPPI SIOUX TRIBES JUDGMENT FUND DISTRIBUTION ACT OF 1996

Mr. DORGAN. Mr. President, I rise today to introduce legislation which will fairly resolve a longstanding problem with respect to a judgment distribution to Sioux tribes in the Dakotas and Montana. Specifically, the bill would distribute the accrued interest on funds awarded by the Indian Claims Commission in 1967 to the Mississippi Sioux tribes. I am pleased to be joined by Senators DASCHLE and PRESSLER in introducing this measure.

In 1972, Congress enacted legislation that authorized the Secretary of the Interior to distribute 75 percent of a $5,900,000 judgment award to the Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of North and South Dakota, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana. The remaining 25 percent was to be distributed to individuals who could trace their lineal ancestry to a member of the aboriginal Sisseton and Wahpeton Sioux Tribe.

The three Sioux tribes received their respective shares of the judgment award by the mid-1970's. To date, though, the funds allocated for the lineal descendants have never been distributed. This has resulted in a situation where the accrued interest on the original principal of approximately $1.5 million has now grown to more than $13 million.

If the 1,969 lineal descendants identified by the Department of the Interior receive per capita payments, they would receive more than 18 times what the 11,829 enrolled tribal members received in the 1970's.

In 1987, the three Sioux tribes filed suit in Federal court to challenge the constitutionality of the lineal descendancy provisions of the 1972 Act. This litigation is currently in its second appeal. In 1992, Congress enacted legislation which authorized the Attorney General to settle the case on any terms agreed to by the parties involved. However, the Department of Justice has refused to proceed with any settlement negotiations and has taken the position that the 1992 law did not authorize the Department to settle the case on any terms other than those laid out in the original 1972 act. While I believe this interpretation flies in the face of congressional intent, the Department has been unwilling to actively pursue this issue.

The legislation I am introducing on behalf of the three Sioux tribes represents a reasonable solution to this matter and a substantial compromise on behalf of the tribes. In the past, the tribes have sought to repeal the lineal descendancy provisions of the 1972 act altogether, and, in 1986, a bill was reported by the Senate Committee on Indian Affairs which would have achieved this goal.

In contrast, the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1996 would retain the undistributed principal for the lineal descendants and distribute the accrued interest to the three Sioux tribes. There would be no per capita payments of the interest, which would have to be used by the tribes for economic development, resource development, or for other programs that collectively benefit tribal members, such as educational and social welfare programs. In addition, the legislation contains an audit requirement by the Secretary of the Interior to ensure that the funds are properly managed.

I believe that this legislation is fundamentally fair. It keeps the commitment that the Federal Government made to provide compensation to lineal descendants while ensuring that most of the remaining undistributed funds go to the tribes. It was, after all, the tribes who were wronged and who should be compensated for their losses.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mississippi Sioux Tribes Judgment Fund Distribution Act of 1996".

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) COVERED INDIAN TRIBE.—The term "covered Indian tribe" means an Indian tribe listed in section 4(a).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) TRIBAL GOVERNING BODY.—The term "tribal governing body" means the duly elected governing body of a covered Indian tribe.

SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY, THE SISSETON AND WAHPETON TRIBES OF SIOUX INDIANS.

Notwithstanding any other provision of law, including Public Law 92–555 (25 U.S.C. 1300d et seq.), any funds made available by appropriations under Public Law 90–352 to the Sisseton and Wahpeton Tribes of Sioux Indians to pay a judgment in favor of the Tribes in Indian Claims Commission dockets numbered 142 and 359, including interest, after payment of attorney fees and other expenses, that, as of the date of enactment of this Act, have not been distributed, shall be distributed and used in accordance with this Act.

SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.

(a) IN GENERAL.—Subject to section 5, as soon as practicable after the date that is 1 year after the date of enactment of this Act, the Secretary shall distribute an aggregate amount, equal to the funds described in section 3 reduced by $1,469,831.50, as follows:

(1) 28.9276 percent of such amount shall be distributed to the tribal governing body of the Devils Lake Sioux Tribe of North Dakota.

(2) 57.3145 percent of such amount shall be distributed to the tribal governing body of the Sisseton and Wahpeton Sioux Tribe of South Dakota.

(3) 13.7579 percent of such amount shall be distributed to the tribal governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana, as designated under subsection (b).

(b) TRIBAL GOVERNING BODY OF ASSINIBOINE AND SIOUX TRIBES OF FORT PECK RESERVATION.—For purposes of making distributions of funds pursuant to this Act, the Sisseton and Wahpeton Sioux Council of the Assiniboine and Sioux Tribes shall act as the governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

SEC. 5. ESTABLISHMENT OF TRIBAL TRUST FUNDS.

(a) IN GENERAL.—As a condition to receiving funds distributed under section 4, each tribal governing body referred to in section 4(a) shall establish a trust fund for the benefit of the covered Indian tribe under the jurisdiction of that tribal governing body, consisting of—

(1) amounts deposited into the trust fund; and

(2) any interest that accrues from investments made from amounts deposited into the trust fund.

(b) TRUSTEE.—Each tribal governing body that establishes a trust fund under this section shall—

(1) serve as the trustee of the trust fund; and

(2) administer the trust fund in accordance with section 6.

SEC. 6. USE OF DISTRIBUTED FUNDS.

(a) PROHIBITION.—No funds distributed to a covered Indian tribe under section 4 may be used to make per capita payments to members of the covered Indian tribe.

(b) PURPOSES.—The funds distributed under section 4 may be used by a tribal governing body referred to in section 4(a) only for the purpose of making investments or expenditures that the tribal governing body determines to be reasonably related to—

(1) economic development that is beneficial to the covered Indian tribe;

(2) the development of resources of the covered Indian tribe; or

(3) the development of a program that is beneficial to members of the covered Indian tribe, including educational and social welfare programs.

(c) AUDITS.—

(1) IN GENERAL.—The Secretary shall conduct and annual audit to determine whether each tribal governing body referred to in section 4(a) is managing the trust fund established by the tribal governing body under section 5 in accordance with the requirements of this section.

(2) ACTION BY THE SECRETARY.—

(A) IN GENERAL.—If, on the basis of an audit conducted under paragraph (1), the Secretary determines that a covered Indian tribe is not managing the trust fund established by the tribal governing body under section 5 in accordance with the requirements of this section, the Secretary shall require the covered Indian tribe to take remedial action to achieve compliance.

(B) APPOINTMENT OF INDEPENDENT TRUSTEE.—If, after a reasonable period of time specified by the Secretary, a covered Indian tribe does not take remedial action under subparagraph (A), the Secretary, in consultation with the tribal governing body of the covered Indian tribe, shall appoint an independent trustee to manage the trust fund established by the tribal governing body under section 5.

SEC. 7. EFFECT OF PAYMENTS TO COVERED INDIAN TRIBES ON BENEFITS.

(a) IN GENERAL.—A payment made to a covered Indian Tribe or an individual under this Act shall not—

(1) for purposes of determining the eligibility for a Federal service or program of a covered Indian tribe, household, or individual, be treated as income or resources; or

(2) otherwise result in the reduction or denial of any service or program to which, pursuant to Federal law (including the Social Security Act (42 U.S.C. 301 et seq.)), the covered Indian tribe, household, or individual would otherwise be entitled.

(b) TAX TREATMENT.—A payment made to a covered Indian tribe or individual under this Act shall not be subject to any Federal or State income tax.

SEC. 8. DISTRIBUTION OF FUNDS TO LINEAL DESCENDANTS.

Not later than 1 year after the date of enactment of this Act, of the funds described in section 3, the Secretary shall, in the manner prescribed in section 202(c) of Public Law 92–555 (25 U.S.C. 1300d–4(c)), distribute an amount equal to $1,469,831.50 to the lineal descendants of the Sisseton and Wahpeton Tribes of Sioux Indians.

Mr. PRESSLER. Mr. President, I rise to speak on legislation that the senior Senator from North Dakota is introducing today that will provide for the distribution of a judgment to the Sisseton-Wahpeton Sioux Tribe and lineal descendants of tribe members.

This issue has been in litigation for many years and has been previously dealt with by Congress. Still, the issue remains unresolved.

I want to see this matter taken care of to the satisfaction of all parties involved, once and for all. I believe the legislation the Senator from North Dakota is sponsoring is an essential first step in getting the job done. While perhaps not the ultimate resolution of the issue, the legislation should be carefully considered by Congress. All parties involved deserve a chance to be heard.

As I believe thoughtful, bipartisan consideration of this bill will help push this issue off dead center and rolling toward resolution, I have decided to cosponsor this legislation. I urge my colleagues to give it serious consideration when the measure appears before them in committee and on the Senate floor.

By Mr. MOYNIHAN:

S. 2163. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor; to the Committee on the Judiciary.

LAW ENFORCEMENT OFFICERS PROTECTION ACT OF 1996

Mr. MOYNIHAN. Mr. President, the legislation I am introducing today would amend Title 18 of the United States Code to strengthen the existing prohibition on handgun ammunition capable of penetrating police body armor, commonly referred to as bulletproof vests. This provision would require the Secretary of the Treasury and the Attorney General to develop a uniform ballistics test to determine with precision whether ammunition is capable of penetrating police body armor. The bill also prohibits the manufacture and sale of any handgun ammunition determined by the Secretary of the Treasury and the Attorney General to have armor-piercing capability.

I am encouraged that President Clinton has taken an interest in this subject. In a statement similar to remarks he has made many times recently at campaign appearances around the country, President Clinton said to an audience in Cincinnati, OH, on September 16, 1996:

> So that's my program for the future—do more to break the gangs, ban those cop killer bullets, drug testing for parolees, improve the opportunities for community-based strategies that lower crime and give our kids something to say yes to.

Mr. President, it has been almost 15 years since I first introduced legislation in the Senate to outlaw armor-piercing, or cop-killer, bullets. In 1982, Phil Caruso of the Patrolman's Benevolent Association of New York City alerted me to the existence of a Teflon-coated bullet capable of penetrating the soft body armor police officers were then beginning to wear. Shortly thereafter, I introduced the Law Enforcement Officers Protection Act of 1982 to prohibit the manufacture, importation, and sale of such ammunition.

At that time, armor-piercing bullets—most notably the infamous "Green Hornet"—were manufactured with a solid steel core. Unlike the softer lead composition of most other ammunition, this hard steel core prevented these rounds from deforming at the point of impact—thus permitting the rounds to penetrate the 18 layers of Kevlar in a standard-issue police vest or flak-jacket. These bullets could go through a bullet-proof vest like a hot knife through butter. My legislation simply banned any handgun ammunition made with a core of steel or other hard metals.

Despite the strong support of the law enforcement community, it took 4 years before this seemingly noncontroversial legislation was enacted into law. The National Rifle Association initially opposed it—that is, until the NRA realized that a large number of its members were themselves police officers who strongly supported banning these insidious bullets. Only then did the NRA lend its grudging support. The bill passed the Senate on March 6, 1986 by a vote of 97 to 1, and was signed by President Reagan on August 8, 1986 (Public Law 99–408).

That 1986 act served us in good stead for 7 years. To the best of my knowledge, not a single law enforcement officer was shot with an armor-piercing bullet. Unfortunately, the ammunition manufacturers eventually found a way around the 1986 law. By 1993, a new Swedish-made armor-piercing round, the M39B, had appeared. This pernicious bullet evaded the 1986 statute's prohibition because of its unique composition. Like most common ammunition, it had a soft lead core, thus exempting it from the 1986 law. But this soft core was surrounded by a heavy steel jacket, solid enough to allow the bullet to penetrate body armor. Once again, our Nation's law enforcement officers were at risk. Immediately upon learning of the existence of the new Swedish round, I introduced a bill to ban it.

Another protracted series of negotiations ensued before we were able to update the 1986 statute to cover the M39B. We did it with the support of law enforcement organizations, and with technical assistance from the Bureau of Alcohol, Tobacco and Firearms. In particular, James O. Pasco, Jr., then the Assistant Director of Congressional Affairs at BATF, worked closely with me and my staff to get it done. The bill passed the Senate by unanimous consent on November 19, 1993 as an amendment to the 1994 crime bill.

Despite these legislative successes, it was becoming evident that continuing innovations in bullet design would result in new armor-piercing rounds capable of evading the existing ban. It was at this time that some of us began to explore in earnest the idea of developing a new approach to banning these bullets based on their performance, rather than their physical characteristics. Mind, this concept was not entirely new; the idea had been discussed during our efforts in 1986, but the NRA had been immovable on the subject. The NRA's leaders, and their constituent ammunition manufacturers, felt that any such broad-based ban based on a bullet performance standard would inevitably lead to the outlawing of additional classes of ammunition. They viewed it as a slippery slope, much as they have regarded the assault weapons ban as a slippery slope. The NRA had agreed to the 1986 and 1993 laws only because they were narrowly drawn to cover individual types of bullets.

And so in 1993 I asked the ATF for the technical assistance necessary to write into law an armor-piercing bullet performance standard. At the time, however, the experts at the ATF informed us that this could not be done. They argued that it was simply too difficult to control for the many variables that contribute to a bullet's capability to penetrate police body armor. We were told that it might be possible in the future to develop a performance-based test for armor-piercing capability, but at the time we had to be content with the existing content-based approach.

Two years passed and the Office of Law Enforcement Standards of the National Institute of Standards and Technology wrote a report describing the methodology for just such a armor-piercing bullet performance test. The report concluded that a test to determine armor-piercing capability could be developed within 6 months.

So we know it can be done, if only the agencies responsible for enforcing the relevant laws have the will. The legislation I am introducing requires the Secretary of the Treasury, in consultation with the Attorney General, to establish performance standards for the uniform testing of handgun ammunition. Such an objective standard will ensure that no rounds capable of penetrating police body armor, regardless of their composition, will ever be available to those who would use them against our law enforcement officers.

I wish to assure the Senate that this measure would in no way infringe upon the rights of legitimate hunters and sportsmen. It would not affect legitimate sporting ammunition used in rifles. It would only restrict the availability of armor-piercing rounds, for which no one can seriously claim there is a genuine sporting use. These cop-killer rounds have no legitimate uses, and they have no business being in the arsenals of criminals. They are designed for one purpose: to kill police officers.

The 1986 and 1993 cop-killer bullet laws I sponsored kept us one step ahead of the designers of new armor-piercing rounds. When the legislation I have introduced today is enacted—and I hope it will be early in the 105th Congress—it will put them out of the cop-killer bullet business permanently.

By Mr. LUGAR:

S. 2164. A bill to establish responsibility and accountability for information technology systems of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE DEPARTMENT OF AGRICULTURE RESPONSIBILITY AND ACCOUNTABILITY ACT OF 1996

• Mr. LUGAR. Mr. President. I rise to introduce the Department of Agriculture Responsibility and Accountability Act of 1996. This bill establishes an Information Technology System Control Board to manage the U.S. Department of Agriculture's [USDA] technology planning and procurement processes. The Board will give the Department a strong centralized decision-making body to eliminate the duplication and inefficiencies associated with the independent agency-based approach that has plagued the Department for years, delivered poor service, and squandered hundreds of millions of taxpayer dollars.

The Office of Management and Budget estimates the Department of Agriculture will spend $1.4 billion on information technology and automated data processing equipment in fiscal year 1997. The Information Technology System Control Board will oversee all information technology spending at the Department. The Board, consisting of the Secretary and two appointees, will assume control of information technology planning and acquisition until the year 2002, guiding the creation of a technical architecture to take the Department into the 21st century. Finally, the Board will determine how best to accomplish the missions of the various agencies and the Department before purchasing information technology systems.

The General Accounting Office, the Department of Agriculture's Office of Inspector General, and independent contractor reviews since 1989 have identified ongoing problems with USDA's administration of information resource management programs, including the multiagency program called Info Share and computer and telecommunication purchases. Since the USDA Reorganization Act was enacted in 1994, USDA management has continued their historic trend of purchasing telecommunication and information systems that: fail to link information technology budgeting and purchases to strategic business needs; fail to integrate information management strategies with financial and programmatic information and reporting requirements; fail to define information technology requirements through business process reengineering; fail to achieve departmentwide efficiencies by standardizing administrative functions; and, fail to address the cultural changes necessary to migrate from a piecemeal approach to a standardized, collaborative delivery system in field service centers.

The Department continues to acquire hardware, software, and other equipment that does not match user needs, provides inefficient delivery of services to USDA customers, and creates unnecessary duplication. Many duplicated product and service acquisitions could have been avoided by departmentwide consolidation and sharing. Procurement activities do not allow the Farm Services Agency, Natural Resources Conservation Service and Rural Development to exchange information electronically in the agency headquarter and field offices. The Department lacks leadership to direct the changes necessary to establish a working field service center infrastructure.

In April 1993, USDA established the Info Share Program to reframe the business activities of individual agencies into a consolidated strategy to meet the goals outlined for one-stop-shopping field service centers. In August 1993, the General Services Administration delegated procurement authority for USDA to spend up to $2.6 billion on Info Share. Besides the General Accounting Office, the Office of Management and Budget, and the USDA Office of the Inspector General, the National Institute of Standards and Technology criticized USDA's approach to purchasing computer equipment, hardware, and software before defining the future mission objectives of its agencies in a May 1994 report. The report stated that Federal agencies should first determine how best to accomplish their mission and then acquire technology solutions to meet their needs. Info Share was to be the cure-all for USDA's management and acquisition control problems.

The USDA Office of Inspector General sharply criticized the Info Share Program in a May 1995 report. The inspector general reported that USDA agencies were proceeding with their own information technology projects for information sharing between agencies with an apparent lack of funding and acquisition controls. The Office of Management and Budget complained to the Office of Budget and Program Analysis [OBPA] about inaccurate acquisition cost reporting and the need for a formal approval process for information technology purchases.

Despite heavy pressures for Info Share to succeed, by December 1995 Info Share had failed. The failure was due to an evident lack of upper management leadership, inadequate planning, failure to obtain consensus on program objectives, and poor program management. USDA's leadership, despite commitments made by Secretary Glickman, again failed to focus on the necessary development of departmentwide computer and information standards and a comprehensive analysis of emerging business requirements. The Info Share Program has now been replaced by a decentralized agency-led initiative under the National Food and Agriculture Council. As a result, individual agencies are again independently deciding what is best for their individual needs, abandoning the departmentwide effort necessary to consolidate administrative and information technology systems.

According to an August 1994 GAO Report, "USDA Restructuring—Refocus Info Share Program on Business Processes Rather Than Technology", USDA is not performing key business process reengineering [BPR] steps necessary for a successful reorganization of the Department. BPR is a management technique used fundamentally to rethink and redesign business processes to achieve dramatic changes in overall performance. It is also used to change how employees think and work to improve customer satisfaction. The success of the field service center initiative depends on cross-training field office employees to operate as educated contacts for all USDA programs. The lack of training is making it difficult for field office employees who remain after downsizing efforts to provide quality service to their customers. USDA's focus on improving computer automation prior to concentrating on the skills of its work force has hamstrung program delivery.

During farm bill deliberations, it was determined that reforms were needed to rein in the uncontrolled and obscured use of CCC funds for information technology. Commodity Credit Corporation [CCC] borrowing authority has been historically abused within the Department. Transfers and expenditures of CCC funds have too often been obscured from congressional oversight and at times have been of questionable legality. As a result, the FAIR Act established spending caps on the use of CCC funds for purchases or services for automated data processing or information technology, and for all reimbursable agreements—contracts—funded by the CCC. Finally, the CCC was required to report to Congress on a quarterly basis all expenditures of over $10,000 for these expenditures. This new level of transparency was designed to increase accountability by forcing USDA managers to fully examine information technology purchases and link purchase plans with work force needs.

Despite repeated calls for leadership, USDA does not have the necessary management to link the Department's ability to define its work force to its information technology purchases. The Department has yet to determine how to provide quality services with a reduced work force and changing mission requirements. In addition, USDA is still using its Info Share initiative, now guided by the National Food and Agriculture Committee, as a vehicle to acquire new information technology, rather than develop a method to improve the way USDA does business and prepare the Department for the challenges of the 21st century.

On May 31, 1996, House Agriculture Committee Chairman PAT ROBERTS and I wrote to the Secretary stating that the USDA should not make additional investments in information technology products that are exclusive to one agency unless USDA can show that the investments will provide technology that will be shared among agencies. We also shared our concern that funds were being spent without adequate consideration of USDA's future business requirements. The Department responded with a less than adequate catalog of ongoing initiatives designed for individual agency program use rather than a departmentwide information technology architecture.

Despite efforts by USDA to meet the goal of information sharing as mandated by the USDA Reorganization Act of 1994 and Info Share, the Farm Services Agency, Rural Development, and Natural Resources Conservation Service field offices remain unable to operate in a common computing environment. This has resulted in the delivery of poor services to its customers. If USDA is ever to successfully share information, the Department must prevent agencies from planning and building their own individual networks.

For example, last year the Farm Services Agency [FSA] spent $36 million in Commodity Credit Corporation [CCC] funds to purchase new minicomputers for FSA field offices during the debate of the Federal Agriculture Improvement and Reform Act of 1996. The FAIR Act resulted in a 7-year phaseout of farm subsidy programs, significantly reducing work force requirements and workload of the Farm Service Agency. Less than a year later, FSA is proposing another upgrade that does not meet the requirements necessary for information sharing with other field office agency computer systems. Why did FSA spend $36 million on a new system if the agency knew it would be outdated only 9 months later? USDA estimates the upgrade alternative will result in acquisition costs of $125.8 million for FSA alone. Estimates of costs to be incurred by the Natural Resources Conservation Service and Rural Development to acquire similar equipment have not been made. This ill-conceived approach will result in an investment of $11,604 per computer in FSA offices that may not have employees to run those computers after work force downsizing occurs. This is yet another example of poor planning and waste of taxpayer dollars resulting from a lack of direction.

Despite repeated reviews by the General Accounting Office and the USDA Office of the Inspector General, and considerable concern of Congress, the Director of the Office of Information Resource Management has not determined how to address the information sharing needs of the Department. Therefore, USDA risks wasting millions by building new networks that are redundant, do not address future business needs, and do not provide the information sharing capabilities necessary among agencies. The creation of the Information Technology System Control Board will put the Department back on track and save millions of taxpayer dollars.

My bill also makes necessary changes to the buyout authority granted to USDA in the 1997 Agriculture Appropriation Conference Report. The buyout authority gives the Department the authority to offer $25,000 bonuses to retirement-age employees, and those eligible for early retirement. This golden handshake approach to Department downsizing pays off employees who are already preparing to retire. In addition, it comes at the expense of conservation programs. The Senate Agriculture Committee recently learned that the Department may transfer an estimated $43 million from unobligated Conservation Reserve Program funds to pay for buyouts for 1,341 Farm Services Agency employees. The bill mandates that buyouts can only be paid from appropriations made available for salaries and expenses and prohibits the use of mandatory funds, including Commodity Credit Corporation funds, for buyout plans. In addition, the bill limits the Department's buyout authority to 1 year. These changes are important to monitor the Department's work force downsizing efforts by compelling USDA to properly plan for future work force reductions.

I cannot overstate my concern that the Department has failed to adequately assess the impact that the FAIR Act will have on the people who use the services of the Department and on the Department's work force requirements. Department management lacks strong central leadership in planning for information technology for the 21st century, continues to acquire equipment, hardware, software, and computers that do not match user needs, continues to provide inefficient delivery of services to USDA customers, and continues to allow unnecessary duplication.

Since I am introducing my bill at the end of this session, obviously it cannot become law before the 105th Congress convenes next year. However, I intend to pursue this important issue in the next Congress, and I will reintroduce this bill.

I ask my colleagues to support this important endeavor and I ask unanimous consent that the text of the summary and the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Agriculture Responsibility and Accountability Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—INFORMATION TECHNOLOGY SYSTEM CONTROL BOARD
Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Information Technology System Control Board.
Sec. 104. Mission of the Board.
Sec. 105. Duties of the Board.
Sec. 106. Powers of the Board.
Sec. 107. Review by Office of Management and Budget.
Sec. 108. Technical amendment.
Sec. 109. Termination of authorities.
TITLE II—ADMINISTRATION OF DEPARTMENT OF AGRICULTURE
Sec. 201. Administration of Department of Agriculture.
TITLE III—EFFECTIVE DATE
Sec. 301. Effective date.

TITLE I—INFORMATION TECHNOLOGY SYSTEM CONTROL BOARD

SEC. 101. FINDINGS.

Congress finds that—

(1) the Office of Management and Budget estimates that the Department of Agriculture will spend $1,100,000,000 for fiscal year 1996 and $1,400,000,000 for fiscal year 1997 on information technology and automated data processing equipment;

(2) according to the Department of Agriculture, as of October 1993, the Department had 17 major information technology systems under development with an estimated life-cycle cost of $6,300,000,000;

(3) both the General Accounting Office and the Office of Management and Budget have categorized the information technology programs of the Department as high risk due to lack of management and financial controls;

(4) the General Accounting Office, the Office of the Inspector General of the Department, and independent contract studies have shown that the Department's information technology decisions have been made in piecemeal fashion, on an individual agency basis, resulting in a lack of coordination, duplication, and wasted financial and technological resources among the various offices and agencies of the Department and costing hundreds of millions of wasted dollars over the past decade;

(5) over the past 10 years, committees of Congress, the General Accounting Office, the Office of Management and Budget, and private consultants have repeatedly pointed to the lack of strong central leadership and accountability as the fundamental reasons for the Department's failure to make informed decisions on critical information technology investments;

(6) committees of Congress, the General Accounting Office, the Office of Management and Budget, the Office of the Inspector General of the Department, and private consultants have—

(A) strongly criticized the Department over the past 10 years for ignoring business process reengineering; and

(B) pointed to the Department's refusal to use an industry accepted methodology as key to its failure to develop a technology platform that services the entire Department;

(7) the Department's role in regulating agriculture in the United States was substantially reduced by the FAIR Act;

(8) the Department has failed to adequately assess the impact of the FAIR Act will have on the needs of its customers;

(9) the Department has continued information technology procurement absent future business need considerations and workforce requirements resulting from the FAIR Act;

(10) the Department continues to approach the technological changes brought about by the Act without studying the changes in the context of the business processes of the Department;

(11) because the Department has failed to implement the internal changes necessary to effectively address the deficiencies raised by committees of Congress, the General Accounting Office, the Office of Management and Budget, and the Office of the Inspector General of the Department over the past decade, it is necessary to establish a single entity within the Department with both the responsibility and authority to make decisions regarding information technology planning and procurement; and

(12) having an Information Technology System Control Board to control the Department's information technology planning and procurements will—

(A) provide the Department with strong and coordinated leadership and direction;

(B) ensure that funds will be spent by the Department on information technology only after the Department has completed the required planning and review of future business requirements; and

(C) force the Department to act as a single enterprise with respect to information technology, thus eliminating the duplication and inefficiency associated with an independent agency-based approach.

SEC. 102. DEFINITIONS.

In this title:

(1) BOARD.—The term "Board" means the Information Technology System Control Board established under section 103.

(2) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(3) FAIR ACT.—The term "FAIR Act" means the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127).

(4) INFORMATION TECHNOLOGY SYSTEM.—The term "information technology system" means all or part of each system of automated data processing, telecommunications, information resource management, or business process reengineering of an office or agency of the Department.

(5) OFFICE OR AGENCY OF THE DEPARTMENT.—The term "office or agency of the Department" means each current or future—

(A) national, regional, county, or local office or agency of the Department;

(B) county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5));

(C) State committee, State office, or field service center of the Farm Service Agency; and

(D) multiple offices and agencies of the Department that are currently, or will be, connected by an information technology system.

(6) TRANSFER OR OBLIGATION OF FUNDS.—The term "transfer or obligation of funds" means, as applicable—

(A) the transfer of funds (including appropriated funds, mandatory funds, and funds of the Commodity Credit Corporation) from 1 account to another account of an office or agency of the Department for the purpose of funding any activity of the Department regarding planning, providing services, or leasing or purchasing of personal property (including all hardware and software) or services for an information technology system of an office or agency of the Department;

(B) the obligation of funds (including appropriated funds, mandatory funds, and funds of the Commodity Credit Corporation) for the purpose of funding any activity of the Department regarding planning, providing services, or leasing or purchasing of personal property (including all hardware and software) or services for an information technology system of an office or agency of the Department; or

(C) the obligation of funds (including appropriated funds, mandatory funds, and funds of the Commodity Credit Corporation) for the purpose of funding any activity of the Department regarding planning, providing services, or leasing or purchasing of personal property (including all hardware and software) or services for an information technology system of an office or agency of the Department, to be obtained through a contract with any office or agency of the Federal Government, a State, the District of Columbia, or any person in the private sector.

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 103. INFORMATION TECHNOLOGY SYSTEM CONTROL BOARD.

(a) ESTABLISHMENT.—An Information Technology System Control Board is established in the Department.

(b) COMPOSITION.—The Board shall consist of 3 members, of whom—

(1) 2 members shall be appointed from the private sector by the President by and with the advice and consent of the Senate; and

(2) 1 member shall be the Secretary.

(c) QUALIFICATIONS OF BOARD MEMBERS.—Of the members of the Board appointed by the President (other than the Secretary)—

(1) 1 member shall have—

(A) extensive private sector work-related experience in the field of total quality management; and

(B) at least 5 years of demonstrated work related experience in a full range of activities with large organizations involving information strategic planning, strategic quality planning, and strategic process management, including business process reengineering and business process improvement project-related experience; and

(2) 1 member shall have at least 15 years experience and industry-recognized credentials in the field of planning and managing the specification, design, and implementation of information technology, telecommunications, and information management systems in the private sector.

(d) COMPENSATION.—

(1) IN GENERAL.—A member of the Board appointed by the President (other than the Secretary) shall—

(A) be a limited term appointee (as defined in section 3132(a) of title 5, United States Code); and

(B) be paid an annual rate of compensation that does not exceed the annual rate in effect for positions at level V of the Executive Schedule.

(2) ADMINISTRATION.—A member of the Board (other than the Secretary) shall not be governed by—

(A) the provisions of title 5, United States Code, relating to appointments in the competitive service; or

(B) the provisions of chapter 51 and subchapter III of chapter 53 of title 5, or any other provision of law, relating to number or classification of General Schedule rates.

(3) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Limited term appointees of the Information Technology System Control Board, Department of Agriculture (2).".

(e) CLERICAL AND SUPPORT PERSONNEL.—Notwithstanding any other provision of law:

(1) IN GENERAL.—The Board is authorized to obtain and employ such clerical or other support personnel, including detailees from an office or agency of the Department, as are necessary to enable the Board to carry out this title. The Secretary shall approve the transfer of each detailee selected by the Board.

(2) MANAGEMENT AND SUPERVISORY DUTIES.—The Board shall have general management and supervisory authority over all clerical and support personnel and detailees selected by the Board.

(3) SPECIFIC DUTIES.—In the case of clerical and support personnel and detailees selected by the Board, the supervisory and management authority of the Board under paragraph (2) shall include the exclusive authority (unless expressly delegated by a unanimous vote of the Board) to—

(A) establish and control workloads, quality of work, and work content;

(B) approve bonuses, step advancements, and promotions; and

(C) discipline employees for unsatisfactory performance or conduct.

(f) BOARD VOTING PROCEDURE.—Except as otherwise provided in this title—

(1) a decision or action of the Board shall require at least a ⅔-majority vote in favor of the decision or action; and

(2) if at least a ⅔-majority vote on a decision or action is obtained, the Secretary shall carry out the decision or action of the Board.

SEC. 104. MISSION OF THE BOARD.

(a) IN GENERAL.—The Board shall—

(1) develop and implement for the future a blueprint for a single platform information technology system of the Department that is coordinated between the offices or agencies of the Department, eliminate duplication, and are cost effective; and

(2) provide the strong central leadership, planning, and accountability that is needed in light of the substantial changes created by the FAIR Act and reorganization and downsizing initiatives already commenced within the Department.

(b) SPECIFIC GOALS OF THE BOARD.—The Board shall ensure that—

(1) information technology systems of the Department are designed to coordinate the functions of the offices or agencies of the Department on a departmental basis in contrast to the current practice of individual agencies designing and procuring information technology systems that service only a single agency;

(2) information technology systems are designed for field service centers—

(A) to best facilitate the exchange of information between field service centers and other offices or agencies of the Department;

(B) that integrate the changed missions of the Department in light of the FAIR Act and reorganization and downsizing initiatives of the Department; and

(C) that are cost effective; and

(3) a technical architecture is established that serves the entire Department.

(c) BUSINESS PLAN.—

(1) APPROVAL; REPORT.—Not later than 90 days after the date the last member of the Board appointed by the President (other than the Secretary) is confirmed by the Senate, the Board shall approve and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a business plan to carry out this section through March 31, 2002.

(2) FAILURE TO REPORT.—If a business plan is not approved and reported in accordance with paragraph (1), notwithstanding any other provision of law, the transfer or obligation of funds available to the Department for the purpose of funding any activity of the Department regarding planning, providing services, or leasing or purchasing of personal property (including all hardware and software) or services for an information technology system of an office or agency of the Department shall be prohibited until the business plan is reported to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 105. DUTIES OF THE BOARD.

The Board shall—

(1) review, evaluate, and approve (or, at the option of the Board, develop) each plan or design for all or part of each information technology system of each office or agency of the Department;

(2) exercise exclusive authority to approve each transfer or obligation of funds to be used to acquire all or part of each information technology system (including all hardware and software) for each office or agency of the Department;

(3) ensure that major information technology systems of the Department, where appropriate, result in improvements to the operations of the Department that are commensurate with the level of investment;

(4) ensure that the information technology system of each office or agency of the Department maximizes the effectiveness and efficiency of mission delivery and is focused first on specific improvements to core business processes (the strategic process management architecture) of the Department;

(5) ensure that the information technology system of each office or agency of the Department maximizes quality per dollar expended, and maximizes efficiency and coordination of information technology systems between offices and agencies of the Department;

(6) ensure that planning for, leases, and purchases of the information technology system of each office or agency of the Department most efficiently satisfy the needs of the office or agency in terms of the demographics, program, and the number of employees affected by the system; and

(7) ensure that funding used for planning or purchasing of the information technology system of each office or agency of the Department is used in the most effective manner.

SEC. 106. POWERS OF THE BOARD.

(a) IN GENERAL.—Subject to subsection (c) and notwithstanding any other provision of law, the Board shall have the exclusive authority (except as expressly delegated by a unanimous vote of the Board) to—

(1) review, evaluate, and approve each plan or design for each activity or regulation of the Department regarding planning, providing services, leasing, or purchasing of personal property (including all hardware and software) or services for the information technology system of each office or agency of the Department;

(2) develop (or, on a unanimous vote of the Board, direct employees of an agency or office of the Department to develop) a plan or design for an activity of the Department regarding planning, providing services, leasing, or purchasing of personal property (including hardware and software) or services for the information technology system of an office or agency of the Department; and

(3) approve each transfer or obligation of funds to be used for the purpose of funding any activity of the Department regarding planning, providing services, or leasing or purchasing of personal property (including all hardware and software) or services for the information technology system of each office or agency of the Department.

(b) REPORT TO BOARD.—An employee directed by the Board to develop a plan or design under paragraph (2) of subsection (a) shall report to the Board on actions taken to carry out the paragraph.

(c) BOARD NOT SUBJECT TO CONTROL OF SECRETARY.—The Board (including a decision or action of the Board approved by at least a ⅔-majority vote) shall not be subject to the control, direction, or supervision of the Secretary.

(d) EXCLUSIVE AUTHORITY.—Notwithstanding any other provision of law, the Board shall have the exclusive authority to exercise all powers described in subsection (a) during the period—

(1) beginning on the earlier of—

(A) the date the last member of the Board appointed by the President (other than the Secretary) is confirmed by the Senate; or

(B) March 31, 1997; and

(2) ending on March 31, 2002.

SEC. 107. REVIEW BY OFFICE OF MANAGEMENT AND BUDGET.

The Director of the Office of Management and Budget may review any regulation or transfer or obligation of funds involving an information technology system of the Department.

SEC. 108. TECHNICAL AMENDMENT.

The second sentence of section 13 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714k) is amended by striking "section 5 or 11" and inserting "section 4, 5, or 11".

SEC. 109. TERMINATION OF AUTHORITIES.

The Board and all other authorities provided by this title (other than section 108) shall terminate on March 31, 2002.

TITLE II—ADMINISTRATION OF DEPARTMENT OF AGRICULTURE

SEC. 201. ADMINISTRATION OF DEPARTMENT OF AGRICULTURE.

Section 735 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997 (Public Law 104–180; 110 Stat. 1604), is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (F), by striking "or" at the end;

(B) in subparagraph (G), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(H) any employee who, on separation and application, would be eligible for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code (or another retirement system for an employee of the agency), other than an annuity subject to a reduction under section 8339(h) or 8415(f) of title 5, United States Code (or corresponding provisions of another retirement system for an employee of the agency).";

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by striking subparagraph (B) and inserting the following:

"(B) shall be paid from appropriations made available for salaries and expenses of the agency;";

(ii) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively;

(iii) by inserting after subparagraph (B) the following:

"(C) may not originate from funds of a mandatory account (including funds of the Commodity Credit Corporation) that are transferred to the salaries and expenses account of the agency;"; and

(iv) in subparagraph (D)(ii) (as so redesignated), by striking "in fiscal year 1997," and all that follows through "2000"; and

(B) in paragraph (3), by striking "September 30, 2000" and inserting "March 31, 1997"; and

(3) by striking subsection (g) and inserting the following:

"(g) PERIOD.—The authority to offer separation incentive payments under this section shall apply during the period beginning October 1, 1996, and ending March 31, 1997.".

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

Except as provided in section 106(d)(1), this Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

SUMMARY OF THE DEPARTMENT OF AGRICULTURE RESPONSIBILITY AND ACCOUNTABILITY ACT OF 1996

TITLE I-INFORMATION TECHNOLOGY SYSTEM CONTROL BOARD

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

SEC. 101. FINDINGS.—Studies by several governmental and private organizations have repeatedly found that the Department of Agriculture has made planning decisions for, and procurement of, information technology in a piecemeal fashion, and on an individual agency basis (instead of a Department-wide basis), resulting in duplication, a lack of coordination, and wasted financial and technological resources. The Department has failed to adequately assess the impact that the 1996 Farm Bill will have on the people who use the services of the Department and on the Department's workforce requirements. Because of these and other longstanding deficiencies, it is necessary to establish a single entity within the Department that has the exclusive responsibility and authority to make decisions regarding planning for, and procurement of, information technology. This entity will—provide the Department with strong and coordinated leadership; ensure that funds will be spent on information technology only after a thorough review of future business requirements; and ensure that planning and procurement for information technology is performed on a departmental basis, instead of the Current independent agency-based approach.

SEC. 102. DEFINITIONS.

SEC. 103. INFORMATION TECHNOLOGY SYSTEM CONTROL BOARD.

An Information Technology System Control Board (Board) is established within the Department that consists of three members-the Secretary of Agriculture and two persons with extensive experience from the private sector who have qualifications such as quality management, strategic planning, and business process reengineering. The two members of the Board other than the Secretary shall be compensated at a rate according to level V of the Executive Schedule.

Sec. 104. MISSION OF THE BOARD.—The Board is required to—

Develop and implement for the future a blueprint for a single platform for information technology; ensure that planning and procurement for information technology is performed on a departmental basis, instead of an independent agency-based approach;

Ensure that information technology for field service centers is coordinated, cost effective, and designed in light of the changed requirements and reduced work force realities created by the 1996 Farm Bill;

Establish a technical architecture for information technology for the Department; and

Submit to Congress a business plan on how the Board intends to carry out its mission though 2002.

SEC. 105 & 106. DUTIES AND POWERS OF THE BOARD.

The Board is authorized and required to—

Review, evaluate, and approve every plan or design for an activity or regulation of the Department regarding planning, providing services, or procuring information technology for offices and agencies of the Department;

Develop a plan or design for activities of the Department regarding planning, providing services, or procuring information technology for offices and agencies of the Department; and

Approve every transfer or obligation of funds for procurement of information technology for offices and agencies of the Department.

The Board will not be subject to the control, direction, or supervision of the Secretary. The Board will obtain the exclusive authority to exercise these powers when the last member of the Board is confirmed by the Senate, or March 31, 1997, whichever is earlier, and will terminate on March 31, 2002.

SEC. 107. REVIEW BY OFFICE OF MANAGEMENT AND BUDGET.

The Office of Management and Budget may review any regulation or transfer or obligation of funds approved by the Board.

SEC. 108. TECHNICAL AMENDMENT.

A technical change is made to a reporting requirement regarding funding for automated data processing or information resource management.

SEC. 109. TERMINATION OF AUTHORITIES.

All authorities of this subtitle (except the technical amendment in section 108) will terminate on March 31, 2002.

TITLE II—ADMINISTRATION OF DEPARTMENT OF AGRICULTURE

The personnel buyout authority in the FY 1997 Agriculture Appropriations Act is amended—

By prohibiting persons who are eligible for retirement from also obtaining a buyout payment;

By requiring that only funds from an agency's salaries and expense accounts be used to pay for buyout payments;

By limiting this buyout authority to only FY 1997.

TITLE III—EFFECTIVE DATE.

This bill will become effective when it is signed into law by the President.•

By Mr. SPECTER:

S. 2165. A bill to require that the President to impose economic sanctions against countries that fail to eliminate corrupt business practices, and for other purposes; to the Committee on Foreign Relations.

UNFAIR TRADE PRACTICES ACT

Mr. SPECTER. Mr. President, today I am introducing the Unfair Trade Practices Act to level the playing field for U.S. companies competing with foreign firms overseas by imposing sanctions against foreign persons and concerns engaging in corrupt trade practices to the disadvantage of a U.S. company and against countries that refuse to enforce or adopt their own foreign corrupt practices laws similar to our Foreign Corrupt Practices Act.

I am introducing this bill at the end of this session rather than waiting to introduce it in the 105th Congress in order to provide people an opportunity to review this legislation over the intervening months. Earlier introduction of the bill was prevented by the press of Senate Intelligence Committee business.

The Select Committee on Intelligence, which I chair, had a particularly heavy agenda this year, including, among many other items, the annual Intelligence Authorization Act providing for the first real reform of the U.S. intelligence community since 1947, criminalizing economic espionage, and directing a thorough study of how the U.S. Government is organized to combat the proliferation of weapons of mass destruction. In addition, the committee has undertaken significant inquiries into CIA activities in Guatemala, the actions of U.S. officials regarding the flow of arms from Iran to Bosnia, and the bombing of United States facilities in Saudi Arabia.

Mr. President, this bill directs the President to report to Congress regarding foreign persons and concerns that engage in corrupt practices and countries that do not have or do not enforce laws similar to our Foreign Corrupt Practices Act. Countries that the President determines are not engaged in a good faith effort to enact or enforce such laws will be sanctioned. Sanctions include a 50-percent reduction in foreign aid and USG opposition to the extension of any loan or financial or technical assistance by international financial institutions.

The bill also provides for sanctions against foreign persons and concerns engaging in corrupt trade practices to the disadvantage of a U.S. company. If the country with primary jurisdiction over the offenders fail to take action against them within 90 days, the President must, to fullest extent consistent with international obligations, ban all U.S. Government contracts with the offenders as well as all licenses or other authority allowing the offenders to conduct business within the United States.

In testimony earlier this year before the Select Committee on Intelligence, Director of Central Intelligence John Deutch said the problems of economic espionage and unfair trade practices were among the most serious economic issues facing the country today. Earlier this year, Senator KOHL and I introduced legislation to criminalize economic espionage, S. 1557, subsequently included in S. 1718, and S. 1557. The bill I am introducing today attempts to address the second issue, unfair trade practices by foreign concerns.

The importance of this effort to level the playing field by encouraging other countries to criminalize bribery of foreign officials throughout the world cannot be overstated. Earlier this year, then-U.S. Trade Representative Mickey Kantor noted that "from April 1994 to May 1995, the U.S. Government learned of almost 100 cases in which foreign bribes undercut U.S. firms' ability to win contracts valued at $45 billion."

A recent poll of 3,000 Asian executives conducted by the "Far Eastern Economic Review" found that more than a third of the business leaders in four major countries preferred to bribe a customer rather than lose a big sale. Another index is published annually by an institution called Transparency International, created by a group of multinational corporations including General Electric and the Boeing Corp. This index, which was a compilation of polls of business men and women around the world, revealed that corruption is not limited to any specific culture or business area but exists worldwide. Nor is it limited to less developed countries. In 1994, a year described in "The Financial Times—Dec. 30, 1994, at 4—as "The Year of Corruption," complaints of corruption surfaced in some of the wealthier countries, including Britain, Canada, France, and Japan.

Despite the evidence that corruption is still widespread, there are indications that the international community may finally be susceptible to increased pressure to crack down on these unfair trade practices. There is a growing recognition that bribery exacts a cost on the foreign country whose officials are corrupted. Studies show corrupt procurement practices deter foreign investment while as much as doubling the price that emerging countries pay for goods and services.

We may finally be approaching the point when focused U.S. pressure can actually make a difference, just as U.S.-led efforts to combat money laundering, including U.S. sanctions, extraterritorial enforcement of U.S. laws, and multilateral efforts, finally led countries to recognize that the stigma of being a dirty-money haven outweighed the benefits of attracting illicit funds.

Change will not occur without significant U.S. pressure, however. When then-Trade Representative Kantor returned this past March from discussions with the Organization on Economic Cooperation and Development [OECD], he expressed his frustration at the lack of progress in trying to get our European allies to adopt laws to stop unfair trade practices and suggested U.S. sanctions may be required to provide the necessary incentive. While most countries have enacted laws to punish the bribing of their officials by their nationals and foreigners, no other major nation has laws banning their nationals from bribing foreign officials. In fact, in a number of countries—including Germany and France—corruption and bribery are so accepted that individuals are permitted to deduct the cost of bribes from their taxes.

Sustained U.S. efforts finally led in April of this year to an agreement by the members of the OECD that these tax laws should be rewritten so that bribes paid to foreign officials, often listed as commissions or fees, would no longer be tax deductible. However, this agreement is not binding and there is no deadline by which members are to have adopted the changes. Moreover, this is still a long way from criminalizing bribery of foreign officials.

There is much more that needs to be done. In addition to pressing the OECD members to adopt foreign corrupt practices laws, the USG should move promptly to support the treaty negotiated this past April in the Organization of American States requiring each signatory to make bribery of foreign officials a crime and an extraditable offense. We should press for similar commitments in other fora, such as the G–7 meetings and the World Trade Organization.

In the meantime, the U.S. should take steps to ensure that U.S. firms are not penalized by the failure of other countries to enact laws prohibiting foreign bribery. Foreign firms that bribe foreign officials to gain an unfair advantage over U.S. competitors are, in effect, robbing those U.S. competitors of their right to compete fairly for international contracts. Such "theft" has adverse effects within the United States in terms of lost income and, often, jobs. If countries with jurisdiction over these trade thieves will not act to stop them, the U.S. should.

By Mr. HATFIELD:

S. 2166. A bill to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling State, local, and tribal governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved flexibility plans; to the Committee on Governmental Affairs.

THE LOCAL EMPOWERMENT AND FLEXIBILITY PILOT ACT OF 1996

• Mr. HATFIELD. Mr. President, the appropriations process of the past few weeks has been very complex. Rolling several spending bills into one—to the tune of $600 billion—is not the most appropriate method to appropriate. However, as the fiscal year expires tonight, avoiding a Government shutdown is our national priority. As a result of our need to be hasty, many Members have lost, or been asked to withhold, their legislative priorities. This is the compromising nature absolutely necessary to reach agreement in time for the President to sign this bill today.

One withheld legislative goal that I would like to expound upon is my own—the Local Empowerment and Flexibility Act of 1996. I introduced this bill on the first day of the 104th Congress. Congress has held three hearings, one in the Senate and two in the House, and "Local-Flex," as I call it, was reported favorably out of both the House Government Reform and Oversight Committee and the Senate Governmental Affairs Committee months ago.

An agreement had been reached to include a six-State Local-Flex pilot in the Treasury-Postal appropriations bill. The assistance of the Governmental Affairs Committee as well as Senators SHELBY, KERREY, KENNEDY, and SIMON was greatly appreciated. However, before the agreement could be incorporated into the Treasury-Postal bill, various other amendments forced leadership to pull the bill off the floor. I then included the agreed upon pilot in the Senate CR with the hope and expectation that it would be included in the final omnibus bill. Unfortunately, the necessary haste of the government-wide spending bill precluded securing final agreement to incorporate the Local-Flex pilot. I have no doubt that a few additional moments would have made this possible.

Local-Flex provides communities flexibility in the administration of Federal funding. States and localities receive numerous Federal grants, each with their categorical purposes and specific requirements. As grantees use more than one grant together, requirements conflict and common sense government can be lost. Under Local-Flex, in exchange for flexibility in the form of waivers of statutory and regulatory requirements, grantees agree to focus on and measure results rather than procedural compliance. With over 635 Federal grants available to be mixed and matched at the local level, there should be little doubt that flexibility is required.

Mr. President, the past year, the Governmental Affairs Committee, House of Representatives, administration, interest groups and other interested Members have come to the table to practically discuss how the bill would work and what improvements should be made. Serious concerns have been addressed and great headway was made to the point that the Local-Flexibility Pilot has the broad bipartisan support of the Governmental Affairs Committee.

Unfortunately, I am disappointed to report that even with the bipartisan support of the committee of jurisdiction, the support of the National League of Cities, the National Association of Counties, and yet other interest groups have targeted Local-Flex, warning their members of the danger that results whenever communities are empowered to make decisions which affect their citizens.

As former Governor of Oregon, I vividly recall the lack of trust Washington has for the State and local level. That is why for several years I have been pushing forward what I call the "flexibility factor." The Education Flexibility Act or "Ed-Flex," was my first piece and become law in 1993. It provides much needed flexibility in a select number of education programs. Ed-Flex has been enormously successful, and what started as a six-State pilot is being expanded with New Mexico becoming the most recent Ed-Flex State.

The second piece to my flexibility factor is "Work-Flex." Originally a part of the Careers Act of Senator KASSEBAUM, and now a part of the omnibus appropriations bill, Work-Flex reduces Government bureaucracy specifically in the area of job training programs, of which there are over 100, by measuring and rewarding outcomes and not bureaucratic procedure.

The last and most significant piece to the flexibility factor has been Local-Flex—legislation which will not be passed this year, but I would like to, in a moment, introduce as a free-standing bill the Local Empowerment and Flexibility Pilot Act of 1996.

The key organization that resisted the concept of local-flexibility, was the

National Education Association. No matter what changes were made to Local-Flex, an offshoot of the Education Flexibility Act, it has been made clear to me that the NEA would never support Local-Flex. It is not my usual custom to focus on any one group or individual on the Senate floor, but I cannot be silent as my commitment to education is questioned as flagrantly as it has been by the NEA. My support for education funding is absolute, but my support for flexible funding is just as strong.

More than once I have been endorsed by the Oregon Education Association, and on the issue of education vouchers, the NEA and I have stood on the same ground. To witness the NEA's uncompromising view on this matter has been at best disheartening. While I single out the NEA, many groups trying to protect their piece of the Federal pie have been vocal in their opposition.

Madam President, I would just like to close by explaining why I believe the flexibility factor is so important. As I mentioned a moment ago, we have been attempting—and when I say we I mean Members on both sides of the aisle and both sides of the Mall—to balance the budget on an 18-percent baseline of nondefense discretionary programs. By 2002, it is projected this baseline will decrease by 12 percent. In barely 5 years, it is estimated that nondefense discretionary spending will be only 13 percent of the Federal budget. These numbers should encourage each of us to stop and think. In short, we are running out of nondefense discretionary dollars.

On the first day of this Congress I introduced the Local Empowerment and Flexibility Act because if we are going to try and get our fiscal house in order using 18 percent of our budget, we may as well ensure that Federal dollars are doing more than being thrown at problems—we ought to be providing flexibility and measuring results.

It is appropriate then, that on this last day, the Local Empowerment and Flexibility Pilot Act—which has been built on the foundation of my original bill—be introduced today and made available to the 105th Congress for debate.

Mr. President, I would like to especially thank the Governmental Affairs Committee for their work with Local-Flex, especially Chairman STEVENS, Ranking Member GLENN and Senator LEVIN. I would also like to thank Senator KENNEDY for his assistance with this legislation. Their expertise has been invaluable. The Government Reform and Oversight Committee on the House side has also shown excellent leadership under Chairman CLINGER and the companion bill's sponsor Congressman SHAYS. And finally, I am delighted to know of Congressman STENY HOYER's interest in moving the flexibility factor forward in the 105th Congress. I introduce this bill today to serve as a starting point for next year's discussion.●

By Mr. KERRY:

S. 2168. A bill to amend title 49, United States Code, to provide protection for airline employees who provide certain air safety information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE AVIATION SAFETY PROTECTION ACT

Mr. KERRY. Mr. President, in an effort to increase overall safety of the airline industry, I am introducing the Aviation Safety Protection Act of 1996, which would establish whistle blower protection for aviation workers.

The worker protections contained in the Occupational Safety and Health Act [OSHA] are of great importance to American workers. A number of members of this body have worked hard to maintain those protections. OSHA properly protects both private and Federal Government employees who report health and safety violations from reprisal by their employers. However, because of a loophole, aviation employees are not covered by these protections. Flight attendants and other airline employees are in the best position to recognize breaches in safety regulations and can be the critical link in ensuring safer air travel. Currently, those employees face the possibility of harassment, discipline, and even termination if they work for unscrupulous airlines and report violations.

Aviation employees perform an important public service when they choose to report safety concerns. No employee should be put in the position of having to choose between his or her job and reporting violations that threaten the safety of passengers and crew. For that reason, we need a strong whistle blower law to protect aviation employees from retaliation by their employers when reporting incidents to Federal authorities. Americans who travel on commercial airlines deserve the safeguards that exist when flight attendants and other airline employees can step forward to help Federal authorities enforce safety laws.

This bill would close the loophole in OSHA law and provide the necessary protections for aviation employees who provide safety violation information to Federal authorities or testify or assist in disclosure of safety violations. The act provides a Department of Labor complaint procedure for employees who experience employer reprisal for reporting such violations, and assures that there are strong enforcement and judicial review provisions for fair implementation of the protections. The act also protects airlines from frivolous complaints by establishing a fine which will be imposed on an employee who files a complaint if the Department of Labor determines that there is no merit to the complaint.

I want to acknowledge the leadership of Representative CLYBURN who has introduced the bill in the House of Representatives as H.R. 3187. I am pleased to introduce the companion legislation in the Senate.

This bill will provide important protections to aviation workers and the general public. I urge my colleagues to join me in supporting it.

By Mr. PELL:

S. 2169. A bill to promote the survival of significant cultural resources that have been identified as endangered and that represent important economic, social, and educational assets of the United States and the world, to permit United States professionals to participate in the planning and implementation of projects worldwide to protect the resources, and to educate the public concerning the importance of cultural heritage to the fabric of life in the United States and throughout the world, and for other purposes; to the Committee on Energy and Natural Resources.

THE ENDANGERED CULTURAL HERITAGE ACT OF 1996

Mr. PELL. Mr. President. I rise to express my concern for the many historic and artistic sites around the world that are in grave danger through a growing range of threats from natural catastrophes and environmental deterioration to destructive acts of man. These magnificent sites are resources of great importance, not only for their spiritual and educational meaning, but also as valuable economic, social, and learning blocks for the global community.

Through personal travel and my observations as a member of the Foreign Relations Committee and Honorary Chairman of the American Committee for Tyre, I have come to understand the value of preserving and protecting cultural heritage, especially in times of political upheaval or social change. In Cambodia, Vietnam and Croatia, we have seen that the use and abuse of culturally significant sites plays a large role in international relations.

The actual number of endangered sites is being well-documented by the World Monuments Fund, a United States nonprofit organization devoted to the conservation of cultural heritage on a worldwide scale that maintains an international listing of endangered sites. Within this country, the National Trust for Historic Preservation and the National Park Service work with the World Monuments Fund to track sites in need of conservation and rehabilitation.

I believe that the United States is in a unique position to lead an effort among independent nations to protect the future of our cultural legacy worldwide. A timely response is critical to prevent further losses. This can be achieved through sustained funding to stabilize and strengthen the ability of local institutions to protect their cultural resources on a consistent and long-term basis. Conservation work must increase. Professionals need to be trained in cultural resource management, and the public needs to be instilled with a concern for the survival of our significant cultural heritage.

I hope that the 105th Congress will take action to establish an endangered cultural heritage fund and am today introducing legislation to serve as a discussion piece to move us in that direction. As a nation composed of the people of many cultures, it is fitting to support the care of great historic and artistic sites which define national character and pay tribute to human accomplishment of universal significance.

By Mrs. KASSEBAUM:

S. 2170. A bill to establish spending limits for entitlement programs and other mandatory spending programs, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly.

THE SAVE OUR SAVINGS ACT OF 1996

• Mrs. KASSEBAUM. Mr. President, one good result of the strenuous budget debate of the past 2 years has been a bipartisan embrace of the need for reform in the long-sacrosanct realm of entitlement spending. The exchange of offers and counteroffers that characterized the budget process produced a new consensus that entitlement spending must be controlled. Most of us now realize that without controls, entitlement programs will continue to grow at a pace that threatens our fiscal security, jeopardizing any effort to balance the budget and squeezing funding away from important discretionary programs.

As we come to the end of this Congress, the fruits of that consensus are in peril. Republicans and Democrats, Congress and the White House—almost all of us have agreed that, at the very minimum, we can save $232 billion over 6 years from entitlement programs. We have not been able to agree on the policies to produce those savings, but we should not release ourselves from our obligation to do so. The legislation I am introducing today, the Save Our Savings Act of 1996, would ensure that we fulfill that obligation.

Sometimes when we talk about entitlements, we use terms that support the view that they are beyond our control. We often define entitlements as programs not controlled by the annual appropriations process, programs that must distribute payments to all eligible, regardless of the cost. On its face, that definition is correct. But at a more basic level, it betrays a sense of helplessness, an aversion to action, and a passive acceptance of their growing might.

When I was sworn in as a Senator 18 years ago, discretionary spending represented nearly 50 percent of the Federal budget. Now we spend little more than a third on these programs. We have seen in the past 2 years how hard it is to squeeze savings from discretionary programs. If we do nothing about entitlements, spending constraints will become tighter still.

Part of the explanation is that we now must set aside about one-sixth of the budget just to pay interest on the debt. At the same time, spending on entitlement programs has escalated rapidly in recent years, and the forecast is for even more rapid expansion in the future. In fact, if entitlements are allowed to grow unimpeded, they, combined with interest on the debt, will consume all revenues by 2012.

This bill takes affirmative steps to lock in significant entitlement savings that, without action, will vanish. The legislation would cap entitlements from fiscal years 1997 to 2002 at the CBO-defined levels of the President's budget or, where applicable, the levels in the recently passed welfare reform legislation. You can consider those levels of savings the lowest that most of us have agreed to.

Multiple caps would be enforced, including individual caps on the 11 largest entitlement programs, an all other cap, and an aggregate cap. Sequestration would be triggered only on programs that exceeded their caps, and the caps themselves would be adjusted for economic and demographic factors. The caps could be adjusted by recorded vote.

Some might argue that the very fact that both parties now advocate significant savings from entitlement programs has demonstrated our capacity to control Government spending—that we do not need our feet held to the fire—but experience is eloquent. If we let the evolution of the last 2 years' budget proposals fade into memory, the courage and resolve that should be invested in making difficult policy decisions will be spent instead on producing yet another set of budget blueprints. Congress does not need to start all over again; we need to finish what we have started.

I realize that nothing more can be done on this matter in this Congress. I also realize that I will not be here in the next Congress to carry on this effort. However, I believe it is important to voice both my concern and a specific proposal to give weight to that concern for those who must take up this battle in the years ahead.•

By Mr. CONRAD (for himself and Mr. KERREY):

S. 2171. A bill to provide reimbursement under the Medicare Program for telehealth services, and for other purposes; to the Committee on Finance.

THE COMPREHENSIVE TELEHEALTH ACT OF 1996

• Mr. CONRAD. Mr. President, today, I am introducing legislation to help improve health care delivery in rural and underserved communities throughout America through the use of telecommunications and telehealth technology.

Telehealth encompasses a wide variety of technologies, ranging from the telephone to high-tech equipment that enables a surgeon to perform surgery from thousands of miles away. It includes interactive video equipment, fax machines and computers along with satellites and fiber optics. These technologies can be used to diagnose patients, deliver care, transfer health data, read x rays, provide consultation, and educate health professionals. Telehealth also includes the electronic storage and transmission of personally identifiable health information, such as medical records, test results, and insurance claims.

The promise of telehealth is becoming increasingly apparent. Throughout the country, providers are experimenting with a variety of telehealth approaches in an effort to improve access to quality medical and other health-related services. Those programs are demonstrating that telecommunications technology can alleviate the constraints of time and distance, as well as the cost and inconvenience of transporting patients to medical providers. Many approaches show promising results in reducing health care costs and bringing adequate care to all Americans. Technological advances and the development of a national information infrastructure for the first time give telehealth the potential to overcome barriers to health care services for rural Americans and give them the access that most Americans take for granted. But it is clear that our Nation must do more to integrate telehealth into our overall health care delivery infrastructure.

Because I believe telehealth holds incredible promise for rural America, I formed the ad hoc steering committee on telemedicine and health care informatics to explore telehealth and related issues in 1994. The purpose of the steering committee, which includes telehealth experts from Government, private industry, and the health care professions, is to evaluate federal policies on telehealth and how to use telecommunications technology more effectively to increase access to health care throughout America.

Throughout the last few years, as the steering committee held meetings and policy forums, it became increasingly apparent that there is enormous energy and financial effort being devoted to telehealth today, both by Government and private industry.

Because so many rural and underserved communities lack the ability to attract and support a wide variety of health care professionals and services, it is important to find a way to bring the most important medical services into those communities. Telehealth provides an important part of the answer. It helps bring services to remote areas in a quick, cost-effective manner, and can enable patients to avoid traveling long distances in order to receive health care treatment.

Telehealth is already making a difference in my State. The University of North Dakota has a fiber optic two-way audio and video interactive network that has been used to train students in areas like social work and medical technology. Recently, I had the opportunity to spend some time with two of the premier telehealth systems in the State of North Dakota. I was amazed at the capabilities of these systems. They currently supply speciality care to rural North Dakota clinics, manage chronic disease, lower administrative costs, and reduce the isolation felt by rural and frontier practitioners.

Because telehealth is in many respects an emerging health care application, it is particularly important to constructively capitalize on efforts like these. My proposal attempts to facilitate this in a number of ways.

The first element of my proposal builds on current demonstration projects to require the Health Care Financing Administration to put in place a reimbursement system for telehealth activities under Medicare. Medicare reimbursement policy is an essential component of helping integrate telehealth into the health care infrastructure, and must be explored. It is particularly important in rural areas, where many hospitals do as much as 80% of their business with Medicare patients.

The second element of this proposal asks the Secretary of Health and Human Services to submit a report to the Congress on the status of efforts to ease licensing burdens on practioners who cross State lines in the course of supplying telehealth services. Currently, consultation by almost any licensed health professional in this situation requires that the practitioner be licensed in both States.

In talking with telehealth providers in my State, and with experts on the Ad Hoc Committee, I have been told repeatedly that this is one of the most significant barriers to developing broad integrated telehealth systems. More importantly, they tell me States have actively been using licensure to close their borders to innovative telehealth practice. In the past two years, nine States have taken legislative action to ensure that out-of-state practitioners must be fully licensed in their State in order to provide telehealth services, even if they are fully licensed in the State they are practicing from. During a recent discussion with a telehealth practitioner from my home State of North Dakota, I was told about a group of telehealth specialists who, among their small group practice, were licensed in over 30 different States. That means they pay thirty different fees, are responsible for 30 different continuing education requirements, and are overseen by 30 different regulatory bodies. This is a costly and burdensome procedure for many practitioners, but the burden falls particularly heavily on rural practitioners, who face long travel times to acquire continuing education, and who frequently run on lower profit margins than urban practitioners.

While I am not prepared at this time to propose that the Federal Government get involved with professional licensure, I have asked the Secretary to study the issue and report to Congress yearly on the status of efforts by states and other interested organizations to address this issue. As part of this report, I have asked to the Secretary to make recommendations to Congress, if appropriate, about possible Federal action to lower the licensure barrier.

A third element of my proposal involves coordination of the Federal telehealth effort. Vice President GORE has been making outstanding contributions in the area of the information super highway. The Department of Health and Human Services, in large part at the urging of the Vice President, has created an informal interagency task force that is examining our Federal agency telehealth efforts. My bill attempts to use that task force to inventory Federal activity on telehealth and related technology, determine what applications have been found successful, and recommend an overall Federal policy approach to telehealth.

Many departments and agencies of the Federal Government are engaged in telehealth activity, including the Veterans Administration, Department of Defense, Department of Agriculture, Office of Rural Health Policy, and many others. The more these agencies work together to coordinate the Federal effort and consolidate Federal resources, the more effective the Federal Government will be at contributing to telehealth in a positive way. Such coordination will also help protect the American taxpayer from unnecessary duplication of effort.

The fourth part of my proposal helps communities build home-grown telehealth networks. It attempts to both build a telehealth infrastructure and foster rural economic development. Clearly, the scarcity of resources in many rural communities requires that the coordination and use of those resources be maximized. My bill encourages cooperation by various local entities in an effort to help build sustainable telehealth programs in rural communities. It plants seed money to encourage health care providers to join with other segments of the community to jointly use telecommunications resources. Using a unique loan forgiveness program, it rewards telehealth systems that supply appropriate, high-quality care while reducing overall health care costs.

Most importantly, it does not create a system where various technological approaches are imposed upon communities. Rather it enables potential grantees to determine user-friendly approaches that work best for them. This home-grown approach to developing user-friendly telehealth systems, as well as the preference for coordinating resources within communities, will help ensure the long-term viability of such programs after the grant expires.

Mr. President, my proposal is a sound first step in our national efforts to integrate telecommunications technology into the rapidly evolving health care delivery system. Over the past several weeks, I have attempted to reach out to different groups and incorporate their ideas into this proposal. I hope the result is a bill that will command broad support. But, as with any complex issue, I understand that some may prefer different approaches. By introducing this legislation in the waning moments of the 104th Congress, I hope to send a message to all interested parties that now is the time to come forward with creative solutions to these important issues, because I am certain that they will be revisited again in the 105th Congress.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Telehealth Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
TITLE I—MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES
Sec. 101. Medicare reimbursement for telehealth services.
TITLE II—TELEHEALTH LICENSURE
Sec. 201. Initial report to Congress.
Sec. 202. Annual report to Congress.
TITLE III—PERIODIC REPORTS TO CONGRESS FROM THE JOINT WORKING GROUP ON TELEHEALTH
Sec. 301. Joint working group on telehealth.
TITLE IV—DEVELOPMENT OF TELEHEALTH NETWORKS
Sec. 401. Development of telehealth networks.
Sec. 402. Administration.
Sec. 403. Guidelines.
Sec. 404. Authorization of appropriations.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Hospitals, clinics, and individual health care providers are critically important to

the continuing health of rural populations and the economic stability of rural communities.

(2) Rural communities are underserved by specialty care providers.

(3) Telecommunications technology has made it possible to provide a wide range of health care services, education, and administrative services between practitioners, patients, and administrators across State lines.

(4) The delivery of health services by licensed health practitioners is a privilege and the licensure of health care practitioners and the ability to discipline such practitioners is necessary for the protection of citizens and for the public interest, health, welfare, and safety.

(5) The licensing of health care practitioners to provide telehealth services has a significant impact on interstate commerce and any unnecessary barriers to the provision of telehealth services across State lines should be eliminated.

(6) Rapid advances in the field of telehealth give the Congress a need for current information and updates on recent developments in telehealth research, policy, technology, and the use of this technology to supply telehealth services to rural and underserved areas.

(7) Telehealth networks can provide hospitals, clinics, practitioners, and patients in rural and underserved communities with access to specialty care, continuing education, and can act to reduce the isolation from other professionals that these practitioners sometimes experience.

(8) In order for telehealth systems to continue to benefit rural and underserved communities, medicare must reimburse the provision of health care services from remote locations via telecommunications.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To mandate that the Health Care Financing Administration reimburse the provision of clinical health services via telecommunications.

(2) To determine if States are making progress in facilitating the provision of telehealth services across State lines.

(3) To create a coordinating entity for Federal telehealth research, policy, and program initiatives that reports to Congress annually.

(4) To encourage the development of rural telehealth networks that supply appropriate, cost-effective care, and which contribute to the economic health and development of rural communities.

(5) To encourage research into the clinical efficacy and cost-effectiveness of telehealth diagnosis, treatment, or education on individuals, practitioners, and health care networks.

TITLE I—MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES

SEC. 101. MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES.

(a) IN GENERAL.—Not later than January 1, 1998, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall make payments from the Federal Supplementary Medical Insurance Trust Fund under part B of title XVIII of the Social Security Act in accordance with the methodology described in subsection (b) for professional consultation via telecommunication systems with an individual or entity furnishing a service for which payment may be made under such part to a medicare beneficiary residing in a rural area (as defined in section 1886(d)(2)(D) of such Act) or an underserved area, notwithstanding that the individual health care practitioner providing the professional consultation is not at the same location as the individual furnishing the service to the medicare beneficiary.

(b) METHODOLOGY FOR DETERMINING AMOUNT OF PAYMENTS.—Taking into account the findings of the report required under section 192 of the Health Insurance Portability and Accountability Act of 1996, including those findings relating to the clinical efficacy and cost-effectiveness of telehealth applications, the Secretary shall establish a methodology for determining the amount of payments made under subsection (a), including the cost of the consultation service, a reasonable overhead adjustment, and a malpractice risk adjustment.

(c) ADDITIONAL ANALYSIS INCLUDED IN REPORT.—Section 192 of the Health Insurance Portability and Accountability Act of 1996 is amended—

(1) by inserting "and telehealth" after "telemedicine" each place it appears, and

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) include an analysis of—

"(A) how telemedicine and telehealth systems are expanding access to health care services,

"(B) the clinical efficacy and cost-effectiveness of telemedicine and telehealth applications,

"(C) the quality of telemedicine and telehealth services delivered, and

"(D) the reasonable cost of telecommunications charges incurred in practicing telemedicine and telehealth in rural, frontier, and underserved areas;".

TITLE II—TELEHEALTH LICENSURE

SEC. 201. INITIAL REPORT TO CONGRESS.

Not later than July 1, 1997, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report concerning—

(1) the number, percentage and types of practitioners licensed to provide telehealth services across State lines, including the number and types of practitioners licensed to provide such services in more than 3 States;

(2) the status of any reciprocal, mutual recognition, fast-track, or other licensure agreements between or among various States;

(3) the status of any efforts to develop uniform national sets of standards for the licensure of practitioners to provide telehealth services across State lines;

(4) a projection of future utilization of telehealth consultations across State lines;

(5) State efforts to increase or reduce licensure as a burden to interstate telehealth practice; and

(6) any State licensure requirements that appear to constitute unnecessary barriers to the provision of telehealth services across State lines.

SEC. 202. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than July 1, 1998, and each July 1 thereafter, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress, an annual report on relevant developments concerning the matters referred to in paragraphs (1) through (6) of section 201.

(b) RECOMMENDATIONS.—If, with respect to a report submitted under subsection (a), the Secretary of Health and Human Services determines that States are not making progress in facilitating the provision of telehealth services across State lines by eliminating unnecessary requirements, adopting reciprocal licensing arrangements for telehealth services, implementing uniform requirements for telehealth licensure, or other means, the Secretary shall include in the report recommendations concerning the scope and nature of Federal actions required to reduce licensure as a barrier to the interstate provision of telehealth services.

TITLE III—PERIODIC REPORTS TO CONGRESS FROM THE JOINT WORKING GROUP ON TELEHEALTH

SEC. 301. JOINT WORKING GROUP ON TELEHEALTH.

(a) IN GENERAL.—

(1) REDESIGNATION.—The Joint Working Group on Telemedicine, established by the Secretary of Health and Human Services, shall hereafter be known as the "Joint Working Group on Telehealth" with the chairperson being designated by the Director of the Office of Rural Health Policy.

(2) MISSION.—The mission of the Joint Working Group on Telehealth is—

(A) to identify, monitor, and coordinate Federal telehealth projects, data sets, and programs,

(B) to analyze—

(i) how telehealth systems are expanding access to health care services, education, and information,

(ii) the clinical, educational, or administrative efficacy and cost-effectiveness of telehealth applications, and

(iii) the quality of the services delivered, and

(C) to make further recommendations for coordinating Federal and State efforts to increase access to health services, education, and information in rural and underserved areas.

(3) PERIODIC REPORTS.—The Joint Working Group on Telehealth shall report not later than January 1 of each year (beginning in 1998) to the Congress on the status of the Group's mission and the state of the telehealth field generally.

(b) REPORT SPECIFICS.—The annual report required under subsection (a)(3) shall provide—

(1) an analysis of—

(A) how telehealth systems are expanding access to health care services,

(B) the clinical efficacy and cost-effectiveness of telehealth applications,

(C) the quality of telehealth services delivered,

(D) the Federal activity regarding telehealth, and

(E) the progress of the Working Group's efforts to coordinate Federal telehealth programs; and

(2) recommendations for a coordinated Federal strategy to increase health care access through telehealth.

(c) TERMINATION.—The Joint Working Group on Telehealth shall terminate immediately after the annual report filed not later than January 1, 2002.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for the operation of the Joint Working Group on Telehealth on and after the date of the enactment of this Act.

TITLE IV—DEVELOPMENT OF TELEHEALTH NETWORKS

SEC. 401. DEVELOPMENT OF TELEHEALTH NETWORKS.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereafter referred to in this title as the "Secretary"), acting through the Director of the Office of Rural Health Policy (of the Health Resources and Services Administration), shall provide financial assistance (as described in subsection (b)(1)) to recipients (as described in subsection (c)(1)) for the purpose of expanding access to health care services for individuals in rural and frontier areas through the use of telehealth.

(b) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—Financial assistance shall consist of grants or cost of money loans, or both.

(2) FORM.—The Secretary shall determine the portion of the financial assistance provided to a recipient that consists of grants and the portion that consists of cost of money loans so as to result in the maximum feasible repayment to the Federal Government of the financial assistance, based on the ability to repay of the recipient and full utilization of funds made available to carry out this title.

(3) LOAN FORGIVENESS PROGRAM.—

(A) ESTABLISHMENT.—With respect to cost of money loans provided under this section, the Secretary shall establish a loan forgiveness program under which recipients of such loans may apply to have all or a portion of such loans forgiven.

(B) REQUIREMENTS.—A recipient described in subparagraph (A) that desires to have a loan forgiven under the program established under such paragraph shall—

(i) within 180 days of the end of the loan cycle, submit an application to the Secretary requesting forgiveness of the loan involved;

(ii) demonstrate that the recipient has a financial need for such forgiveness;

(iii) demonstrate that the recipient has met the quality and cost-appropriateness criteria developed under subparagraph (C); and

(iv) provide any other information determined appropriate by the Secretary.

(C) CRITERIA.—As part of the program established under subparagraph (A), the Secretary shall establish criteria for determining the cost-effectiveness and quality of programs operated with loans provided under this section.

(c) RECIPIENTS.—

(1) APPLICATION.—To be eligible to receive a grant or loan under this section an entity described in paragraph (2) shall, in consultation with the State office of rural health or other appropriate State entity, prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

(A) a description of the anticipated need for the grant or loan;

(B) a description of the activities which the entity intends to carry out using amounts provided under the grant or loan;

(C) a plan for continuing the project after Federal support under this section is ended;

(D) a description of the manner in which the activities funded under the grant or loan will meet health care needs of underserved rural populations within the State;

(D) a description of how the local community or region to be served by the network or proposed network will be involved in the development and ongoing operations of the network;

(E) the source and amount of non-Federal funds the entity would pledge for the project; and

(F) a showing of the long-term viability of the project and evidence of provider commitment to the network.

The application should demonstrate the manner in which the project will promote the integration of telehealth in the community so as to avoid redundancy of technology and achieve economies of scale.

(2) ELIGIBLE ENTITIES.—An entity described in this paragraph is a hospital or other health care provider in a health care network of community-based providers that includes at least—

(A) two of the following:

(i) community or migrant health centers;

(ii) local health departments;

(iii) nonprofit hospitals;

(iv) private practice health professionals, including rural health clinics;

(v) other publicly funded health or social services agencies;

(vi) skilled nursing facilities;

(vii) county mental health and other publicly funded mental health facilities; and

(viii) home health providers; and

(B) one of the following, which must demonstrate use of the network for purposes of education and economic development (as required by the Secretary):

(i) public schools;

(ii) public library;

(iii) universities or colleges;

(iv) local government entity; or

(v) local nonhealth-related business entity.

An eligible entity may include for-profit entities so long as the network grantee is a nonprofit entity.

(d) PRIORITY.—The Secretary shall establish procedures to prioritize financial assistance under this title considering whether or not the applicant—

(1) is a health care provider in a rural health care network or a provider that proposes to form such a network, and the majority of the providers in such a network are located in a medically underserved, health professional shortage areas, or mental health professional shortage areas;

(2) can demonstrate broad geographic coverage in the rural areas of the State, or States in which the applicant is located;

(3) proposes to use Federal funds to develop plans for, or to establish, telehealth systems that will link rural hospitals and rural health care providers to other hospitals, health care providers and patients;

(4) will use the amounts provided for a range of health care applications and to promote greater efficiency in the use of health care resources;

(5) can demonstrate the long term viability of projects through use of local matching funds (cash or in-kind); and

(6) can demonstrate financial, institutional, and community support for the long-term viability of the network.

(e) MAXIMUM AMOUNT OF ASSISTANCE TO INDIVIDUAL RECIPIENTS.—The Secretary may establish the maximum amount of financial assistance to be made available to an individual recipient for each fiscal year under this title, and establish the term of the loan or grant, by publishing notice of the maximum amount in the Federal Register.

(f) USE OF AMOUNTS.—

(1) IN GENERAL.—Financial assistance provided under this title shall be used—

(A) with respect to cost of money loans, to encourage the initial development of rural telehealth networks, expand existing networks, or link existing networks together; and

(B) with respect to grants, as described in paragraph (2).

(2) GRANTS AND LOANS.—The recipient of a grant or loan under this title may use financial assistance received under such grant or loan for the acquisition of telehealth equipment and modifications or improvements of telecommunications facilities including—

(A) the development and acquisition through lease or purchase of computer hardware and software, audio and video equipment, computer network equipment, interactive equipment, data terminal equipment, and other facilities and equipment that would further the purposes of this section;

(B) the provision of technical assistance and instruction for the development and use of such programming equipment or facilities;

(C) the development and acquisition of instructional programming;

(D) demonstration projects for teaching or training medical students, residents, and other health professions students in rural training sites about the application of telehealth;

(E) transmission costs, maintenance of equipment, and compensation of specialists and referring practitioners;

(F) development of projects to use telehealth to facilitate collaboration between health care providers;

(G) electronic archival of patient records;

(H) collection of usage statistics; or

(I) such other uses that are consistent with achieving the purposes of this section as approved by the Secretary.

(3) EXPENDITURES IN RURAL AREAS.—In awarding a grant or cost of money loan under this section, the Secretary shall ensure that not less than 50 percent of the grant or loan award is expended in a rural area or to provide services to residents of rural areas.

(g) PROHIBITED USES.—Financial assistance received under this section may not be used for any of the following:

(1) To build or acquire real property.

(2) Expenditures to purchase or lease equipment to the extent the expenditures would exceed more than 40 percent of the total grant funds.

(3) To purchase or install transmission equipment (such as laying cable or telephone lines, microwave towers, satellite dishes, amplifiers, and digital switching equipment).

(4) For construction, except that such funds may be expended for minor renovations relating to the installation of equipment.

(5) Expenditures for indirect costs (as determined by the Secretary) to the extent the expenditures would exceed more than 20 percent of the total grant funds.

(h) MATCHING REQUIREMENT FOR GRANTS.—The Secretary may not make a grant to an entity State under this section unless that entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions (in cash or in kind) in an amount equal to not less than 50 percent of the Federal funds provided under the grant.

SEC. 402. ADMINISTRATION.

(a) NONDUPLICATION.—The Secretary shall ensure that facilities constructed using financial assistance provided under this title do not duplicate adequate established telehealth networks.

(b) LOAN MATURITY.—The maturities of cost of money loans shall be determined by the Secretary, based on the useful life of the facility being financed, except that the loan shall not be for a period of more than 10 years.

(c) LOAN SECURITY AND FEASIBILITY.—The Secretary shall make a cost of money loan only if the Secretary determines that the security for the loan is reasonably adequate and that the loan will be repaid within the period of the loan.

(d) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate, to the extent practicable, with other Federal and State agencies with similar grant or loan programs to pool resources for funding meritorious proposals in rural areas.

(e) INFORMATIONAL EFFORTS.—The Secretary shall establish and implement procedures to carry out informational efforts to advise potential end users located in rural areas of each State about the program authorized by this title.

SEC. 403. GUIDELINES.

Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines to carry out this title.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, $25,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2004.

THE COMPREHENSIVE TELEHEALTH ACT OF 1996

BILL SUMMARY

Section 1. Short Title; Table of Contents.

Sec. 2. Findings and Purposes.

Subtitle A—Medicare Reimbursement For Telehealth Services.

Sec. 101. Medicare Reimbursement For Telehealth Service.

Mandates that HCFA reimburse for telehealth services provided to rural and underserved areas by January of 1998. Reimbursement would be given to any Medicare-eligible provider. This provision builds on the results of the HCFA telemedicine reimbursement demonstration program, and adds additional reporting requirements to the reimbursement methodology report that HCFA must forward to Congress by March of 1997.

Subtitle B—Telehealth Licensure.

Sec. 201. Initial Report to Congress.

Asks the Secretary of Health and Human Services to submit an initial report to the Congress on the status of efforts to ease licensing burdens on practioners who cross state lines in the course of supplying telehealth services.

Sec. 202. Annual Report to Congress.

Asks the Secretary to report yearly on developments concerning the matters in Sec. 1201. If the Secretary feels the states or other relevant entities are not making progress on removing licensure barriers to multistate telehealth practice, the Secretary may make recommendations about possible federal action necessary to reduce licensure burdens.

Subtitle C—Periodic Reports to Congress From the Joint Working Group on Telehealth.

Sec. 301. Joint Working Group on Telehealth.

The Joint Working Group on Telemedicine (JWGT) is currently operating out of the HHS/HRSA Office of Rural Health Policy, at the request of the Secretary and the Vice-President. The group consists of representatives from over twenty government agencies and divisions that operate or oversee telehealth related projects, including the VHA, DOD, IHS, NASA, USDA, and others. The JWGT coordinates federal programs and telehealth initiatives, and will complete a report on its efforts in January of 1997.

Under this proposal, the name of the group will change to the "Joint Working Group on Telehealth", and the Office of Rural Health Policy will have the authority to select the Chair. It requires yearly updates (through 2002) to Congress on the report on Telehealth due March 1, 1997. The group sunsets in 2002.

Subtitle D—Development of Telehealth Networks.

Sec. 401. Development of Telehealth Networks.

Grants and loans are awarded through the Office of Rural Health Policy (ORHP) to rural hospitals, clinics, schools, libraries, business organizations, and universities to develop local multi-use telehealth systems. Systems are given an incentive to design effective programs; all or part of a loan can be forgiven if the program meets certain cost-effectiveness and quality criteria. Grantees must put up not less than a 50 percent match of the federal funds (cash or in-kind).

Sec. 402. Administration.

Sec. 403. Guidelines.

Sec. 404. Authorization of Appropriations. Up to $25 million per year through 2004.•

By Mr. MURKOWSKI:

S. 2172. A bill to provide for the appointment of a Special Master to meet with interested parties in Alaska and make recommendations to the Governor of Alaska, The Alaska State Legislature, The Secretary of Agriculture, The Secretary of the Interior, and the United States Congress on how to return management of fish and game resources to the State of Alaska and provide for subsistence uses by Alaskans, and for other purposes; to the Committee on Energy and Natural Resources.

THE ALASKA SUBSISTENCE HUNTING AND FISHING ACT OF 1996

Mr. MURKOWSKI. Mr. President, I rise for the purpose of introducing legislation regarding subsistence hunting and fishing in Alaska.

I am under no false hope that this legislation will move through the Senate this year but I want it to appear in the RECORD for purposes of discussion.

The issue of subsistence hunting and fishing in Alaska has caused a great divisiveness in my State that has led to the State of Alaska becoming the only State in the union which no longer retains control of its fish and game resources on public lands.

This legislation calls for the appointment of a special master to come up with non-binding recommendations to the Secretaries of Agriculture and the Interior, the Governor of the State of Alaska and to the Congress.

The recommendations will be on how to return management of fish and game resources to the State, and how best to provide for the continuation of a subsistence lifestyle for Alaska's rural residents.

I hope to have significant discussions with the people of Alaska on this issue between now and the start of the 105th Congress and intend to introduce legislation again upon our return in January.

Mr. President, I intend to place a longer statement in the RECORD next week on this issue.

By Mr. DORGAN:

S. 2173. A bill to amend the Internal Revenue Code of 1986 to allow a family-owned business exclusion from the gross estate subject to estate tax, and for other purposes; to the Committee on Finance.

THE FAMILY BUSINESS ESTATE TAX RELIEF ACT OF 1996

• Mr. DORGAN. Mr. President, I introduce the Family Business Estate Tax Relief Act of 1996, which would help preserve our Nation's most important economic assets. I am referring, of course, to our farms, ranches and other family-owned small businesses which are the major creators of new wealth and jobs in this country.

Farms, ranches and other closely held family businesses that operate in this country face a number of obstacles to succeeding, ranging from price gouging by tough international competitors to excessive U.S. regulations. That is why it is not surprising to find, for example, that we have lost some 377,000 family farms since 1980, a decline of some 23,500 family farms every year.

Since 1980, we have lost some 9,000 of our family farms in North Dakota. At the same time, we see that only a small fraction of other family-run businesses survive beyond the second generation.

When family farms are sold or family-run businesses on Main Street are boarded up, those families lose their very livelihood. Moreover, our country loses the jobs and services those families provide to our communities.

I have been approached on a number of occasions at town meetings by North Dakotans who say it is virtually impossible for them to pass along their farm or business—which has been the family's major asset for decades—to their children because of the exorbitant estate taxes they would pay. They think it is unfair, and I agree.

Unfortunately, our estate tax laws force many family members who inherit a modestly sized farm, ranch or other family business to sell it, or a large part of it, out of the family in order to pay off estate taxes. This is especially onerous when the inheriting family members have already been participating in the business for years and depend upon it to earn a living.

I think that we must take immediate steps to breathe new economic life and opportunities into our family businesses and the communities in which they operate. It seems to me that a good first step is correcting our estate tax laws so they do not unfairly penalize those working families who are now prevented from passing along a small farm or business to their kids or grandkids because they would have to pay exorbitant estate taxes.

There are a few provisions included in our estate tax laws that are intended to help a family's effort to keep the family business running long after the death of its original owner. But, for the most part, these provisions are either too modest or too narrowly drawn to do much good.

Now I also understand that there are some complicated estate tax planning techniques available for those wealthy enough to hire sophisticated and costly tax advisors. Clearly some estate planning devices may reduce the estate tax burden imposed on some family businesses upon the death of a principal owner. But for those less affluent families inheriting a family business—where such estate planning tools were unavailable for whatever reason—the estate taxes will ultimately force them to amass a pile of debt, or to sell off all or a large part of a family business, just to pay off their estate taxes. I think that this is wrong, and it runs counter to the kinds of policies that we ought to be pursuing in support of our family-owned businesses.

That is why I am introducing the Family Business Estate Tax Relief Act to rectify this matter, and I urge you consider joining me in this endeavor.

The Family Business Estate Tax Relief Act would provide two significant measures of estate tax relief to those families hoping to pass along their businesses to the next generation.

First, my bill allows a decedent's estate to exclude up to the first $900,000 of value of the family business from estate taxes so long as the heirs continue to materially participate in the business for many years after the death of the owner. Together, this proposal, when coupled with the existing $600,000 benefit from unified estate and gift tax credit, will eliminate estate tax liability on qualifying family business assets valued up to $1.5 million. In addition, the full benefit of this new $900,000 exclusion is available to couples trying to pass along the family business without the complicated tax planning tailored to one spouse or the other that is sometimes used today.

Second, my bill would allow the executor of a qualifying estate who chooses to pay estate taxes in installments to benefit from a special 4 percent rate on the estate taxes attributable to a family business worth between $1.5 and $2.5 million. In other words, my bill would also lighten the estate tax burden on the next $1 million of estate assets.

My proposals expand upon the well-tested approaches found in Sections 2032A and 6601(j) of the Tax Code.

For example, we currently provide a "special-use" calculation for valuing real estate used in a farm or other trade or business for estate tax purposes, where a qualifying business is passed along to another family member after the death of the owner. To benefit from the "special-use" formula under Section 2032A, the inheriting family member must continue to actively participate in the business operation. If the heir ceases to participate in the business, he or she may face a substantial recapture of the estate taxes which would have been paid at the time of the original owner's death.

In enacting this provision, Congress embraced the goal of keeping farms and other closely held business in the family after the death of the owner. However, in the case of family farms, special-use valuation primarily helps those farms adjacent to urban areas, where the value of the land for non-farm uses is often much higher. But Section 2032A does not help many farms located in truly rural areas of the country where farming is the land's best use. This provision also provides little help for families transferring other non-farm small businesses under similar circumstances. My legislation would correct these glaring shortfalls in current law.

In addition, my bill would increase the benefit of the existing preferential interest rates under Section 6601(j) that apply to farms and other closely held businesses. The benefits of the current provision have been significantly reduced by inflation over the past several decades, and my bill simply increases the amount of estate taxes that qualify for a special 4 percent interest rate if paid to the IRS in installment payments over time.

Moreover, my bill includes several safeguards to ensure that its tax benefits are truly targeted at the preservation of most family businesses.

Finally, I plan to offset any estimated revenue losses from this bill by offering another legislative package to close a number of outdated or unnecessary tax loopholes for large multinational corporations doing business in the United States. As a result, passing my estate tax relief proposals will not increase the Federal deficit. But passing the Family Business Estate Tax Relief Act will help to preserve the economic backbone of this country.

I urge my colleagues to join me in supporting this much-needed legislation.•

By Mr. CRAIG:

S. 2174. A bill to amend the Immigration and Nationality Act with respect to the admission of temporary H-2A workers; to the Committee on the Judiciary.

THE H-2A TEMPORARY AGRICULTURAL WORKERS

• Mr. CRAIG. Mr. President, I introduce a bill that would make needed reforms to the so-called H-2A Program, the program intended by Congress in the Immigration and Nationality Act to allow for a reliable supply of legal, temporary, immigrant workers in the agricultural sector, under terms that also provide reasonable worker protections, when there is a shortage of domestic labor in this sector.

Let me start by once again thanking my good friend, AL SIMPSON, the senior Senator from Wyoming, who agreed to including in the Illegal Immigration Reform conference report some compromise language regarding the Sense of the Congress on the H-2A Program and requiring the General Accounting Office to review the effectiveness of the program by the end of the year. AL SIMPSON is a true friend, a statesman, and a dedicated public servant. The Senate will miss him and I will miss our working together on a regular basis.

The language included in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is essentially the same as language agreed to in the conference report on fiscal year 1997 Agriculture Appropriations. With these provisions, the Congress now has gone on record twice on the importance of having a program that helps ensure an adequate work force for agricultural producers.

This is an issue that of the utmost importance to this country's farmers and ranchers, especially in light of the impact that immigration reform will have on the supply of agricultural labor. There is very real concern among Idaho farmers and throughout the country that these reforms will reduce the availability of agricultural workers.

Farmers need access to an adequate supply of workers and want to have certainty that they are hiring a legal work force. In 1995, the total agricultural work force was about 2.5 million people. That equals 6.7 percent of our labor force, which is directly involved in production agriculture and food processing.

Hired labor is one of the most important and costly inputs in farming. U.S. farmers spent more than $15 billion on hired labor expenses in 1992 $1 of every $8 of farm production expenses. For the labor-intensive fruit, vegetable and horticultural sector, labor accounts for 35 to 45 percent of production costs.

The competitiveness of U.S. agriculture, especially in the fruit, vegetable and horticultural specialty sectors, depends on the continued availability of hired labor at a reasonable cost. U.S. farmers, including producers of labor-intensive perishable commodities, compete directly with producers in other countries for market share in both U.S. and foreign commodity markets.

Wages of U.S. farmworkers will not be forced up by eliminating alien labor, because growers' production costs are capped by world market commodity prices. Instead, a reduction in the work force available to agriculture will force U.S. producers to reduce production to the level that can be sustained by a smaller work force.

Over time, wages for these farm workers have actually risen faster than non-farm worker wages. Between 1986–1994, there was a 34.6 percent increase in average hourly earnings for farm workers, while non-farm workers only saw a 27.1 percent increase.

Even with this increase in on-farm wages, this country has historically been unable to provide a sufficient number of domestic workers to complete the difficult manual labor required in the production of many agricultural commodities. In Idaho, this is especially true for producers of fruit, sugar beets, onions and other specialty crops.

The difficulty in obtaining sufficient domestic workers is primarily due to the fact that domestic workers prefer the security of full-time employment in year round positions. As a result the available domestic work force tends to prefer the long term positions, leaving the seasonal jobs unfilled. In addition, many of the seasonal agricultural jobs are located in areas where it is necessary for workers to migrate into the area and live temporarily to do the work. Experience has shown that foreign workers are more likely to migrate than domestic workers. As a result of domestic short supply, farmers and ranchers have had to rely upon the assistance of foreign workers.

The only current mechanism available to admit foreign workers for agricultural employment is the H–2A program. The H–2A program is intended to serve as a safety valve for times when domestic labor is unavailable. Unfortunately, the H–2A program isn't working.

Despite efforts to streamline the temporary worker program in 1986, it now functions so poorly that few in agriculture use it without risking an inadequate work force, burdensome regulations and potential litigation expense. In fact, usage of the program has actually decreased from 25,000 workers in 1986 to only 17,000 in 1995.

The bill I am introducing would provide some much-needed reforms to the H–2A program. I urge my colleagues to consider the following reasonable modifications of the H–2A program.

First, the bill would reduce the advance filing deadline from 60 to 40 days before workers are needed. In many agricultural operations, 60 days is too far in advance to be able to predict labor needs with the precision required in H–2A applications. Furthermore, virtually all referrals of U.S. workers who actually report for work are made close to the date of need. The advance application period serves little purpose except to provide time for litigation.

Second, in lieu of the present certification letter, the Department of Labor [DOL] would issue the employer a domestic recruitment report indicating that the employer's job offer meets the statutory criteria and lists the number of U.S. workers referred. The employer would then file a petition with INS for admission of aliens, including a copy of DOL's domestic recruitment report and any countervailing evidence concerning the adequacy of the job offer and/or the availability of U.S. workers. The Attorney General would make the admission decision. The purpose is to restore the role of the Labor Department to that of giving advice to the Attorney General on laboravailability, and return decision making to the Attorney General.

Third, the Department of Labor would be required to provide the employer with a domestic recruitment report not later than 20 days before the date of need. The report either states sufficient domestic workers are not available or gives the names and Social Security Numbers of the able, willing and qualified workers who have been referred to the employer. The Department of Labor now denies certification not only on the basis of workers actually referred to the employer, but also on the basis of reports or suppositions that unspecified numbers of workers may become available. The proposed change would assure that only workers actually identified as available would be the basis for denying foreign workers.

Fourth, the Immigration and Naturalization Service [INS] would provide expedited processing of employers' petitions, and, if approved, notify the visa issuing consulate or port of entry within 15 calendar days. This would ensure timely admission decisions.

Fifth, INS would also provide expedited procedures for amending petitions to increase the number of workers admitted on 5 days before the date of need. This is to reduce the paperwork and increase the timeliness of obtaining needed workers very close to or after the work has started.

Sixth, DOL would continue to recruit domestic workers and make referrals to employers until 5 days before the date of need. This method is needed to allow the employer at a date certain to complete his hiring, and to operate without having the operation disrupted by having to displace existing workers with new workers.

Seventh, the bill would enumerate the specific obligations of employers in occupations in which H–2A workers are employed. The proposed definition would define jobs that meet the following criteria as not adversely affecting U.S. workers:

1. The employer offers a competitive wage for the position.
2. The employer would provide approved housing, or a reasonable housing allowance, to workers whose permanent place of residence is beyond normal commuting distance.
3. The employer continues to provide current transportation reimbursement requirements.
4. A guarantee of employment is provided for at least three-quarters of the anticipated hours of work during the actual period of employment.
5. The employer would provide workers' compensation or equivalent coverage.
6. Employer must comply with all applicable federal, state and local labor laws with respect to both U.S. and alien workers.

This combination of employment requirements would eliminate the discretion of Department of Labor to specify terms and conditions of employment on a case-by-case basis. In addition, the scope for litigation would be reduced since employers (and the courts) would know with particularity the required terms and conditions of employment.

Eighth, the bill would provide that workers must exhaust administrative remedies before engaging their employers in litigation.

Ninth, certainty would be given to employers who comply with the terms of an approved job order. If at a later date the Department of Labor requires changes, the employer would be required to comply with the law only prospectively. This very important provision removes the possibility of retroactive liability if an approved order is changed.

With the Illegal Immigration Reform bill on its way to becoming law, action on these H–2A reforms would be necessary early next year to avoid jeopardizing the labor supply for American agriculture.

Therefore, it is fully my intention to reintroduce this bill at the start of the 105th Congress. I am introducing it at this time, at the end of the 104th Congress, so that those in Congress and around the country who are interested in this issue can get a head start on discussing these issues and examining these vitally-needed reforms.

Again, I urge my colleagues to examine this bill, hopefully with an eye toward supporting these reforms when they are reintroduced in the next Congress.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSIDERATIONS IN THE APPROVAL OF H-2A PETITIONS.

Section 218(a) (8 U.S.C. 1188(a)) of the Immigration and Nationality Act is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) In considering an employer's petition for admission of H–2A aliens, the Attorney General shall consider the certification decision of the Secretary of Labor and shall consider any countervailing evidence submitted by the employer with respect to the nonavailability of United States workers and the employer's compliance with the requirements of this section, and may consult with the Secretary of Agriculture.".

SEC. 2. CONDITION FOR DENIAL OF LABOR CERTIFICATION.

Section 218(b)(4) (8 U.S.C. 1188(b)(4)) of the Immigration and Nationality Act is amended to read as follows:

"(4) DETERMINATION BY THE SECRETARY.—The Secretary determines that the employer has not filed a job offer for the position to be filled by the alien with the appropriate local office of the State employment security agency having jurisdiction over the area of intended employment, or with the State office of such an agency if the alien will be employed in an area within the jurisdiction of more than one local office of such an agency, which meets the criteria of paragraph (5).

“(5) REQUIRED TERMS AND CONDITIONS OF EMPLOYMENT.—The Secretary determines that the employer's job offer does not meet one or more of the following criteria:

“(A) REQUIRED RATE OF PAY.—The employer has offered to pay H–2A aliens and all other workers in the occupation in the area of intended employment an adverse effect wage rate of not less than the median rate of pay for similarly employed workers in the area of intended employment.

“(B) PROVISION OF HOUSING.—

“(i) IN GENERAL.—The employer has offered to provide housing to H–2A aliens and those workers not reasonably able to return to their residence within the same day, without charge to the worker. The employer may, at the employer's option, provide housing meeting applicable Federal standards for temporary labor camps, or provide rental or public accommodation type housing which meets applicable local or state standards for such housing.

“(ii) HOUSING ALLOWANCE AS ALTERNATIVE.—In lieu of offering the housing required in clause (i), the employer may provide a reasonable housing allowance to workers not reasonably able to return to their place of residence within the same day, but only if the Secretary determines that housing is reasonably available within the approximate area of employment. An employer who offers a housing allowance pursuant to this subparagraph shall not be deemed to be a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) merely by virtue of providing such housing allowance.

“(iii) SPECIAL HOUSING STANDARDS FOR SHORT DURATION EMPLOYMENT.— The Secretary shall promulgate special regulations permitting the provision of short-term temporary housing for workers employed in occupations in which employment is expected to last 40 days or less.

“(iv) TRANSITIONAL PERIOD FOR PROVISION OF SPECIAL HOUSING STANDARDS IN OTHER EMPLOYMENT.—For a period of five years after the date of enactment of this section, the Secretary shall approve the provision of housing meeting the standards described in clause (iii) in occupations expected to last longer than 40 days in areas where available housing meeting the criteria described in subparagraph (i) is found to be insufficient.

“(v) PREEMPTION OF STATE AND LOCAL STANDARDS.—The standards described in clauses (ii) and (iii) shall preempt any State and local standards governing the provision of temporary housing to agricultural workers.

“(C) REIMBURSEMENT OF TRANSPORTATION COSTS.—The employer has offered to reimburse H–2A aliens and workers recruited from beyond normal commuting distance the most economical common carrier transportation charge and reasonable subsistence from the place from which the worker comes to work for the employer, (but not more than the most economical common carrier transportation charge from the worker's normal place of residence) if the worker completes 50 percent of the anticipated period of employment. If the worker recruited from beyond normal commuting distance completes the period of employment, the employer will provide or pay for the worker's transportation and reasonable subsistence to the worker's next place of employment, or to the worker's normal place of residence, whichever is less.

“(D) GUARANTEE OF EMPLOYMENT.—The employer has offered to guarantee the worker employment for at least three-fourths of the workdays of the employer's actual period of employment in the occupation. Workers who abandon their employment or are terminated for cause shall forfeit this guarantee.

“(6) PREFERENCE FOR UNITED STATES WORKERS.—The employer has not assured on the application that the employer will provide employment to all qualified United States workers who apply to the employer and assure that they will be available at the time and place needed until the time the employer's foreign workers depart for the employer's place of employment (but not sooner than 5 days before the date workers are needed), and will give preference in employment to United States workers who are immediately available to fill job opportunities that become available after the date work in the occupation begins.”.

SEC. 3. SPECIAL RULES APPLICABLE TO THE ISSUANCE OF LABOR CERTIFICATIONS.

Section 218(c) (8 U.S.C. 1188(c)) of the Immigration and Nationality Act is amended to read as follows:

“(c) SPECIAL RULES APPLICABLE TO THE ISSUANCE OF LABOR CERTIFICATIONS.—The following rules shall apply to the issuance of labor certifications by the Secretary under this section:

“(1) DEADLINE FOR FILING APPLICATIONS.— The Secretary may not require that the application be filed more than 40 days before the first date the employer requires the labor or services of the H–2A worker.

“(2) NOTICE WITHIN SEVEN DAYS OF DEFICIENCIES.—

“(A) The employer shall be notified in writing within seven calendar days of the date of filing, if the application does not meet the criteria described in subsection (b) for approval.

“(B) If the application does not meet such criteria, the notice shall specify the specific deficiencies of the application and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.

“(3) ISSUANCE OF CERTIFICATION.—

“(A) The Secretary shall provide to the employer, not later than 20 days before the date such labor or services are first required to be performed, the certification described in subsection (a)(1)—

“(i) with respect to paragraph (a)(1)(A) if the employer's application meets the criteria described in subsection (b), or a statement of the specific reasons why such certification can not be made, and

“(ii) with respect to subsection (a)(1)(B), to the extent that the employer does not actually have, or has not been provided with the names, addresses and Social Security numbers of workers referred to the employer who are able, willing and qualified and have indicated they will be available at the time and place needed to perform such labor or services on the terms and conditions of the job offer approved by the Secretary. For each worker referred, the Secretary shall also provide the employer with information sufficient to permit the employer to contact the referred worker for the purpose of reconfirming the worker's availability for work at the time and place needed.

“(B) If, at the time the Secretary determines that the employer's job offer meets the criteria described in subsection (b) there are already unfilled job opportunities in the occupation and area of intended employment for which the employer is seeking workers, the Secretary shall provide the certification at the same time the Secretary approves the employer's job offer.”.

SEC. 4. EXPEDITED APPEALS OF CERTAIN DETERMINATIONS.

Section 218(e) (8 U.S.C 1188(e)) of the Immigration and Nationality Act is amended to read as follows:

“(e) EXPEDITED APPEALS OF CERTAIN DETERMINATIONS.—The Secretary shall provide by regulation for an expedited procedure for the review of the nonapproval of an employer's job offer pursuant to subsection (c)(2) and of the denial of certification in whole or in part pursuant to subsection (c)(3) or, at the applicant's request, a de novo administrative hearing respecting the nonapproval or denial.”.

SEC. 5. PROCEDURES FOR THE CONSIDERATION OF H-2A PETITIONS.

Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended—

(1) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(2) by adding the following after subsection (e):

“(f) PROCEDURES FOR THE CONSIDERATION OF H–2A PETITIONS.—The following procedures shall apply to the consideration of petitions by the Attorney General under this section:

“(1) EXPEDITED PROCESSING OF PETITIONS.— The Attorney General shall provide an expedited procedure for the adjudication of petitions filed under this section, and the notification of visa-issuing consulates where aliens seeking admission under this section will apply for visas and/or ports of entry where aliens will seek admission under this section within 15 calendar days from the date such petition is filed by the employer.

“(2) EXPEDITED AMENDMENTS TO PETITIONS.—The Attorney General shall provide an expedited procedure for the amendment of petitions to increase the number of workers on or after five days before the employers date of need for the labor or services involved in the petition to replace referred workers whose continued availability for work at the time and place needed under the terms of the approved job offer can not be confirmed and to replace referred workers who fail to report for work on the date of need and replace referred workers who abandon their employment or are terminated for cause, and for which replacement workers are not immediately available pursuant to subsection (b)(6).”.

SEC. 6. LIMITATION ON EMPLOYER LIABILITY.

Section 218(g) (8 U.S.C. 1188(g)) of the Immigration and Nationality Act is amended—

(1) by redesignating paragraph (2) as paragraph (2)(A); and

(2) by inserting after paragraph (2)(A) the following:

“(B) No employer shall be subject to any liability or punishment on the basis of an employment action or practice by such employer that conforms with the terms and conditions of a job offer approved by the Secretary pursuant to this section, unless and until the employer has been notified that such certification has been amended or invalidated by a final order of the Secretary or of a court of competent jurisdiction.”.

SEC. 7. LIMITATION ON JUDICIAL REMEDIES.

Section 218(h) of the Immigration and Nationality Act (8 U.S.C. 1188(h)) is amended by adding at the end thereof the following:

"(3) No court of the United States shall have jurisdiction to issue any restraining order or temporary or permanent injunction preventing or delaying the issuance by the Secretary of a certification pursuant to this section, or the approval by the Attorney General of a petition to import an alien as an H–2A worker, or the actual importation of any such alien as an H–2A worker following such approval by the Attorney General.".

SUMMARY OF THE BILL TO REFORM THE IMMIGRATION AND NATIONALITY ACT WITH RESPECT TO THE H–2A TEMPORARY AGRICULTURAL WORKERS PROGRAM

The following proposed changes to the H–2A program would improve its timeliness and utility for agricultural employers in addressing agricultural labor shortages, while providing wages and benefits that equal or exceed the median level of compensation in non-H–2A occupations, and reducing the vulnerability of the program to being hamstrung and delayed by litigation.

1. Reduce the advance filing deadline from 60 to 40 days before workers are needed.

Rationale: In many agricultural operations, 60 days is too far in advance to be able to predict labor needs with the precision required in H–2A applications. Furthermore, virtually all referrals of U.S. workers who actually report for work are made close to the date of need. The advance application period serves little purpose except to provide time for litigation.

2. In lieu of the present certification letter, DOL would issue the employer a domestic recruitment report indicating that the employer's job offer meets the statutory criteria (or the specific deficiencies in the order) and the number of U.S. workers referred, per #3 below. The employer would file a petition with INS for admission of aliens (or transfer of aliens already in the United States), including a copy of DOL's domestic recruitment report and any countervailing evidence concerning the adequacy of the job offer and/or the availability of U.S. workers. The Attorney General would make the admission decision.

Rationale: The purpose is to restore the role of the Labor Department to that of giving advice to the AG on labor availability, and return the true gatekeeper role to the AG. Presently the certification letter is, de facto, the admission decision.

3. DOL provides employer with a domestic recruitment report not later than 20 days before the date of need stating either that sufficient domestic workers are not available, or giving the names and Social Security Numbers of the able, willing and qualified workers who have been referred to the employer and who have agreed to be available at the time and place needed. DOL also provides a means for the employer to contact the referred worker to confirm availability close to the date of need. DOL would be empowered to issue a report that sufficient domestic workers are not available without waiting until 20 days before the date of need for workers if there are already unfilled orders for workers in the same or similar occupations in the same area of intended employment.

Rationale: DOL now denies certification not only on the basis of workers actually referred to the employer, but also on the basis of reports or suppositions that unspecified numbers of workers may become available. These suppositions almost never prove correct, forcing the employer into costly and time wasting redeterminations on or close to the date of need and delaying the arrival of workers. The proposed change would assure that only workers actually identified as available would be the basis for denying foreign workers. DOL also interprets the existing statutory language as precluding it from issuing each labor certification until 20 days before the date of need, even in situations where ongoing recruitment shows that sufficient workers are not available.

4. INS to provide expedited processing of employer's petitions, and, if approved, notify the visa issuing consulate or port of entry within 15 calendar days.

Rationale: The assure timely admission decisions.

5. INS to provide an expedited procedures for amending petitions to increase the number of workers admitted (or transferred) on or after 5 days before the date of need, to replace referred workers whose continued availability can not be confirmed, who fail to report on the date of need, or who abandon employment or are terminated for cause, without first obtaining a redetermination of need from DOL.

Rationale: To reduce the paperwork and increase the timeliness of obtaining needed workers very close to or after the work has started.

6. DOL would continue to recruit domestic workers and make referrals to employers until 5 days before the date of need. Employers would be required to give preference to able, willing and qualified workers who agree to be available at the time and place needed who are referred to the employer until 5 days before the date workers are needed. After that time, employers would be required to give preference to U.S. workers who are immediately available in filling job opportunities that become available, but would not be required to bump alien workers already employed.

Rationale: A method is needed to allow the employer at a date-certain close to the date of need to complete his hiring, and to operate without having the operation disrupted by having to displace existing workers with new workers.

7. Create a "bounded definition" of adverse effect by enumerating the specific obligations of employers in occupations in which H–2A aliens are employed. The proposed definition would define jobs that meet the following criteria as not adversely affecting U.S. workers:

7a. Offer at least the median rate of pay for the occupation in the area of intended employment.

7b. Provide approved housing or, if sufficient housing is available in the approximate area of employment, a reasonable housing allowance, to workers whose permanent place of residence is beyond normal commuting distance.

NOTE: Provision should also be made to allow temporary housing that does not meet the full set of Federal standards for a transitional period in areas where sufficient housing that meets standards is not presently available, and for such temporary housing on a permanent basis in occupations in which the term of employment is very short (e.g. cherry harvesting, which lasts about 15–20 days) if sufficient housing that meets the full standards is not available. Federal law should pre-empt state and local laws and codes with respect to the provision of such temporary housing.

7c. Current transportation reimbursement requirements (i.e. employer reimburses transportation of workers who complete 50 percent of the work contract and provides or pays for return transportation for workers who complete the entire work contract).

7d. A guarantee of employment for at least three-quarters of the anticipated hours of work during the actual period of employment.

7e. Employer-provided Workers' Compensation or equivalent.

7f. Employer must comply with all applicable federal, state and local labor laws with respect to both U.S. and alien workers.

Rationale: The objective is to eliminate the discretion of DOL to specify terms and conditions of employment on a case-by-case basis and reduce the scope for litigation of applications. Employers (and the courts) would know with particularity, up front, what the required terms and conditions of employment are. The definition also reduces the cost premium for participating in the program by relating the Adverse Effect Wage Rate to the minimum wage and limiting the applicability of the three-quarters guarantee to the actual period of employment.

8. Provide that workers must exhaust administrative remedies before engaging their employers in litigation.

Rationale: To reduce litigation costs.

9. Provide that if an employer complies with the terms of an approved job order, and DOL or a court later orders a provision to be changed, the employer would be required to comply with the new provision only prospectively.

Rationale: To reduce the exposure of employers to litigation seeking to overturn DOL's approval of job orders, and to retroactive liability if an approved order is changed.•

By Mr. KERREY (for himself and Mr. SIMPSON):

S. 2176. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide for personal investment plans funded by employee security payroll deductions; to the Committee on Finance.

THE PERSONAL INVESTMENT PLAN ACT OF 1996

Mr. KERREY. Mr. President, in May 1995, it was my distinct pleasure to join the fine, distinguished Senator from Wyoming, the Honorable ALAN K. SIMPSON, to introduce the Kerrey-Simpson Retirement Reform bills. The intent of this series of eight bills has two important goals: Put Social Security and other Federal retirement programs on the path to long term fiscal health; and renew America's commitment to national savings.

Today, I rise with Senator SIMPSON to reintroduce two of these bills, S.824 and S.825, for the purpose of offering technical changes.

Specifically, it was our original intent to permit contributors to a personal investment plan to pass the balance of such plan to their surviving spouse upon their death, except if the surviving spouse agrees in writing that such balance should be transferred to a designated beneficiary, such as child or sibling. Our intent was to provide the contributor with the greatest amount of flexibility in his/her estate planning, while at the same time recognizing the vulnerability of a surviving spouse.

The second technical correction would require that in the event of the contributor's death where there is no surviving spouse and there has been no designation of a beneficiary of the proceeds of the personal investment plan, the proceeds should revert to the deceased's estate, not to the Social Security trust fund. It was our original intent to allow contributors to retain ownership of their personal investment plan, even after death.

The third technical correction would permit financial institutions—in addition to banks—to administer personal investment plans. It was our original intent to permit personal investment plans to be administered by the identical institutions permitted to administer individual retirement accounts.

Finally, technical corrections are made to S.825 to adjust certain dates in the formula for determining benefits to our original intent.

As these changes are technical in nature, we have been assured by the actuaries of the Social Security Administration that such changes should have no effect on the solvency of the Social Security trust fund.

Finally, I would like to add what a joy and pleasure it has been to work with my good friend from Wyoming. His leadership and candidness on this issue will be sorely missed. But more importantly, Mr. President, the character and leadership of ALAN K. SIMPSON as a Senator, colleague, and friend will be equally difficult to replace in the U.S. Senate.

I wish him all the best in whatever his fine future holds, and I expect he will continue to fight the good fight on this matter of critical importance to our Nation's fiscal future.

Mr. SIMPSON. Mr. President, on May 18, 1995, I joined my able and steady colleague Senator BOB KERREY from Nebraska in introducing a series of eight bills to address the long-term problems of Social Security. I rise today to join Senator KERREY in reintroducing two bills, S. 824 and S. 825, which address the long-term solvency problems of the Social Security Program. The changes that Senator KERREY and I propose are technical in nature and are made in both S. 824 and S. 825 unless otherwise indicated.

Specifically, it was our original intent to permit contributors on a Personal Investment Plan [PIP] to pass the balance of such plan to their surviving spouse upon their death, except if the surviving spouse agrees in writing that such balance should be transferred to a designated beneficiary, such as a child or sibling. Our intent was to provide the contributor with the greatest possible flexibility in his or her estate planning, while at the same time recognizing the vulnerability of a surviving spouse.

The second technical correction would require that in the event of the contributor's death where there is no surviving spouse and there has been no designation of a beneficiary of the proceeds of the personal investment plan, the proceeds should revert to the deceased's estate, not to the Social Security trust fund. It was our original intent to allow contributors to retain ownership of their personal investment plan, even after death.

The third technical correction would permit financial institutions, in addition to banks, to administer personal investment plans. It was our original intent to permit personal investment plans to be administered by the identical institutions that were permitted to administer individual retirement accounts.

Finally, technical corrections are made to S. 825 to conform to our original intent adjustments in the formula for determining benefits to our original intent.

As these changes are technical in nature, we have been assured by the actuaries of the Social Security Administration that such changes should have no effect on the present solvency of the Social Security trust fund.

By Mr. SANTORUM:

S. 2177. A bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes; to the Committee on Small Business.

THE MILITARY RESERVISTS SMALL BUSINESS RELIEF ACT

• Mr. SANTORUM. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Reservists Small Business Relief Act".

SEC. 2. REPAYMENT DEFERRAL FOR ACTIVE DUTY RESERVISTS.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following new subsection:

"(n) REPAYMENT DEFERRED FOR ACTIVE DUTY RESERVISTS.—

"(1) IN GENERAL.—The Administration shall, upon written request, defer repayment of a direct loan made pursuant to subsection (a) or (b), if such loan was incurred by a qualified borrower.

"(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) QUALIFIED BORROWER.—The term 'qualified borrower' means—

"(i) an individual who is an eligible Reserve and who received a direct loan under subsection (a) or (b) before being called or ordered to, or retained on, active duty as described in subparagraph (B); or

"(ii) a small business concern that received a direct loan under subsection (a) or (b) before an eligible Reserve, who is an owner, manager, or key employee described in subparagraph (C), was called or ordered to, or retained on, active duty as described in subparagraph (B).

"(B) ELIGIBLE RESERVE.—The term 'eligible Reserve' means a member of a reserve component of the Armed Forces serving pursuant to a call or order to active duty, or retention on active duty, during a period of military conflict.

"(C) OWNER, MANAGER, OR KEY EMPLOYEE.—An eligible Reserve is an owner, manager, or key employee described in this subparagraph if the eligible Reserve is an individual who—

"(i) has not less than a 20 percent ownership interest in the small business concern described in subparagraph (A)(ii);

"(ii) is a manager responsible for the day-to-day operations of such small business concern; or

"(iii) is a key employee (as defined by the Administration) of such small business concern.

"(D) PERIOD OF MILITARY CONFLICT.—The term 'period of military conflict' means—

"(i) a period of war declared by the Congress;

"(ii) a period of national emergency declared by the Congress or by the President; or

"(iii) a period for which members of reserve components of the Armed Forces are serving on active duty in the Armed Forces under a call or order to active duty, or retention on active duty, under section 688, 12301(a), 12302, 12304, or 12306 of title 10, United States Code.

"(3) PERIOD OF DEFERRAL.—The period of deferral for repayment under this subsection shall begin on the date on which the eligible Reserve is ordered to active duty during any period of military conflict and shall terminate on the later of—

"(A) 180 days after the date on which such eligible Reserve is discharged or released from that active duty; and

"(B) 180 days after the date of enactment of this subsection.".

"(4) NO ACCRUAL OF INTEREST DURING DEFERRAL.—During the period of deferral described in paragraph (3), repayment of principal and interest on the deferred loan shall not be required and no interest shall accrue on such loan.".

SEC. 3. DISASTER LOAN ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after the undesignated paragraph that begins "*Provided*, That no loan", the following new paragraph:

"(3)(A) The Administration may make such disaster loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) to assist a small business concern (including a small business concern engaged in the lease or rental of real or personal property) that has suffered or is likely to suffer economic injury as the result of the owner, manager, or key employee of such small business concern being ordered to active duty during a period of military conflict.

"(B) Any loan or guarantee under this paragraph shall be made at an annual interest rate of not more than 4 percent, without regard to the ability of the small business concern to secure credit elsewhere.

"(C) No loan shall be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $500,000, except that the Administration may waive the $500,000 limitation if the Administration determines that the applicant constitutes a major source of employment in an area not larger than a county that is suffering a disaster.

"(D) For purposes of assistance under this paragraph, no declaration of a disaster area shall be required.

"(E) For purposes of this paragraph—

"(i) the term 'period of military conflict' means—

"(I) a period of war declared by the Congress;

"(II) a period of national emergency declared by the Congress or by the President; or

"(III) a period for which members of reserve components of the Armed Forces are serving on active duty in the Armed Forces under a call or order to active duty, or retention on active duty, under section 688, 12301(a), 12302, 12304, or 12306 of title 10, United States Code;

"(ii) the term 'economic injury' includes the inability of a small business concern to market or produce a product or to provide a service ordinarily provided by the small business concern; and

"(iii) the term 'owner, manager, or key employee' means an individual who—

"(I) has not less than a 20 percent ownership in the small business concern;

"(II) is a manager responsible for the day-to-day operations of such small business concern; or

"(III) is a key employee (as defined by the Administration) of such small business concern.".

(b) CONFORMING AMENDMENTS.—Section 4(c) of the Small Business Act (15 U.S.C. 633(c)) is amended—

(1) in paragraph (1), by striking "7(b)(4),"; and

(2) in paragraph (2), by striking "7(b)(4), 7(b)(5), 7(b)(6), 7(b)(7), 7(b)(8),".

SEC. 4. REGULATIONS.

Not later than 30 days after the date of enactment of this Act, the Small Business Administration may issue such regulations as may be necessary to carry out the amendments made by sections 2 and 3.

SEC. 5. APPLICABILITY AND EFFECTIVE DATES.

(a) APPLICABILITY.—This Act and the amendments made by this Act shall not apply to any member of a reserve component of the Armed Forces serving pursuant to a call or order to active duty, or retention on active duty, during a period of military conflict, who is eligible to participate in the Ready Reserve Mobilization Income Insurance Program established under section 512 of the National Defense Authorization Act for Fiscal Year 1996.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act shall take effect on the date of enactment of this Act.

(2) EXCEPTIONS.—

(A) LOAN REPAYMENT DEFERRAL.—The amendment made by section 2 shall apply with respect to any eligible Reserve called or ordered to, or retained on, active duty as the result of a period of military conflict occurring on or after August 1, 1990.

(B) DISASTER LOANS.—The amendments made by section 3 shall apply to economic injury suffered or likely to be suffered as the result of a period of military conflict occurring on or after August 1, 1990.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "economic injury" has the same meaning as in section 7(b)(3)(E) of the Small Business Act, as added by section 3 of this Act;

(2) the term "eligible Reserve" has the same meaning as in section 7(n)(2) of the Small Business Act, as added by section 2 of this Act; and

(3) the term "period of military conflict" has the same meaning as in section 7(n)(2) of the Small Business Act, as added by section 2 of this Act.●

By Mrs. KASSEBAUM (for herself, Mr. KENNEDY, Mr. DODD, Mr. DEWINE, Ms. MIKULSKI, and Mr. SIMON):

S. 2178. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes; to the Committee on Labor and Human Resources.

THE BETTER PHARMACEUTICALS FOR CHILDREN ACT

Mrs. KASSEBAUM. Mr. President, today I am introducing the Better Pharmaceuticals for Children Act. This bill will create a new partnership among pharmaceutical researchers and manufacturers, pediatric researchers, and the government to improve the information about pediatric uses of pharmaceuticals. The provisions of this bill were originally included in S. 1477, the Food and Drug Administration [FDA] Performance and Accountability Act, which was approved in March, with bipartisan support, by the Senate Committee on Labor and Human Resources.

The Food, Drug, and Cosmetic Act requires a showing of safety and effectiveness before drugs can be marketed to the American public. Until recently, it was thought that such a showing would be the same for adults and children. It is now clear, however, that children are not small adults. They do not necessarily react to drugs the same way. New data are necessary to ensure that America's children have the same benefit of safe and effective drugs as our adults do. As it stands now, however, 80 percent of the drugs taken by children are not labelled for pediatric use.

The Better Pharmaceuticals for Children Act addresses this need for pediatric use data by providing an incentive to manufacturers to conduct pediatric studies for new and approved drugs. Manufacturers who provide pediatric data for the drugs most urgently needed by our children would receive an extra six months market exclusivity for their product. By taking this type of partnership approach, we can get critically needed information on pediatric uses. Providing the FDA with the extra authority to offer this type of encouragement will help to ensure that companies conduct such studies.

Under the bill, the Secretary of Health and Human Services is required to develop, in consultation with pediatric experts, a list of approved drugs for which additional pediatric information may produce health benefits in the pediatric population. For pediatric studies of new and approved drugs to trigger the six-month exclusivity incentive, they must be formally requested by the Secretary, and filed with the Secretary in an acceptable manner. Manufacturers would be precluded from obtaining more than one six-month period of exclusivity.

I am proud to join with Senators KENNEDY, DODD, DEWINE, MIKULSKI, and SIMON in introducing this bill. Mr. President, it creates a win-win situation in which manufacturers get a benefit for proactively testing drugs for pediatric use, while our children get timely access to the safe and effective drugs they so desperately need.

Mr. DODD. Mr. President, I rise today as a proud cosponsor, again, of the Better Pharmaceuticals for Children Act. I have cosponsored this legislation in several Congresses now, and hope that finally, we will pass this enormously important legislation.

This act would address a problem that pediatricians first recognized more than 30 years ago: information about safe and effective therapies for their young patients is scarce. According to the American Academy of Pediatrics only about one-fifth of all drugs marketed in the United States today, and only four of the 25 new drugs approved by the FDA last year, have been labeled for use by children.

Given this largely adults-only drug market, individual doctors face an uncomfortable dilemma with many of their child patients. Should doctors limit themselves to the handful of proven pediatric drugs? Some might not even exist for certain illnesses, and in such cases this could mean not treating a sick child. Or should they take a gamble on an adult drug and rely on their training, professional judgment, and luck to make it work as intended?

Most physicians find the latter option, known as "off-label prescribing," to be the more acceptable choice. As a result, the American Academy of Pediatrics says that off-label prescribing has "by default become an established standard of care of children."

This practice is neither illegal nor improper, but it can present unnecessary risk for young patients. Children are not just smaller than adults. Their bodies function very differently from adults. And as any parent can tell you, they change drastically from infancy to childhood to adolescence. For young, growing patients, the only way to be sure whether a medication is safe and effective, and what the dosage should be, is the test it on different age groups.

The Better Pharmaceuticals for Children Act is a straightforward solution to the unnecessary shortage of pediatric medicine. It grants an additional 6 months of market exclusivity for drugs which have undergone pediatric studies according to accepted scientific protocols. This provides a fair and reasonable market incentive for drug companies to make the extra effort needed to label their products for use by children.

Simply put, this bill is a sensible way to keep our children healthier. That is why it has enjoyed broad bipartisan support, both inside and outside this body. In addition to the American Academy of Pediatrics, other supporters include the Pharmaceuticals Research and Manufacturers of America, and the Pediatric AIDS Foundation. I urge my colleagues to support this act.

By Mrs. BOXER:

S. 2179. A bill to protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes; to the Committee on Environment and Public Works.

CHILDREN'S ENVIRONMENTAL PROTECTION ACT OF 1996

• Mrs. BOXER. Mr. President, I am today introducing a bill that will help protect the children of this country from the harmful effects of environmental pollutants including pesticides and other hazardous substances.

As a member of the Environment and Public Works Committee, I have worked to protect children and other vulnerable subpopulations from contaminants in drinking water. The Safe Drinking Water Act that was recently signed into law by President Clinton included my amendments to require that Environmental Protection Agency [EPA] drinking water standards be set at levels that take into account the special vulnerability of our children, our infants, pregnant women, our elderly, the chronically ill, and other groups that are at substantially higher risk than the average healthy adult. That was a very important step forward because our safe drinking water standards—and, in fact, most of our country's public protection standards—are set at levels to protect the average healthy person, and not our most vulnerable loved ones.

The bill I am introducing today, the Children's Environmental Protection Act [CEPA], carries the concept of my Safe Drinking Water Act amendments even further. It requires the EPA to set all health and safety standards at levels that protect our children and our vulnerable subpopulations.

Mr. President, this is a much needed step forward because science tells us that children are not simply smaller versions of adults. Recent studies by the National Academy of Sciences found that children are more vulnerable to the chemical hazards in the environment for two principal main reasons. First, children eat more food, drink more water, and breath more air as a percentage of their body weight than adults. As a consequence, they are more exposed to the chemicals present in food, water and air. Second, because children are still growing and many of their internal systems are still in the process of developing and maturing, children may be physiologically more susceptible than adults to the hazards associated with these exposures.

Today, there are more questions than ever with respect to children's developmental health. For example, it has been estimated that up to one half of a person's lifetime cancer risk may be incurred in the first six years of life, but current science cannot tell us exactly where and how children are exposed to cancer risks in the environment.

Unfortunately, while we have many questions, we have very few answers. It is clear that the factors behind the special environmental risks that children face need immediate special attention.

If the EPA is to be able to fulfill a mandate to set all of its standards to protect our children, it must collect more data and carry out more research to improve our understanding of how children are exposed to environmental pollutants, where they are exposed, and how the exposure may affect their health. My bill would require the EPA to work with the Secretary of Agriculture and the Department of Health and Human Services to develop and implement research studies to examine the physiological and pharmacokinetic effects of environmental pollutants on children and other vulnerable subpopulations. It also requires research on children's dietary, dermal and inhalation exposure to environmental pollutants.

Mr. President, CEPA would also institute measures that would help protect our children from coming into contact with environmental pollutants including pesticides and other hazardous substances. First, my bill includes a family-right-to-know initiative to be adopted by every State. The principle behind the initiative is that public health and safety depends on citizens being aware of the toxic dangers that exist in their communities and neighborhoods. We must provide basic information to parents to give them the ability to make informed decisions to protect their family.

The Children's Environmental Protection Act would require users who apply pesticides and other hazardous substances in public areas that are reasonably accessible to children, to keep a record of the amount of chemical used, where it was applied and when it was applied. States would provide the public with copies of annual reports summarizing the information. The reports would also be available on the Internet. Detailed information such as information on a particular school would be available to the public upon request. The EPA would complete a nationwide survey every two years and make the information available to the public in written form and on the Internet. So both scientists and parents would have information about to what extent children are being exposed in public areas such as school, parks, playgrounds, shopping malls, and movie theaters.

CEPA takes a further step in the case of schools and parks by requiring that the EPA identify a list of most dangerous commonly used hazardous substances and pesticides—and within one year prohibit their use.

I would like to pay tribute to one exceptional mother. This mother knows the intense sadness of losing her child. This very special mother lives in my State and I am proud to call her my friend. Three years ago, Mrs. Nancy Chuda came to visit me to ask for help. Her little girl, all of 5 years old, had died of a nongenetic form of cancer. No one knows why or how or what caused little Colette Chuda to become afflicted. She was a normal, beautiful girl in every way. She liked to draw pictures of flowers and happy people. One thing is certain, she was blessed to have two wonderful parents. Nancy and Jim Chuda, despite their grief, chose to turn their own personal tragedy into something positive. They have labored endlessly to bring to the country's attention the environmental dangers that threaten our children. If future illness and death can be prevented, I know we all will be indebted to the tremendous energy and perseverance of Nancy Chuda.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Environmental Protection Act of 1996".

SEC. 2. ENVIRONMENTAL PROTECTION FOR CHILDREN.

The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"TITLE V—ENVIRONMENTAL PROTECTION FOR CHILDREN

"SEC. 501. FINDINGS AND POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) public health and safety depends on citizens and local officials knowing the toxic dangers that exist in their communities and neighborhoods;

"(2) children and other vulnerable subpopulations are more at risk from environmental pollutants than adults and therefore face unique health threats that need special attention;

"(3) a study conducted by the National Academy of Sciences on the effects of pesticides in the diets of infants and children concluded that current approaches to risk assessment typically do not consider risks to children and, as a result, current standards and tolerances often fail to adequately protect infants and children;

"(4) risk assessments of pesticides and other environmental pollutants conducted by the Environmental Protection Agency do not clearly differentiate between the risks to children and the risks to adults;

"(5) data are lacking that would allow adequate quantification and evaluation of child-specific and other-vulnerable-subpopulation-specific susceptibility and exposure to environmental pollutants; and

"(6) the absence of data precludes effective government regulation of environmental pollutants, and denies individuals the ability to exercise a right to know and make informed decisions to protect their families.

"(b) POLICY.—It is the policy of the United States that—

"(1) all environmental and public health standards set by the Environmental Protection Agency must be adequate to protect children and other vulnerable subpopulations that are at greater risk from exposure to environmental pollutants;

"(2) adequate hazard data should be developed with respect to the special vulnerability and exposure to environmental pollutants of children and other vulnerable subpopulations to better assess where, and at what levels, children and other vulnerable subpopulations are being exposed;

"(3) scientific research opportunities should be identified by the Environmental Protection Agency to study the health effects of cumulative and simultaneous exposures of children and other vulnerable subpopulations to environmental pollutants;

"(4) information should be made readily available by the Environmental Protection Agency to the general public to advance the public's right-to-know, and allow the public to avoid unnecessary and involuntary exposure; and

"(5) a family right-to-know initiative should be developed by the Environmental Protection Agency to provide parents with basic information so the parents can make informed choices to protect their children from environmental health threats in their homes, schools, and communities.

"SEC. 502. DEFINITIONS.

"In this title:

"(1) CHILDREN.—The term 'children' includes adolescents and infants.

"(2) ENVIRONMENTAL POLLUTANT.—The term 'environmental pollutant' means a hazardous substance, as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), or a pesticide, as defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

"(3) USER.—The term 'user' means any commercial applicator of, or any person who applies, an environmental pollutant in a school, park, or public area that is reasonably accessible to children.

"(4) VULNERABLE SUBPOPULATIONS.—The term 'vulnerable subpopulations' means children, pregnant women, the elderly, individuals with a history of serious illness, and other subpopulations identified by the Administrator as likely to experience elevated health risks from environmental pollutants.

"SEC. 503. FAMILY RIGHT-TO-KNOW INITIATIVE.

"(a) IN GENERAL.—The Administrator shall work with each State to develop a family right-to-know initiative in accordance with this section.

"(b) GRANTS.—

"(1) IN GENERAL.—The Administrator shall make grants to States to develop and carry out a family right-to-know initiative in accordance with this section.

"(2) TERMS AND CONDITIONS.—Grants made under this subsection shall be subject to such terms and conditions as the Administrator establishes to further the purposes of this title.

"(c) REQUIREMENTS OF INITIATIVE.—A State carrying out a family right-to-know initiative shall—

"(1) require that any user who applies an environmental pollutant in a public area that is reasonably accessible to children complete a simple, easy-to-understand form that provides the amount of environmental pollutant applied, where the environmental pollutant was applied, and when the environmental pollutant was applied;

"(2) work with the Administrator to—

"(A) develop a uniform definition of the term 'public area that is reasonably accessible to children' for purposes of this section, that shall include, at a minimum, schools, shopping malls, movie theaters, and parks;

"(B) develop a uniform form to be completed by users under paragraph (1);

"(C) determine the manner and length of time of keeping the forms completed by users; and

"(D) determine the format for reporting information collected under paragraph (1) to the public;

"(3) prepare annual State reports summarizing the information collected under paragraph (1) for distribution to the Administrator;

"(4) provide the public with copies of annual State reports and local recordkeeping for schools, parks, and public areas;

"(5) make State reports available to the public on the Internet;

"(6) provide the Administrator with such data as the Administrator requests to prepare a nationwide survey under subsection (d); and

"(7) satisfy such other requirements as the Administrator prescribes to carry out this section.

"(d) NATIONWIDE SURVEYS.—

"(1) IN GENERAL.—The Administrator shall prepare a biennial nationwide survey of the information collected under this section.

"(2) ASSESSMENT.—The nationwide survey shall assess the extent to which environmental pollutants are present in private office and commercial buildings that are reasonably accessible to children.

"(3) RECOMMENDATION.—The nationwide survey shall recommend whether public recordkeeping and public reporting concerning application of environmental pollutants in areas that are reasonably accessible to children should be required.

"(e) PUBLIC AVAILABILITY OF INFORMATION.—

"(1) IN GENERAL.—On request by a member of the public, the Administrator shall provide a copy of any State report or nationwide survey prepared under this section.

"(2) INTERNET.—The Administrator shall make any State report or nationwide survey prepared under this section available to the public on the Internet.

"SEC. 504. SAFE SCHOOLS AND PARKS.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall—

"(1) identify hazardous substances and pesticides commonly used in schools and parks;

"(2) create, after peer review, a list of the substances identified in paragraph (1) with high hazard health risks to children and other vulnerable subpopulations;

"(3) make the list created under paragraph (2) available to the public;

"(4) review the list created under paragraph (2) on a biennial basis; and

"(5) develop and issue an Environmental Protection Agency approved sign and label for posting by a school or park to indicate that high hazard environmental pollutants were not used in the school or park.

"(b) COOPERATION.—The Administrator shall work with the Secretary of Health and Human Services, the Secretary of Education, the Secretary of the Interior, and the Secretary of Agriculture to ensure wide public distribution of the list created under subsection (a)(2).

"(c) COMPLIANCE BY SCHOOLS AND PARKS.—Not later than 1 year after the list created under subsection (a)(2) is made available to the public, the Administrator shall prohibit a school or park from using any environmental pollutant on the list.

"SEC. 505. RESEARCH TO IMPROVE INFORMATION ON EFFECTS ON CHILDREN.

"(a) TOXICITY DATA.—The Administrator, the Secretary of Agriculture, and the Secretary of Health and Human Services shall coordinate the development and implementation of research studies to examine the physiological and pharmacokinetic differences in the effects and toxicity of pesticides (including active and inert ingredients) and other environmental pollutants on children and other vulnerable subpopulations, as identified in the study of the National Academy of Sciences entitled 'Pesticides in the Diets of Infants and Children'.

"(b) EXPOSURE DATA.—The Administrator, the Secretary of Agriculture, and the Secretary of Health and Human Services shall conduct surveys and applied research to document differences between children and adults with respect to dietary, dermal, and inhalation exposure to pesticides and other environmental pollutants.

"(c) BIENNIAL REPORTS.—The Administrator, the Secretary of Agriculture, and the Secretary of Health and Human Services shall submit biennial reports to Congress on actions taken to carry out this section.

"SEC. 506. SAFEGUARDING CHILDREN AND OTHER VULNERABLE SUBPOPULATIONS.

"(a) IN GENERAL.—The Administrator shall—

"(1) evaluate environmental health risks to vulnerable subpopulations in all of the risk assessments, risk characterizations, environmental and public health standards, and general regulatory decisions carried out by the Administrator;

"(2) carry out paragraph (1) in accordance with the policy of the Environmental Protection Agency on the assessment of risks to children in effect on November 1, 1995; and

"(3) develop and use a separate assessment or finding of risks to vulnerable subpopulations or publish in the Federal Register an explanation of why the separate assessment or finding is not used.

"(b) REEVALUATION OF CURRENT PUBLIC HEALTH AND ENVIRONMENTAL STANDARDS.—

"(1) IN GENERAL.—As part of any risk assessment, risk characterization, environmental or public health standard, or general regulatory decision carried out by the Administrator, the Administrator shall evaluate the environmental health risks to children and other vulnerable subpopulations.

"(2) IMPLEMENTATION.—In carrying out paragraph (1), not later than 1 year after the date of enactment of this title, the Administrator shall—

"(A) develop an administrative strategy and an administrative process for reviewing standards;

"(B) identify a list of standards that may need revision to ensure the protection of children and vulnerable subpopulations;

"(C) prioritize the list according to the standards that are most important for expedited review to protect children and vulnerable subpopulations;

"(D) identify which standards on the list will require additional research in order to be reevaluated and outline the time and resources required to carry out the research; and

"(E) identify, through public input and peer review, not fewer than 5 public health and environmental standards of the Environmental Protection Agency to be repromulgated on an expedited basis to meet the criteria of this subsection.

"(3) REVISED STANDARDS.—Not later than 6 years after the date of enactment of this title, the Administrator shall propose not fewer than 5 revised standards that meet the criteria of this subsection.

"(4) COMPLETED REVISION OF STANDARDS.—Not later than 15 years after the date of enactment of this title, the Administrator shall complete the revision of standards in accordance with this subsection.

"(5) REPORT.—The Administrator shall report to Congress on an annual basis on progress made by the Administrator in carrying out the objectives and policy of this subsection.

"SEC. 507. PUBLIC AVAILABILITY OF DATA.

"(a) DISCLOSURE OF HEALTH EFFECTS AND EXPOSURE DATA.—Subject to subsection (b), any data or information known by a Federal agency concerning any test of a pesticide, residue of a pesticide, or other environmental pollutant to determine the potential levels of exposure or health effects shall be available for disclosure to the public, except to the extent the data or information relates to—

"(1) a manufacturing or quality control process;

"(2) a method for detecting the quantity of any deliberately added inert ingredient of a chemical substance other than a method for detecting a residue of the inert ingredient in or on food; or

"(3) explicit information derived from a pesticide use form submitted under section 1491 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 136i–1).

"(b) DATA AND INFORMATION SUBMITTED UNDER FIFRA.—Any data or information described in subsection (a) that was submitted to the Administrator under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) shall be made available for disclosure to the public in accordance with section 10 of the Act (7 U.S.C. 136h).

"(c) DISCLOSURE.—This section shall not restrict the release of—

"(1) information that is otherwise subject to disclosure under section 552 of title 5, United States Code; or

"(2) information available through—

"(A) a material safety data sheet;

"(B) published scientific literature; or

"(C) a government document.

"SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this title.".•

By Mr. KOHL (for himself and Mr. SHELBY):

S. 2180. A bill to establish felony violations for the failure to pay legal child support obligations and for other purposes; to the Committee on the Judiciary.

THE DEADBEAT PARENTS PUNISHMENT ACT OF 1996

• Mr. KOHL. Mr. President, I introduce the Deadbeat Parents Punishment Act of 1996. Along with Senator SHELBY and Congressmen HYDE and SCHUMER, I introduced the original Child Support Recovery Act in 1992, and today I am pleased to introduce a bill that will toughen the original legislation to ensure that more serious crimes receive more serious punishment. In so doing, we can send a clear message to deadbeat dads—and moms: ignore the law, ignore your responsibilities, and you will pay a high price; that is, pay up or go to jail.

Current law already makes it a Federal offense to willfully fail to pay child support obligations to a child in another State if the obligation has remained unpaid for longer than a year or is greater than $5,000. However, current law provides for a maximum of just 6 months in prison for a first offense, and a maximum of 2 years for a second offense.

Police officers and prosecutors have used the current law effectively, but they have found that these penalties do not adequately deal with more serious cases—those deadbeat parents who deliberately ignore or evade the law. These are cases in which parents move from State to State to intentionally evade child support penalties, or fail to pay child support obligations for more than 2 years—serious cases that deserve serious punishment. In response to these concerns, President Clinton has drafted legislation that would address this problem, and I am pleased to introduce it today.

This new effort builds on past successes achieved through bipartisan work. In the 4 years since the original deadbeat parents legislation was signed into law by President Bush, collections have increased by nearly 50 percent, from $8 billion to $11.8 billion, and we should be proud of that increase. Moreover, a new national database has helped identify 60,000 delinquent fathers, over half of whom owed money to women on welfare.

Nevertheless, there is much more we can do. It has been estimated that if delinquent parents fully paid up their child support, approximately 800,000 women and children could be taken off the welfare rolls. Our legislation cracks down on the worst violators, and makes clear that intentional or long-term evasion of child support responsibilities will not receive a slap on the wrist. In so doing, it will help us continue the fight to ensure that every child receives the parental support they deserve.

Mr. President, we introduce this measure today, at the end of the session, in order to provide an opportunity for review in the coming months. But when we return for the 105th Congress, it will be one of my highest priorities. So I look forward to working with my colleagues to give police and prosecutors the tools they need to effectively pursue individuals who seek to avoid their family obligations.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

The Child Support Recovery Amendments Act of 1996 amends the current criminal statute regarding the failure to pay legal child support obligations, 18 U.S.C. §228, to create felony violations for egregious offenses. Current law makes it a federal offense willfully to fail to pay a child support obligation with respect to a child who lives in another State if the obligation has remained unpaid for longer than a year or its greater than $5,000. A first offense is subject to a maximum of six months of imprisonment, and a second or subsequent offense to a maximum of two years.

The bill addresses the law enforcement and prosecutorial concern that the current statute does not adequately address more serious instances of nonpayment of support obligations. A maximum term of imprisonment of just six months does not meet the sentencing goals of punishment and deterrence. Egregious offenses, such as those involving parents who move from State-to-State to evade child support payments, require more severe penalties.

Section 2 of the bill creates two new categories of felony offenses, subject to a two-year maximum prison term. These are: (1) traveling in interstate or foreign commerce with the intent to evade a support obligation if the obligation has remained unpaid for a period longer than one year or is greater than $5,000; and (2) willfully failing to pay a support obligation regarding a child residing in another State, if the obligation has remained unpaid for a period longer than two years or is greater than $10,000. These offenses, proposed 18 U.S.C. §228(a) (2) and (3); indicate a level of culpability greater than that reflected by the current six-month maximum prison term for a first offense. The level of culpability demonstrated by offenders who commit the offenses described in these provisions is akin to that demonstrated by repeat offenders under current law, who are subject to a maximum two-year prison term.

Proposed section 228(b) of title 18, United States Code, states that the existence of a support obligation in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that period. Although "ability to pay" is not an element of the offense, a demonstration of the obligor's ability to pay contributes to a showing of willful failure to pay the known obligation. The presumption in favor of ability to pay is needed because proof that the obligor is earning or acquiring income or assets is difficult. Child support offenders are notorious for hiding assets and failing to document earnings. A presumption of ability to pay, based on the existence of a support obligation determined under State law, is useful in a jury's determination of whether the nonpayment was willful. An offender who lacks the ability to pay a support obligation due to legitimate, changed circumstances occurring after the issuance of a support order has civil means available to reduce the support obligation and thereby avoid violation of the federal criminal statute in the first instance. In addition, the presumption of ability to pay set forth in the bill is rebuttable; a defendant can put forth evidence of his or her inability to pay.

The reference to mandatory restitution in proposed section 228(d) of title 18, United States Code, amends the current restitution requirement in section 228(c). The amendment conforms the restitution citation to the new mandatory restitution provision of federal law, 18 U.S.C. §3663A, enacted as part of the Antiterrorism and Effective Death Penalty Act of 1996, P.L. 104–132, section 204. This change simply clarifies the applicability of that statute to the offense of failure to pay legal child support obligations.

For all of the violations set forth in proposed subsection (a) of section 228, the requirement of the existence of a State determination regarding the support obligation is the same as under current law. Under proposed subsection (e)(1), as under current subsection (d)(1)(A), the government must show that the support obligation is an amount determined under a court order or an order of a administrative process pursuant to the law of a State to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living.

Proposed subsection (e)(2) of section 228 amends the definition of "State," currently in subsection (d)(2), to clarify that prosecutions may be brought under this statute in a commonwealth, such as Puerto Rico. The current definition of "State" in section 228, which includes possessions and territories of the United States, does not include commonwealths.•

By Mr. DORGAN:

S. 2181. A bill to provide for more effective management of the National Grasslands, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL GRASSLANDS MANAGEMENT ACT

Mr. DORGAN. Mr. President, today I am introducing the National Grasslands Management Act. This bill applies to the grasslands in North Dakota and half a dozen other States. I want to explain briefly what the objective of this bill is and how it came about.

For several years, the ranchers in western North Dakota have been asking for a less cumbersome approach to management of the grasslands and in North Dakota, both Chambers of the 1995 legislature passed a resolution unanimously asking for change on the grasslands as well.

The current regulatory regime is cumbersome mainly because the Forest Service must manage the grasslands under the same framework as it does the rest of the National Forest System. It doesn't handle efficiently the day-to-day problems of the ranchers and grazing associations. For example, ranchers have had to wait for as long as 2 to 3 years to get approval for a stock tank because of the labyrinth of regulations that the Forest Service overlays on the management of the grasslands. This legislation will change that by removing the national grasslands from the National Forest System and creating a new structure of rules specifically suited to the grasslands and their environment.

However, it is not only the ranchers needs that I am attempting to address. There is a broad range of uses on the public lands which must be protected. All hunting, fishing and recreational activities will continue as before and environmental protections will continue to be in place. Further, it is my intention that the public must be involved in the decision making process as these new rules are implemented. Only by working together can we solve the problems on the grasslands.

Several environmental groups and interested citizens have expressed concern that this bill, which was originally incorporated as part of a larger grazing package, would make grazing the dominant use of the public lands at the expense of other uses and some have expressed concern that this bill would prohibit hunting and fishing, end the multiple use of the national grasslands, turn over the management of the grasslands to the ranchers and disconnect the grasslands from environmental laws such as the Endangered Species Act, the Clean Air Act, and the Clean Water Act.

These concerns are unfounded. I have worked diligently with the ranchers, environmentalists, and other recreational users of the grasslands to ensure that further misinterpretation is not possible. The result of that work is the National Grasslands Management Act that I am introducing today.

The legislation explicitly states that there will be no diminished hunting or fishing opportunities, that all applicable environmental laws will apply to those lands, and that the grasslands will be managed under a multiple use policy. The bill directs the Secretary to promulgate regulations which promote the efficient administration of livestock agriculture and provide environmental protections equivalent to that of the National Forest System.

In short, I believe that the National Grasslands Management Act is a solid piece of legislation that will make the administration of the Grasslands more responsive to the people who live there, without diminishing the rights and opportunities of other multiple users of this public land.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 2182. A bill to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes; to the Committee on Energy and Natural Resources.

MINERAL RIGHTS EXCHANGE LEGISLATION

Mr. DORGAN. Mr. President, today, I, along with Senator KENT CONRAD, am introducing a bill that will facilitate a mineral exchange in Western North Dakota. The purpose of this mineral exchange is to consolidate certain mineral estates of both the U.S. Forest Service and Burlington Resources, formerly known as Meridian Oil. This consolidation will produce tangible benefits to an economically distressed region in North Dakota and also protect environmentally sensitive areas.

For years, the land and mineral ownership pattern in Western North Dakota has been extremely fragmented. In many cases the Forest Service owns and manages the surface land while private parties, such as Burlington Resources, own the subsurface mineral estates. This fragmentation has not only frustrated the management objectives of the Forest Service, it has also inhibited mineral exploration and development.

By consolidating the mineral estates, the Forest Service will have the opportunity to protect the viewshed along the Little Missouri River, creating a more attractive hunting, fishing and hiking area. Further, the mineral exchange will protect certain bighorn sheep calving areas. The Forest Service and Burlington have already signed a Memorandum of Understanding which will aid in the protection of wildlife and wildlife habitat after the exchange is concluded. The exchange is also supported by all major environmental groups in the State, the Governor of North Dakota, and the Bureau of Land Management's Dakotas Resource Advisory Council.

Burlington Resources supports this legislation. Burlington will have better opportunities for mineral exploration and development within their consolidated mineral estates. This increased development will benefit not only Burlington, but also Billings County and the State of North Dakota through increased tax revenue..

One point that I would like to make clear is that this mineral exchange should in no way be seen as affecting the multiple uses of the land. Current multiple uses, such as recreation, livestock grazing, watershed protection or fish and wildlife purposes, will continue as before.

I would also like to point out that this mineral exchange is not meant as a preamble to—or a substitute for—a designation of this area as wilderness. I do not favor the designation of wilderness within Billings County.

May I further underscore that this mineral exchange costs the U.S. taxpayer nothing. The bill provides for an exchange of about the same number of acres with equivalent monetary values. Yet, this no-cost transaction will yield substantial economic, environmental, and management dividends.

It is my hope that this mineral exchange will address some of the difficult land use questions in this area. It will accomplish a number of objectives. It will protect certain environmentally sensitive and scenic areas from development and I think that is important in these unique circumstances. It will also consolidate mineral holdings so that more orderly and predictable development will occur where development is feasible and appropriate. And, as I noted before, it will preserve a multiple use framework for managing these lands so that grazing and other activities are not otherwise affected by this legislation.

Further, it does not rely on the Government imposing a solution. Rather, this voluntary agreement embodies a consensus reached between the affected parties, the mineral holders, the State and its citizens, the environmental organizations, and the United States Forest Service.

I ask unanimous consent that letters of support from the Governor of North Dakota, the Dakotas Resource Council and the Sierra Club, and the Memorandum of Understanding signed by the Forest Service and Burlington Resources be printed in the RECORD in order to aid my colleagues in their deliberations on the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NORTH DAKOTA,
Bismark, ND, July 25, 1996.

Hon. BYRON L. DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: The State of North Dakota supports the introduction of a bill which would implement a proposed mineral exchange between the United States Forest Service and Meridian Oil, Inc. This effort will advance our "2020" program to plan and implement sound management of the Badlands well into the future.

Current land and mineral ownership patterns in the Bullion Butte and Ponderosa Pine areas of the Little Missouri National Grasslands are fragmented, thereby complicating management of surface and mineral resources.

The proposed exchange is an opportunity to consolidate ownership, enhance natural badlands habitat adjacent to the Little Missouri River and facilitate mineral development while reducing conflict by competing activities.

Finally, I have included a summary describing more completely, the intended exchange and its effect.

Sincerely,

EDWARD T. SCHAFER,
Governor.

LEGISLATION TO EFFECT AN EXCHANGE OF MINERAL RIGHTS IN THE LITTLE MISSOURI NATIONAL GRASSLANDS, BILLINGS, ND

For over a decade, the United States Forest Service (USFS) and Meridian Oil, Inc. (Meridian) have been considering a possible exchange of oil and gas rights in the Bullion Butte and Ponderosa Pine areas of the Little Missouri National Grasslands in North Dakota. The land ownership pattern in those areas is very fragmented, with both federal and privately owned mineral rights and federal surface and private subsurface estates. This lack of unity between the surface and subsurface estates and intermixture of public and private mineral rights have complicated both effective management of surface resource values and efficient extraction of minerals. The USFS views an exchange to consolidate mineral ownerships as an opportunity to protect bighorn sheep and their habitat and the viewshed in the Little Missouri River corridor. Meridian expects an exchange to facilitate exploration for and development of oil and gas by reducing the conflict such activities would have with other sensitive Grasslands resources.

At the urging of Senator Dorgan and Governor Schafer, the USFS and Meridian reached an agreement last year on an exchange of certain federal and private mineral rights and the imposition of certain constraints on Meridian oil and gas activities. The agreement would be implemented by this legislation.

What the legislation does. The legislation would accomplish the following:

Direct the completion of the transfer of Meridian's mineral rights in approximately 9,582 acres to the USFS for federal oil and gas rights in 8,796 acres, all in Billings County, North Dakota, within 45 days of enactment.

Authorize the exchange of any other private mineral rights in the same area for federal mineral rights within 6 months of enactment.

Deem the mineral rights to be transferred in the USFS/Meridian exchange to be of equal value (since the two parties have already negotiated the exchange and are of the informed opinion that the values are equivalent) and require that the other mineral rights to be transferred be of approximately equal value.

Require Meridian, as a condition for the exchange, to secure release of any leasehold or other contractual rights that may have been established on the Meridian oil and gas interests that will be exchanged.

Assure Meridian that it will have access across federal lands to be able, subject to applicable federal and State laws, to explore for and develop oil and gas on the interests it will receive in the exchange and that it will have the same surface occupancy and use rights on the interests it will receive that it now holds on the interests to be surrendered.

Find that the USFS/Meridian exchange meets the requirements of other federal exchange, environmental, and cultural laws that would apply if the exchange were to be processed without Congressional approval and direction.

Assure that no provision of the legislation can be interpreted to limit, restrict, or otherwise affect the application of the principle of multiple use (including such uses as hunting, fishing, grazing and recreation) in the Grasslands.

In addition to facilitating the exchange, the legislation would memorialize a Memorandum of Understanding (MOU) also negotiated and executed by the USFS and Meridian concerning management of certain Meridian oil and gas properties that will remain in Grasslands' areas with high surface resource values. In particular the MOU, adopted by reference in the legislation, obligates Meridian to make its best efforts to locate any oil and gas facilities and installations outside of the ¼ mile view corridor on either side of the stretch of the Little Missouri River being considered for designation as a Wild and Scenic River and to access certain other property adjacent to an important bighorn sheep lambing area only by directional drilling.

Equally important is what the legislation does not do:

It does not increase the amount of surface which the USFS controls. The USFS currently controls the surface on essentially all the land involved in the exchange, and this will not change since only mineral interests will be transferred.

It does not decrease the federal land available for oil and gas development. To the contrary, in the exchange the federal government will receive a net gain of almost 800 acres in mineral rights that may be leased for exploration and development by other parties. And, by consolidating federal mineral rights which now are scattered in a checkerboard pattern, access to them should be improved. The extent to which existing and new federal mineral rights are leased to private parties will be decided by the USFS in the ongoing planning and Environmental Impact Statement for the Southern Little Missouri Grasslands. The "multiple use" provision of the legislation makes certain the legislation will not affect that decision-making process.

It does not decrease revenue to the county, state, and federal governments. For the same reason that the exchange would not decrease land available for oil and gas development, the economic interests of taxing entities and the oil and gas industry should not be affected significantly by the exchange. In fact, with Meridian consolidating its mineral holdings in a more manageable and less sensitive unit, area oil and gas activity should increase and produce a net positive economic effect.

It does not provide either Meridian or USFS with mineral rights of greater value than those they now hold. The USFS with the assistance of the Bureau of Land Management, has reached the conclusion that the mineral rights to be exchanged between the USFS and Meridian are of equal value. Some additional value will accrue to both sets of mineral rights transferred by the exchange because of the greater ease of access and management that will result from consolidation. The legislation requires that any other mineral rights exchanged by other parties under the legislation be of approximately equal value.

It does not resolve the issue of wilderness designation. Some parties desire wilderness protection for the area. Other parties, including Meridian, oppose wilderness designation, and the USFS has not indicated any intent to establish a wilderness. The legislation would not increase, or decrease, the prospect for wilderness designation since wilderness may be designated whether the mineral rights are privately or publicly owned, the designation can only be accomplished by a separate Act of Congress, and the legislation's "multiple use" language makes clear the intent of Congress that the exchange is not intended to affect the wilderness issue.

DAKOTAS RESOURCE ADVISORY COUNCIL,
Dickinson, ND, September 12, 1996.

Hon. ED SCHAFER,
Governor of North Dakota, State Capitol, Bismarck, ND.

DEAR GOVERNOR SCHAFER: The Dakota Resource Advisory Council (RAC), a 12-member body appointed by the Secretary of the Interior, represents users of public lands in North and South Dakota. The RAC provides opportunities for meaningful public participation in land management decisions at the district level and encourages conflict resolution among various interest groups.

At our meeting in Dickinson, North Dakota on September 9, 1996, the RAC reviewed and discussed the Meridian Mineral Exchange that you have been considering. After careful review by our RAC, a resolution was passed indicating our support for legislative to allow the Meridian Mineral Exchange to be completed by the Bureau of Land Management.

Since there is considerable activity in this area, there is a definite urgency to move this legislation in the remaining of this Congress. The Dakota RAC respectfully requests the introduction and passage of legislation of the Meridian Mineral Exchange.

If we can be of further assistance to your efforts in this regard, we are most willing to help. District Manager, Doug Burger, has more details with respect to the exchange and we have asked him to assist you.

Thank you for considering the recommendations of the Dakota RAC.

Sincerely,

MARC TRIMMER,
Chair, Dakota RAC.

MEMORANDUM OF UNDERSTANDING

The Memorandum of Understanding (MOU) is between Meridian Oil Inc. (Meridian) with offices in Englewood, Colorado and the U.S. Forest Service, Custer National Forest (Forest Service).

The intent of the MOU is to set forth agreement regarding development of certain oil and gas interests beneath Federal surface. This MOU is in addition to, and does not abrogate, any rights the United States otherwise has to regulate activities on the Federal surface estate or any rights Meridian otherwise has to develop the oil and gas interest conveyed.

The provisions of this MOU shall apply to the successors and assigns of Meridian.

The MOU may be amended by written agreement of the parties.

Section A. View Corridor—Little Missouri River. Includes the following land (Subject Lands) in Township 137N., Range 102W.:

Section 3: Lots 6, 7, 9–12, 14–17 (+) River Bottom 54.7 acres

Section 10: Lots 1–4, N½, N½SE¼, SE¼SE¼ (+) River Bottoms 7.3 acres

Section 14: Lots 1, 2, 3, 6, 7, NW¼NE¼, NW¼SW¼, S½S½ (+) River Bottom 41.4 acres

Section 24: Lots 1–9, NE¼, S½NW¼, NE¼NW¼ (+) River Bottom 75.84 acres

1. The purpose of this Section is to set forth the agreements that Meridian and the Forest Service have made concerning reasonable protection of the view from the Little Missouri River which has been identified as potentially suitable for classification as a Wild and Scenic River under the Wild and Scenic Rivers Act. This section of the MOU shall remain in effect as long as the Forest Service maintains a corridor for this purpose.

2. The Forest Service has designated a ¼ mile corridor on either side of the River for protection of the view from the River, and this Section applies to the location permanent improvements within said corridor and not to temporary activities such as seismic operations within said corridor.

3. Meridian agrees to use its best efforts to locate permanent production facilities, well sites, roads and other installations outside the ¼ mile corridor on the Subject Lands. However, such facilities may be located within the ¼ mile corridor if mutually agreed to by the parties in writing.

4. The Forest Service agrees that Meridian may access its minerals within or without the ¼ mile corridor of the subject lands from a well or wells whose surface location is on adjoining lands in which Meridian owns the severed mineral estate.

Section B. Development of T. 138N., R 102W., Section 12: S½

1. The purpose of this section is to set forth the agreement that Meridian and the Forest Service have made concerning the option to develop the mineral resources in the S½ Section 12 from specified locations in Section 13, T. 138N., R. 102W.

2. If, at any time, Meridian, at its sole discretion, decides that the development potential of the S½ Section 12 justifies additional directional drilling the following options are hereby made available to them by the Forest Service:

A. Directional drilling from an expanded pad on the Duncan MP#1 location is Section 13, T. 138N., R. 102W. or

B. Directional drilling from a location in Section 13 adjacent to the county road and screened from the bighorn sheep lambing area located in Section 12.

If Meridian elects to develop the S½ Section 12 from one of the specified locations in Section 13, surface disturbing activities related to development and production will only be allowed from June 16 through October 14, annually.

3. This section of the MOU shall remain in effect as long as the S½ of Section 12 is subject to the present, or a future, oil and gas lease.

STEVEN L. REINERT,
Attorney-in-Fact, Meridian Oil, Inc.
NANCY CURRIDEN,
Forest Supervisor, Custer National Forest.

DACOTAH CHAPTER OF
THE SIERRA CLUB,
Mandan, ND, September 14, 1995.

Re Meridian mineral exchange.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: I am writing to convey the Sierra Club's support for the "agreement in principle" for a mineral exchange between Meridian Oil Inc. (MOI) and the Bureau of Land Management (BLM)/United States Forest Service (USFS). This agreement follows extensive negotiations between MOI, USFS, BLM, the North Dakota Game and Fish Department (NDGF) and local conservation organizations.

It is my understanding that their are two components to the agreement. Part One involves the actual exchange of the mineral estate. Part Two outlines a Memorandum of Understanding (MOU) between the USFS and MOI to protect the viewshed of the Little Missouri State Scenic River while still allowing MOI to access their minerals. The MOU also addresses a plan to directionally drill an oil well to protect a bighorn sheep lambing area.

I have contacted the enclosed list of conservation organizations and they have also stated their support for Parts One and Two of the agreement as proposed. I join them in urging you to introduction enabling legislation at the earliest opportunity. Your efforts throughout this process have been very much appreciated. Please contact me if there is anything conservationists can do to facilitate this mineral exchange.

Sincerely,

WAYDE SCHAFER.

CONSERVATION ORGANIZATIONS IN SUPPORT OF THE MINERAL EXCHANGE

Dacotah Chapter of the Sierra Club, National Wildlife Federation, National Audubon Society, Clean Water Action, North Dakota Chapter of the Wildlife Society, Bismarck Mandan Bird Club, Lewis and Clark Wildlife Club.

Mr. CONRAD. Mr. President, I rise today to join with my colleague from North Dakota, Senator DORGAN, to introduce legislation that would implement an exchange of subsurface mineral rights between the U.S. Forest Service and Burlington Resources in the Little Missouri National Grasslands.

Mr. President, this exchange and consolidation of mineral rights makes sense. The current pattern of ownership resembles a checkerboard, and this consolidation will help protect sensitive lands in the North Dakota Badlands and also facilitate additional oil and gas exploration in other areas of the grasslands. The legislation being introduced today would transfer Burlington's subsurface mineral rights of 9,582 acres to the Forest Service, and transfer 8,796 acres of Forest Service subsurface mineral rights to Burlington Resources. The parties have agreed that the value of the mineral rights being exchanged are of equal value. The legislation would also authorize the exchange of other private mineral rights for federal mineral rights within 6 months of enactment. Finally, this bill contains a very important provision that assures that nothing in the legislation can be interpreted to limit, restrict, or otherwise affect the application of the principle of multiple use.

It is also important to acknowledge what this legislation does not do. This legislation does not increase the surface area controlled by the Forest Service. This bill only deals with subsurface mineral rights. This bill does not decrease revenue to the county, State, or Federal government, nor does it provide Burlington Resources with mineral rights of greater value than they currently hold. Finally, this legislation is silent on the issue of wilderness designation.

Mr. President, I believe this is a good, balanced piece of legislation that deserves the support of every Member of the Senate.

By Mr. KYL (for himself, Mrs. FEINSTEIN and Mr. EXON):

S.J. Res. 65. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

THE VICTIMS' RIGHTS CONSTITUTIONAL AMENDMENT

Mr. KYL. Mr. President, to ensure that crime victims are treated with fairness, dignity, and respect, I rise—along with Senator FEINSTEIN—to introduce a joint resolution proposing a constitutional amendment to establish and protect the rights of crime victims.

This joint resolution is the product of extended discussions with Senators HATCH and BIDEN, the Department of

Justice, the White House, law enforcement, major victims' rights groups, and such diverse scholars as Professors Larry Tribe and Paul Cassell.

This latest joint resolution is still a work in progress; Senator FEINSTEIN and I anticipate modifications. We are introducing this new version to show the changes that have been made and to make clear that Senate Joint Resolution 52—which was introduced on April 22—has been superseded. We welcome suggestions on ways to improve the amendment and ask that comments refer to this new joint resolution.

Three principal issues remain unresolved. First, whether there should be an effective remedy when crime victims are denied rights regarding sentences or pleas. Second, whether to include non-violent crimes—other crimes—and if these crimes are included, whether they should be defined by Congress or by Congress and the states. Third, whether to have a right to a final disposition free from unreasonable delay or whether to limit this right to trial proceedings.

The introduced version—and the most recent version—contain the core principles that crime victims should have:

To be informed of the proceedings.

To be heard at certain crucial stages in the process.

To be notified of the offender's release or escape.

To proceedings free from unreasonable delay.

To an order of restitution.

To have the safety of the victim considered in determining a release from custody.

To be notified of these rights.

The language describing these rights has changed—and we continue to welcome suggestions. But it is clear that these rights are necessary. They are the core of the amendment.

In putting together a constitutional amendment, a broad consensus has to be reached to obtain two-thirds approval in the House and Senate and to ensure ratification by three-fourths of the States. In making changes, Senator FEINSTEIN and I have tried to accommodate the concerns of those who work in the criminal justice system—including judges, prosecutors, police officers, corrections officials, and defense attorneys—while at the same time protecting fundamental rights for crime victims.

Senator FEINSTEIN and I will continue to work intensively with these groups, law professors, and other Members of Congress from both parties and both Houses over the ensuing months to craft the best amendment possible. We then intend to introduce the finished revised amendment at the beginning of the next Congress. We believe that we now are close to a version that can be voted on by the House and Senate. We welcome comments and input as we move forward.

In closing, I would like to thank Senator DIANNE FEINSTEIN for her hard work on this amendment and for her tireless efforts on behalf of crime victims.

Mr. President, for far too long, the criminal justice system has ignored crime victims who deserve to be treated with fairness, dignity, and respect. Our criminal justice system will never be truly just as long as criminals have rights and victims have none. We need a new definition of justice—one that includes the victim.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 65

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

Section 1. Victims of crimes of violence and other crimes that Congress and the States may define by law pursuant to section 3, shall have the rights to notice of and not to be excluded from all public proceedings relating to the crime; to be heard if present and to submit a statement at a public pretrial or trial proceeding to determine a release from custody, an acceptance of a negotiated plea, or a sentence; to these rights at a parole proceeding to the extent they are afforded to the convicted offender; to notice of a release pursuant to a public or parole proceeding or an escape; to a final disposition free from unreasonable delay; to an order of restitution from the convicted offender; to have the safety of the victim considered in determining a release from custody; and to notice of the rights established by this article.

Section 2. The victim shall have standing to assert the rights established by this article; however, nothing in this article shall provide grounds for the victim to challenge a charging decision or a conviction, obtain a stay of trial, or compel a new trial; nor shall anything in this article give rise to a claim of damages against the United States, a State, a political subdivision, or a public official; nor shall anything in this article provide grounds for the accused or convicted offender to obtain any form of relief.

Section 3. The Congress and the States shall have the power to enforce this article within their respective federal and state jurisdictions by appropriate legislation, including the power to enact exceptions when required for compelling reasons of public safety.

Section 4. The rights established by this article shall be applicable to all proceedings occurring after ratification of this article.

Section 5. The rights established by this article shall apply in all federal, state, military, and juvenile justice proceedings, and shall also apply to victims in the District of Columbia, and any commonwealth, territory, or possession of the United States.

Mrs. FEINSTEIN. Mr. President, I rise today along with my distinguished colleague from Arizona, Senator JON KYL, to introduce a revised and substantially improved version of the victims' rights amendment to the U.S. Constitution.

Since Senator KYL and I originally introduced a victims' rights amendment in April, we have been working very diligently and intensively with the Department of Justice, law enforcement, the White House, major victims' rights groups, Senate Judiciary Committee Chairman HATCH and Ranking Member BIDEN, House Judiciary Committee Chairman HYDE, and a variety of distinguished scholars in the field of law enforcement, to more finely craft this amendment and resolve various concerns with its initial language. We have gone through 41 different drafts of the amendment, so far, as the language has evolved, culminating in the resolution that we are introducing today.

We are introducing this most recent version so that interested people have an up to date draft to evaluate. Many of the people who have commented on the victims' rights amendment were commenting on an out of date draft, leading to erroneous and false conclusions by some, including legal scholars.

What really focused my attention on the need for greater protection of victims' rights was a particularly horrifying case, in 1974, in San Francisco, when a man named Angelo Pavageau broke into the house of the Carlson family in Portero Hill. Pavageau tied Mr. Carlson to a chair, bludgeoning him to death with a hammer, a chopping block, and a ceramic vase. He then repeatedly raped Carlson's 24-year old wife, breaking several of her bones, He slit her wrist, tried to strangle her with a telephone cord, and then, before fleeing, set the Carlson's home on fire—cowardly retreating into the night, leaving this family to burn up in flames.

But Mrs. Carlson survived the fire. She courageously lived to testify against her attacker. But she has been forced to change her name and continues to live in fear that her attacker may, one day, be released. When I was mayor of San Francisco, she called me several times to notify me that Pavageau was up for parole. Amazingly, it was up to Mrs. Carlson to find out when his parole hearings were.

Mr. President, I believe this case represents a travesty of justice—It just shouldn't have to be that way. I believe it should be the responsibility of the State to send a letter through the mail or make a phone call to let a victim know that her attacker is up for parole, and she should have the opportunity to testify at that hearing.

But today, in most States in this great Nation, victims still are not made aware of the accused's trial, many times are not allowed in the courtroom during the trial, and are not notified when convicted offender is released from prison.

I have vowed to do everything in my power to add a bit of balance to our Nation's justice system. This is why Senator KYL and I have crafted the victim's rights amendment before us today.

The people of California were the first in the Nation to pass a crime victims' amendment to the State constitution in 1982—the initiative proposition 8—and I supported its passage. This measure gave victims the right to restitution, the right to testify at sentencing, probation and parole hearings established a right to safe and secure public school campuses, and made various changes in criminal law. California's proposition 8 represented a good start to ensure victims' rights.

Since the passage of proposition 8, 20 more States have passed constitutional amendments guaranteeing the rights of crime victims—and five others are expected to pass by the end of this year. In each case, these amendments have won with the overwhelming approval of the voters.

But citizens in other States lack these basic rights. The 20 different State constitutional amendments differ from each other, representing a patchwork quilt of rights that vary from State to State. And even in those States which have State amendments, criminals can assert rights grounded in the Federal constitution to try to trump those rights.

I stand before you today to appeal to my colleagues in this body—the highest legislative institution in the land—that the time is now to amend the U.S. Constitution in order to protect the rights of victims of serious crimes.

The U.S. Constitution guarantees numerous rights to the accused in our society, all of which were established by amendment to the Constitution. I steadfastly believe that this Nation must attempt to guarantee, at the very least, some basic rights to the millions victimized by crime each year.

For those accused of crimes in this country, the Constitution specifically protects: The right to a grand jury indictment for capital or infamous crimes; the prohibition against double jeopardy; the right to due process; the right to a speedy trial and the right to an impartial jury of one's peers; the right to be informed of the nature and cause of the criminal accusation; the right to confront witnesses; the right to counsel; the right to subpoena witnesses—and so on.

I must say to my colleagues that I find it truly astonishing that no where in the text of the U.S. Constitution does there appear any guarantee of rights for crime victims.

To rectify this disparity, Senator KYL and I introduced the victims' rights amendment in April. That amendment, like the one we introduced today, provides for certain basic rights for victims of crime: The right to be notified of public proceedings in their case; The right to be heard at any proceeding involving a release from custody or sentencing; The right to be informed of the offender's release or escape; The right to restitution from the convicted offender; and the right to be made of all of your rights as a victim.

Personally, I can say that the process of forging a constitutional amendment for victims' rights has been truly fascinating. The Constitution our forefathers scribed 200 years ago is a remarkable document that has withstood the test of time. Earlier this year, Senator KYL and I embarked on a journey to include an amendment to this magnificent document that would ensure that the rights of the roughly 43 million people victimized by crime each year will be protected.

Our ongoing effort to include a victims' rights amendment in the Constitution has been at times frustrating, while at other times exhilarating. Each sentence, each word, and each comma has undergone hours of deliberation and questioning.

Having said that, I must tell this body and share with my colleagues that this latest resolution is still a work in progress—let me be perfectly clear, we anticipate modifications. Three principal issues remain unresolved:

First, whether there should be an effective remedy when crime victims are denied rights regarding sentences or pleas.

Second, whether to include nonviolent crimes ("other crimes"), and if these crimes are included, whether they should be defined by Congress or by Congress and the States.

Third, whether to have a right to a "final disposition free from unreasonable delay", whether to limit this right to trial proceedings, or whether to exclude this altogether.

Mr. President, Senator KYL and I believe that the latest resolution before us is much better than the version than was previously introduced for a number of reasons. The language describing these rights has changed—and we continue to welcome suggestions to ensure that this amendment pass with the largest majority.

Unfortunately, there was precious little time to advance the amendment in this Congress, and once it became clear that the other Chamber would not proceed with the amendment this session, Senators KYL and BIDEN and I decided not to press for Senate action in the last few weeks of the Congress, but, rather, to spend the next few months continuing to work to fine tune the amendment and build a consensus for its passage.

We implore Members of this body to examine this amendment, and to help to secure passage of this monumental piece of legislation. After 200 years, doesn't this Nation owe something to the millions of victims of crime? I believe that is our obligation and should be our highest priority—not only for the crime victims, but, for all Americans—to ensure passage of a victims' rights constitutional amendment.

I want to personally than Senator KYL for his tireless efforts to accomplish this amendment, and to say that I look forward to continuing to work with him in the months to come.

I thank my colleagues and I yield the floor.

ADDITIONAL COSPONSORS

S. 553

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 553, a bill to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes.

S. 1233

At the request of Ms. MIKULSKI, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1233, a bill to assure equitable coverage and treatment of emergency services under health plans.

S. 1385

At the request of Mr. BREAUX, the names of the Senator from Virginia [Mr. ROBB], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 1385, a bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under Part B of the medicare program.

S. 1726

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1726, a bill to promote electronic commerce by facilitating the use of strong encryption, and for other purposes.

S. 1862

At the request of Mr. PRESSLER, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 1862, a bill to permit the interstate distribution of State-inspected meat under appropriate circumstances.

S. 1911

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1911, a bill to amend the Internal Revenue Code of 1986 to encourage economic development through the creation of additional empowerment zones and enterprise communities and to encourage the cleanup of contaminated brownfield sites.

S. 1949

At the request of Mr. PRESSLER, his name was added as a cosponsor of S.

1949, a bill to ensure the continued viability of livestock producers and the livestock industry in the United States.

S. 1951

At the request of Mr. FORD, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 1951, a bill to ensure the competitiveness of the United States textile and apparel industry.

S. 1965

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1965, a bill to prevent the illegal manufacturing and use of methamphetamine.

S. 2030

At the request of Mr. LOTT, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2030, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles, and for other purposes.

S. 2086

At the request of Mr. PRESSLER, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 2086, a bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes.

S. 2091

At the request of Mr. PRESSLER, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2091, a bill to provide for small business and agriculture regulatory relief.

S. 2141

At the request of Mr. HATFIELD, his name was added as a cosponsor of S. 2141, a bill to amend the Internal Revenue Code of 1986 to permit certain tax free corporate liquidations into a 501(c)(3) organization and to revise the unrelated business income tax rules regarding receipt of debt-financed property in such a liquidation.

S. 2143

At the request of Mr. WARNER, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2143, a bill to authorize funds for construction of highways, and for other purposes.

SENATE RESOLUTION 306—RELATIVE TO THE PEOPLE OF OKINAWA

Mr. ROTH (for himself, Mr. THOMAS, and Mr. NUNN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 306

Whereas the Senate finds that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is critical to the security interests of the United States, Japan and the nations of the Asian Pacific region;

Whereas the bilateral security relationship is the foundation for U.S. security strategy in Asia and the Pacific;

Whereas strong bilateral security ties provide a key stabilizing influence in an uncertain post-Cold War world;

Whereas the bilateral security relationship makes it possible for the United States to preserve its interest in the Asia Pacific region;

Whereas U.S. forward-deployed forces are welcomed by our allies in the region because they are critical for maintaining stability in East Asia;

Whereas the recognition by our allies of the importance of American troops for regional security confers on the United States irreplaceable good will and diplomatic influence in the Asia Pacific;

Whereas Japan's host nation support is a key element in the U.S. ability to maintain forward-deployed forces;

Whereas the people of Okinawa have borne a disproportionate share of the burdens of Japan's host nation support for America's bases in Japan;

Whereas the Government's of the United States and Japan have made a commitment to reducing the burdens of U.S. forces of the people of Okinawa;

Whereas gaining the support of the people of Okinawa in this process is crucial to effective implementation of the Treaty: Now, therefore, it is the sense of the Senate that:

(1) the Treaty of Mutual Cooperation and Security Between the United States of America and Japan remains vital to American and Japanese security interests as well as the security interests of the nations of the Asia-Pacific region; and

(2) the people of Okinawa deserve special recognition and gratitude for their contributions toward ensuring the Treaty's implementation.

Mr. ROTH. Mr. President, I rise today on behalf of myself and Senators THOMAS and NUNN to submit a sense of the Senate Resolution expressing our gratitude to the Okinawan people for their contributions toward ensuring the viability of Treaty of Mutual Cooperation and Security between the United States of America and Japan.

Mr. President, that treaty forms the core of our bilateral security arrangements with Japan and of our overall security strategy for the Asia-Pacific region. Those arrangements have helped provide the peace and stability that have undergirded the region's economic success—from which the United States has benefited directly.

Japan provides our forces based in that country with significant host nation support. And no one in Japan shoulders a more disproportionate share of that burden than the people of Okinawa. For their many contributions to the U.S.-Japan relationship and the peace and stability of all of the Asia-Pacific region, the Okinawan people justly deserve our recognition and our sincerest thanks. That is precisely what this resolution does. But it also goes further: The resolution makes it clear that the continued support of the Okinawan people is crucial if we are to maintain a bilateral relationship that serves both our countries' interests, as well as those of the Asia-Pacific and the entire world.

Mr. President, I know time is short in this Congress, but I urge all my colleagues to join me in making passage of this resolution possible before we adjourn.

AMENDMENTS SUBMITTED

THE PROVISIONS OF CHAPTER 76 RESTORATION AMENDMENT ACT OF 1996

McCAIN AMENDMENT NO. 5420

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill (H.R. 4000) to amend title 10, United States Code, to restore the provisions of chapter 76 of that title—relating to missing persons—as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997; as follows:

At the end, add the following:

TITLE II—DEPOT-LEVEL ACTIVITIES

SEC. 201. DEPARTMENT OF DEFENSE PERFORMANCE OF CORE LOGISTICS FUNCTIONS.

Section 2464(a) of title 10, United States Code is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The Secretary of Defense shall maintain within the Department of Defense those logistics activities and capabilities that are necessary to provide the logistics capability described in paragraph (1). The logistics activities and capabilities maintained under this paragraph shall include all personnel, equipment, and facilities that are necessary to maintain and repair the weapon systems and other military equipment identified under paragraph (3).

"(3) The Secretary of Defense, in consultation with the Joint Chiefs of Staff, shall identify the weapon systems and other military equipment that it is necessary to maintain and repair within the Department of Defense in order to maintain within the department the capability described in paragraph (1).

"(4) The Secretary shall require that the core logistics functions identified pursuant to paragraph (3) be performed in Government-owned, Government-operated facilities of the Department of Defense by Department of Defense personnel using Department of Defense equipment.".

SEC. 202. INCREASE IN PERCENTAGE LIMITATION ON CONTRACTOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.

(a) FIFTY PERCENT LIMITATION.—Section 2466(a) of title 10, United States Code, is amended by striking out "40 percent" in the first sentence and inserting in lieu thereof "50 percent".

(b) INCREASE DELAYED PENDING RECEIPT OF STRATEGIC PLAN FOR THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR.—(1) Notwithstanding the first sentence of section 2466(a) of title 10, United States Code (as amended by subsection (a)), until the strategic plan for the performance of depot-level maintenance and repair is submitted under section 205, not more than 40 percent of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance by non-Federal Government personnel of such workload for the military department or the Defense Agency.

(2) In paragraph (1), the term "depot-level maintenance and repair workload" has the meaning given such term in section 2466(f) of title 10, United States Code.

SEC. 203. REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR.

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

"(e) REPORT.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each military department and Defense Agency—

"(A) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year for performance of depot-level maintenance and repair workloads by Federal Government personnel; and

"(B) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year to contract for the performance of depot-level maintenance and repair workloads by non-Federal Government personnel.

"(2) Not later than 90 days after the date on which the Secretary submits the annual report under paragraph (1), the Comptroller General shall submit to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives the Comptroller's views on whether the Department of Defense has complied with the requirements of subsection (a) for the fiscal year covered by the report.".

SEC. 204. DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD DEFINED.

Section 2466 of title 10, United States Code, is amended by adding at the end the following:

"(f) DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD DEFINED.—In this section, the term 'depot-level maintenance and repair workload'—

"(1) means material maintenance requiring major overhaul or complete rebuilding of parts, assemblies, or subassemblies, and testing and reclamation of equipment as necessary, including all aspects of software maintenance;

"(2) includes those portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services described in paragraph (1); and

"(3) does not include ship modernization and other repair activities that—

"(A) are funded out of appropriations available to the Department of Defense for procurement; and

"(B) were not considered to be depot-level maintenance and repair workload activities under regulations of the Department of Defense in effect on February 10, 1996.".

SEC. 205. STRATEGIC PLAN RELATING TO DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) STRATEGIC PLAN REQUIRED.—(1) As soon as possible after the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a strategic plan for the performance of depot-level maintenance and repair.

(2) The strategic plan shall cover the performance of depot-level maintenance and repair for the Department of Defense in fiscal years 1998 through 2007. The plan shall provide for maintaining the capability described in section 2464 of title 10, United States Code.

(b) ADDITIONAL MATTERS COVERED.—The Secretary of Defense shall include in the strategic plan submitted under subsection (a) a detailed discussion of the following matters:

(1) For each military department, as determined after consultation with the Secretary of that military department and the Chairman of the Joint Chiefs of Staff, the depot-level maintenance and repair activities and workloads that are necessary to perform within the Department of Defense in order to maintain the core logistics capability required by section 2464 of title 10, United States Code.

(2) For each military department, as determined after consultation with the Secretary of that military department and the Chairman of the Joint Chiefs of Staff, the depot-level maintenance and repair activities and workloads that the Secretary of Defense plans to perform within the Department of Defense in order to satisfy the requirements of section 2466 of title 10, United States Code.

(3) For the activities identified pursuant to paragraphs (1) and (2), a discussion of which specific existing weapon systems or other existing equipment, and which specific planned weapon systems or other planned equipment, are weapon systems or equipment for which it is necessary to maintain a core depot-level maintenance and repair capability within the Department of Defense.

(4) The core capabilities, including sufficient skilled personnel, equipment, and facilities, that—

(A) are of sufficient size—

(i) to ensure a ready and controlled source of the technical competencies, and the maintenance and repair capabilities, that are necessary to meet the requirements of the national military strategy and other requirements for responding to mobilizations and military contingencies; and

(ii) to provide for rapid augmentation in time of emergency; and

(B) are assigned a sufficient workload to ensure cost efficiency and technical proficiency in peacetime.

(5) The environmental liability issues associated with any projected privatization of the performance of depot-level maintenance and repair, together with detailed projections of the cost to the United States of satisfying environmental liabilities associated with such privatized performance.

(6) Any significant issues and risks concerning exchange of technical data on depot-level maintenance and repair between the Federal Government and the private sector.

(7) Any deficiencies in Department of Defense financial systems that hinder effective evaluation of competitions (whether among private-sector sources or among depot-level activities owned and operated by the Department of Defense and private-sector sources), and merit-based selections (among depot-level activities owned and operated by the Department of Defense), for a depot-level maintenance and repair workload, together with plans to correct such deficiencies.

(9) The type of facility (whether a private sector facility or a Government owned and operated facility) in which depot-level maintenance and repair of any new weapon systems that will reach full scale development is to be performed.

(10) The workloads necessary to maintain Government owned and operated depots at 50 percent, 70 percent, and 85 percent of operating capacity.

(11) A plan for improving the productivity of the Government owned and operated depot maintenance and repair facilities, together with management plans for changing administrative and missions processes to achieve productivity gains, a discussion of any barriers to achieving desired productivity gains at the depots, and any necessary changes in civilian personnel policies that are necessary to improve productivity.

(12) The criteria used to make decisions on whether to convert to contractor performance of depot-level maintenance and repair, the officials responsible for making the decision to convert, and any depot-level maintenance and repair workloads that are proposed to be converted to contractor performance before the end of fiscal year 2001.

(13) A detailed analysis of savings proposed to be achieved by contracting for the performance of depot-level maintenance and repair workload by private sector sources, together with the report on the review of the analysis (and the assumptions underlying the analysis) provided for under subsection (c).

(c) INDEPENDENT REVIEW OF SAVINGS ANALYSIS.—The Secretary shall provide for a public accounting firm (independent of Department of Defense influence) to review the analysis referred to in subsection (b)(13) and the assumptions underlying the analysis for submission to the committees referred to in subsection (a) and to the Comptroller General.

(d) REVIEW BY COMPTROLLER GENERAL.—(1) At the same time that the Secretary of Defense transmits the strategic plan under subsection (a), the Secretary shall transmit a copy of the plan (including the report of the public accounting firm provided for under subsection (c)) to the Comptroller General of the United States and make available to the Comptroller General all information used by the Department of Defense in preparing the plan and analysis.

(2) Not later than 60 days after the date on which the Secretary submits the strategic plan required by subsection (a), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the strategic plan.

(e) ADDITIONAL REPORTING REQUIREMENT FOR COMPTROLLER GENERAL.—Not later than February 1, 1997, the Comptroller General shall submit to the committees referred to in subsection (a) a report on the effectiveness of the oversight by the Department of Defense of the management of existing contracts with private sector sources of depot-level maintenance and repair of weapon systems, the adequacy of Department of Defense financial and information systems to support effective decisions to contract for private sector performance of depot-level maintenance and repair workloads that are being or have been performed by Government personnel, the status of reengineering efforts at depots owned and operated by the United States, and any overall management weaknesses within the Department of Defense that would hinder effective use of contracting for the performance of depot-level maintenance and repair.

SEC. 206. ANNUAL REPORT ON COMPETITIVE PROCEDURES.

(a) ANNUAL REPORT.—Section 2469 of title 10, United States Code, is amended by adding at the end the following:

"(d) ANNUAL REPORT.—Not later than March 31 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of

Representatives a report describing the competitive procedures used during the preceding fiscal year for competitions referred to in subsection (a).".

(b) FIRST REPORT.—The first report under subsection (d) of section 2469 of title 10, United States Code (as added by subsection (a)), shall be submitted not later than March 31, 1997.

SEC. 207. ANNUAL RISK ASSESSMENTS REGARDING PRIVATE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE WORK.

(a) REPORTS.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following:

"§2473. Reports on privatization of depot-level maintenance work

"(a) ANNUAL RISK ASSESSMENTS.—(1) Not later than January 1 of each year, the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the privatization of the performance of the various depot-level maintenance workloads of the Department of Defense.

"(2) The report shall include with respect to each depot-level maintenance workload the following:

"(A) An assessment of the risk to the readiness, sustainability, and technology of the Armed Forces in a full range of anticipated scenarios for peacetime and for wartime of—

"(i) using public entities to perform the workload;

"(ii) using private entities to perform the workload; and

"(iii) using a combination of public entities and private entities to perform the workload.

"(B) The recommendation of the Joint Chiefs as to whether public entities, private entities, or a combination of public entities and private entities could perform the workload without jeopardizing military readiness.

"(3) Not later than 30 days after receiving the report under paragraph (2)(B), the Secretary shall transmit the report to Congress. If the Secretary does not concur in the recommendation made by the Joint Chiefs pursuant to paragraph (2)(B), the Secretary shall include in the report under this paragraph—

"(A) the recommendation of the Secretary; and

"(B) a justification for the differences between the recommendation of the Joint Chiefs and the recommendation of the Secretary.

"(b) ANNUAL REPORT ON PROPOSED PRIVATIZATION.—(1) Not later than February 28 of each year, the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on each depot-level maintenance workload of the Department of Defense that the Joint Chiefs believe could be converted to performance by private entities during the next fiscal year without jeopardizing military readiness.

"(2) Not later than 30 days after receiving a report under paragraph (1), the Secretary shall transmit the report to Congress. If the Secretary does not concur in the proposal of the Joint Chiefs in the report, the Secretary shall include in the report under this paragraph—

"(A) each depot-level maintenance workload of the Department that the Secretary proposes to be performed by private entities during the fiscal year concerned; and

"(B) a justification for the differences between the proposal of the Joint Chiefs and the proposal of the Secretary.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2473. Reports on privatization of depot-level maintenance work.".

SEC. 208. EXTENSION OF AUTHORITY FOR NAVAL SHIPYARDS AND AVIATION DEPOTS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

(a) EXTENSION OF AUTHORITY.—Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) is amended by striking out "expires on September 30, 1995" and inserting in lieu thereof "may not be exercised after September 30, 1997".

(b) REVIVAL OF EXPIRED AUTHORITY.—The authority provided in section 1425 of the National Defense Authorization Act for Fiscal Year 1991 may be exercised after September 30, 1995, subject to the limitation in subsection (e) of such section as amended by subsection (a) of this section.

SEC. 209. LIMITATION ON USE OF FUNDS FOR F-18 AIRCRAFT DEPOT MAINTENANCE.

Of the amounts authorized to be appropriated by section 301(2) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201), not more than $5,000,000 may be used for the performance of depot maintenance on F-18 aircraft until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report on aviation depot maintenance. The report shall contain the following:

(1) The results of a competition which the Secretary shall conduct between all Department of Defense aviation depots for selection for the performance of depot maintenance on F-18 aircraft.

(2) An analysis of the total cost of transferring the F-18 aircraft depot maintenance workload to an aviation depot not performing such workload as of the date of the enactment of this Act.

SEC. 210. DEPOT MAINTENANCE AND REPAIR AT FACILITIES CLOSED BY BRAC.

The Secretary may not contract for the performance by a private sector source of any of the depot maintenance workload performed as of the date of the enactment of this Act at Sacramento Air Logistics Center or the San Antonio Air Logistics Center until the Secretary—

(1) publishes criteria for the evaluation of bids and proposals to perform such workload;

(2) conducts a competition for the workload between public and private entities;

(3) pursuant to the competition, determines in accordance with the criteria published under paragraph (1) that an offer submitted by a private sector source to perform the workload is the best value for the United States; and

(4) submits to Congress the following—

(A) a detailed comparison of the cost of the performance of the workload by civilian employees of the Department of Defense with the cost of the performance of the workload by that source; and

(B) an analysis which demonstrates that the performance of the workload by that source will provide the best value for the United States over the life of the contract.

THE ALTERNATIVE MEANS OF DISPUTE RESOLUTION ACT OF 1996

COHEN AMENDMENT NO. 5421

Mr. GRASSLEY (for Mr. COHEN) proposed an amendment to the bill (H.R. 4194) to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes; as follows:

At the end of the bill insert the following:

SEC. 12. JURISDICTION OF THE UNITED STATES COURT OF FEDERAL CLAIMS AND THE DISTRICT COURTS OF THE UNITED STATES: BID PROTESTS.

(a) BID PROTESTS.—Section 1491 of Title 28, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a) by striking out paragraph (3); and

(3) by inserting after subsection (a), the following new subsection:

"(b) (1) Both the United States Court of Federal Claims and the district courts of the United States shall have jurisdiction to render judgment on an action by an interested party objecting to a solicitation by a Federal agency for bids or proposals for a proposed contract or to a proposed award or the award of a contract or any alleged violation of statute or regulation in connection with a procurement or a proposed procurement. Both the United States Court of Federal Claims and the district courts of the United States shall have jurisdiction to entertain such an action without regard to whether suit is instituted before or after the contract is awarded.

"(2) To afford relief in such an action, the courts may award any relief that the court considers proper, including declaratory and injunctive relief except that any monetary relief shall be limited to bid preparation and proposal costs.

"(3) In exercising jurisdiction under this subsection, the courts shall give due regard to the interests of national defense and national security and the need for expeditious resolution of the action.

"(4) In any action under this subsection, the courts shall review the agency's decision pursuant to the standards set forth in section 706 of title 5."

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on December 31, 1996 and shall apply to all actions filed on or after that date.

(c) STUDY.—No earlier than 2 years after the effective date of this section, the United States General Accounting Office shall undertake a study regarding the concurrent jurisdiction of the district courts of the United States and the Court of Federal Claims over bid protests to determine whether concurrent jurisdiction is necessary. Such a study shall be completed no later than December 31, 1999, and shall specifically consider the effect of any proposed change on the ability of small businesses to challenge violations of federal procurement law.

(d) SUNSET.—The jurisdiction of the district courts of the United States over the actions described in section 1491(b)(1) of title 28, United States Code, (as amended by subsection (a) of this section) shall terminate on January 1, 2001 unless extended by Congress. The savings provisions in subsection (e) shall apply if the bid protest jurisdiction of the district courts of the United States terminates under this subsection.

(e) SAVINGS PROVISIONS.—

(1) ORDERS.—A termination under subsection (d) shall not terminate the effectiveness of orders that have been issued by a court in connection with an action within the jurisdiction of that court on or before December 31, 2000. Such orders shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by a court of competent jurisdiction or by operation of law.

(2) PROCEEDINGS AND APPLICATIONS.—(A) A termination under subsection (d) shall not affect the jurisdiction of a court of the United States to continue with any proceeding that is pending before the court on December 31, 2000.

(B) Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if such termination had not occurred. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, set aside, or revoked by a court of competent jurisdiction or by operation of law.

(C) Nothing in this paragraph prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that proceeding could have been discontinued or modified absent such termination.

(f) NONEXCLUSIVITY OF GAO REMEDIES.—In the event that the bid protest jurisdiction of the district courts of the United States is terminated pursuant to subsection (d), then section 3556 of title 31, United States Code, shall be amended by striking "a court of the United States or" in the first sentence.

THE PROVISIONS OF CHAPTER 76 RESTORATION AMENDMENT ACT OF 1996

McCAIN AMENDMENTS NOS. 5422–5423

(Ordered to lie on the table)

Mr. McCAIN submitted two amendments intended to be proposed by him to the bill (H.R. 4000) supra; as follows:

AMENDMENT NO. 5422

At the end, add the following:

SEC. 2. LIMITATION ON DEFENSE FUNDING OF THE NATIONAL DRUG INTELLIGENCE CENTER.

(a) LIMITATION ON USE OF FUNDS.—Except as provided in subsection (b), funds appropriated or otherwise made available for the Department of Defense for fiscal year 1997 may not be obligated or expended for the National Drug Intelligence Center, Johnstown, Pennsylvania.

(b) EXCEPTION.—If the Attorney General operates the National Drug Intelligence Center using funds available for the Department of Justice, the Secretary of Defense may continue to provide Department of Defense intelligence personnel to support intelligence activities at the Center. The number of such personnel providing support to the Center after the date of the enactment of this Act may not exceed the number of the Department of Defense intelligence personnel who are supporting intelligence activities at the Center on the day before such date.

SEC. 3. INVESTIGATION OF THE NATIONAL DRUG INTELLIGENCE CENTER.

(a) INVESTIGATION REQUIRED.—The Inspector General of the Department of Defense, the Inspector General of the Department of Justice, the Inspector General of the Central Intelligence Agency, and the Comptroller General of the United States shall—

(1) jointly investigate the operations of the National Drug Intelligence Center, Johnstown, Pennsylvania; and

(2) not later than March 31, 1997, jointly submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report on the results of the investigation.

(b) CONTENT OF REPORT.—The joint report shall contain a determination regarding whether there is a significant likelihood that the funding of the operation of the National Drug Intelligence Center, a domestic law enforcement program, through an appropriation under the control of the Director of Central Intelligence will result in a violation of the National Security Act of 1947 or Executive Order 12333.

AMENDMENT NO. 5423

At the end of the Act, insert the following:

SEC. . AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE TO FUND ACTIVITIES RELATING TO THE SEARCH FOR INDIVIDUALS MISSING IN ACTION AND BELIEVED TO BE PRISONERS OF WAR.

(A) AUTHORITY TO DISPOSE.—The President may dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b).

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Material for disposal	Quantity
Chrome Metal, Electrolytie	8,471 short tons.
Cobalt	9,902,774 pounds.
Columbium Carbide	21,372 pounds.
Columbium Ferro	249,395 pounds.
Diamond, Bort	91,542 carats.
Diamond, Stone	3,029,413 carats.
Germanium	28,207 kilograms.
Indium	15,205 troy ounces.
Palladium	1,249,601 troy ounces.
Platium	442,641 troy ounces.
Rubber	567 long tons.
Tantalum, Carbide Powder	22,688 pounds contained.
Tantalum, Minerals	1,748,947 pounds contained.
Tantalum, Oxide	123,691 pounds contained.
Titanium Sponge	36,830 short tons.
Tungsten	76,358,235 pounds.
Tungsten, Carbide	2,032,942 pounds.
Tungsten, Metal Powder	1,181,921 pounds.
Tungsten, Ferro	2,024,143 pounds.

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) AVAILABILITY OF RECEIPTS.—(1) Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of materials under subsection (a) shall be deposited into the fund established by paragraph (2).

(2)(A) There is established a fund in the Treasury to be known as the "Missing Persons Activities Fund" (in this paragraph referred to as the "Fund").

(B) There shall be deposited in the Fund amounts received as a result of the disposal of materials under subsection (a).

(C) Sums in the Fund shall be available to the Secretary of Defense to defray the cost to the Department of Defense of activities connected with determining the status and whereabouts of members of the Armed Forces of the United States who are missing in action and believed to be prisoners of war, including the administrative costs and the costs incurred by the Department in connection with judicial review of such activities. Such amounts shall be available for that purpose without fiscal year limitation.

(e) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(f) DEFINITION.—The term "National Defense Stockpile" means the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, October 2, 1996, beginning at 9:30 a.m. to conduct an oversight hearing on the regulatory activities of the National Indian Gaming Commission [NIGC]. The hearing will be held in room 216 of the Hart Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEE TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Monday, September 30, 1996, at 3 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Monday, September 30, 1996, at 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IRS REVENUE PROCEDURE 96-41

• Mr. GRASSLEY. Mr. President, in late July, IRS issued a Revenue Procedure that may cost thousands of State and local governments and their taxpayers as much as $2 billion. The purpose of the IRS action is to recover funds that were diverted from the Treasury when local governments were overcharged by investment firms for securities they purchased in the course of tax-exempt municipal bond refinancings. If these State and local governments had caused the overcharges or if they themselves benefitted then the IRS ruling, even though costly, might be fair.

That, however, is not the case. There has been no suggestion whatsoever that municipal authorities across America acted unlawfully. Instead, as expressed by the president of the League of Cities in a recent letter to Treasury Secretary Rubin, "it appears that the IRS understands that cities are not at fault, but rather the IRS wants to use cities to go after the underwriters who overcharged us."

In Iowa alone the IRS ruling could cost taxpayers more than $1.5 million. For other States the totals run even higher. In California, for example, Rev. Proc. 96–41 could require State and local governments to pay as much as $200 million to the IRS.

If, as the IRS suggests, underwriters and investment bankers were responsible for use of "a valuation method that results in prices * * * that exceed fair market value," it is those underwriters and investment bankers who should repay the Treasury, not towns, cities, State universities, school districts, transportation systems and utility authorities. Indeed, by some estimates, according to the New York Times: "underwriters may have earned some $2 billion to $3 billion of illegal profits."

Fortunately, under the False Claims Act, the Government has the ability to proceed directly against any party which causes financial loss to the Treasury and recover treble damages plus penalties. The False Claims Act may be helpful in the yield burning context.

Ten years ago, President Reagan signed the 1986 amendments to the False Claims Act into law. As the principal sponsor of the 1986 amendments, my purpose was to strengthen and revitalize the Justice Department's efforts to fight fraud against the Government wherever it occurs. Since then, false claims recoveries to the Treasury have totaled more than $1.3 billion.

While the statute has been applied most often in the context of Federal defense spending and federally funded health insurance programs, with the narrow exception of income tax cases, the act allows the Government to recover treble damages and penalties against anyone who defrauds the Treasury. If the overcharges described by the IRS occurred, the U.S. Treasury may have sustained substantial losses as it essentially paid unlawful profits to those who sold the overpriced securities. If such losses occurred, the False Claims Act offers an ideal remedy.

For these reasons, I intend to write to Attorney General Reno and urge that the Department of Justice investigate the circumstances underlying the IRS action, and that if so warranted, the Department then seek to pursue all remedies against any party which damaged the Government by overpricing securities sold in connection with municipal bond refinancings. I will also write to IRS Commissioner Margaret Richardson to indicate my concern that the IRS is seeking to make local governments the primary target for repayment of any sums that were lost by the Government as a result of overcharges for escrow securities.•

TENNESSEE ALLOYS CO.

• Mr. SHELBY. Mr. President, I rise today to recognize and pay tribute to Tennessee Alloys Co. of Bridgeport, AL, for their remarkable health and safety record. On April 19, 1996, the Tennessee Alloys Co. plant reached the 4-year mark without a single lost time accident. During this time period, the plant worked a total of 678,585 hours. Mr. President, this is an outstanding accomplishment.

Tennessee Alloys Co. is a producer of ferroalloys, and employs nearly 80 people. It is a joint venture of Applied Industrial Materials Corp., the managing partner, and Allegheny Ludlum Corp. Specifically, Tennessee Alloys Co. manufactures 50 percent ferrosilicon, 75 percent ferrosilicon, and high purity ferrosilicon. These products are a critical element used in the production of iron castings and steel and have special application in high performance generators, transformers, and motors.

Bridgeport plant manager Jerry Rich and his management team deserve special recognition on this occasion, as do the Tennessee Alloys Co.'s other hard working employees. Tennessee Alloys Co. sets a fine example by demonstrating the importance of high productivity balanced with concern for the health and safety of employees. This balance is not possible without the total commitment of both employees and management who take great pride in their work and their company. I would therefore like to recognize Tennessee Alloys Co. for its outstanding health and safety record and wish them continued success in the future.•

ACCELERATING THE DEVELOPMENT OF AIDS DRUG

• Mrs. FEINSTEIN. Mr. President, I rise today in appreciation of the leadership of Senator ROTH, chairman of the Finance Committee, and Senator MOYNIHAN, who brought to the Senate and secured passage of miscellaneous tariff legislation. The legislation takes a number of important steps and deserves our support.

I am particularly pleased Senator ROTH and Senator MOYNIHAN were able to incorporate S. 2021, a bill I introduced earlier this year which would reduce tariffs for certain chemicals used in a new AIDS drug that has shown encouraging test results. Upon approval, the Finance Committee bill will take an important step to reduce tariffs for these chemicals, which are not available in the United States.

We must do everything we can to find a cure for HIV/AIDS. However, until we have a cure for this urgent health priority, we need to find effective treatments and put them in the hands of people with needs. This provision will accelerate the manufacturing and final testing for a new protease inhibitor and deserves the full support of Congress.

S. 2021, legislation I introduced with my colleague Senator BOXER, would eliminate the tariff for several chemical compounds which are required for the manufacture of an AIDS drug, nelfinavir mesylate, which has produced promising test results.

PROTEASE INHIBITORS

Nelfinavir is one of a new class of AIDS drugs called protease inhibitors. These drugs are designed to block an enzyme, called protease, that appears to play a crucial role in the replication of HIV.

During the 11th International Conference on AIDS in Vancouver, British Columbia, researchers released evidence that protease inhibitor drugs, when taken in combination with existing therapies, can reduce levels of the AIDS-causing virus in blood to levels so low that the virus is undetectable by even the most sensitive tests. AIDS researchers at the conference describe this new drug therapy as a major and unprecedented step in combating AIDS, one that may represent a treatment approach that may delay the onset of AIDS, extend patients' lives, and transform AIDS into a long-term, manageable disease.

Mr. President, HIV/AIDS is a critical public health issue, requiring the Nation's full attention. In America today, AIDS is the leading cause of death for young Americans between the ages of 25 and 44.

In my State of California, 1 out of every 200 Californians is HIV positive, while one of every 25 is HIV positive in my home of San Francisco.

More than 220,700 American men, women and children died of AIDS by the end of 1993. While the number of deaths trails other urgent health priorities such as cancer or heart disease, AIDS is nearly equally debilitating to the Nation when measured by the years of potential and productive life lost due to the disease.

AIDS is a paramount public health concern and every effort should be made to ensure that drugs are made available as swiftly and at as low a cost as possible. We simply cannot delay or waste time in providing drugs, treatments or materials needed to fight this disease. This tariff legislation represents a modest, but important, step.

ZERO TARIFF FOR PHARMACEUTICALS

Under the 1994 GATT agreement, most pharmaceutical products are entitled to enter the country without a tariff. However, the zero tariff does not apply to many new pharmaceutical products or their chemical ingredients.

As a result, the chemicals needed to make nelfinavir mesylate, an AIDS protease inhibitor currently undergoing research testing, but not yet a recognized pharmaceutical product under GATT, would be ineligible for the pharmaceutical zero tariff.

During negotiations with World Trade Organization nations to implement the pharmaceutical zero tariff, the administration successfully added the chemical compounds needed to manufacture the AIDS drug. As a result, the tariff will drop to zero on April 1, 1997.

Nelfinavir is on the Food and Drug Administration's fast-track approval process for AIDS drugs. Commercial production of the drug will begin well before April 1, in order that the drug can be immediately available to AIDS patients upon FDA approval. Although currently imported duty-free for use in clinical research trials, the imported chemicals will soon be used for commercial production. During the period of commercial production prior to April 1, the chemical compounds will face a 12 percent tariff, which will only add to the cost and delay the drug's production and distribution to individuals in need.

Fifteen days after enactment, this bill will eliminate the tariff for two of the essential and unique chemical inputs, as well as for the active ingredient nelfinavir, acid chloride, chloroalcohol and AG 1346, until April 1, 1997. On April 1, the tariff drops to zero under the WTO pharmaceutical agreement. Without this legislation, the manufacturer would face a 12 percent tariff for its chemicals, which are not available in the United States, as the drug proceeds into production. This tariff reduction will allow for the acceleration of drug production, providing more timely relief for the public.

The Congressional Budget Office reviewed S. 2021, concluding the legislation will have only a de minimis impact on tariff revenue. However, for AIDS patients, their families and those at risk, the impact may be profound. Congress should take this opportunity to reduce tariffs for these AIDS chemicals.

As a matter of public policy, we should do everything we can to develop AIDS drugs and treatments. Without this legislation to remove the tariff, we will be tolerating needless hurdles and delay, rather than expediting needed relief. Patients and their families do not have time to wait for the next round of drugs to be approved and added to the zero-tariff list, which is scheduled for review in 1999. By importing the chemical compounds without a tariff, we can accelerate the drug development process.

Ambassador Barshefsky and others in the Administration deserve tremendous credit for extending a zero tariff for these chemical components through international negotiations. I am pleased to support Chairman ROTH and Senator MOYNIHAN, the Finance Committee bill. I also wish to thank California Representatives BILL THOMAS, ROBERT MATSUI and BRIAN BILBRAY for their bipartisan efforts to build support on the House. The legislation represents an encouraging step forward.•

DAVIS-BACON REFORM IN THE 105TH CONGRESS

• Mr. HATFIELD. Mr. President, throughout the 104th session, Congress and the American people sought new ways to enhance the training, health care, and retirement security of the Nation's workforce. Statistics tell us that our economy is healthy, stronger than it has been for years, yet, our sense of personal economic security has been shaken. News articles of corporate downsizing and consolidations have disturbed the confidence in the American economy.

Under a much harsher economic umbrella, Congress, 64 years ago, intent on sustaining a construction industry already ravaged by the economic instability of the Great Depression, reasoned that the destructive practices of the Southern contractors would be best resolved by requiring that Federal contracted labor be paid the locally prevailing wage, thereby halting the tendency of Government contractors to drive down workers' wages in order to win lucrative projects. Thus, I believe today, more than ever, we need the Davis-Bacon Act to enhance the training, health care, and retirement security of the Nation's work force. The dividends of the Davis-Bacon Act are pervasive: a ready pool of trained and highly skilled construction workers, decreased construction accidents and the injuries and fatalities that are caused thereby, and the contributions to local, State, and Federal tax revenues that can only be made by working men and women.

As Governor of Oregon, I signed that State's little Davis-Bacon Act into law 37 years ago, and I have supported the intelligent use of the prevailing wage standard in Government contracts since.

Mr. President, Davis-Bacon has been debated year after year, and I do agree with opponents of Davis-Bacon that it needs revision. I emphasize that we need reform of Davis-Bacon and not repeal, as my colleagues agreed on May 22 of this year when 99 Senators voted in support of Davis-Bacon reform and not repeal. As my colleagues well know, it has been my objective during the 104th Congress to enact several long overdue changes to the 65-year-old Davis-Bacon Act, which enforces a prevailing wage standard on Federal construction projects. In the final hours of the 104th Congress, I ask the Members of the 105th Congress to reflect on the progress that was made under my Davis-Bacon reform bill, S. 1183. For example, 7 Republican cosponsors and 19 Democrats cosponsoring S. 1183 for a total of 26 cosponsors serves as a simple illustration of the progress that was made under the 104th Congress toward Davis-Bacon reform and not repeal.

Mr. President, I ask those who adamantly support Davis-Bacon repeal to harken to the cry of Davis-Bacon reform. The Davis-Bacon Act as it now stands, indeed deserves some of the criticism that has been levied against it by some of my distinguished colleagues. Nevertheless, its purpose of protecting the jobs of our Nation's construction workers must persuade us to reform, rather than repeal, the act. I ask my colleagues who support repeal, do we continue to live under a Davis-Bacon law, which we agree needs reform, or continue on under current law which will not be repealed now or in the foreseeable future. The logical answer is to support and vote for sensible reform, as in my bill S. 1183. The Davis-Bacon reform bill which I sponsored is supported by the building trades unions and several coalitions of contractors groups whose 21,000 members across the Nation perform major construction projects covered by Davis-Bacon.

I urge my colleagues who will remain in this great body and the new Members who will arrive in the Senate and House in January to continue this bipartisan, management-labor compromise for it provides us with a rare window of opportunity to pass the reforms that Davis-Bacon urgently requires. Such broad-based support for Davis-Bacon reform was and is extraordinary on Capitol Hill and I hope that it can be recreated in the next Congress.•

DR. CHRISTINA JEFFREY

• Mr. NUNN. Mr. President, I have been contacted by my constituent, Dr. Christina Jeffrey of Kennesaw, GA, who was formerly the historian for the other body.

Dr. Jeffrey has asked that I place in the RECORD materials which would help correct unfounded media reports about her professional reputation. I am pleased to do this for Dr. Jeffrey because I have long noted the fact that the media is sometimes quick to report the negative, but slow to report corrections.

I know of Dr. Jeffrey from her service as a volunteer with other academicians on my nonpolitical advisory board which selects young men and women to serve as interns in my Senate offices. Based on what I know regarding her reputation among her colleagues who know her best, Dr. Jeffrey is a person of integrity with a genuine interest in public service as well as higher education.

It is sad that in this city, both elected officials and staff are often subjected to accusations and actions that go far beyond the bounds of fair play. I hope the following material helps clarify the facts involving Dr. Jeffrey's professional reputation.

The material follows:

DEPARTMENT OF EDUCATION,
Washington, DC, March 22, 1989.

Hon. RICHARD SHELBY,
U.S. Senate,
Washington, DC.

DEAR SENATOR SHELBY: Your letter to Secretary Cavazos concerning Dr. Christina Price has been forwarded to me for reply.

Dr. Price's concern is understandable. She was generous in acting as a reviewer for the National Diffusion Network (NDN) on the application for funding of a curriculum entitled "Facing History and Ourselves." Denial of that funding application has created an extended controversy, and disclosure of her comments in the media has created a great deal of misunderstanding about both the program and Dr. Price's own views.

I believe Dr. Price was acting in good faith, and was delivering honest opinions, when she reviewed "Facing History." She argues that here comments were written in a kind of academic shorthand, not for public consumption, and that in no way did she intend to convey an attitude of racism or anti-Semitism. We accept her contention. And to the extent that any Department of Education official has characterized Dr. Price herself as racist or anti-Semitic, we do indeed apologize.

However, it is also true that some of Dr. Price's review comments were ambiguously phrased, and that portions lifted out of context and reprinted in the media could lead an objective reader to conclude that she favored presenting the Nazi or KKK point of view in the interests of "balance or objectivity." While the best education about any historical issue requires an understanding of the motivations of all parties, the teaching of the Holocaust demands clear delineation between good and evil. To the extent that outside observers believed Dr. Price to be advocating a morally neutral approach to the teaching of the Holocaust—and to the extent that they further believed this represented the position of the Department of Education—it is not surprising that they would raise strenuous objections.

It should also be noted that under the Freedom of Information Act, the Department of Education was required to release a list of reviewers, and the evaluations of the projects submitted by them, without identifying which reviewers made which comments. We complied with FOIA requirements in supplying this information. Dr. Price was informed of this policy in a letter from Dr. Shirley Curry, director of the Recognition Division, on November 19, 1986. It read in part: "Your review of applications for grants becomes part of the official government record and will be a determining factor in choosing who will be funded. If requested, applicants will be given copies of the reviewers' comments. However, the names of the reviewers will be removed from the review instruments before being sent out."

The most difficult aspect of this episode is that I am sure Dr. Price feels as strongly about appropriate teaching of the Holocaust as we do (and for that matter, as strongly as those who created the "Facing History" curriculum). She did what was asked in good faith. Unfortunately, what she wrote left room for misinterpretation.

In the event that this controversy continues, you may rest assured that I will do everything possible to ensure that no further confusion arises, and that no one in this Department casts aspersions on the character of Dr. Price.

Thank you for your interest in this matter. Since you wrote on behalf of Dr. Price, we trust you will be providing her with a copy of this response.

Sincerely,

PATRICIA HINES,
Assistant Secretary.

CATHOLIC LEAGUE,
New York, NY, September 26, 1996.

Hon. SAM NUNN,
Washington, DC.

DEAR SENATOR NUNN: As president of the nation's largest Catholic civil rights organization, I am delighted to write a letter of support for Dr. Christina Jeffrey. Dr. Jeffrey, as the public knows, was terminated as House historian on the grounds that she promoted the inclusion of the Nazi perspective in Holocaust curriculum.

What the public does not generally know is that Dr. Jeffrey is a determined anti-Nazi scholar whose reputation has been unfairly maligned by uninformed ideologues. It was a disgrace that she was terminated in the first place, and it is doubly disgraceful that her reputation remains unfairly tarnished. That is why I am appealing to you to clear her name by submitting this letter, and others like it, into the Congressional Record.

I have spent most of my life as a college professor, and, having taught Political Sociology, I know that it is important for students to understand the mind-set of those who sponsor genocide. Yes, in the hands of a Nazi sympathizer, such a pedagogical approach could be misused to engender empathy for terrorists. The same is true of virtually any topic of an incendiary nature. But when taught by someone with the impeccable moral credentials of a Dr. Jeffrey, such an orientation can yield very positive results, both scholarly and morally. After all, if the goal is to stop another Holocaust from ever happening again, it is critical that everyone know the psychology and social soil in which genocidal ambitions flourish.

Dr. Jeffrey represents the very best of her Catholic training: she wants to help craft a world where injustice does not prevail. It is a travesty that injustice has been visited upon her, even if those who perpetrated it remain sadly ignorant of her character, intentions and effects.

Sincerely,

WILLIAM A. DONOHUE,
President.

GEORGIA CONFERENCE, AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS,
Carrollton, GA, October 24, 1995.

Re Christina Jeffrey.

To: Whom it May Concern.

From: Don Wagner.

The national office of the American Association of University Professors, in response to a request from the Georgia Conference-AAUP, wrote to Secretary of Education Richard Riley to protest the treatment which Dr. Christina Jeffrey received from the Department of Education, i.e., the release of her name without her knowledge or permission in conjunction with a grant review she did for the Department in 1986. This treatment led ultimately to her being fired as House historian by House Speaker Newt Gingrich. The peer review process is designated to be confidential and the Department, when it breaches that promised confidentiality, damages the whole system, and can, as we saw in Dr. Jeffrey's case, unfairly harm the individuals involved. The Department of Education responded to our inquiry positively and shares our concerns about confidentiality and Dr. Jeffrey's case.

NATIONAL ASSOCIATION OF SCHOLARS,
Princeton, NJ, October 31, 1995.

The National Association of Scholars is pleased to endorse the public vindication of Professor Christina Jeffrey, to whom we extend every good wish for the rehabilitation of her career. Now that a fair reading of the evidence has finally been rendered, no one could possibly doubt her complete professional integrity and basic human decency. Clearly, she is no Nazi sympathizer or crank racist, and it is regrettable that her reputation has had to endure such calumny.

It is just as clear, however, that this entire incident should never have occurred. When in 1986 Professor Jeffrey was invited by the US Department of Education to evaluate grant proposals for various projects, she was assured that such consultations—because of the candor essential to the process—were held in strict confidentiality. But in 1988, one of her reviews was leaked to the press and quickly found its way to a congressional committee where she was pilloried as anti-Semitic, based on a selective reading of private comments removed from their proper context. She was subsequently vindicated, although the unfortunate affair proved not to be at an end. After her appointment as House Historian last year, these false and preposterous changes were resurrected in Congress and the major media made a particularly unseemly rush to judgment based on her presumed guilt. Not surprisingly, her summary dismissal followed, based on nothing more than hearsay and a complete misreading of the original incident in 1988. Those in the Congress and the media responsible for circulating these distortions owe Dr. Jeffrey a profound apology.

We are gratified, once again, that Professor Jeffrey has finally received some justice. The lessons to be drawn for the future, however, seem obvious: if scholars working in government service are guaranteed anonymity—an essential component in many professions—this must be respected by political leaders and journalists. Otherwise, given the sad experience of Mrs. Jeffrey, many academics will be understandably chary of accepting similar opportunities for public service lest the same fate befall them.

ANTI-DEFAMATION LEAGUE,
New York, NY, August 22, 1995.

Prof. CHRISTINA JEFFREY,
Department of Political Science and International Affairs, Marietta, GA.

DEAR PROFESSOR JEFFREY: Thank you for your letter. I, too, found our meeting in Atlanta rewarding. I understand and appreciate your explanation—and remorse—for what we both agree were ill-considered, poorly chosen remarks.

I want to assure you that, after examining the facts and circumstances of the controversy involving the "Facing History and Ourselves" Holocaust curriculum, ADL is satisfied that any characterization of you as anti-Semitic or sympathetic to Nazism is entirely unfounded and unfair.

Your clear repudiation of any form of Holocaust denial and your advocacy of Holocaust education demonstrate that the "Facing History" incident reflected neither an inclination to deny the reality of Nazi persecution of Jews nor anti-Semitism, but was simply a regrettable mistake.

I welcome your very useful suggestion for a conference on Holocaust education at Kennesaw State College, perhaps involving other colleges in the area. ADL would be pleased to act as a co-sponsor and to offer our resource materials and guidance for such a worthy proposal.

I commend your effort to set the record straight and your appreciation of the need for historical accuracy and for teaching the lessons of the Holocaust. I hope this communication will help you to put the unfortunate controversy behind you and allow you to move ahead with your important educational work.

Sincerely,

ABRAHAM H. FOXMAN,
National Director.

OUT OF SPOTLIGHT, REPUTATION RESTORED

(By Dick Williams)

For Newt Gingrich and his staff, the issue of Dr. Christina Jeffrey was one of damage control. For the press, it was a one-day story. For the cynical, it was the allotted 15 minutes of fame for Jeffrey, an associate professor of history at Kennesaw State College.

For Jeffrey, her professor husband, Robert, and their children, it was personal. The events of January scarred her and damaged the family reputation and finances. Today she is asking—to use the words of former Labor Secretary Ray Donovan—"Where do I go to get my reputation back?"

It will be an uphill battle.

Jeffrey has been on a roller coaster. In the excitement of Gingrich's accession to speaker of the House, she was named House historian early this year. It was a plum, a career-maker, for someone at a commuter college. Then came the accusation that changed her life. In 1986, while consulting for the U.S. Department of Education, she criticized a junior high school course on the Holocaust.

"The program," she wrote then, "gives no evidence of balance or objectivity. The Nazi point of view, however unpopular, is still a point of view and is not presented, nor is that of the Ku Klux Klan."

In the shorthand of the press, that sentence became her assertion that "the Nazi point of view" wasn't presented. If she had it to do over again, you can bet she would phrase her objections differently. To properly understand Nazism and the origins of the Klan, students should understand the forces that spawned them, the economy, the resentments and the paranoia. To understand how they came to be is to understand how such perverse movements can be prevented.

But Jeffrey's text and context were lost to the shorthand and the headlines. Major Jewish groups were quick to condemn her, and Gingrich was lightning quick in firing her. She didn't land in the U.S. Capitol; she arrived in a revolving door that sent her spinning back toward Georgia—her reputation shredded in one day's headlines around the nation.

Fortunately, both Jeffreys were able to regain the jobs they had quit to go to Washington. They lost a good deal of money in the relocation, but they are on the mend. And this week came vindication, though you had to look hard to find it.

Abraham Foxman, director of the Anti-Defamation League of B'nai B'rith wrote to exonerate her. When she was dismissed, the Anti-Defamation League had praised Gingrich, saying Jeffrey's views were "misguided and profoundly offensive."

Now Foxman says he agrees with Jeffrey that her remarks were ill-considered and poorly chosen, but he told The Washington Post that if Gingrich gives her a job again, the Anti-Defamation League would say, "God bless."

"I want to assure you," he said, "that after examining the facts and circumstances of the controversy involving the 'Facing History and Ourselves' Holocaust curriculum, [the Anti-Defamation League] is satisfied that any characterization of you as anti-Semitic or sympathetic to Nazism is entirely unfounded and unfair."

In a perfect world, such a letter would right the good ship Jeffrey. But the story was lost to the trial of Mark Fuhrman, air attacks in Bosnia and Hillary Rodham Clinton's stern and stirring speech in China.

The story received no national play. The truth is, the corrections never catch up with the headlines, unless one has the resources of Philip Morris.

Still, for Christina Jeffrey, her academic reputation has been restored, even if the views of the broader public will take longer to change. She speaks now of "peace of mind," and—of course—a book. If she is successful, she might get even in a lot of ways.●

TAX-FREE LIQUIDATION LEGISLATION FOR NOT-FOR-PROFIT CORPORATIONS

● Mr. HATFIELD. Mr. President, it is a great pleasure to be an original cosponsor of S. 2141 introduced Friday by Senator FEINSTEIN. This legislation will expand charitable giving by families and businesses by permitting the tax-free liquidation of closely-held corporations into tax-exempt charities and foundations.

Voluntarism and charity are concepts deeply imbedded in my personal philosophy. At a time of shrinking Federal discretionary dollars, governments on all levels, Federal, State, and local, are forced to reduce spending throughout their budgets. With the general decline in Federal services, an increasing burden is being shouldered by nonprofit organizations and private citizens. During this critical stage in restructuring Government and returning flexibility to our local communities, Congress should do all that it can to encourage private philanthropic efforts. By supporting legislation like S. 2141, Government can assist charities in helping those in need without increasing Federal spending and contributing further to our enormous deficit.

It is also important to note that many organizations from the State of Oregon and across the country are supporters of the concept of this legislation. In the State of Oregon alone, the Boys & Girls Clubs of Portland, the Portland Art Museum, the Oregon Health Sciences University, the Meyer Memorial Trust, and the Catholic Charities of Portland have all promoted this type of legislation.●

SALLIE MAE PRIVATIZATION IN OMNIBUS APPROPRIATIONS

Mr. SIMON. Mr. President, I am pleased that the omnibus appropriations bill includes provisions in title VI that would privatize the Student Loan Marketing Association, known as Sallie Mae. This is the first time that a major government-sponsored enterprise has been cut loose from its Federal moorings, and that is an important precedent.

I began calling for Sallie Mae's privatization in 1991, when I questioned the high salaries it was paying its executives, and I raised concerns about the organization's intense and often-deceptive lobbying against student loan reforms. That did not seem appropriate for a government-created entity.

This is not the privatization bill that I would have written. Untying the company's ties to Federal taxpayers may take years, longer than I believe is necessary. Sallie Mae is not being required to repay any significant amount to taxpayers. It is true that a fee was imposed in 1993, but the company has found a loophole to avoid paying a large part of that fee, and the privatization bill fails to close that loophole.

But despite these flaws, this is an important development, particularly in the larger context of improving government. We can learn from this effort, and I hope that my colleagues, in future Congresses, will take a close look at a bill I introduced with Senator PRYOR recently, S. 2095, which promotes a more rational and consistent approach to government-sponsored enterprises and government corporations.

Mr. President, the Sallie Mae privatization provisions include important language designed to ensure that all students have access to loans. The Higher Education Act already requires that student loan secondary markets using tax-exempt bonds may not make lending or loan-purchasing decisions based on the borrower's race, sex, color, religion, national origin, age, handicapped status, income, attendance at a particular institution, length of the borrower's educational program, or the borrower's academic year. The purpose of this rule is to ensure that secondary markets do not use such factors as excuses for not effectively performing the supportive functions for which the markets have been allowed to participate in the Federal student loan program. Section 604 of the omnibus appropriations bill amends the Higher Education Act to impose on Sallie Mae the same service requirement that apply under current law for tax-exempt secondary markets. This is a important element of the privatization legislation.●

TRIBUTE TO ELIZABETH NOYCE

● Ms. SNOWE. Mr. President, a bright light of optimism and benevolence in Maine has been extinguished. I rise to express my deep sadness and profound sympathies to the family of Elizabeth Noyce, a great Mainer and close friend who has left an indelible mark on our state and all those whose lives she touched.

Elizabeth Noyce had achieved an almost legendary status in Maine—a goal which ironically would have been the furthest from her mind. She was an incredible and unique woman whose tremendous loss is being felt throughout the State. I take the floor today to honor the memory of this woman who gave so much to the place she loved and asked so little in return.

What makes Betty Noyce special, what endeared her to the people of Maine was her humble, unassuming style and unwavering commitment to a better future. Her generosity was born not of a quest for notoriety, but from a deep and genuine devotion to our State. A close friend said it simply and said it best: "Maine was her passion."

Elizabeth Noyce did not grow up in Maine—nor did she grow up in luxury. But as so often happens during life's long journey, turns in the road brought her to Maine—and Betty's love affair with the State kept her there. And although she came to acquire money, she never lost sight of the things that are really important—family, friends, and a commitment to leaving the world a better place for having lived in it.

Betty Noyce has left our world, but her incredible legacy will be forever. She donated millions of dollars to Maine hospitals, museums, and colleges—but for Betty, simply writing a check was little payment on what she felt she owed to her adopted home. She also provided energy and leadership to a host of civic, cultural, and State organizations—but even more importantly, she gave us pride in our place and hope for a better future. Her enthusiasm was contagious—she made you believe in a project and believe in yourself. Betty invested more than money—she invested her time and her spirit and her energy. She was never a distant figure behind wrought iron gates— instead, she was a figure at the local diner, just an ordinary person taking a break from performing extraordinary deeds.

Indeed, practically every aspect of Maine's society—from business, to health care, education, arts and culture—was touched and enriched by her generosity. Consider what she has given just within the past couple of years: $3 million toward the Barbara Bush Children's Hospital at Maine Medical Center. $10,000 to help finance a gun buyback program conducted by the Portland Police Department. $1.3 million to the Cumberland County Civic Center to fund improvements and preserve its public name. $5 million to the University of Maine; and exceptional art works to the Portland Museum of Art.

Most importantly, she worked to create jobs, burnish the economies of Portland and the entire State, and make Maine a better place to live, work, and raise a family.

In recent years, Betty increasingly turned to what she called catalytic philanthropy. She measured the potential success of a project in terms of how many jobs would result and how much Maine would be improved. She knew that Mainers—proud and fiercely independent—want most of all to work and have the sense of self-worth and self-sufficiency that come with an honest day's effort.

Some of her projects that put people to work include: Starting a bank dedicated to local investors and savers; buying struggling office buildings; purchasing a local bakery—Nissen Baking—that employed over 300 workers; announcing plans for 24,000-square-foot public market in underprivileged area of Portland; unveiling plans for L.L. Bean to open factory store in a former 5-and-10 building downtown.

One of the most remarkable things about Betty Noyce—for all of her wealth, for all the things she had seen and done—was that she never became cynical, never became jaded. It was the simple things that gave her pleasure—a good book, a walk on the beach, or time spent next to the fireplace in the face of a good old-fashioned nor'easter. Perhaps it was because she was so comfortable with herself and what she wanted from life that she shunned notoriety. Betty Noyce never wanted her name on a building. She knew she was making a difference in the lives of Mainers, and that's all the gratification Betty ever needed.

Most of us in politics are here because we think we can improve the human condition, and we hope to leave a better America for the next generation. While Betty Noyce never held public office, I think we would do well to take a page from her book. At the memorial, Owen Wells, Betty's attorney and friend, said: "To be given a fortune and accept it not as a stroke of luck but a mission, as she did, represents a kind of moral fiber that is extraordinary." Indeed, she has set an example for compassion and generosity of spirit, and reminds all of us that we have an obligation to make use of whatever gifts we have to give.

I will always feel tremendous appreciation and deep affection for Betty and I will miss her very much. We will never forget her kindness, her enthusiasm, and the exemplary way in which she lived her life.•

TELAMON ELECTRONICS MAKING A DIFFERENCE

• Mrs. FEINSTEIN. Mr. President, I rise today to congratulate a successful small business in my State, Telamon Electronics, which will celebrate the opening of its new offices on October 1, 1996 in Chino, CA.

Telamon, Nortel, and Pacific Bell have forged a high technology business alliance in Chino which has shown how large and small businesses can work together effectively. Through their efforts, Telamon has created over 30 new high-technology jobs in one of the southern California communities most affected by the reduction in defense spending. At a time when we are shifting spending to the local level, these partners have made it possible for the California economy to benefit from Telamon's over $1 million in estimated tax revenues. It is the highest sales tax generator out of 2,100 businesses in the city of Chino, which is located 35 miles east of Los Angeles.

To foster employee growth, Telamon Electronics offers its employees profit sharing, rewards for suggestions, scholarships for their children, and education grants for their professional growth.

Telamon is enhancing its community by enhancing its employees.•

AMERICAN SCHOOLS AND HOSPITALS ABROAD

• Mr. ABRAHAM. I would like to congratulate the Senator from Kentucky for his leadership in shepherding the Foreign Operations Assistance Appropriations bill to a successful resolution. This legislation deals with many matters of importance to the United States. The Senator deserves our gratitude for his untiring efforts to bring about final enactment of this bill.

As the Senator from Kentucky knows, I have a particular interest in the American Schools and Hospitals Abroad or ASHA Program. Funding for this program falls under the Foreign Operations Assistance Appropriations bill. I am particularly concerned with the manner in which the bill's conference committee report resolves the question of ASHA funding. With the support of the Senator from Kentucky and the Senator from Vermont, my amendment to earmark $15 million for this program in fiscal year 1997 was included in the final version of the Senate bill. The House, however, did not include a similar provision in its bill. The conference committee also did not choose to include the earmark in the bill. But the conference committee did insert strongly worded language in the conference report which refers to ASHA funding.

I understand that during conference deliberation on this matter the managers of both the House and Senate agreed to two specific principles. First, it was agreed to that AID should not phase out ASHA. Second, the managers insisted that the ASHA Program be funded at an amount at least equal to that in fiscal year 1996. I would like to ask the Chairman for clarification as to the actual funding level contemplated by this language.

As the Senator from Kentucky knows, on September 6, 1996 AID formally notified Congress that grants made through ASHA in fiscal year 1996 would total $17.6 million. Based on this figure, it would be my interpretation of the report language that AID should award ASHA grants totalling at least $17.6 million for fiscal year 1997. In other words, in referring to the fiscal year 1996 funding level, the conference committee had in mind the ASHA funding level for the most recent year; it was not concerned with the fiscal year in which allocated funds were actually appropriated. Could the Senator from Kentucky tell me if my interpretation is correct?

Mr. McCONNELL. I thank the Senator from Michigan for his kind words. I am pleased to say that his interpretation is correct. The Conference Committee' intentions were to make clear to AID that it strongly disagrees with the agency's proposal to phase out ASHA over the next 2 fiscal years. There is broad agreement in both the Senate and the House that this program should be continued at levels close to those of the recent past. As for the fiscal year 1997 grant cycle in particular, we expect AID to make grants of at least $17.6 million. So, although the conferees did not retain the specific language of the amendment by the Senator from Michigan, we certainly concur with its spirit.

Mr. ABRAHAM. I thank the Senator from Kentucky for that clarification.•

A PLACE TO STAY

• Mr. SIMON. Mr. President there is a publication in Chicago called Streetwise that is sold by homeless people. They sell it for $1.00 each, and my guess is that most of that money goes to the person who sells it.

In an issue that I bought the other day from someone on Michigan Avenue, who appeared to be homeless, is a brief analysis about who the homeless are and why they are homeless.

It gives as a source for this the Chicago Coalition for the Homeless.

They also have a story written by Jeff Mason about a man named Mike who tells about his 24 hour experience as a homeless person.

This takes place at the Pacific Garden Mission, which I've had the opportunity to visit on several occasions. It is a religious organization where people are obviously committed to living their faith and helping those who are less fortunate.

Mr. President, I ask that both items from Streetwise be printed in the RECORD.

The material follows:

[From Streetwise, Sept. 16–30, 1996]

A PLACE TO STAY

(By Jeff Mason)

7 p.m. It's a summer Wednesday night in Chicago. The sky is getting dark as people hustle to their cars, trains and buses. Everyone has some place to go, it seems. Everyone, that is, except Chicago's homeless. They remain on the streets or go to a shelter, looking for a place to stay.

Like any other night during the year, guests at the Pacific Garden Mission, located at 646 S. State St., are sitting on folding chairs in the assembly room waiting for church to begin. The room is large, easily accommodating the more than 400 men and women the shelter serves every night. Rectangular signs hang from the walls with Bible verses proclaiming the wonders of salvation. Men dressed in suit coats and ties patrol the aisles, telling the guests not to lean against the walls and not to wander around the room.

Some of those seated in the chairs are dressed in shabby, dated clothing. Many men have overgrown beards and messy hair; others are better groomed and wear newer clothes. To stay the night, the guests must attend the church service. So they sit, they wait and, eventually, they worship.

"You either feel like you're in the military or you feel like you're in jail," says "Mike," a 35-year-old homeless man staying in the shelter. "They treat you like a child—like you don't have common sense. I guess they have to do it like that. Otherwise, it would be total chaos."

Mike, who declined to give his real name, has been homeless since his basement apartment flooded earlier this year. Pacific Garden Mission is his first shelter. He can't live at home because of a falling out with his family. In fact, his family and most of his friends don't even know he's staying here.

According to the Chicago Coalition for the Homeless, approximately 15,000 people are homeless like Mike on any given night in Chicago. The Chicago Department of Human Services reports that there are approximately 5,500 shelter beds available in the winter. Some shelters close during the summer, though, making the search for overnight housing even harder.

Michael Stoops, Director of Field Organizing for the National Coalition for the Homeless, recognizes that shelters meet a gaping social need but criticizes the way homeless people are treated in them.

"The regimentation is abominable," Stoops says. "They treat people who are adults like children."

High numbers force shelters like Pacific Garden, which is open all year, to enforce strict rules on the people who stay there.

"The reason it has to be so regimented is for the safety of everyone involved," says Pastor Phil Kwiatkowski, director of the men's division at Pacific Garden. "We want this to be a safe haven."

Father Jim Hoffman, director of the Franciscan House of Mary and Joseph, a shelter located at 2715 W. Harrison St., agrees. "We've been at 99 percent occupancy for the last two years," Hoffman says. "If procedures are followed, people feel safe here."

8 p.m. The church service at Pacific Garden has started. A college student opens the service with a prayer for those who haven't been saved. A chorus of junior high girls sings. A preacher delivers his sermon. "First-timers" are ushered into a small hallway adjacent to the meeting room to await counseling with one of the staff. After the service, the men and women are separated. Then, sandwiches and fruit are served and the guests get in line to go upstairs for bed.

"When you're hungry, you go to the shelter," Mike says. "When you want to sleep, you go to the shelter. When you want to take a shower, you go to the shelter. Without the shelter where would you get these things? What would you do? Where would you go?"

Some wouldn't go to a shelter at all. "I would always want to stay on the street instead of a shelter," says Joel Alfassa, Street Wise vendor # 267, who was homeless for almost two years. "I'm a very independent person. I don't like to be regimented, and that [freedom] is what the street offered."

9:30 p.m. The men stand in line for mandatory showers. Belongings are left in a locked room downstairs and each man is frisked before walking up to the second floor. The men are given hangers and told to strip in a communal dressing room next to the showers. Each man hands his hanger of clothing to an attendant and takes a timed two-minute maximum shower. A staff member walks in the room where the men are undressing and sprays the floor with an aerosol can. The men shout their approval; the spray masks the smell.

"This is home for a lot of individuals," Kwiatkowski says. "When you're living in a communal environment, everyone has to be clean."

A small towel and a thin hospital gown are issued after the showers and the dripping men plod their way to a bunk bed or a place on the floor. The mission has approximately 250 beds, but Kwiatkowski says they serve anywhere from 400 to 550 people a night.

"Unless you get there early to get a bed, or you're a first-timer, you'll be sleeping on the hard, stone floor. Unless you're exhausted, your first night in a shelter, you can't sleep," Mike says. "You have to be sure you're in a safe area. You have to hide your things. With so many people, it tends to be overcrowded; tempers flow easily. So, you've got your guard up on that."

"It could be a night in hell for you," Mike says.

11 p.m. The lights are dimmed. The room is filled with the sounds of snoring and farting—sounds of men going to sleep. Though all the men have bathed, the room still smells of sweat and body ordor. Talking is prohibited, but the noises of communal living keep some like Mike from getting a good night's sleep.

"Man, these guys snore like crazy. A lot of people may think that's not a big deal. But, let's say you're one of the fortunate people that does have a job—you don't get enough rest to go to work."

Mike works as a telemarketer for a company in Chicago. Beyond being tired, the stigma of living in a shelter hangs over him in the workplace. He has told no one where he lives for fear of getting fired.

"I would be a fool to say that I was staying in a mission," he says. In most people's eyes being homeless means you're a drunk, an addict or a criminal. Mike fears that reputation—a reputation he says does not fit him.

"If people knew that you are homeless or are a transient, that would lessen your opportunities to advance yourself or get yourself back on track," he says. "In order for you to advance yourself, to pull yourself out of the situation that you're in, in a way you have to don a disguise.

But the trappings of homelessness are hard to hide. People can spot it just by the grocery bags some carry. "Who's gonna go in that interview area with a bunch of bags and all your clothes and try to be taken seriously?" Mike asks. "People are dressed to the nines and here you are—you're lucky to have a shirt and tie. Do you think you're gonna get that job? You have to have a hell of an amount of character to rise above that situation."

Though the shelter gives bag lunches to those who are employed during the day, Mike says it is not as helpful as it could be for people who have jobs. "You only get a change of clean clothes once a week," he says. "How are you are going to feel comfortable going to a job wearing the same clothes every day?"

In addition, the shelter staff often refuses to store things for residents who have job interviews. "You have a hell of a time trying to convince them to let you leave your clothes there for an hour without throwing them out," Mike says. "It seems like if you're trying to help yourself, they really don't want you there."

Kwiatkowski says the shelter will help guests with special needs such as storage on an individual basis. Mike says the clothes he stored at Pacific Garden were thrown away. Now Mike stashes his clothes in a closet where he works, but says he doesn't know what he'll do if someone finds them there.

1 a.m. Most of the residents at Pacific Garden are asleep. Those who can't sleep—especially first timers—are awake with their thoughts.

"You've got all of this stuff on your mind," Mike says. "Where am I going to go in the morning? Do I smell okay? What does my appearance look like? Am I presentable? Nine times out of 10 I'm not because I'm wearing the same clothes I was wearing yesterday."

4:30 a.m. The lights go on. Residents are awakened for the morning church service. Like the night before, attendance is required to eat. "All we ask is that they sit through the service," Kwiatkowski says. "I believe you shortchange an individual if you give them a bowl of beans and a suit of clothes and you shove them out the door."

Not everyone likes it, though. "It's forever in your face. I mean, forever in your face when you're there," Mike says. "It makes you not want to go to church sometimes."

Not all shelters in Chicago have the same religious requirements Pacific Garden has. Not all shelters allow people to keep coming back, either. "There is no limited length of stay here," Kwiatkowski says.

At Hilda's Place, a homeless shelter in Evanston, Ill., men and women have three days to establish goals or they are not permitted to return. "We will not let people stay on unless they are willing to work with the case managers and with the staff on goals," says Carolyn Ellis, the shelter's director. Hilda's Place does not have any religious requirements. However, Ellis says mandatory showers are handled on a "case-by-case basis" for those who need them.

5:30 a.m. The men are quiet as they collect their clothes. Those with their own soap clean up for the day. The rest go downstairs to get their bags and go to the service. Many fall asleep again until they are dismissed for breakfast. Breakfast consists of grits, eggs, a hard bagel and a glass of water or coffee. "The food is one of the better things," Mike says.

7 a.m. When they finish eating, the men leave the shelter, re-entering street life for another day. Mike's job doesn't start until late afternoon, so he heads for a park bench to sit for awhile.

"You have nowhere to go in the morning. You're wearing the same clothes. If it's raining, you're out here in the rain. If it's freezing, you're out here in the cold."

The stigma of homelessness follows him out of the shelter and on to the streets. "Just hanging out here in the park—people act as if you're invisible," he says. "Time moves very slowly sitting on a bench waiting for a place to open up. I wish I had enough money to go hang in McDonald's or White Hen."

Mike says he wishes the shelter would let people stay there longer during the day. According to Kwiatkowski, the shelter stays open all day during the winter but not the summer so guests can use the time to look for jobs.

"I don't even know of a job that's interviewing at seven o'clock in the morning," Mike says.

Les Brown of the Chicago Coalition for the Homeless sees a larger problem than how long shelters stay open. "The biggest danger with shelters is we've begun to, as a society, accept shelters as a normal way of housing people," he says. "It's becoming an institution—an institutionalized way of helping people who really need jobs and housing."

8 a.m. "It is now eight o'clock," Mike says. "Where am I gonna go?" Mike has to kill time until his job starts at 1:30 p.m.

"For me, this is just temporary," he says. "I need to get the hell away from here. I want something out of my life."

Until he has more money, though, Mike will continue going to the shelter at night. It's not a home, but at least it's a place to stay.

WHO ARE THE HOMELESS?

In Chicago, 80,000 are homeless during the course of one year.

42% are single men.

40% are families with children: The fastest growing segment of the homeless population is women with children. Domestic violence is a leading cause of homelessness among women with children.

17% are single women.

7% are unaccompanied youth: 25% of homeless youth become homeless before their 13th birthday.

25% are disabled.

Amost 50% are veterans: More Vietnam veterans are homeless today than the number of U.S. soldiers who died during the entire war.

WHY ARE THEY HOMELESS?

Lack of affordable housing

For every 225 households seeking housing, only 100 affordable housing units are available.

61% of poor Chicagoans spend 50% or more of their income on rent.

In Chicago, 700 single room occupancies for low-income people are destroyed each year.

The waiting period of public housing is 5½ years, and the waiting period for Section 8 housing certificates is 10 years. The Chicago Housing Authority has closed the list to new names.

Lack of decent jobs or sufficient income:

50% of homeless adults work full- or part-time but still cannot afford rent.

Chicago has lost more than 130,000 manufacturing jobs in the last decade.

In Chicago, a family of four must earn an annual income of $33,490 to meet a basic budget including rent, transportation and child care.

In Illinois, the ratio of low-skilled, unemployed workers to jobs that pay a living wage is 222 to 1.

Lack of health care or support services:

30% of the homeless suffer from varying degrees of mental illness.

40% are substance abusers.

8% have AIDS or are HIV-positive.

Source: The Chicago Coalition for the Homeless; City of Chicago's "Report on Hunger and Homeless in American Cities" for the U.S. Conference of Mayors 1990—1994.•

PROFESSIONAL BOXING SAFETY ACT

• Mr. ROTH. Mr. President, the Senate's passage of the Professional Boxing Safety Act marks a red letter day for what is often called the red light district of sports. For this Senator, it also marks the culmination of nearly 5 years of working to make professional boxing a safer sport for our young people who choose to enter the ring. One of those young men, in particular, is largely responsible for achieving this milestone. I believe it is important that we recognize and acknowledge the contribution of this boxer, from my home State of Delaware—Dave Tiberi.

It was through Dave Tiberi's misfortune and subsequent hard work that I focused my attention up close and personal on the problems currently facing professional boxing. On February 8, 1992, in a nationally televised world title fight, Dave Tiberi, an unheralded challenger, lost a controversial split decision to the International Boxing Federation's middleweight champion, James Toney. The ABC–TV announcer proclaimed it as "the most disgusting decision I have ever seen."

As a result of that fight, I directed that the Permanent Subcommittee on Investigations undertake a comprehensive investigation of professional boxing, the first in the Senate in more than 30 years. Unfortunately, that investigation revealed what many of us had suspected—that the problems plaguing the sport remained much as Senator Kefauver found them when the Senate last investigated this issue three decades earlier.

First and foremost among all the problems facing the sport today, is protecting the health and safety of professional boxers. During the Olympics in Atlanta, we saw the great lengths to which we go to protect our amateur boxers. Yet, when these and other young men graduate to the professional ranks, we fail to provide even the most basic health and safety protections through minimum uniform national standards. Instead, we leave professional boxers at the mercy of a patchwork system of health and safety regulations that vary widely State by State, both by rule and enforcement. In this day and age, that is not acceptable.

That is why I have worked, along with my colleague Senator DORGAN, to ensure this legislation remedies these inequities by establishing, for the first time, minimum uniform national health and safety standards. These provisions will ensure that every professional boxing match in the United States is conducted under these standards. Every professional boxer will know that, no matter where they fight, there will be a doctor at ringside; an ambulance available; and health insurance provided.

I also want to commend our colleagues in the House who significantly strengthened this legislation by adopting a provision I have previously proposed—prohibiting conflicts of interest on the part of boxing regulators. My investigation highlighted conflicts of interest to be among the major problems facing boxing today, always to the detriment of the boxers. Dealing with this problem is essential if we are to effect meaningful boxing reform.

Dave Tiberi has never fought again, despite numerous lucrative offers. Instead he has dedicated his efforts to working with young people in Delaware and reforming boxing. If there has ever been a role model in boxing for our young people, his name is Dave Tiberi. Although he never got his world title, knowing that his hard work will protect future boxers is his big payday; and that is why Dave Tiberi will always be a champion.

Boxing reform is not a marquee issue that appeals to a large constituency. As such, it could be easily pushed aside and lost among all the other issues clamoring for attention in the final days of this Congress. Yet, professional boxing is important, not only to its millions of fans, but primarily because the sport creates opportunities for many young men for whom such opportunities are rare. We owe these young men a system outside the ring that works as hard to protect them as they do inside the ring. That is why I have worked to reform professional boxing. While it does not go far enough, I believe this legislation is a significant step toward achieving that goal. I commend and thank my colleagues for adopting this important legislation.•

REPUBLIC OF CHINA'S 85TH ANNIVERSARY

• Mr. CRAIG. Mr. President, I ask that the following letter of congratulations recognizing the 85th anniversary of the founding of the Republic of China be printed in the RECORD. In light of the efforts at political reform and recent economic successes of the Republic of China, it is appropriate that we honor this important milestone.

The letter follows:

U.S. SENATE,
Washington, DC.

President LEE TENG-HUI,
c/o Foreign Minister John H. Chang, the Republic of China, Taipei, Taiwan, R.O.C.

DEAR PRESIDENT LEE: We wish to extend our greetings to you, Vice President Lien Chan and Foreign Minister John H. Chang on the occasion of the 85th anniversary of the founding of the Republic of China.

In the last few years, Taiwan has impressed the world with economic success and political reform. We are well aware of your efforts in cooperating with us on matters of mutual interest. We are also aware of your recent campaign to rejoin the United Nations and other international organizations. As you seek to develop even better ties with the U.S. and shoulder more international responsibility, we wish you and your countrymen every success.

Representative Jason Hu has done an excellent job of keeping members briefed on what has been happening in your country. He and his staff are to be commended for their efforts.

Mr. President, may you and your people have a wonderful 85th anniversary celebration. Congratulations.

Sincerely,

TRENT LOTT.
THAD COCHRAN.
DON NICKLES.
LARRY E. CRAIG.•

THE DEFENSE MANPOWER DRAWDOWN

• Mr. NUNN. Mr. President, almost 4 years ago I made a series of speeches about our men and women in uniform who won the cold war.

I asked my colleagues to remember their sacrifice as we undertook the unprecedented drawdown of our All Volunteer Force.

I asked that we ensure that the drawdown was accomplished in a way that preserved the legacy of national security which that force had built.

And I called on the Congress to see that people leaving military service were given a helping hand as they moved into civilian life, because we owed it to them and because the Nation needed their skills.

When I made those remarks, the post-cold-war drawdown was mostly in front of us. Although it had started in 1987, the downsizing moved slowly at first and then halted completely for Desert Shield and Desert Storm.

Today, as I rise to review what has happened in the intervening 3 years, the downsizing is over 90 percent complete, and next year it will essentially be complete.

Let me begin by looking at the drawdown and how we did at meeting this enormous challenge. In the late 1980's, after the disintegration of the Warsaw Pact and the Soviet Union, it became clear that we could make significant reductions in the size of our Armed Forces. It was decided by the Bush administration and the Congress to reduce military personnel by approximately one-third over a period of 5 years.

As a nation, we had experience with large demobilizations after World War I, World War II, Korea, and Vietnam. This drawdown, however, was to be different. The United States had never before sought to downsize an all-volunteer force.

In those earlier reductions, our conscripted soldiers were more than happy to return to civilian life. In contrast, the men and women who had won the cold war had all chosen a military career and expected to be able to remain in uniform as long as they performed their duties well.

Under these circumstances, nobody in the Congress or in the Defense Department knew how the downsizing would turn out, and many were skeptical that it would turn out well.

A drawdown of this magnitude could easily have caused bitterness, skill gaps, stalled promotion opportunities, morale problems and could have created a hostile attitude toward the military across the society.

As we began to reduce the size of the force, some predicted that the best and the brightest would take the opportunity to get out of the service, leaving us with a less than ready military.

But Congress, two administrations, and the military leadership worked together to ensure that through the drawdown the force was carefully shaped to maintain quality and readiness.

We in the Congress provided creative tools, like early retirement and special separation benefits, which allowed the Pentagon to carefully shape the force and to address emerging problems as they occurred.

In this regard, each of the military services—and especially the Army—did a tremendous job in balancing the needs of current and future readiness with the imperative of easing in every way possible the transition to civilian life of those who would be leaving the service as a direct result of the drawdown.

Mr. President, the results are impressive:

The quality of our force is higher than at the start of the drawdown. The proportion of active duty enlisted personnel in the upper aptitude categories has increased from 56 percent in 1987 to 66 percent in 1995. Those in the lowest acceptable aptitude category dropped from 11 percent of the force in 1987 to just 6 percent in 1995.

Our force is more experienced, as measured by age and length of service. For example, the average age increased 1.4 years from 1987 to 1995 (to 28.7) and there are 45 percent fewer enlisted service members under age 22.

And, despite warnings that the drawdown would sacrifice the military's hard won gains for women and minorities, their representation has actually increased. The percentage of women in active service has increased from 10 percent to 13 percent. Total minority representation in the active force has increased from 27.4 percent to 30.5 percent. Minority field grade officers showed an even larger increase: from 7 percent of the total to 12 percent.

As we achieved these impressive results, we maintained our obligation to be fair to our soldiers, sailors, airmen, and marines. Only a very small number of service members were involuntarily separated to achieve our downsizing goals.

Let me repeat that, although over 1 million people have left the military during the drawdown, fewer than 2,000 service members were involuntarily separated. The Pentagon used tools such as the special separation benefit, provided by the Congress, to perform this miracle.

The Nation will be reaping the benefits of that accomplishment in recruitment and public good will for years to come.

We also took special care with the service members who had dedicated their professional lives to the military. In order to maintain an orderly flow through the ranks, we had to thin at all experience levels, including those with 15 to 19 years in the service.

Service members with this many years in uniform had made a long-term commitment to military, but had not yet reached the 20 years necessary for retirement benefits. In many cases their decisions to stay in the Armed Forces were predicated on being able to make it to 20 years to be eligible for retirement.

An easy approach would have been simply to dismiss these people—but that would have been short-sighted and, I believe, morally indefensible. However, using the early retirement program which I called for in 1992 and which became law in fiscal year 1993, we were able to keep faith with these patriots and save taxpayer money, too, by offering early retirement. Over 34,000 men and women have availed themselves to the early retirement option.

By shaping the force thoughtfully, we also maintained promotion opportunities that helped us keep the highly skilled and experienced service members we needed to retain.

In sum, the drawdown has been a real success. The credit for that success goes to those who administered this effort, to my colleagues and former colleagues in the Congress, to the leadership of the military services, and to the rank and file service members who have performed so brilliantly during this time of turbulence.

The second part of my call in January 1992, was to see that those departing the service were helped in their transition to the civilian economy. It would have been wasteful and wrong to send these people out into the job market with no guidance or support.

I am pleased to report that the military has used the programs created by the Congress to benefit departing service members on an unprecedented scale.

The effort begins 3 months before a service member leaves the military, when they are offered preseparation counseling. This includes information concerning relocation, employment issues, financial assistance, education and training benefits, health and life insurance rules, veterans benefits and assistance in developing individual transition plans.

The next step in preparing for the civilian job market is the transition assistance program workshop. Working in coordination with the Departments of Labor and Veterans Affairs, the Department of Defense has implemented transition assistance programs at some 200 sites in the United States, and more overseas.

Staffed by outplacement and employment experts, 330 transition sites worldwide provide intensive individual counseling to departing service members and their families. These programs teach resume writing and interviewing, provide information on the current job market and help the attendees understand how best to translate their military skills into skills needed in the civilian work force. The courses have also been put on video to accommodate the special needs of sailors deployed at sea for their last tour and those service members stationed at remote duty locations.

The rewards of this program can be seen with people like Jerry Sack. As Jerry was getting out of the Marine Corps in California, he had two dreams, to be a fireman and to move to Georgia, where his wife had grown up.

He said at the outset that he thought these twin goals were nearly impossible. But the transition assistance people worked intensively with Jerry on his resume, interviewing techniques, and job search strategies.

Then they gave him a lead on a civilian fire chief's job at the Marine Corps logistics base in Albany, GA. With the tap team's guidance, he hit the books to prepare for the interview. The team heard that Jerry got his dream job when he wrote back saying:

> Because of your staff, and only because of your staff, I was able to prepare myself personally and on paper to be selected for this position as fire chief.

The Department of Defense has also created an automated job matching system. Departing service members enter their resumes, skills, and job criteria and they can be matched with private employers who use the service free of charge. This system and a transition bulletin board maintained by DOD, is a great example of how the information super highway can be used to help veterans.

Here are just a few examples of the results of this system: a number of individuals have been placed with Infotec Corp. in Virginia helping to track down missing children; a dozen more are working as managers and line officers at the Indiana Department of Corrections; three were hired by Metropolitan Life Insurance; and the new engineering coordinator at Telspan International was hired through this system. And there are many more who have been hired as computer programmers, stockbrokers, and supervisors.

One satisfied employer who used this high-technology service wrote back saying, "the guys coming out of the military are our best workers."

That comes as no surprise to anyone here, but it is good to know the word is getting out to employers nationwide.

All of this has led to a much friendlier transition for many thousands of military families.

The best indicator of our success is that thousands of employers who hire veterans come back to hire more through the automated systems and job fairs. A healthy economy is certainly helping, but the transition programs are ensuring that people leaving the military can match their skill to high quality civilian jobs.

The heart of my challenge 3 years ago was to help departing service members use their skill and leadership abilities to address some of our Nation's pressing needs. The problems I talked about then are, unfortunately, still with us today including violence in the streets and a need for discipline and role models in our schools.

In the fiscal year 1994 Defense Authorization Act, we created a program within the temporary early retirement authority which encouraged retiring service members to enter public and community service employment.

Under this program, if an early-retiree takes a job in a critically needed skill area, he or she can accrue additional military retirement credit up to the 20-year mark.

Today almost 9,000 individuals who chose early retirement are working in public and community service positions and, as such, are earning additional credits toward their military retirement. This program has encouraged many of our former service members to use their talents to improve their communities.

There has been a big push lately for the Federal Government to help States and localities cope with crime. But in many ways, the quality of law enforcement will never be better than the quality of the front line police officers patrolling the street. That's why I suggested that service people, with their training to think on their feet and handle complex and dangerous situations, be encouraged to pursue a law enforcement career.

To this end, we authorized the Troops to Cops Program. A combined effort of the Departments of Defense and Justice, Troops to Cops will provide funds to local law enforcement agencies to offset the initial cost of hiring former service members as police officers. We may never have statistics on the number of crimes prevented or how much safer people feel as a result of having these highly-trained professionals on their local police force, but America will certainly be the better for it.

Perhaps the most successful community service initiative we established for people leaving the service is the troops to teachers program. This program provides stipends to assist people leaving the military in obtaining certification as elementary and secondary school teachers or teachers' aides.

In addition, it helps disadvantaged local schools that have a shortage of teachers and teachers' aides to hire program participants. This program helps bring together one of our greatest national needs, tough but inspiring teachers for tough schools, with one of our greatest national assets the men and women trained and molded by the Armed Forces.

Departing service members placed in the troops to teachers program everywhere from South Carolina to New York are writing back to the Department of Defense, raving about the support they've gotten.

To date, 4,337 departing service members have been selected for the troops to teachers program; 1,482 are now in training programs leading toward the necessary certification. And over 800 former soldiers, sailors, airmen and marines are already in classrooms helping America's kids. This is a success story of the first order.

In sum, Mr. President, the post-cold war drawdown of our forces and the transition programs for departing service members are a case of government doing a job well. The Congress, the executive branch, and the uniformed military each did their part, and we all had the readiness of the force and the well-being of the service members in mind as we created and executed these policies.•

NAZI WAR CRIMES DISCLOSURE

• Mr. D'AMATO. Mr. President, I rise today to lend my strong support to H.R. 1281. This sense of the Congress measure is intended to act as a first step to urge several Federal agencies through the Freedom of Information Act, to open their files that contain information about individuals that are believed to have participated in Nazi war crimes.

This sense of the Congress measure stems from the efforts of Representative MALONEY of my home State of New York. Representative MALONEY propose H.R. 1281, a bill that would have amended the National Security Act of 1947, and required Federal agencies to make public under the Freedom of Information Act, all information regarding individuals who participated in Nazi War Crimes during World War II.

Mr. President, it is very important that we make a strong statement in this body that all the facts relating to the Holocaust be brought to light. I believe that it is our duty to never forget the millions of people who died in the Holocaust. Further, I believe we also have a duty to the survivors and victim's families to pursue every answer into this terrible period in the history of man. Yet, over 50 years have passed since the end of World War II and we still have many unanswered questions. Some of these questions can be answered with the cooperation of our own Federal agencies, but, some agencies have inexplicably blocked access to files and information that could help to shed light on the Holocaust and Nazi war criminals. These answers could help to provide piece of mind to millions of people around our country and around the world. Further, the release of these Nazi war crime files could provide historians with a more clear view of these horrible events over half a century ago, thus helping to ensure the despicable acts of the Holocaust are never repeated.

The survivors and victim's families have waited too long. The time to open the files is now, there can be no more excuses. I urge my colleagues to join me in this effort and ask for their support on this measure.•

TRIBUTE TO THE 1996 OLYMPICS GAMES

• Mr. ROCKEFELLER. Mr. President, this year marked the 100th anniversary of the Olympic games. As with any Olympiad, hard work, blood, sweat, and tears culminated in 2 weeks' worth of contested international sportsmanship. The best of America, and the world, competed for the thrill of victory again on American soil in Atlanta, GA. There, over 10,000 athletes from 197 countries were brought together—with the world watching—to witness 17 days worth of comradery, expectation, determination, triumph, and defeat.

I am proud that West Virginia played a key role in allowing the 1996 Olympic summer games to proceed. Two historical cities of my State, Wheeling and Martinsburg, hosted separate Olympic time-trial qualifying events for cycling. This was a first. West Virginia had never hosted an Olympic trials event. But our role contributed to the selection of the most superior men and women cyclists ever to represent the United States. For cycling enthusiasts, the eyes of the Nation were focused on these world-class riders. But they also witnessed the best attributes of my State—the beautiful outdoors, friendly people, culture, communities, and spirit that defines the proud residents of Appalachia.

The 1996 Olympic games, America's Games, began on July 19 when the Olympic torch entered Olympic Stadium. The torch carried a flame that had traveled from Athens, Greece, on an 84-day voyage to the United States host city. The flame represented both an ending and a beginning.

It symbolized an ending to the first 100 years of the modern Olympic games. Since 1896, we have seen our world savaged by wars, famines, Depression, and conflict. At times, it seemed unlikely that not much more than the spirit of the games would survive. But it did. Each and every time, the flame was relit—its message of hope and strength brought the world together through the efforts, the joys, and the sorrows of individual athletes.

We shall celebrate the almost miraculous accomplishments of American sprinter Jesse Owens, setting record after record in Nazi Germany while the crowds cheered him to victory. And the tenacity of the Philadelphia butcher's apprentice, Smokin' Joe Frazier, who struck heavyweight gold in Tokyo even though he had a broken right hand. How about American Bob Beamon's incredible 29-foot 2½-inch performance in the long jump in Mexico City, the longest Olympic record to ever stand. Swimmer Mark Spitz, who owned the press of the first half of the Munich games by dominating seven events. A personal memory I will always have concerns the perfect gymnastic performances of Mary Lou Retton, a Fairmont, WV, native, who in Los Angeles won the women's all-around. I will also never forget one of the most touching images of will and determination ever to occur at the games. This was showcased in Barcelona when Derrick Readman of Great Britain fell in the 400 meter competition after severely pulling a hamstring and finished the race leaning on his father. These are all old, but cherished memories.

The torch also symbolized a beginning, the beginning of the next centennial in Olympic history. The challenge is set in the new centennial to rekindle the two basic values that are at the core of the Olympic movement. One is the competitive fire that spurs individuals to pursue excellence in their sport and demand the best of themselves. The other is the cooperative spirit that tempers individual competition through teamwork, harmony, and understanding.

I think the 1996 Atlanta games has led us into the next centennial quite well. As host, the city translated its confidence in itself into respected internationalism. It helped guide us all once again across every barrier of race, creed, language, and culture to seek a common ground of understanding sportsmanship. This was not without cost, but the city and Olympic officials responded to the needs of athletes, coaches, spectators, tourists, and residents with swift action. They also continued to profile veteran competitors and fresh faces who embody the Olympic motto of Citius, Altius, Fortius—swifter, higher, stronger—and the epitome of excellence. People such as Michael Johnson, Kerri Shrug, members of the dream team, Dan O'Brien, Janet Evans, Tom Dolan, Jackie Joyner-Kersee, West Virginian Randy Barnes, Carl Lewis, Mia Hamm, and Gwen Torrence immediately spring to mind. They proudly represented the strong heritage and the competitive nature encompassed in the Olympic spirit, and I commend them and every other Olympian who has ever dared to follow a dream to be the best.•

DEFENSE OF MARRIAGE ACT AND THE EMPLOYMENT NON-DISCRIMINATION ACT

• Mr. ABRAHAM. Mr. President, I rise to discuss the Defense of Marriage Act and the Employment Non-Discrimination Act, voted on a few weeks ago. The former passed overwhelmingly in both the House and the Senate and the latter was rejected in the Senate and not voted on in the House. I voted for the Defense of Marriage Act and against the Employment Non-Discrimination Act. I would like to explain why I did so, and why I believe passage of DOMA and the failure of ENDA were proper.

In enacting Federal legislation, I believe our first consideration should always be whether a Federal solution both legitimate and necessary. Legitimate; that is, under our Constitution's allocation of powers between the national government and the States. Necessary in the sense that the States cannot solve a particular problem on their own.

Using these criteria, the Defense of Marriage Act is a limited, legitimate, and needed Federal intervention to protect the States' ability to set their own policies regarding single-sex marriage. By contrast, the Employment Non-Discrimination Act would have imposed a one-size-fits-all solution governing employment discrimination on the basis of sexual orientation without any clear and convincing showing that there is a national problem in this area. In addition, ENDA would have adopted measures far too sweeping even on the hypothesis that some national legislation was needed.

Consider first the Defense of Marriage Act, which dealt with whether the States' have an obligation under Federal law to recognize single-sex marriages. Not, it is important to understand, whether States may recognize such marriages under their own laws. DOMA leaves the States entirely free to do so or not as they may please. In fact, it leaves the States entirely free, through their legislatures or their courts, to define marriage in any way they choose.

DOMA deals only with the following issue: If State A decides to allow people of the same sex to marry, does Federal law require State B to treat these individuals as married as well if they decide to move to State B? DOMA answers that question in the negative: No, Federal law does not require State B to treat them as married just because State A chooses to do so.

This is not merely a hypothetical question. In fact, the Supreme Court of Hawaii has already strongly hinted that in its view the Hawaii Constitution requires recognition of same-sex marriages, with a final ruling to that effect from a lower Hawaii court expected any day now.

The extraterritorial effect such a ruling must receive is a quintessentially Federal matter. Indeed, even if Congress had done nothing, whether the other 49 States would have to treat individuals of the same sex married in Hawaii as married outside of Hawaii would still have been decided by Federal law. Although no State has yet recognized same sex marriages, all 50 States generally recognize marriages performed in another State, largely on account of Federal conflict of law rules and the Federal Full Faith and Credit Clause. Without any congressional legislation, whether the States would also be required to recognize same-sex marriages contracted out-of-state would likewise have turned on these Federal laws, and therefore, only Federal legislation can assure the States will be permitted to decide this issue for themselves.

Additionally, some States, including my own home State of Michigan, have recently enacted laws explicitly refusing to recognize same-sex marriages contracted in other States. Whether these laws would be allowed to stand likewise would have been a Federal issue even in the absence of any action by Congress. The courts, including, ultimately, the U.S. Supreme Court, would have either enforced these exceptions as being consistent with the Federal Constitution's Full Faith and Credit Clause or would have struck them down pursuant to that Clause.

Thus it is very hard to see how congressional action to make clear that other States need not recognize a same-sex marriage simply because it was recognized in Hawaii can possibly be cast as an illegitimate intervention by the National Government. The National Government necessarily has to choose sides, either to say that the Hawaii view shall prevail in all 50 States, or that it need not do so, or that it shall do so in some instances. How it chooses sides is the only open question. The Federal Government will either resolve this issue by means of a statute adopted by a Congress elected by the people of the States and signed into law by the popularly elected President or by means of a U.S. Supreme Court decision applying existing Federal conflict-of-law principles and the Federal Constitution's Full Faith and Credit clause as best it can. But in any event, the Federal Government will be resolving what effect these marriages will have outside of Hawaii.

That being the case, it is clear to me that there is no reason to prefer that this decision be made by the Federal courts than by the democratically elected components of the Federal Government. Rather, it is better for this choice to be made by the democratically elected branches—that is, by Congress and the President.

Having established that the decision at issue—the extraterritorial effects of Hawaii's laws—is inevitably one that must be made by the national Government, and one that should be made by that Government's elected rather than life-tenured officials, the question that remains to be decided is the bottom line: should other States be required by Federal law to recognize single-sex marriages if one State decides to do so, or shouldn't they? It is clear to me that the choice most consistent with principles of federalism is to specify that the other 49 States will not be required to follow Hawaii's lead. That again is what DOMA does. My colleagues who have argued that federalism counsels against congressional action are missing the obvious. The virtues of a federalist system—permitting experimentation among the States, and recognizing differing values and standards in different communities—are plainly best served by making clear that the other States need not recognize same-sex marriages entered into out of State. It is Congress's failure to act to make this clear that could well result in significant Federal intrusion into this State matter by allowing the Federal courts to impose Hawaii's answer on the other 49 States. By enacting DOMA, this Congress left each of these States free to decide for themselves whether to recognize such marriages or not.

Some DOMA opponents argue that such a congressional resolution of this matter is unconstitutional because it violates the Full Faith and Credit Clause. They are wrong. That Clause expressly permits the Congress to specify whether and to what extent particular State statutes and judgments shall receive extra-territorial effect. The Full Faith and Credit Clause states, in full:

> Full Faith and Credit shall be given in each State to the public Acts, Records, and Judicial Proceedings of every other State; And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

The Full Faith and Credit Clause explicitly gives this Congress the authority to prescribe the "effect" of a State's public acts, records, and judgments. As Prof. Michael McConnell of the University of Chicago Law School, has persuasively argued, this includes the authority to prescribe no extraterritorial effect to a particular category of a State's public acts, records, and judgments. This also serves what is often said is the purpose of the Full Faith and Credit Clause—above all—to preserve harmony among the States. By allowing the States to make their own judgments about same-sex marriages, DOMA does just that. Indeed, the courts have found that the States have some retained authority along these lines under the public policy exception to the Full Faith and Credit Clause—even in the absence of an Act of Congress. Congress surely has the power to reinforce the court-created public policy exception to the Full Faith And Credit Clause.

And that is all the Defense of Marriage Act does, by providing that:

> No State, territory, or possession shall be required to give effect to any public act, record, or judicial proceeding of another State, territory, or possession respecting a relationship between persons of the same sex that is treated as a marriage.

In short, DOMA does not prohibit States from adopting laws permitting same-sex marriages; it does not require them to do so. Hawaii remains entirely free to continue on its own path, as does Michigan. The only effect DOMA will have on the States is to prevent what the courts might otherwise find to be the possibly constitutionally-compelled result that every State recognize same-sex marriages contracted in another State, where such unions are permitted. By simply stating that the Federal Full Faith and Credit Clause does not require the States to recognize same-sex marriages, DOMA leaves the States free to recognize them or not recognize them as they see fit.

This is completely different from the Employment Non-Discrimination Act, to which I will now turn.

Right now, the States are free to have or not have their own laws prohibiting discrimination in employment on the basis of sexual orientation and their own means of enforcing these laws. Nine States have them, forty-one do not.

If this Congress had adopted ENDA, we would have ended State experimentation and forced one uniform solution—punitive damages and all—onto every State. Rejecting ENDA is the choice that leaves the States free to adopt whatever policies they choose. Thus, from a federalism perspective, ENDA was an intrusion on the States' ability to make choices, whereas DOMA was a device for facilitating State-choice.

That is not to say that ENDA would necessarily be wrong for that reason. Sometimes national solutions are precisely what are called for to address a problem the States cannot solve on their own. But that is not the case here. The need for a national law such as ENDA has yet to be demonstrated. I am not suggesting that there are not problems—I don't know if there are. But neither do my colleagues. There have been no hearings, no testimony, no reports on the reason for national legislation on this matter.

According to estimates published in Harpers magazine and the Personnel Journal, the average annual income for gays and lesbians is about $36,000, compared to about $18,000 for the population at large. The average household income for gays and lesbians is estimated at $47,000, also substantially above the average household income for the general population. The study reported on in the Personnel Journal also found that gays and lesbians are more than twice as likely to hold managerial or professional positions than heterosexuals.

Does this prove that there is no discrimination on the basis of sexual orientation in the work force? Of course not. There may be a serious problem here—but we just don't know. Moreover, if there is, a number of States have adopted antidiscrimination laws. I would like to know what gave rise to them, what they provide, how they compare to what is being proposed here, and if they are leading to less employment discrimination based on sexual orientation in the States that have them than exists in the States that do not.

It also ought to be noted that the Employment Non-Discrimination Act would have effected a major change in this country's civil rights laws. For the first time, a characteristic strongly related to an individual's behavior would effectively have the legal status of a characteristic like an individual's race or gender. This is an enormous and unprecedented expansion of the civil rights laws. Arguing against gays in the military, Colin Powell said:

> Skin color is a benign, non-behavioral characteristic. Sexual orientation is perhaps the most profound of human behavioral characteristics. Comparison of the two is a convenient but invalid argument.

We need to think much harder than we have about this before embarking on a change of this magnitude.

Finally, even if I were persuaded that we needed a national law on this matter, ENDA went much, much too far. In particular, it would have forced organizations charged with the care of children to hire, retain, and promote individuals without regard to sexual orientation. It would have imposed the same obligation on many religious organizations, irrespective of their religious convictions. I think even many who believe we should pass some kind of law in this area would rightly be hesitant to cover entities of these types with the first national law adopted on this subject.

First, as to organizations that work with children. ENDA would have forbidden discrimination in employment on the basis of sexual orientation by any employer with 15 or more employees. This would include not only large corporations that sell their products to adults, but also public schools, private schools, day camps, child care and foster care centers, baby sitting agencies, and a large number of other institutions. There is not even a weak argument to the contrary since despite the protestations of the bill's proponents, ENDA contained no private organization exception.

ENDA also would have applied to the hiring decisions of the Boy Scouts, the Girl Scouts, and other, similarly-situated organizations. Proponents of the act claimed otherwise, relying on ENDA's exception for bona fide private membership clubs. The Boy Scouts and the Girl Scouts, however, are extremely unlikely to qualify—the same private club language in other statutes has generally been interpreted to mean truly small and exclusive societies. Even some exclusive, members-only clubs with secret membership committees have been sued by the EEOC as falling outside the exception. The only contrary authority is a Federal court decision whose holding is that the Boy Scouts do not constitute a place of public accommodation under Title II of the Civil Rights act—in other words, the cited case really stands only for the proposition that the Boy Scouts are not a restaurant.

In addition to covering a variety of children's organizations, the act would also have applied to a large number of religious organizations. While the bill appeared to include an exception for them, it defined the term "religious organization" so narrowly as to exclude a wide array of religious organizations and activities. "Religious Organization" was defined to mean only:

A religious corporation, association or society; or

A religious school if the school is owned, controlled, managed, or supported by a religious corporation, association or society—or the school's curriculum is directed toward the propagation of a particular religion."

Even then—the religious organization's for-profit activities would have been subject to the bill's prohibitions.

Under this definition, the hiring decisions of religious radio stations and bookstores—which are not religious corporations—religious pre-schools—which are not religious schools—and religiously affiliated colleges that are not divinity schools and are not controlled or supported by a religious corporation would have been covered. Even churches' and religious schools' decisions to hire individuals to sell books or church or school memorabilia would have been covered if those activities were conducted for profit. This, of course, on top of the fact that as I explained earlier, the hiring decisions of non-religious entities involving kindergarten teachers, camp counsellors, Little League coaches, Day Care Centers, or Boys Town counsellors would have been covered by the Act.

Given the novelty of any kind of prohibition of discrimination on the basis of sexual orientation, it seems to me that the bill's coverage surely should have been significantly narrower.

Finally, even if these problems could have been solved, there is a serious risk that covered entities would be subject to harassing lawsuits under this bill by any individual dissatisfied with an employment decision. Since sexual orientation isn't subject to easy proof, being a state of mind—unlike gender or race—ENDA would have allowed anyone with a job where 15 or more people are employed—or applying for such a job—to sue for perceived employment discrimination on the basis of sexual orientation. Even employers found innocent of either knowing or caring what an employee's sexual orientation is, would potentially be saddled with expensive and time-consuming lawsuits defending themselves. Thus—irrespective of its necessity—the specific legislation at issue was overly-broad in scope and virtually impossible to apply as intended.•

UNITED STATES POLICY TO EGYPT

• Mr. SIMON. Mr. President, I have visited Egypt and other nations in the Middle East several times. Egypt is playing a key role in the peace process. As former Secretary of State Henry Kissinger said, "Without Egypt, there is no war, without Syria, there is no peace." A strong and healthy Egypt that has an open and peaceful relationship with Israel and its neighbors is a key to ensuring stability in the Middle East.

Former President Anwar Sadat and the current President, Hosni Mubarak, have helped develop a vibrant and growing Egypt and secure an enduring stable peace with Israel. Under President Sadat, Egypt became the first Arab nation to make peace with Israel. Making that peace allowed Egypt to concentrate on other domestic priorities and Israel's other neighbors to become accustomed to the notion of peace with Israel. And, even after his death, President Sadat's dream of an expanded peace in a more stable Middle East began to take greater shape.

President Mubarak continued Sadat's rapprochement with Israel and helped contribute to plans for establishing a Palestinian homeland. He also worked for greater dialog with Israel and other Arab nations that remained technically, at war with Israel. In light of Egypt's precarious position, though, President Mubarak has been under immense pressure from domestic as well as international forces.

Since 1992, the Government has been under attack from an Islamic guerrilla group that has committed several acts of terrorism. In response, the Egyptian Government has for the past 4 years resorted to military tribunals, whose methods and procedures are often unfair, to try Islamic militants, as well as moderate political opposition members. Egyptians have also been illegally detained and allegedly tortured while in police and military custody. While Egypt's human rights record is not as bad as most nations in the region, I am still concerned.

I am also concerned that too much of U.S. foreign aid to Egypt goes to the military. Egypt's unemployment rate is over 17 percent, almost 50 percent of its people live at or below the poverty line, and pollution remains an intractable problem. The United States can help Egypt more effectively by putting less emphasis on military aid, and more on economic aid so that Egypt can invest in its infrastructure, worker training, and education.

Egypt, as a leader in the Arab world, sets an example for other nations to follow. It cannot remain a stabilizing force if its military grows, while its economy suffers and its own citizens are mistreated and jailed without trial or thorough investigation. Fighting terrorism does not have to lead to abrogation of civil liberties. As I approach my return to academia, I will continue to encourage ways for the United States-Egypt partnership to achieve greater peace and stability in the Middle East.

Mr. President, we must recognize that a stable and secure Egypt is good for peace in the Middle East. It is in the United States best interst to see a democratic Egypt with human rights observed.•

SCOTT CORWIN

• Mr. GREGG. Mr. President, I rise today to make a difficult statement. Scott Corwin will be leaving the Appropriations Committee staff at the end of this Congress to return to his home State of Oregon.

Since taking over the chairmanship of this subcommittee a year ago, I have come to rely on Scott's advice and counsel. He has worked long hours under difficult circumstances to meet what many would view as impossible deadlines—and he met them all. He handled controversial issues fairly and directly.

I appreciate Scott's hard work, and I admire his dedication to public service. Although we will miss Scott, I am sure that Senator HOLLINGS and Chairman HATFIELD will join me in wishing Scott and his new bride Kristen well in their future together.•

A CALL FOR JUSTICE: SUPPORT THE INTERNATIONAL WAR CRIMES TRIBUNALS

• Mr. PELL. Mr. President, as I look back over my years of service here in the Senate, I am struck by how much international relations have changed and how much they have stayed the same. In just the last few years, we have witnessed the dramatic end of the cold war and a wave of democracy spreading around the globe from the Republic of China on Taiwan to the newly established countries in Eastern Europe. Advances in technology have opened new channels of communication between people of different cultures and languages. Economic development, investment and trade have become major factors in bilateral relationships. And in unprecedented fashion, the international community has reached consensus on the need to reduce nuclear weapons, to protect the environment, and to promote international peace and security.

Yes some things have not changed since my arrival in the U.S. Senate. The world is still plagued with civil wars. Children continue to lack access to basic health care and immunizations. And despite the lessons learned from the horrible atrocities that took place under the Nazi regime in World War II, we have failed to stop genocide and ethnic cleansing from occurring once again. In wars that have ravaged both the former Yugoslavia and Rwanda, aggressors have flown in the face of international law and committed the gravest crimes against humanity. If we in the international community are determined to learn the lesson this time, we must support the work of the International War Crimes Tribunals. The work of these tribunals is critical in the effort to establish genuine and long-lasting peace in war-torn areas around the globe.

Created by the United Nations Security Council, the current two war crimes tribunals seek to find justice for the victims of genocide and other war crimes that took place in the former Yugoslavia and in Rwanda. After witnessing the brutality of the wars in these two regions, the international community seized the opportunity to once again publicly prosecute and punish the planners and executioners of the genocide. The tribunals at Nuremberg after World War II have served as an important precedence for the current tribunals. The trials at Nuremberg were the first time that the international community recognized some crimes as so heinous that all states have the right and responsibility to prosecute the offenders. I am proud to say that my father, the late Herbert C. Pell, a former congressman from New York City, was President Franklin Roosevelt's representative to the U.N. War Crimes Commission which established the Nuremberg Tribunals. It is a tragedy that today there is once again a need for these tribunals to punish those who commit atrocities and other crimes against humanity.

The task confronting the two war crimes tribunals is immense and complex. In both the former Yugoslavia and in Rwanda, U.N. investigators are struggling to collect documentation and eyewitness accounts of the murder, rape, ethnic cleansing, and other horrible crimes that were committed during those violent conflicts. But despite the difficulties encountered in trying to amass evidence and to arrest the accused, the international community has recognized that the work of the tribunals is critical to finding a long-term solution to the conflicts in both Bosnia and Rwanda. Unless the perpetrators of the genocide are held accountable for their actions, the cycle of violence will not be broken and could start once again in either country. Equally alarming, unless the international community decisively condemns these crimes, others may be encouraged to commit similar acts without fear of retribution.

The significance of the war crimes tribunals has been emphasized most compellingly by the head prosecutor of the tribunals, Justice Richard Goldstone. In a recent statement to the Canadian Bar Association at the eleventh Commonwealth Law Conference, Justice Goldstone noted that:

> Without meaningful justice, there cannot be enduring peace in either the former Yugoslavia or Rwanda . . . it is surely unrealistic to expect the survivors to forget and forgive—to accept blanket amnesties and impunity for those most responsible . . . Accountability is essential if the hated is finally to come to an end.

Mr. President, I would like to submit a copy of Justice Goldstone's address for the RECORD.

As the head prosecutor for both tribunals, Justice Goldstone has placed an indelible mark on the course of international human rights law. Under his tenure, the Yugoslav tribunal has indicated 76 persons, and the Rwandan tribunal has indicted 19. Despite constant frustrations caused by insufficient resources and communications problems, the tribunals are setting important legal precedence for prosecuting those who commit appalling atrocities in the name of conventional warfare. It is truly a testament to the legal, diplomatic, and political skills of Justice Goldstone that so much progress has been made. With this in mind, I would like to note my own deep regret that Justice Goldstone will be leaving the tribunals at the end of this month to return to South Africa and a seat on its constitutional court. Over the last few years, I have had the privilege of meeting with Justice Goldstone on several occasions, and I found him to be an eloquent and influential spokesperson for the tribunals. He will be sorely missed, but I will join with many others in expressing my high expectations for his successor, Louise Arbour. We look forward to seeing the work of the tribunals continue with the same high caliber of leadership set by Justice Goldstone.

Clearly this is a critical time for the war crimes tribunals. Now more than ever, the international community must renew its commitment to the tribunals so that the progress accomplished thus far is not lost. The hard work of Justice Goldstone, and of the prosecutors, justices, and staff, certainly merits greater financial and political support from all U.N. member states. The victims who have survived the genocide and other horrible crimes are looking to the tribunal to see justice handed down. We must ensure that the tribunals are given the resources and political will to achieve their mandates. That is why I strongly supported the Clinton administration's efforts to establish the Yugoslav and Rwandan tribunals through the United Nations. And this year, I joined my colleagues in supporting a provision of the fiscal year 1997 foreign operations appropriations bill to provide $25 million of U.S. financial support to the tribunals. Of course, U.S. support alone is not enough. But through the contributions and cooperation of all states, the international war crimes tribunals will work to ensure that the human rights of all people are protected under international law.

Justice Goldstone's address follows:

PROSECUTING WAR CRIMINALS

Almost a year ago, in Ottowa I was invited to address the Conference of Commonwealth Chief Justices and International Appellate Judges on the work of the UN International War Crimes Tribunals. It was extremely encouraging that the subject of the prosecution of war crimes found a place on the agenda. It is no less encouraging that almost a year later, at this important Conference, the subject is again receiving attention.

Before the Nuremberg and Tokyo Trials, the prosecution of war criminals would universally have been considered to be of national and not international concern. Victims of war crimes had recourse only to national courts which had jurisdiction over the perpetrators. States whose forces were responsible for the crimes seldom, if ever, prosecuted their own combatants. That state of affairs was changed by the Nazi Holocaust. It was that affront to human dignity which led to the internationalisation of humanitarian law. The recognition by the international community of the concept of a crime against humanity was the essential key to international jurisdiction. There were crimes so evil and so over-reaching that it was the right and the duty of all of humankind to try, and if found guilty, punish the perpetrators. There was, in short, universal jurisdiction. It was that recognition that provided the moral and legal underpinning for the conferment of jurisdiction to punish perpetrators outside the country where the crimes were committed or where the accused happened to be found.

At the time of the establishment of the United Nations, it was widely assumed that an international criminal court would be set up. Indeed, there was an express reference to such a court in the 1948 Genocide Convention. But it was not to be. States were too jealous of their own sovereignty even to allow their citizens to be surrendered to an international jurisdiction even for the most serious war crimes. Alas, there was no court before which Pol Pot, Saddam Hussein and other post-World War II genocidal leaders could be prosecuted.

The establishment by the Security Council of the International Criminal Tribunal for the former Yugoslavia came as a surprise. It was generally accepted by the experts that an international criminal court would have to be established by treaty. It had never been seriously contemplated that such a court would be established as a measure which could assist in the re-establishment of international peace and security. It was that determination, under Chapter 7 of the UN Charter, that gave the Security Council the power to take that step. It was that act and the subsequent establishment of the Rwanda Tribunal that have drawn wide attention to the global dimensions of justice. In the case of both tribunals, the Security Council made a determination that the widespread and systematic atrocities perpetrated in both countries constituted a threat to international peace and security. That, in itself, was significant, because it was the first time that the linkage had ever been made by that body. Even more significant was the consequential decision that bringing to justice the individuals responsible for those violations was an appropriate response to that threat. The linkage between justice and peace in the international arena was born.

Notwithstanding that action by the Security Council, there have been serious challenges to the concept that peace and justice not be in opposition to each other. There were, and still are, those who argue that the establishment of the Tribunal for the former Yugoslavia would derail any nascent peace process. Just recently, an anonymous article appeared in the 1996 Human Rights Quarterly published by The Johns Hopkins University Press, in which the author wrote:

"Targeting violators of human rights and bringing them to justice is essential. Accusation, however, comes more easily than making peace. The quest for justice for yesterday's victims of atrocities should not be pursued in such a manner that it makes today's living the dead of tomorrow. That, for the human rights community, is one of the lessons of the former Yugoslavia. Thousands of people are dead who should have been alive—because moralists were in quest of the perfect peace. Unfortunately, a perfect peace can rarely be attained in the aftermath of a bloody conflict. The pursuit of criminals is one thing. Making peace is another."

This debate over the potential of the Tribunal to destabilise the peace process was particularly intense just before the negotiations at Dayton. More particularly, there were those who argued that it would be impossible to negotiate a peace agreement in circumstances where the leaders of a principal party were under indictment for war crimes. Radovan Karadzic and Ratko Mladic were, of course, at the centre of that concern. The implication was that peace would require the sacrifice of the laudable but unrealistic objective of pursuing justice. Happily the cynics have been proven wrong. Notwithstanding the indictment twice over both Karadzic and Mladic, the peace agreement was signed in Paris and its military objectives have been successfully carried out by IFOR. I have no doubt that if those alleged war criminals had been present at Dayton no agreement would have been reached. And, if they had been allowed to stand for election next month that election would not take place. Certainly, the Muslim leaders would not consider participation.

The position with the Rwanda Tribunal is somewhat different. In the first place, it was established by the Security Council at the request of the Government of Rwanda—the Government whose forces brought an end to the genocide of mid-1994. The leaders who were responsible for the organisation of the atrocities leading to the murder of about one million people had fled the country. They are not amongst the estimated 70,000 people who are today being kept in atrocious prison conditions in Rwandese prisons. They have moved to other countries in Africa, Europe and North America. Some of them took much of wealth of Rwanda with them. For these reasons, in particular, it is appropriate that there is an international tribunal. Few countries are likely to be willing to extradite persons to Rwanda before that country's criminal justice system has been re-established and it has reasonably acceptable prison conditions.

The Rwanda Tribunal was established at the end of 1994. It took many months to staff an office in very difficult conditions in Kigali. It took the UN Headquarters eleven months to appoint a Registrar for the Tribunal at its seat in Arusha in Northern Tanzania. The first cells there were only completed two months ago. At the time of writing this address seven indictments have been issued. Three of those indicted have been transferred from Zambia to the Tribunal in Arusha. They have made their initial appearances and the first trial is about to begin. Apart from the persons already indicted, provisional charges have been brought against four persons held in The Cameroons. They are expected to be transferred to Arusha in the coming days. They include Colonel Theoneste Bagasora, against whom we have evidence that, as chief of the Cabinet of the Ministry of Defense at the time the genocide began, he was one of the central persons responsible for the atrocities which followed. Another was one of the senior directors of the radio station, Radio Milles Collines, that spewed out hateful propaganda which was so important a weapon in the hands of the perpetrators.

I have no doubt that without meaningful justice, there cannot be enduring peace in either the former Yugoslavia or Rwanda. Where peoples have witnessed and suffered mass systematic murder, rape, torture and other unspeakable atrocities, and where millions have been displaced, it is surely unrealistic to expect the survivors to forget and forgive-to accept blanket amnesties and impunity for those most responsible. Such a policy would inevitably perpetuate the cycles of violence which have marked the recent histories of both Rwanda and the former Yugoslavia. Accountability is essential if the hatred is finally to come to an end-there is no substitute for avoiding collective guilt upon which genocide feeds. In short, without effective justice, there is little hope for an enduring peace in societies suffering the aftermath of gross human rights violations.

Unfortunately, notwithstanding the remarkable and praiseworthy efforts of the Security Council, we are still a long way from effective international criminal justice. The failure by the Implementation Force (IFOR) to go out and arrest those indicted by the Yugoslav Tribunal is a matter for deep regret. The 60,000 strong force undoubtedly has the capability to do so, Under the Dayton Agreement it has the legal right to do so. The fault lies not with the IFOR commanders but with their political bosses. Their policy is not to risk the lives of members of IFOR. But what are there for. As their name proclaims, they are there to implement the Dayton Agreement-but in this important respect they are being precluded for doing so. As is well known, the policy of the North Atlantic Council is that only those who literally fall into the hands of the IFOR soldiers will be arrested. It should come as no surprise that not one arrest has taken place since the IFOR troops first entered Bosnia Herzegovina at the end of last year. And, if the policy is not changed none is likely to be made. Far from endangering what may be a fragile peace in Bosnia, the arrest of some of the leading Serb and Croat indicated war criminals would have avoided many of the recent difficulties of Mr. Carl Bildt and the OSCE election organizers. It would have avoided the unfortunate spectacle of Mr. Karadzic making fools of some international leaders. That policy is also calculated to undermine the credibility not only of the international community but also of the Tribunal and international justice itself in the long term, this could create a disastrous precedent for the future exercise of international criminal jurisdiction.

The establishment of the two ad hoc tribunals for the former Yugoslavia and Rwanda has to be understood in a broader context. Even their most ardent supporters would not suggest that the response by the Security Council to two specific instances of humanitarian law violations is a satisfactory solution to the problem of world-wide massive war crimes. Many people question, with justification, why we are investigating and prosecuting violations in the former Yugolslavia and Rwanda and not similar shocking conduct in other parts of the world. It is disciminatory, and worse, the decision as to where such atrocities should be prosecuted is a political one taken by a political body-the Security Council. It is hardly fair or just that, by definition, war crimes committed by a permanent member of the Security Council, or by a country protected by such a member, would never be the subject of the exercise of that power. That notwithstanding, the establishment of the two tribunals is a significant step in the direction of having a permanent and independent international criminal court To the extent that they are successful, they will hasten that development. And, if we are unsuccessful in The Hague and Kigali, we will retard that process. It is for that reason that those of us involved in this process are so concerned when the international community fails adequately to support and protect a judicial body created by it.

On the more positive side, we have accomplished far more than many informed observers anticipated when the two tribunals were established. The Yugoslav Tribunal has issued 16 indictments in which some 76 defendants have been named. One of them, Erdemovic, a former member of the Bosnian Serb Army, recently pleaded guilty to crimes against humanity. He was involved in the murder of innocent Muslim civilians in the vicinity of Srebrenica in July 1995. He accepted responsibility for shooting at least seventy of the many hundreds who were killed. At this time he has not yet been sentenced by the trial chamber. Apart from Karadzic and Mladic, other leaders indicted Dario Kordic, the former vice-president of the self-proclaimed Croatian Republic of Herceg-Bosnia and Milan Martic, the "President" of another self-proclaimed Serb Administration in Knin prior to its destruction last year by the Croatian Army. The most recent indictment relates to the town of Foca in Bosnia Herzegovina. The charges arise out of the systematic rapes and sexual assaults perpetrated against the female population of that town by members of the Bosnian Serb Army. At present we have seven of the indictees in our custody, but alas, none of the leaders to whom I have just referred.

The trial of Dusko Tadic, which began many weeks ago, is likely to be followed by that of Tibotil Blaskic, a Croatian general, who voluntarily surrendered himself to the Tribunal to stand trial. He is the former regional commander of the Croatian Defense Council in the Lasva River Valley area of Bosnia Herzegovina, and was subsequently promoted to the Chief of Staff of the Mostar Headquarters of the HVO. He has been indicted on charges of crimes against humanity and grave breaches of the Geneva Conventions.

We have also brought a number of reconfirmation hearings where indicted persons have not been arrested and surrendered to the Tribunal. In these proceedings, the Prosecutor is able to present, in public, some of the evidence in support of the indictments. This is not a trial in absentia but a proceeding designed to enable a trial chamber to issue an international arrest warrant. The most recent proceeding of kind was that against Karadzic and Mladic and resulted in the issue of such warrants against both of them. Having regard to the evidence led it is even more difficult to accept the supine policy of the leading western nations with regard to their apprehension and surrender to the Tribunal.

This is an important time in the lives of both tribunals. The financial crisis of the United Nations has made our progress very difficult. We have constantly been underresourced. Without the generosity of a number of governments, and particularly the United States and The Netherlands, we would not be at the trial stage in either The Hague or Arusha. I have already referred to some of the credibility problems facing the Yugoslav Tribunal. If the people we indict are not brought to trial then we will not be able to fulfil our mandate. In particular, we will be seen to have failed by the victims themselves. The Security Council undoubtedly raised their expectations in establishing the Tribunal for the former Yugoslavia and endowing it with peremptory powers under the UN Charter. It sent a message to those victims that the international community had taken notice of what they had suffered and that message carried with it the promise that some justice would be afforded them. Their expectations were again raised when, from time to time, the Tribunal issued indictments. Imagine their frustration when they heard and read that IFOR would not be permitted to take the risk of seeking to arrest those indicted. Imagine their frustration when Karadzic and Mladic continue to flaunt the terms of the Dayton Agreement. Whether the elections are able to take place in a reasonably free and fair atmosphere still remains to be seen.

In Rwanda the problems are different and no less serious. Two years after that country was destroyed by its then genocidal rulers, its criminal courts are still not functioning. The frustration of the members of its present government cannot be exaggerated. Not the least of their frustrations is what they understandably regard as an unacceptable delay in the International Tribunal becoming operational. Then, there is the unfortunate imbalance by reason of the Rwandan Law recognizing death sentence while the International Tribunal has no such power. Add to this the recent wish of the Rwandese Government wishing to try leading members of the former government in Kigali and the clash between that wish and the Tribunal legitimately exercising its right of primacy and insisting on the leaders being tried in Arusha. Finally, there is the disturbing fact that the Rwanda Tribunal has increasingly become forgotten by the Western media. This may change when the trials are under way.

I hope that I have said sufficient to bring to your attention some of the positive and some of the negative features which have emerged in consequence of the establishment of the two tribunals. Without strong public pressure in a number of countries they would certainly not have come into being. Without continued pressure they will not succeed. It is for that reason, in particular, that I am grateful for this opportunity to bring to your attention some of the important issues relating to the future of the tribunals. Not only are they important for the victims. If they succeed they can also provide a powerful deterrent for the future. Your support for the work of the tribunals and for a permanent international criminal court is of cardinal importance.●

TRIBUTE TO BARBARA SHEFFIELD

● Mr. BOND. Mr. President, I rise today to pay a special tribute to Ms. Barbara Sheffield. It is a great pleasure to recognize Ms. Sheffield for her many years of loyal service to the General Services Administration [GSA], Heartland Region. Many Missourians have truly benefitted from her life-long dedication as a Federal employee.

Barbara Sheffield joined the GSA on January 23, 1963, as a GS–3 card punch operator with the Department of Veterans Affairs Hospital in Kansas City. Distinguished by her cheerful and efficient demeanor, she was quickly promoted, and eventually moved into a GS–7 position as inventory management specialist for the Veterans' Administration.

In 1976, Ms. Sheffield took a short break from her career, and in December of the same year, she resumed her employment with GSA as a temporary GS–4 clerk typist. Starting over did not deter her, and Ms. Sheffield's commitment to serving others carried her through an ensuing 20 years with GSA. Since 1979, she has worked as a GS–12, Congressional Liaison Specialist, working with congressional clients, setting up disaster field offices and maintaining a host of other special projects.

Ms. Sheffield's inestimable contributions and respected professional experience will be sorely missed when she retires from GSA on January 3, 1997. I wish her the best of luck in all of her future endeavors and continued good health and happiness.●

FRANK M. GRAZIOSO

● Mr LIEBERMAN. Mr. President, I rise today to honor Frank M. Grazioso, who has been selected by the Connecticut Grand Lodge Order Sons of Italy of America to be the recipient of the "Good Citizen of the Year Award." Mr. Grazioso will be honored at a ceremony on Sunday, October 20, 1996, in North Haven, CT. I would like to take this time to briefly acknowledge a few of Mr. Grazioso's contributions to the community throughout his career.

Mr. Grazioso has served the community in a number of public offices. He has been a New Haven city alderman, a corporation counsel, and member of the Civil Service Commission, as well as a member of the original board of the Shubert Performing Arts Commission and a member of the Board of Harbor Commissioners. Mr. Grazioso has also chaired many activities in my home State of Connecticut including the Columbus Day celebration and the State of Connecticut Columbus 500th Anniversary. He currently serves as vice-president of the Italian-American Historical Society and has recently been elected general counsel and national officer of the national Italian American Foundation.

Through his work with the Order Sons of Italy in America, Mr. Grazioso has participated in national and international charitable donations and has helped in raising over $500,000 for academic scholarships annually. Mr. Grazioso has worked closely with the Italian Government on wide range of educational and philanthropic activities. In 1991, Mr. Grazioso was honored by the Italian Government for his relief efforts on behalf of Italian earthquake victims. His work has been consistently outstanding and his commitment to helping his fellow citizens is much appreciated.

I salute Mr. Frank M. Grazioso for his continued dedication to serving his community and I congratulate him on his being named the "Good Citizen of the Year." It is an award obviously well deserved.●

REFORM OF THE FEDERAL FOOD AND DRUG ADMINISTRATION

● Mr. GREGG. Mr. President, I would like to take one last opportunity in this Congress to discuss on the floor of the Senate a matter that is of high priority to me: reform of the Federal Food and Drug Administration. As I have stated many times, FDA reform is critical if the United States is going to continue to be the world leader in the field of medical technology, and I, for one, plan to pick up the mantle that was dropped in relation to this legislation this year.

And I believe the amendments that I offered that were adopted during consideration of Senator KASSEBAUM's bill by the Labor Committee represent some important principles on which we will need to build a new reform bill in the 105th Congress. One of these amendments dealt with the dissemination of new information relating to health discoveries uncovered by other authoritative Government agencies, such as the National Institutes of Health or the National Academy of Sciences. I believe the American public has the right to be as informed as possible about the nutritional value—or even the scientific potential value—of the food they eat.

Another amendment adopted would allow a system of national uniformity for the regulation, labeling, and marketing of nonprescription drugs. This is an important, pro-consumer provision. It would put an end to the confusing requirements that various States and localities choose to impose on these common products, ensure more efficient interstate commerce of these products, and will not force manufacturers to bear the cost of such mandates which are generally passed on to purchasers. This amendment also contributes to a higher standard of safety by exempting compelling State or local requirements, and creating a mechanism to make truly worthy requirements national.

Mr. President, I was especially pleased to see report language included by the committee acknowledging that other FDA-regulated products, "may also lend themselves to such a comprehensive system." I would hope that the starting point of this provision next year will include cosmetics, prescription drugs, and biologics along with nonprescription products. The value of governing these products by a single, nationwide system is potentially vast. And, Mr. President, I think that discussion of such a comprehensive system for the regulation of food and food additives should be part of the debate.

This provision also dovetails nicely with another amendment that was accepted by the Labor Committee. For example, there is a global trend of international harmonization for products such as cosmetics: The countries in the European Union, Latin American, and various Asian countries are working toward regulatory cooperation. The Labor Committee, recognizing the significance of mutual recognition agreements [MRA] and the ongoing negotiations the U.S. Commerce Department and others are involved in, accepted my amendment urging the continuation and completion of such MRA's.

I am concerned by reports that many times, when the folks negotiating these agreements are very close, it is the FDA that throws a wrench into the works. I hope that the agency will take the instruction passed as part of the Labor Committee bill seriously in regard to these international agreements. We need to see them demonstrate a greater willingness to recognize the standards used in other countries. As I have stated many times, the Food and Drug Administration in this country does not have a corner on the ability to regulate well.

These are the sort of FDA reforms that I believe will promote a more efficient, higher quality regulatory process at the Food and Drug Administration. I look forward to revisiting these issues, and all of the other aspects of FDA reform, early in the 105th Congress.●

REACH-BACK TAX RELIEF

• Mr. CONRAD. Mr. President, I am pleased to join Senator COCHRAN in sponsoring this reach-back tax relief bill, S. 2135, to alleviate some of the unintended and inequitable hardships inflicted on certain companies by the Coal Industry Retiree Health Benefits Act of 1992. Our bill would provide substantial relief to numerous small companies. It would also use a small portion of the existing surplus of more than $120 million in the combined health benefit fund created by the act to allow a 2-year moratorium on the reach-back premiums. This 2-year period will give the Congress adequate time to study the current operations of the act and to remedy the inequities of the current law.

In the past, I have said that the Coal Act produced several major achievements. First, it assured retired coal miners and their dependents that their health benefits were permanently secure. The act provided a statutory foundation to carry out the commitment of all of us to see that these benefits are paid. It also provided a necessary legal mechanism to transfer excess pension funds into the health funds. In addition, the act required certain cost-containment measures that greatly increased the cost effectiveness of retirees' health benefit programs.

Despite its significant accomplishments, one feature of the Coal Act—its reach-back funding mechanism—has engendered great hardship and controversy. Many companies, who long ago had withdrawn from the Bituminous Coal Operators Association [BCOA] believing that they had met all of their legal obligations to fund retiree health benefits, found themselves, in 1992, subject to a draconian reach-back premium tax that they could not have foreseen and for which they could not have planned. This retroactive tax enforced by the full power of the Internal Revenue Service and the threat of dramatically compounding penalties has produced severe hardship for many companies subject to it. Some of them are trying to pay it by depleting their assets and hence their ability to generate income. Others have tried to ignore it and are now being subjected to collection suits by the Combined Fund.

The 102d Congress was persuaded that the Bituminous Coal Operators Association could no longer afford to fund retired miners' health benefits on a current basis as it had for the previous 25 years. The Congress was told that miner's health benefits faced a crisis of skyrocketing costs that would bankrupt the miners' benefits fund if the Congress did not act. The Congress was given a choice of either an industry-wide tax or the reach-back tax to fund health benefits. The passage of the Coal Act saves members of the BCOA more than $100 million a year over its prior annual benefit payments.

Fortunately the skyrocketing costs predicted by the BCOA have simply not occurred. The cost containment measures contained in the act and the decline in population of retirees and dependents served by the fund are largely offsetting the inflation in health care costs. Thus, the reach-back tax is simply injuring companies who cannot afford to pay it while giving members of the BCOA a windfall benefit which they do not want to give up.

Mr. President, the problems being caused by the reach-back tax are just beginning. Many original supporters of the Coal Act recognize that it needs some fine tuning. The Cochran-Conrad bill would provide for a GAO study of current operations and a 2-year respite from the reach-back tax, while assuring that the overriding goal of providing health care benefits of retired miners is preserved. I hope that my colleagues on the Senate Finance Committee will give this legislation the early consideration it deserves in the new Congress.•

AUTHORIZING HUD TO REGULATE PROPERTY INSURANCE PRACTICES

• Mr. GRASSLEY. Mr. President, the Department of Housing and Urban Development [HUD] is aggressively pursuing regulation of property insurance practices, supposedly because of the Federal Fair Housing Act [FHA]. HUD takes the position that the FHA, which prohibits discrimination in housing on the basis of race, sex, national origin, and other similar factors, authorizes HUD to regulate property insurance practices that purportedly affect the availability of housing. I strongly disagree with this interpretation by the FHA. I do not believe that HUD has the authority to regulate the insurance industry, let alone have any recognizable expertise in this area.

HUD's insurance-related activities are directly contrary to the longstanding position of Congress that the States should be primarily responsible for regulating insurance. In the McCarran-Ferguson Act of 1945, Congress expressly provided that, unless a Federal law specifically relates to the business of insurance, that law shall not interfere with State insurance regulation. The FHA, while expressly governing home sales and rentals and the services that home sellers, landlords, mortgage lenders, and real estate brokers provide, makes no mention whatsoever of the service of providing property insurance. Moreover, a review of the legislative history shows that Congress specifically chose not to include the sale or underwriting of insurance within the purview of the FHA.

HUD's assertion of authority regarding property insurance is a major threat to State insurance regulation. In August 1994, HUD announced that it was undertaking a new rulemaking that would prescribe use of the disparate impact theory in determining property insurer's compliance with the FHA. Although HUD has stalled on the promulgation of such disparate impact rules, it remains firm in its position that the disparate impact test applies under the FHA, and that the FHA applies to insurance.

Under the disparate impact theory, statistics showing that a practice has a disparate impact on a particular protected group may suffice to establish a prima facie case of discrimination, without any showing of discriminatory intent. The use of this theory may be appropriate in certain contexts, but in the area of insurance, it is wholly inappropriate and, in fact, potentially harmful.

The disparate impact theory assumes unlawful discrimination based solely on statistical data. Thus, under a disparate impact approach, statistics showing differences in insurance coverages by geographic area, wholly attributable to different risks in those areas, could be assumed to reflect racial bias merely because of a correlation between race and geographical locations.

The application of the disparate impact test to property insurance practices could undermine the ability of State regulators to ensure, as they are required by law to do, that the companies under their jurisdiction remain solvent. If insurers accept loss exposures to protect themselves against charges of disparate impact, or if they classify risky loss exposures as lower-risk exposures for this purpose, they may incur financial problems, because premiums collected may be far lower than the amount needed to cover losses incurred, and policy holders' surplus will have to be used to pay claims. If an insurer engages frequently in such improper underwriting, its surplus can be drained to the point of insolvency.

It is precisely for the purpose of preventing insolvencies while providing a means to make insurance more available that the States have adopted Fair Access to Insurance Requirements [FAIR] plans. HUD's disparate impact approach is flatly inconsistent with these congressionally authorized plans. Generally, the FAIR plans make property insurance available to applicants who have been rejected by the voluntary insurance market so that higher risks may be allocated equitably among insurers operating in a State. The FAIR plans thus help to prevent individual insurer insolvencies by providing for risks to be spread among all property and casualty insurers.

HUD's disparate impact approach fails to take account of the careful balancing of objectives reflected in the FAIR plans. Indeed, HUD's approach completely ignores the key difference between unfair discrimination and sound insurance underwriting practices that take the actual condition of the property into consideration. Clearly, it is unfair to discriminate on the basis of race, color, religion, sex, familial status, national origin, or handicap. But what HUD fails to recognize is that it is not unfair—indeed it is legally required by the States—for an insurer to evaluate the condition of the property and determine the risk. State insurance statutes not only deem these risk assessments to be legal, but indeed require them to prevent unfairness.

States and the District of Columbia have laws and regulations addressing unfair discrimination in property insurance. The State legislatures have debated and enacted a wide variety of antidiscrimination provisions to ensure that an insurer does not use race or other improper factors in determining whether to provide a citizen property insurance. The States are actively investigating and addressing discrimination where it is found to occur. In light of these comprehensive protections against discrimination, HUD's insurance-related activities are yet another example of unnecessary and duplicative Federal bureaucracy.

Let HUD enforce FAIR, and let the States regulate the insurance industry.•

EDWARD McGAFFIGAN, JR.

• Mr. BINGAMAN. Mr. President, when the Senate convenes in January, lots of familiar faces will be gone for one reason or another, and those of us returning will take up our work without the company and help of so many who are important to us and to this institution.

Because the Senate acted so quickly and responsibly on one matter before the August recess, one of my staff members is already gone, off to what is sure to be another outstanding period in an already distinguished career. Late in August, Ed McGaffigan was sworn in as a Commissioner on the Nuclear Regulatory Commission. Many of my colleagues and their staffs are well acquainted with Ed, and hold him in high regard, as do all of us in my office who have valued his company and counsel over the years.

Ed was among the first people I hired when I came to the Senate in 1983. Recommended to me by Joe Nye, Ed was then the assistant director of the White House Office of Science and Technology Policy. Prior to his work in the White House, he had been in the Foreign Service for 7 years, 2 of which were spent as science attaché at the American Embassy in Moscow.

From February 1983 until August 1996, Ed handled defense, national security, technology, and foreign policy issues in my office, as well as nonproliferation and export control policy, and personnel and acquisition reform. Early on, he was recognized by staff and constituents alike as a high-minded individual of bedrock honesty and great intelligence. I once heard our former colleague, Lloyd Bentsen, say that there is a special bond forged between a new Senator and the people who help him or her get started. Setting up an office, sorting out the priorities, and learning to say "yes" or "no" at the proper time on this floor take a certain devotion and effort of will on the part of all concerned. Ed McGaffigan was one of those who helped me get started here, and I could not have guessed that how valuable this intense, brilliant man would become to me, the people of New Mexico, and, indeed, the people of this country because of his service to the Senate. I could not have known how much we would all come to depend on his intellect, his great curiosity, and his unswerving commitment to truth.

Emerson, who was a student at the Boston Latin School more than 100 years ahead of Ed, anticipated him and knew his value in his essay on "Power," when he wrote: "Concentration is the secret strength in politics, in war, in trade in short in all management of human affairs * * *. A man who has that presence of mind which can bring to him on the instant all he knows, is worth for action a dozen men who know as much but can only bring it to light slowly."

Mr. President, Ed McGaffigan has concentrated his career on public service. We are fortunate that this is so, and fortunate, too, that we have in him not just a superb public official, but a true friend.•

IMPORTANCE OF OPEN LANDS NEAR TETON NATIONAL PARK

• Mr. SIMPSON. Mr. President, I rise today to speak for a few moments on an issue that is so very dear to the hearts of every citizen in my State—indeed most citizens of our Nation: I speak of the importance of open spaces.

Now, I believe it is safe to say that some of us take our open spaces for granted—a charge that applies—especially so —to those of us inhabiting our Nation's western regions. Most of us, upon taking an objective look at our Western States, conclude the dire environmentalist warnings of imminent coast to coast asphalt are shrill, exaggerated and foundationless. And yet, as with any other hysterical manifestation, there is a kernel of truth hidden beneath the hyperbole.

My State is blessed with many spectacular vistas, but perhaps none more so than the stunning Grand Teton mountains. Unless you have seen them yourself, you simply cannot appreciate their visual impact. They seem to come rearing up out of the prairie to tower high above our heads before plunging straight back down into the prairie again. In the valley beneath them lies the city of Jackson Hole. This is a city that has experienced booming growth in recent years as people from all over the Nation search for places to raise their families and make their fortunes that are not overtaxed, overregulated, or crime or pollution ridden. It has been both Wyoming's blessing and its curse to fit this bill so perfectly, and nowhere is this troubling dichotomy better exemplified than in the city of Jackson Hole.

Traditionally a ranching area, that town has now become a tourist mecca. But as pleased as environmentalists are to see land use industries give way to tourism, this same phenomenon has resulted in the destruction of heretofore open ranchlands which have been sold off bit by bit to the developers. It is an unfortunate and oh-so slippery slope. For the more development which takes place in the valley at the base of the Tetons, the higher the land values—and their accompanying property taxes—climb. The higher the property and estate taxes climb, the more difficult it is for these generations old ranching families to stay in business. This represents a far more serious situation than many eastern Members of this body can possibly realize. Cattlemen have long been the hapless holders of one of the most razor thin profit margins of any industry in this Nation. Today, they are going out of business left, right and center, Mr President, and the last thing they do before they turn out the lights for good, is to sell off their property bit by bit to real estate developers who then build expensive homes that only the wealthy can afford—we call them "log cabins on steroids.". The view of those mountains is spectacular and these developers and real estate agents charge for it accordingly.

Mr. President, the critical importance of preserving these incredible views—euphemistically referred to as "view sheds" by the land managers—available to all is of no small import to my State or the Nation. We need to be more business friendly. We need to keep our tax appetites under control. We absolutely need to reduce contrived regulation on our cattle industry and we need to ensure its access to Federal and State grazing lands and reasonable grazing fees. Above all, we must work to keep our ranchers ranching and our open lands open, in order to prevent the developers from overrunning this fragile and magnificent part of our Earth.•

SCOTT CORWIN

• Mr. HOLLINGS. Mr. President, as I noted earlier, committee staff have been working night and day all throughout this month to produce an acceptable omnibus appropriations bill. This has been a real hardship on the staff, but most of all on one of our majority staff on the Commerce, Justice, and State Subcommittee. I say this because Scott Corwin was married in Portland, OR, on August 24. His bride, Kristen, has been out in Oregon since that time, waiting for Congress to conclude the people's business and recess sine die.

So, I note that while we are very sorry to hear that Scott Corwin is leaving our CJS Subcommittee and Washington, DC to return and live in Oregon—I'm sure that he is happy and we should be happy for him.

Getting right to the point, Scott Corwin is the consummate professional. He is a graduate of Dartmouth College in Senator GREGG's home State, and a graduate of the University of Washington Law School. Even though his roots are in the Northwest, Scott came to Washington, DC to work for Ambassador Bob Strauss' law firm in 1987. Since 1991, he has served our distinguished chairman, MARK O. HATFIELD. Since February 1995, Scott has served on our State, Justice, and Commerce Subcommittee.

Mr. President, Scott Corwin is the type of dedicated public servant who is so essential to our legislative system. He was assigned a number of appropriation accounts ranging from the U.S. attorneys to the Supreme Court to the Maritime Administration. Scott is a quick study and he dug into the details and specifics of these agency programs and budget requests. He soon mastered the details and became a real appropriator.

It became obvious to me and other Members that Scott came to truly care about the agencies that were under his review on behalf of Senator GREGG and the majority. Scott was the first to ferret out soft dollars that are unnecessary. But, he also stood up for programs that deserved our support. He was especially tenacious in his defense of small agency programs, like the Marine Mammal Commission—which the House of Representatives has proposed to cut significantly. In the case of agencies like the National Oceanic and Atmospheric Administration, we were fortunate to have someone so knowledgeable in earth sciences, fisheries, and oceanic research.

Scott Corwin will be missed on both sides of the aisle. It will be hard, if not impossible, to find such a talented individual to take his place. We wish him all the best as he returns to Oregon along with my friend, Senator MARK HATFIELD.•

MEDICAL PROCEDURES PATENTS

• Mr. FRIST. Mr. President, I am very pleased that the omnibus appropriations bill being considered today includes S. 2105, legislation I introduced regarding the enforcement of patents for pure medical procedures. I greatly appreciate Senator GREGG's efforts to include this provision.

Patent law has been a cornerstone of both law and economics since the founding of our Nation. The issuance of patents was one of the few powers expressly granted to the Federal Government by the Constitution.

Patents allow inventors to recoup their investment and thereby encourage continuous innovation. Without the protection of patents, individuals, and businesses would be reluctant to invest their time, money, and energy into developing new technologies.

While the appropriateness of patents in general has long been established, it has been somewhat controversial with respect to health care. Initially, the medical community took a dim view of the patentability of therapeutic drugs or devices. Many felt that it was morally wrong to profit from improvements in medical care. For instance, the first application for a patent on aspirin was denounced as an attempt to blackmail human suffering.

In time, however, the medical community and others came to realize that, without the benefit of patent law, many improvements in medical care would never materialize.

As in other areas of human endeavor, improvements in health care often require significant investments of time and money. Without the ability to recoup these investments through patents, critical research, and development would never get off the ground.

The appropriateness and importance of allowing patents for pharmaceuticals and medical devices is now well-established. But the appropriateness of patenting medical innovations that do not involve drugs or devices but are simply improvements in surgical or medical techniques remains highly controversial. I think for good reason.

Unlike innovations in medical drugs and devices, innovations in pure procedures—such as discovering a better way to suture a wound or set a broken bone—are constantly being made without the need of significant research investments.

Allowing a doctor to enforce a patent on such improvements would have disastrous effects. Furthermore, innovations in surgical and medical procedures do not require the midwifery of patent law. They will occur anyway as they have throughout history.

My legislation would prevent the enforcement of so-called pure medical procedure patents against health professionals. It would in no way, however, change patent law with respect to biotechnology, medical devices, drugs. or their methods of use. As a result, this narrowly tailored legislation would in no way discourage the important research being done in these areas of medicine.

I intended to offer my legislation as an amendment to the Commerce, Justice, State appropriations bill because a related amendment was offered by Congressman Ganske when the House considered this bill. That amendment—which passed overwhelmingly by a vote of 295–128—took a very broad brush approach. It would have prohibited the Patent Office from issuing any medical procedure patents.

Because the scope of the Ganske amendment was not clearly defined, it could have impacted many worthwhile patents in biotechnology and pharmacology. Accordingly, representatives of these industries came to me after the passage of the Ganske amendment to express their interest in crafting an alternative approach. The legislation included in this bill is the result of that effort.

Because the Commerce, Justice, State appropriations bill was never considered on the Senate floor, I did not have the opportunity to offer my legislation as an amendment. I am pleased, however, that this legislation was nonetheless included in this omnibus bill as an alternative to the Ganske language.

My legislation enjoys the support of the American Medical Association as well as numerous medical specialty groups that are very concerned about this matter. And, while the biotech and pharmaceutical industries opposed the Ganske amendment, they were instrumental in crafting this narrower approach.

The need for this legislation stems from the recent case of Pallin versus Singer. The facts of this case are very compelling. In performing cataract surgery, an ophthalmologist by the name of Dr. Pallin chose not to stitch the cataract incision because the patient was experiencing heart problems.

When Dr. Pallin later discovered that the incision healed better without the stitch, he sought and was awarded a patent for "no stitch" cataract surgery. Dr. Pallin subsequently sought to license this procedure for a fee of $4 per operation. Although the no-stitch procedure was widely used, few surgeons were willing to meet Dr. Pallin's demands.

In 1994, Dr. Pallin brought a patent infringement suit against another eye surgeon and his affiliated hospital. After incurring nearly $500,000 in legal defense costs, a settlement was finally reached. The settlement, however, does not foreclose the prospect of future lawsuits of this kind.

There is legitimate concern that Pallin represents the future unless we nip it in the bud.

My legislation is very narrow in scope. It would simply prevent the enforcement of patents against health professional or their affiliated facilities for pure procedure patents such as Dr. Pallin's. It does not impact in any way the patentability of medical devices, drugs, or their methods of use.

This change in law is essential. Allowing health professionals to be sued for using innovations in pure medical or surgical procedures would have four disastrous consequences.

First, health care costs would explode if doctors charged licensing fees for every new surgical or medical techniques they developed. There are thousands of new medical and surgical techniques developed every year.

Permitting innovative doctors to charge a fee every time their new technique was used would be a windfall for the doctor but a huge and costly burden for the patient community. Because these innovations would occur anyway, these additional costs would be wholly unnecessary.

Second, it would greatly jeopardize patients' right to privacy. In order to know if a patent was infringed upon, patent holders could demand access to surgical notes and other detailed medical records to know precisely what kinds of procedures were used. Not only would this raise serious privacy concerns, but providing all of these records would be an administrative nightmare.

Third, allowing pure procedure patents would undermine the medical community's tradition—and ethical duty—of freely exchanging information for the benefit of patients. As a surgeon, I know first hand that medical training involves a very important social contract between health professionals. Making improvements in surgical or medical care and sharing those innovations with others is a critical part of the medical profession's commitment to advancing its art.

I was fortunate enough to innovate in my capacity as a heart transplant surgeon, but I always understood that my innovations were possible because I stood on the shoulders of giants.

I was able to advance the science of heart transplants because I had the benefit of superb teachers who themselves were great innovators. For me to have sought patents on new surgical techniques would have violated this social contract.

Fourth, it will open the door to FDA regulation of all aspects of medical practice.

While the FDA regulates medical devises and pharmaceuticals, it has no authority to regulate the general practice of medicine. The response to those who have advocated comprehensive FDA regulation of medical practice has been that checks and balances already exist to assure that patients receive appropriate care. One of those checks is the peer review process. If we undermine the peer review process but injecting patent-seeking into the heart of the practice of medicine, we will have opened the door for proponents of more expansive FDA regulation.

If we accept the argument that innovations in pure procedures should be treated no differently than innovations in drugs or devices for purposed of patent law, we open ourselves up to the argument that they should be treated no differently for other purposes as well—including FDA regulation.

Not only would pure procedure patents have disastrous effects on health care, they are unnecessary to encourage innovation.

It is important that we not lose sight of the underlying purpose of patent law. Its function is not to reward innovations after the fact. Its purpose is to encourage innovation that would not occur otherwise. This rationale does not apply to innovations in pure medical and surgical procedures because such innovations have and will continue to occur without the benefit of patent law.

Further, unlike innovations in medical devices or drugs, pure-procedure innovations do not require huge investments of capital. As Dr. Pallin's no stitch cataract surgery indicates, most breakthroughs are discovered in the course of treatment. This is partly why the AMA's Code of Medical Ethics holds pure-procedure patents to be unethical.

Doctors have an ethical duty to seek the best care for their patients. This includes the duty to innovate when necessary. Also, recognition among one's peers for innovation and excellence is a tremendous incentive for doctors. Every doctor wants the cachet of publishing an article in a medical journal detailing their innovation. Finally, to augment these private motivations to innovate, millions of dollars in public and private grants are available each year to advance pure-procedure technology further.

As a result, not only would allowing pure procedure patents to be enforced against doctors be detrimental to health care, it would not serve the underlying purpose of patent law which is to encourage innovation.

In closing, I want to thank Congressman GANSKE with whom I have been working for the past year on this important subject. His amendment provided the impetus to address this important matter in the waning days of this Congress.

I also want to thank Senator GREGG and his staff for their strong support. Without Senator GREGG's commitment, this legislation would not have been possible.

Finally, I want to assure opponents of my legislation that I take seriously their concerns and will be the first to join them in revisiting this issue if its unwitting effect is to chill medical innovation. While I do not believe this will be the effect, I agree that it warrants a watchful eye.•

MEDICARE BENEFICIARY SHARES CONCERNS ABOUT THE NEW DOLE PLAN

• Mr. ROCKEFELLER. Mr. President, a few weeks ago, a number of my Democratic colleagues and I held a forum on how former Senator Dole's economic plan would affect the Medicare Program and the 37 million people who rely on it for their health care needs. Unfortunately, there have been no formal congressional hearings to examine the consequences of this mammoth plan on the lives of the American people, or in particular, on Medicare beneficiaries.

Our forum heard from highly respected economic and health care experts who warned us that the Dole plan would require deep cuts in Medicare, which would force major changes in the program, cuts in payments to the professionals and institutions that provide Medicare services, and reductions in the quality of the medical care provided to Medicare beneficiaries. In my view, this is one of the most obvious and compelling reasons to do everything possible to prevent the Dole economic plan from ever becoming reality. It astounds me that we are seeing this revival of a supply-side proposal that once again puts Medicare on the chopping block in order to pay for tax relief for the wealthy.

We also were privileged to hear from an extraordinary senior citizen and Medicare beneficiary, Betty Miller. Betty Miller told us that the Medicare cuts required to pay for Dole's tax cut plan would seriously threaten her health care security. Betty was a powerful witness and I think she truly represents what the majority of Medicare beneficiaries would tell us if they had the chance to share their views about the Dole plan's harsh Medicare cuts.

I want all my colleagues to be able to listen to Betty's comments about Medicare. I submit Betty's testimony for the RECORD, and urge each of my colleagues to take the time to read what a real Medicare beneficiary cares and worries about when candidates propose financing tax breaks with their Medicare Program. Again, I thank Betty for taking the time to tell us about her health care worries, and about what Medicare means to her.

This testimony underscores, I submit, the reasons to protect Medicare from being raided for anything but the future of this crucial health care program. A promise was made to Betty Miller that she could experience her retirement years with the peace of mind of health care security. And a promise was made to future retirees, who are now working hard to pay into the Medicare Trust Fund, so they can count on the same health security. The Dole plan threatens this promised health care security, and should be rejected.

The testimony follows:

My name is Betty Miller. I am 77 years old and in good health, fortunately.

Nine years ago my husband died of emphysema and complications, amassing bills of one quarter of a million dollars. I would be impoverished today, and so would my children, if it were not for Medicare.

Since then I have cost Medicare less than one hundred dollars ($82.24) for the total nine years. My pension deductions for Medicare amount to $510 annually. I have worked since I was 17 years old. In the years before my retirement ten years ago my Health Insurance tax was deducted from every salary check.

I like the Medicare program. It gives me peace of mind. I can sleep at night knowing that I may not become a financial burden to my children. My four children are fine, upstanding citizens gainfully employed, but they are not wealthy. They could not face the burden of a major health expense for me. A burden which might rob my six grandchildren of a higher education or other economic requirements.

This is why we are so concerned with Republican proposals, the proposal you have just heard about which my Representative and her Republican colleagues support. A 15% tax cut at my income level would be peanuts compared to my possible medical bills.

At my age I do not worry about dying, but without Medicare I would worry about surviving. Many of my friends are in the same position.

We need Medicare for ourselves and our children.•

TRIBUTE TO SAID FREIHA

• Mr. BROWN. Mr. President, I rise today to speak about the life of Mr. Said Freiha, a past chairman of the influential Arab publishing house, Dar Assayad, and the founder of Assayad, a weekly newsmagazine.

Born in Lebanon in 1912, Mr. Said Freiha rose from humble beginnings committed to the belief that a strong society full of freedom, pride and dignity could only be achieved through free enterprise and democracy. In 1970, Mr. Freiha established the Said Freiha Foundation for Welfare and Scientific Services. The foundation has been instrumental in providing financial, medical and professional aid to members of the Arab media and their families.

Under this leadership, Dar Assayad became one of the top three printing and publishing houses in the Arab world. When Mr. Freiha died in March 1978, he left behind a press empire now producing 12 publications.

Said Freiha's memory will remain as a beacon in the Arab world. Readers from across the Arab world will continue to benefit from the literary treasures he left behind.•

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS

• Mrs. MURRAY. Mr. President, I want to thank the chairman and ranking member for working together to report this bill. I will certainly support final passage.

One of the most important budget items in this bill to me and my Seattle area constituents is funding for the new Federal courthouse. This courthouse has been needed, and in the works, for almost a decade. As Congress has expanded the role of Federal courts in crime fighting and other areas, our judges have gotten more and more squeezed. There is no doubt a new courthouse is needed.

At this time, the General Services Administration, working with the city of Seattle, has tentatively selected the main library for the city as the site for the new courthouse. The library is in sore need of replacement or major restoration. The library is a cherished public asset. The people in and near Seattle check out books at a rate of 1 million per year. They bring their children to story hour, attend the diverse programs, and conduct tremendous amounts of personal and professional research.

The city of Seattle recognizes the need for expansion of the Federal courthouse and is committed to working energetically in partnership with the GSA to make this a reality. Seattle has offered to relocate its library to expedite expansion of the courthouse. I am pleased the city and GSA intend to work together, as quickly as possible, to find a mutually agreeable resolution of the cost and timing questions.

Mr. President, I again thank the chairman and ranking member for doing their part to move this courthouse toward completion. The need for the courthouse and a smooth, cost-efficient transition to a new library cannot be overstated. I look forward to working with you further in the coming years of this project to ensure the Federal justice system is poised to meet the growing needs of the region, and that Seattle's central library is kept whole in the process.•

FOREIGN DIFFERENTIAL EXPORT TAX SCHEMES

• Mr. GRASSLEY. Mr. President, last month when we were considering legislation to extend the Generalized System of Preferences [GSP], I raised an issue involving an unfair trade practice that has been of great concern to U.S. growers and processors of soybeans. I described a tax policy employed by certain countries, including some who are major beneficiaries of the GSP program, to give their processors and exporters of agricultural products an unfair competitive advantage in world markets. This policy is used particularly to benefit foreign soybean meal and oil processors and exporters.

This tax policy, known as a differential export tax scheme [DET], in effect operates as an indirect subsidy for exports of soybean meal and oil, permitting oilseed processors in those countries to underprice their competitors and obtain greater market shares for these products. As a consequence, the United States share of the world export market for soybean products has declined significantly, while the countries that engage in these trade-distorting practices, such as Brazil and Argentina, continue to experience tremendous export growth in these same products. Moreover, these tax schemes have had the effect of creating artificial downward pressure on world price levels for these products, which has severely reduced U.S. soybean industry revenues.

In my statement last month, I cited the tax structure utilized by the State of Rio Grande do Sul in Brazil as a particularly egregious case in point. At that time, I noted the commitment of the Brazilian Federal Government to reforming that system. I am pleased to report that earlier this month, the Government of Brazil enacted reform legislation that eliminates these taxes on exports of raw materials and semi-manufactured goods. I want to publicly congratulate the Government of Brazil for this major accomplishment. I hope the example of leadership that Brazil has set in taking this important step will encourage other countries that continue to utilize these tax schemes to take similar steps toward free and fair trade. I will continue to carefully monitor these developments and, as I noted in my previous statement, I am prepared to consider appropriate measures to encourage further progress in this regard.•

UNITED STATES-JAPAN INSURANCE AGREEMENT

• Mr. MURKOWSKI. Mr. President, today I would like to call to this Chamber's attention the continuing failure of the Government of Japan to honor the United States-Japan Insurance Agreement. My colleagues will recall that I offered a resolution on this issue on July 25 during our consideration of the foreign operations appropriations bill. That resolution was adopted unanimously by the Senate.

It way my hope at the time that the Government of Japan would soon begin to implement the obligations it undertook in the insurance agreement signed in 1994. Regrettably, not only has Japan not fulfilled its obligation to open its insurance market, as called for under the agreement, it is now poised to commit a grave violation of it. Such a violation would undermine Japanese credibility and could cost American companies millions of dollars of hard earned business. Rather than leading to a more open market, this agreement and Japan's new insurance business law, are being implemented by the Ministry of Finance in ways that could lead to substantially reduced American market share.

Our well-respected Ambassador to Japan, Walter Mondale, told the National Press Club earlier this month that it appears possible that the Ministry of Finance [MOF] "is going to permit these huge insurance companies to develop subsidiaries to go into the third sector and swamp the third sector with the army of insurance agents they have, without opening the primary sector. . . . And I think many of [the foreign insurance companies] would be driven out." For the benefit of those Members unfamiliar with the insurance market, the so-called "third sector" includes such niche products as personal accident and long-term disability insurance, and it is the only sector where foreign firms currently can compete.

Since Ambassador Mondale made that statement, the possibility of a violation has grown. Just last week USTR met again with the MOF to take stock of our respective positions. What this meant in fact was the Japanese Government withdrew—in response to domestic industry pressure—all the concessions offered at earlier negotiations in Vancouver.

Rather than making progress, the negotiations are back to where they had been in March and April. And I believe we are now at a brink. Ambassador Barshesfsky has said publicly that if the MOF allows entry into the so-called "third sector," or in any other way prejudices the U.S. position, we will take appropriate actions.

Mr. President, I call on my colleagues today to support Ambassador Barshesfsky in her negotiations. We should do so unanimously. Japan must understand that the Congress' seriousness of resolve on this matter is no less than that of USTR.

Japan must honor its agreements. This may be a complicated issue, but it comes down to a simple matter—will Japan live up to its word. As Ambassador Mondale has said, "We have an agreement and that must mean something."

Mr. President, we have reached a day of reckoning. The Ministry of Finance must decide if it will permit violations of the agreement. If, on the other hand, the MOF does not permit violations, cooler heads may yet prevail.

Last week, a U.S. official said, "In its action on October 1, the Japanese government should not take action which prejudices the negotiations, which invalidates the U.S. position or unilaterally adopts the Japanese position." I agree. The proper and appropriate action by the MOF at this time would be a continuation of the freeze which has prevailed for a number of months. That is what we expect from the MOF, and nothing less. I hope our friends in Japan do not miscalculate, but if they do, we must leave no doubt that they have made a mistake.•

REAUTHORIZING THE NATIONAL MARINE SANCTUARIES ACT

• Mr. INOUYE. Mr. President, I rise today to commend Senator STEVENS and Senator KERRY for their work in bringing this bill to passage. By reauthorizing the National Marine Sanctuaries Act, we reaffirm our commitment to the preservation and protection of marine resources and areas of great biological significance in the marine and coastal ecosystem.

This bill also amends the Hawaiian Islands National Marine Sanctuary Act to reflect some of the concerns raised during the sanctuary review process. Most importantly, the Hawaii provisions of the bill prohibit the imposition of user fees in the sanctuary. The measure also incorporates amendments requested by the Kahoolawe Island Reserve Commission (KIRC) regarding any future efforts to include the island of Kahoolawe in the sanctuary. The bill provides the KIRC with the authority to request that Kahoolawe be included in the sanctuary. If the KIRC does not make this request, Kahoolawe will not be included.

This bill represents bipartisan cooperation on an issue of great importance; the protection of the marine environment. I would like to thank the staff of the Committee on Commerce, Science, and Transportation, especially Lila Helms, for their role in making this reauthorization a reality.•

200TH BIRTHDAY OF LIBERTY HALL

• Mr. McCONNELL. Mr. President, I rise today to ask my colleagues and all Americans to join me in paying tribute to Liberty Hall in Frankfort, KY. This historic home will celebrate its 200th birthday on October 2, 1996.

Liberty Hall is one of Kentucky's finest 18th-century homes. It served as the residence of Kentucky's first U.S. Senator, John Brown, and four generations of his family. Senator Brown held office from 1792 to 1805. Brown married Margaretta Mason on February 21, 1799; after their wedding they returned to Frankfort and his home, Liberty Hall, which he began building in 1796.

Senator Brown was known as a strong advocate and voice for the developing lands west of the Allegheny Mountains. Brown was one of the first trustees of Harrodsburg. He also was a founding member of the Danville Political Club and a member of the Kentucky Manufacturing Society. At the time of his death he had the distinction of being the last living member of the Continental Congress.

Since 1937, Liberty Hall has served as a house museum. The historic home is a sterling example of the preservation movement in the Commonwealth of Kentucky.

Mr. President, I ask you to join me in celebrating Liberty Hall's 200th birthday. This historic site is a Kentucky landmark, and I hope all that travel to Kentucky's capital will take time to stop by and see why we Kentuckians are so proud of this historic mansion.•

COMMEMORATING SAM VOLPENTEST'S 92D BIRTHDAY

• Mrs. MURRAY. Mr. President, I rise today to issue a birthday wish to one of the most remarkable people I have had the pleasure to work with in these first 4 years of my term: my almost-92-year-old friend and mentor, Sam Volpentest.

For more than three decades, Sam has been working to ensure the economic stability of the communities surrounding the Department of Energy's Hanford Site in southeast Washington. As a representative of the Tri-City Industrial Development Council, he worked closely with Senators Magnuson and Jackson to secure funding and projects for Hanford as the site has transitioned through various incarnations, from helping to win the cold war to cleaning up a nuclear mess to moving onto a healthy, stable future. And although these two illustrious leaders have passed on, Sam has not let up. He has advised and educated a whole new generation of elected leaders about priorities and the importance of the Tri-Cities.

Sam is tireless. He has more energy and enthusiasm than almost anybody. People who are half his age would be happy with his energy level—I know I would. He puts that energy to good work for Hanford and for the numerous charities and organizations he supports. I can think of no person who has contributed more time or energy to Hanford's workers and communities than Sam Volpentest.

Mr. President, I want to tell one story to illustrate Sam's dogged determination to do the right thing. Early in my Senate tenure, Sam shared with me an exciting new venture for Hanford, dubbed HAMMER—the Hazardous Materials Management and Emergency Response facility. HAMMER was an excellent idea, but a costly one—especially in this budget-cutting climate. However, with Sam at the helm of the project, this important inter-agency, cooperative emergency response program had a chance to make the transition from dream to reality.

In 1994, Sam got word that HAMMER funding was threatened. He called my office late one evening and explained how important it was to contact Senator EXON, who would be instrumental in saving HAMMER. Sam arrived at 7 a.m. and camped on my doorstep, and believe me, anyone who has had Sam camp out on their doorstep knows this man can camp. He helped me develop a strategy for winning and we worked every hour of the day to implement that strategy. In the end, we saved HAMMER.

Just last year, we broke ground for the extensive HAMMER training course. Today, HAMMER—Sam's mission and one of his many dreams—is almost constructed. The people not only in his community but across the Nation will benefit for years to come for Sam's tenacity and devotion to "camping" on doorsteps.

Today, on September 30, Sam Volpentest celebrates his 92d birthday. On that day, The Tri-City Herald will publish a list of contributors who have given to "Sam's 92d Birthday Celebration for Charity." Contributors can give $9.20, $92, $920 or more to the organizing committee who will then pass the money on to the Blue Mountain Council of the Boy Scouts of America, the Tri-Cities Cancer Center, and

Washington State University Tri-Cities. This is an excellent way to celebrate Sam's continuing charity to his friends and community, and will certainly demonstrate the love and affection so many people have for this remarkable man.

Mr. President, I hope all of my colleagues are blessed with people so tirelessly devoted to their communities as the people of the Tri-Cities and I have in Sam Volpentest. I hope those of you who have the privilege of knowing Sam will join me in wishing him a very happy 92d birthday, with many more to follow.•

REPORT ON TRIP TO INDONESIA, VIETNAM, AND HONG KONG

• Mr. COCHARN. Mr. President, it is my pleasure to submit for printing in the RECORD a copy of a letter I am sending today to our distinguished majority leader which encloses a copy of a report of a trip I took with his authorization to Indonesia, Vietnam, and Hong Kong earlier this year.

I hope Senators and staff will be able to consider my suggestions for policies that enhance our economic and security interests in this very important part of the world.

I ask that my letter and report be printed in the RECORD.

The material follows:

U.S. SENATE,
Washington, DC, September 30, 1996.

Hon. TRENT LOTT,
The Majority Leader, U.S. Senate,
Washington, DC.

DEAR TRENT: I am pleased to submit this report on my trip to Indonesia, Vietnam and Hong Kong from June 28 through July 8, 1996. I undertook this mission to engage senior officials in the region in discussions of political and economic changes in Asia, the impact of U.S. policy on those developments and the outlook for bilateral and multilateral relationships, particularly with regard to U.S. security and trade policy.

In Indonesia, we met with Hartarto Sastrosoenarto, Minister for Production and Distribution and Dr. Beddu Amang, Chairman of the Agency for National Logistics Administration.

In Vietnam, we met with Deputy Foreign Minister Vu Khoan, Deputy Minister of Defense Nguyen Thoi Bung, Minister of Trade Le Van Triet, Foreign Minister Nguyen Manh Cam, National Assembly Chairman Nong Duc Manh, and members of the American Chamber of Commerce.

In Hong Kong, we met with Governor Christopher Patten, members of the American Chamber of Commerce, Hong Kong legislative Council members, Preparatory Committee members, business and academic leaders. Mr. Martin Lee, Chairman of the Democratic Party, and Mr. Robert Ng, Trustee of the better Hong Kong Foundation.

The trip emphasized the importance the United States places on its relations with the countries visited. We gained valuable insights regarding United States defense and trade policies and issues confronting the countries visited. I believe the trip will enhance United States relations in the area and lead to a better understanding of the issues that confront us.

We received excellent assistance from Ambassador J. Stapleton Roy and the Embassy staff in Jakarta; Charge d'Affaires Desaix Anderson and the Embassy staff in Hanoi; and Consul General Richard Mueller and the staff in Hong Kong.

Colonel Terry Paul, USMC, served as our military escort on the trip. His assistance ensured a productive trip.

Thank you for authorizing me to represent the leadership of the United States Senate.

Sincerely,

THAD COCHRAN,
U.S. Senator.

REPORT OF THE MISSION OF SENATOR THAD COCHRAN TO ASIA JUNE 28–JULY 8, 1996

PURPOSE

Senator Cochran welcomed the Republican Leader's authorization to visit Indonesia, Vietnam, and the colony of Hong Kong. His delegation was officially hosted by the respective American embassies and consulates and met with senior officials in each of these locations.

Enroute to Indonesia Senator Cochran had the opportunity to meet with the U.S. Commander-in-Chief of U.S. Pacific Command, Admiral Joseph Prueher, and the Commander of the Third Marine Expeditionary Force, Major General Rollings, for briefings on Asian Security issues.

During the July 2–3 stay in Indonesia, the delegation discussed security and trade issues concerning Indonesia and Asia. Senator Cochran was honored at a reception for Indonesian participants in the Cochran Fellowship program, administered by the U.S. Department of Agriculture's Office of International Cooperation and Development.

In Vietnam from July 3–5, the Senator met with representatives of Vietnam's government to discuss the renewed bilateral relations and defense and trade issues concerning Vietnam and Asia. In addition, Senator Cochran represented the Senate at the American Community Celebration, a gathering commemorating the Fourth of July. This was the first such celebration since the normalization of relations between the two countries.

The July 5–7 talks in Hong Kong focused on regional issues and the coming transition of sovereignty of the colony from the United Kingdom of Great Britain to the People's Republic of China.

Enroute to Washington, D.C., Senator Cochran met at Fort Lewis, Washington, with Lieutenant General C.G. Marsh, Commander of the U.S. Army I. Corps.

COMMANDER-IN-CHIEF, U.S. PACIFIC COMMAND BRIEFING

Senator Cochran was briefed on June 29, 1996, by Admiral Joseph Prueher, Commander-in-Chief of U.S. Pacific Command. The area of responsibility for Pacific Command comprises 100 million square miles spanning fourteen time zones. The vast geography of the region compounds the ever-present challenge facing our military of trying to forecast where the next problem will be before it occurs.

Approximately 100,000 U.S. service personnel are forward deployed in the Asia-Pacific region, most of which are in Japan and South Korea. The security brokered in the region by the United States since the end of World War II has played a pivotal role in creating the conditions necessary for economic prosperity in the region. This prosperity has a direct effect on the United States, as 37% of U.S. exports are to Asia and the Pacific.

The U.S. strategy in the region is one of "cooperative engagement," and our regional strategic objectives flow from this strategy: to maintain U.S. influence in the region; promote an environment of trust and cooperation; deny hegemonic control of the region; guarantee lines of communications; deter armed conflict in the region; and, enhance interoperability with our allies in Asia and the Pacific. Admiral Prueher underscored the fact that our strategy, and our strategic objectives, can only be satisfied if the U.S. military retains a credible warfighting capability in the region and around the world.

There are several sources of instability in the region that are of concern to Admiral Prueher: the prospect of regional conflict, such as in Korea or between India and Pakistan; the many issues surrounding the future of the People's Republic of China, to include questions on the future status of Hong Kong, the PRC's relationship with the Republic of China, and the PRC's continued participation in the proliferation of weapons of mass destruction and ballistic missile delivery systems, this proliferation by itself being one of Admiral Prueher's chief concerns; religious and ethnic conflict; drug trafficking; and territorial disputes, such as the Spratley Islands issue.

With particular regard to one aspect of the proliferation problem in the region, Admiral Prueher noted that there is "almost overwhelming evidence" that the PRC has supplied missiles to Pakistan.

Admiral Prueher gave an insightful analysis of the recently-concluded PRC "missile tests" around the Republic of China just prior to the election of President Lee Teng-Hui. While the United States was not seeking overt confrontation with the PRC, but to have a "measured response," American actions were designed to signal China that it was prepared to stand by its commitment to the Republic of China and to signal our allies in the region that the U.S. security commitment to the entire region remains strong.

In responding to a question, Admiral Prueher said that the Chinese ballistic missiles performed as expected, and that these "missile tests" underscored the need for rapid deployment of highly effective theater missile defense systems, such as the THAAD and Navy Upper Tier systems.

Admiral Prueher is hopeful that the U.S. Navy will be able to continue to use Hong Kong as it currently does after July 1, 1997, and believes that full IMET for Indonesia would be very helpful in both maintaining our relationship with Indonesia and improving the lives of Indonesians. Placing restrictions on IMET for Indonesia makes it more difficult to influence the future direction of the Indonesian military.

OKINAWA

The delegation made a brief stop in Okinawa and had the opportunity to meet with Marine Corps Major General Wayne Rollings, Commander the Third Marine Expeditionary Force, Air Force Brigadier General Hobbins, and Consul General O'Neill. The delegation's visit occurred in the wake of Secretary of Defense Perry's negotiations with Japan to reduce the U.S. force presence on Okinawa, to include reducing the number of bases there. General Rollings, III MEF Commander, discussed the need for access to larger training areas to keep the Marines of III MEF properly trained. He also explained the ongoing coordination that occurs with CINCPAC to ensure that U.S. forces in the region are prepared to respond as necessary to any forseeable contingency.

INDONESIA

Indonesia has had steady growth in its economy for the last thirty years, increasing its per capita income from $60–$70 in the mid-1960's to approximately $1,000 today. The Indonesian economy has a growth rate of 7%–8% per year, and is projected to be the fifth largest economy in the world by 2020. Indonesia, in terms of population, is currently the world's fourth largest nation and is the world's most populous Islamic nation.

The United States is the largest foreign investor in Indonesia, though if oil and natural gas investments are removed, both Japan and Europe invest more. The Japanese government is doing a great deal to help its businesses gain market share there, providing approximately $2 billion per year in soft loans to Indonesia and to Japanese businesses that invest here.

Indonesia is a large importer of a wide range of agricultural commodities. It is currently America's 14th largest agricultural export market, with the dollar value of U.S. agrciutlural exports having tripled in the last five years. U.S. cotton imports have increased by 58% in just the last year, Indonesia is the second largest foreign market for Washington State apples, and Indonesians are willing to pay more for U.S. beef. Indonesians like American products.

Indonesia is a country in transition. Half of its population has been born since President Suharto ascended to the leadership of Indonesia, and, while the country's economy is growing strongly, the political expectations of the burgeoning middle class have not yet been met. The human rights situation, particularly in East Timor, though improving, is not satisfactory. However, the human rights violations that have occurred have not, by and large, been committed by military officers trained in the United States. In fact, it is the American-trained officers that American embassy officials are able to go to in seeking to find out the facts when there is a human rights problem involving the military.

It was because of human rights violations that Indonesia's participation in the International Military Education and Training (IMET) program has been reduced, albeit under the curious name of "expanded" IMET. Of the 109 countries participating in IMET in FY '95, only Indonesia's participation was curtailed. During the delegation's visit U.S. Ambassador Stapleton Roy expressed a strong desire for restoring full IMET to Indonesia, telling Senator Cochran that singling Indonesia out for special treatment could ultimately mean the difference between friendly and a hostile regime. This consideration is particularly important in light of the fact that, in times of heightened tensions or crisis ranging from the Mediterranean to the Pacific, American naval forces must transit Indonesia's water when traveling between the Pacific and Indian Oceans.

Minister for Production and Distribution Sastrosoenarto

The delegation's first meeting with an Indonesian official was with Hartarto Sastrosoenarto, Minister for Production and Distribution.

Minister Sastrosoenarto stated that imports are surging in wheat and noodles. Indonesia is interested in becoming self-supporting in other agricultural commodities, such as corn, sugar, and rice. However, particularly with regard to rice, Indonesian farmers are having a difficult time growing enough to satisfy demand, despite the fact that noodles have become such a popular staple.

While Indonesia imports cotton from the United States, Minister Sastrosoenarto mentioned that his importers have recently begun to complain that some American cotton has been shipped to Indonesia with a fungus.

To help transition to a free market, the government is actively involved in a step by step removal of subsidies in the distribution sector. Minister Sastrosoenarto went on to state the importance of continuing to reform the economy to help generate a larger middle class and enhance social stability. As part of the transition to a free market, he went on to say that the government would be privatizing large portions of the national infrastructure, such as power generation, telecommunications, and harbors.

Minister Sastrosoenarto commented that the legal system is weak and must be improved to create a strong legal framework emphasizing support for private property as an incentive for continued growth.

Finally, the Minister expressed his hope that at some point in the future ASEAN and NAFTA can be formally linked together.

Agency for National Logistics Administration (BULOG)

The delegation next met with Dr. Beddu Amang, Chairman of the Agency for National Logistics Administration (BULOG).

Dr. Amang mentioned that trade in agricultural commodities with the United States is continuing to grow, citing soybeans as an example of a commodity which is completely imported from abroad, 90% of which comes from the United States.

While four million tons of wheat per year is imported by Indonesia, almost 50% of that wheat comes from Australia while just over 10% comes from the United States. In response to a question from Senator Cochran, Dr. Amang attributed Indonesia's low imports of U.S. wheat to high levels of dust that have been found on imported American wheat (also a problem with U.S. soybeans, though not as widespread) and the higher shipping costs (relative to Australia) from the United States. Wheat that only takes six days to be shipped from Australia takes on average 23 days to come from the United States.

Dr. Amang mentioned that Indonesia makes extensive use of GSM–102 credits, particularly for soybeans and corn, though the bank charges are expensive and the repayment period (three years) is too short. Despite these problems with the GSM–102 credits, and despite the fact that Indonesia would like to become self-sufficient in growing corn, corn imports for feed are increasing every year.

Dr. Amang expressed the hope that U.S. investment in Indonesian agriculture would increase, to which Senator Cochran stressed the importance of Indonesia's continuing to enhance its legal system to protect the sancity of contracts, as well as the need to continue to decentralize the Indonesian distribution system.

Other meetings

The delegation was pleased to have the opportunity to meet with graduates of the Cochran Fellows program and listen to their stories of how they've taken the lessons learned from their exposure to the American marketplace back to Indonesia to build prosperous careers and businesses. The delegation met with a cross section of Indonesians involved in government, the military, private business, and think tanks at an informal dinner hosted by Ambassador and Mrs. Roy. The delegation also had a productive breakfast with representatives from the American Chamber of Commerce in Jakarta.

SOCIALIST REPUBLIC OF VIETNAM

After years of contentious relations, including Vietnam's invasion and occupation of Cambodia, on July 11, 1995, President Clinton announced his decision to establish ambassadorial-level relations with Vietnam. In recent years Vietnam has improved its political and economic relations abroad, while bettering its economic situation domestically. Vietnam has worked to complete a Cambodian settlement, and appears to have made progress on the prisoners of war/missing in action (POW/MIA) and other issues of great interest to the United States.

Vietnam moved to become a new member of the Association of Southeast Asian nations (ASEAN) in 1995. Since that time, Vietnam has indicated its desire to join the Asia Pacific Economic Cooperation (APEC) group and the World Trade Organization (WTO).

Now in their tenth year, economic reforms in Vietnam continue to make progress toward a more open market. The delegation observed the beginnings of a growing, vibrant economy based on family-owned small businesses.

At the time of Senator Cochran's visit, the Communist Party of Vietnam had just completed its Eighth Congress. The Congress conducted a review of its policies, focusing in particular on domestic economic reforms. While changes in the top three leadership positions were expected, no changes took place. The Party Congress determined that the country would continue on its present course of economic reform.

Upon arrival in Hanoi on Wednesday, July 3, the delegation met with Embassy staff for a briefing. Embassy staff provided a thorough briefing on all relevant issues, including an excellent presentation on the status of operations to resolve outstanding cases of POW/MIAs.

During each of his meetings, Senator Cochran stressed the importance of a full accounting of the POW/MIA question as a necessary precondition to continuing to improve relations between the Socialist Republic of Vietnam and the United States.

Deputy Foreign Minister Vo Khoan

Senator Cochran was the guest of honor at a July 3, dinner hosted by Deputy Foreign Minister Vo Khoan. The Deputy Foreign Minister stated that he had a chance to welcome several delegations from the United States over the last year, and that he was pleased with the improved relations between the two countries. He looked forward to the arrival of a new ambassador and the completion of negotiations over a bilateral trade agreement.

Deputy Foreign Minister Khoan discussed the open foreign policy Vietnam is pursuing. He noted the recent admission of Vietnam to ASEAN and its application to join APEC. He added that Vietnam was paying increasing attention to the Asia-Pacific region and to improving relations with its neighbors, China, Cambodia and Laos.

On the domestic side, he stressed that Vietnam had overcome economic and social problems and was entering a new era of development, which will focus on industrialization. He stated that the Vietnamese government wants to encourage the creation of small-and medium-sized businesses. In addition, at the recently completed Eighth Congress of the Communist Party, the government resolved to continue economic and political reform. He also mentioned that the President of China, Li Peng, came to Vietnam and addressed the Party Congress. President Li Peng's visit was a last minute surprise, and was the first time China had sent such a high ranking delegation to Vietnam.

Senator Cochran and Deputy Foreign Minister Khoan also discussed issues concerning POW/MIAs. The Deputy Foreign Minister explained that there had been good efforts by both sides on this issue, and that he expected continued cooperation.

On the issue of the repatriation of Vietnamese refugees from abroad, the Deputy Foreign Minister indicated that there is no problem for these individuals returning to Vietnam. One the problems in the South China Sea, the Deputy Foreign Minister recognized it as an important issue. He stated that all countries have agreed to resolve problems through negotiations, but the negotiations are difficult.

Breakfast with the American Chamber of Commerce Chapter

In Hanoi on Thursday morning, July 4, Senator Cochran was a breakfast guest of the American Chamber of Commerce. There are over 400 registered American companies in Vietnam, an increase of over 100 since January, 1996.

Senator Cochran stated that he was anxious to see how he could be helpful in continuing to develop relations between the two countries. While the POW/MIA issue is still the preeminent concern of U.S. policy, he said that the United States must begin also to focus on opening markets in Vietnam, for American firms.

Several members of the Chamber emphasized the need for services of the Overseas Private Investment Corporation (OPIC) and the Export-Import Bank. If American firms are going to compete in the burgeoning Vietnam market, the services and programs administered by these agencies are critical to success.

The members of the Chamber strongly complimented American Charge d' Affaires Desaix Anderson and the Embassy staff for the excellent job they had done in promoting economic issues and American businesses in Vietnam.

Deputy Minister of Defense Nguyen Thoi Bung

The delegation next visited with Deputy Minister of Defense Nguyen Thio Bung and several other members of the Vietnamese military.

Deputy Minister of Defense Bung described the work of the Vietnamese government to account for American POW/MIAs. He emphasized that the Vietnamese government had conducted a large number of unilateral investigations of cases before the 1988 POW/MIA agreement were reached with the United States. Between 1988 and 1992, over forty joint excavations for remains were conducted by the United States and Vietnam. From 1992 to the present the joint efforts have been even greater. The focus of the upcoming excavations will be on the central highlands of Vietnam. He stated that the Vietnamese have shown good will by taking American teams into his country's most sensitive areas, including Cam Ranh Bay and several military depots.

He emphasized that the Vietnamese treat the POW/MIA issue as a humanitarian issue and want to successfully resolve this issue. Hopefully, the successful resolution of this issue will help bring the countries together by closing the past so the people can look to the future. He also mentioned that Vietnam still has over 300,000 MIA cases of its own.

He declared that Vietnam has joined ASEAN to build peace, stability, security and prosperity in Asia. As for military relations with the United States, he indicated that the Vietnamese government was pleased with the appointment of a military attache to the American embassy. He was confident that such an appointment would promote friendship between the two countries' armed forces.

In responding to Senator Cochran's question about his views on what the biggest security threat is to the region's stability, the Deputy Minister responded that international strategists see the Asia-Pacific region as the most stable in the world, but that there is some concern over the South China Sea. He explained that there are some disputes over sovereignty of the Spratleys, but that there is regional agreement that the disputes should be resolved through negotiations. He also stated that there continue to be potentially unstable elements in Korea and Cambodia.

On the issue of the recent actions taken by the People's Republic of China against Taiwan, the Deputy Minister indicated that it was an internal affair between China and Taiwan. He said that if they could not settle it, it could affect the stability and security of the region.

Minister of Trade Le Can Triet

The delegation next met with Minister of Trade Le Can Triet and discussed several bilateral trade issues, including the ongoing negotiations over a bilateral trade agreement, and human rights issues.

Senator Cochran indicated that the United States Trade Representative had provided a blueprint to the Vietnamese government concerning some of the issues to be negotiated in order to reach a bilateral trade agreement. He asked if there was a likelihood that the United States would receive a response to its blueprint in the near future.

Minister Triet explained that the Vietnamese are looking through a list of many questions on the issues that have been discussed. He stated that during the May meeting Vietnam raised several questions to be further negotiated. Currently, the two sides are studying the draft. He indicated that the discussions had been frank, with good will on both sides, and that both sides are patiently listening and working through issues. The Trade Minister stated that while any agreement must reflect mutual benefits, the countries cannot avoid differences and that it will take time to fit different systems together.

The Trade Minister also discussed Vietnam's application for membership in APEC and WTO. He stated that Vietnam wanted to prove its willingness to move toward freer trade. Vietnam wants to become more deeply involved in the world community and the world economy.

Reception at American Charge d'Affaires Residence

This was a formal reception for much of the diplomatic community in Vietnam celebrating the 4th of July. Charge d'Affaires Anderson, the Vietnamese Deputy Prime Minister, Senator Cochran, and Governor Frank Keating of Oklahoma all spoke to the assembled audience, which included the diplomatic corps, military representatives from many countries and representatives from the international business community.

Minister of Foreign Affairs Nguyen Manh Cam

The delegation next met with Foreign Affairs Minister Nguyen Manh Cam. The Foreign Minister stated that world opinion could be reassured concerning the outcome of the recent Communist Party Congress. Vietnam intends to maintain its current course of development by continuing policies of openness, diversification and modernization.

In foreign relations, Minister Cam recounted Vietnam's tradition of having good relations with its neighbors and friends, and stated that Vietnam's foreign policy is consistent with global and regional integration. The Foreign Minister stressed the importance of moving relations between the United States and Vietnam forward, saying that it is important to make up for lost time and to work to overcome past animosities. He was pleased at the progress in relations since normalization.

The Foreign Minister was very pleased with Secretary Christopher's visit in August, 1995, when the United States and Vietnam agreed to boost economic development and make trade a top priority. Since 1994–95, there has been a four-fold increase in trade between Vietnam and the United States, which was done in the absence of Most Favored Nation (MFN) status. He also indicated that if Export-Import Bank financing, OPIC loan guarantees and MFN status were granted, the United States could become Vietnam's largest trading partner. The Foreign Minister emphasized the need for and importance of granting a Jackson-Vanik waiver.

With regard to the trade agreement talks, the Foreign Minister stated that the signing of a trade agreement is of great importance, but that it will take some time. The current negotiations were brought about through very intensive talks in October and November. The Foreign Minister urged Senator Cochran to help move the process forward. With regard to the POW/MIA issues, Foreign Minister Cam stated that Vietnam had fully cooperated, is cooperating, and will continue to cooperate.

Senator Cochran asked for the Foreign Minister's assistance in resolving the current impasse over the establishment of the American ambassador's residence. The Foreign Minister said that it was a concern, but said that the United States enjoys the best technical facilities in Vietnam in comparison to other countries. He indicated that the Vietnamese government would continue to work with the United States to find a suitable location and that he would try his best to get the most appropriate location for the residence.

The Foreign Minister also discussed the appointment of a new ambassador to Vietnam. He stated that the appointment of an ambassador is a way to ensure the continued development of normalization. He said that the nominee, United States Representative Pete Peterson, would make a strong contribution to bilateral relations.

At the close of the meeting, Senator Cochran presented to the Foreign Minister a statement Senator Claiborne Pell entered into the Congressional Record on June 20, 1996. The statement commended the life of Deputy Foreign Minister, Le Mai, who has recently passed away.

National Assembly Chairman Nong Duc Manh

The delegation's last official meeting in Vietnam was with National Assembly Chairman Manh. The Chairman discussed the recently concluded Party Congress and stated that the Congress presented a good opportunity to review Vietnam's Policy of Renewal. He stated that the Congress had many discussions on moving Vietnam into the 21st century.

In the area of foreign affairs, the Chairman indicated that Vietnam has broadened its approach and was pursuing an open foreign policy. He contended it was his strong desire to increase ties between the United States Senate and the Vietnamese Parliament.

Responding to Senator Cochran's question about how the recent Party Congress affected the National Assembly and if the National Assembly would play a larger role in Vietnam, Chairman Manh stated that the Congress plays an important role in the process of renewal. He explained that from now on Vietnam would work to move their national industrialization to a higher level. He further stated Vietnam's intention to continue to build its country based on the rule of law and enhancing the role of the judiciary and other institutions.

On improving the legal system, Chairman Manh states that Vietnam had changed its laws to create a more favorable investment environment. Laws to improve the economy, laws related to foreign investment and the commercial code are in the process of being drafted and will be subject to debate in October.

American Community Celebration

Senator Cochran joined with over 500 people at a picnic to celebrate the Fourth of July. Charge d'Affaires Anderson, Senator Cochran and Governor Keating all addressed an enthusiastic crowd.

HONG KONG

Codel Cochran arrived in Hong Kong on July 7 and departed July 9. While in Hong Kong the delegation was briefed by the U.S. Embassy Country Team and held meetings with Governor Christopher Patten, the American Chamber of Commerce, and Democratic Party Chairman Martin Lee. The delegation also met informally with Preparatory Committee members Paul Cheng and Frederick Fung, the Better Hong Kong Foundation, academics, civil servants and representatives of the U.S. business community.

There are several issues of direct interest to the United States related to Hong Kong's transfer to the People's Republic of China on July 1, 1997. The principal security issue concerns the question of whether the U.S. Navy will be able to continue to use Hong Kong as a frequent port of call in Asia.

The U.S. Consul General's staff is unaware of any official response by the PRC on the question of whether the U.S. Navy will be able to continue to use Hong Kong as it currently does. Unofficial contacts on the matter have received favorable responses from PRC military officials; however, there has been no response from the political leadership. The lack of military piers in Hong Kong means U.S. ships would have to tie up at commercial moorings. The Chinese Navy is building a base, but it is unclear whether the U.S. would be allowed to use it. Hong Kong's importance to the U.S. Navy for ship visits is underscored by its location. Hong Kong is the closest to deployment tracks of U.S. Navy vessels. Other, such as Australia, Japan and Thailand are far off the deployment track. Approximately 70 U.S. Navy ships currently visit Hong Kong each year.

The ship visits issue relates to the general issue of continuity—something sought by people of Hong Kong. The U.S. hopes Beijing realizes that changing the practice on visits by U.S. Navy ships would send the wrong signal and undermine confidence in the territory.

The strategy for U.S. diplomacy on Hong Kong over the past year and a half has been to speak more publicly on commerce, law enforcement, ship visits, consular issues and to let Governor Patten speak on Hong Kong's unique qualities, such as the high degree of civil liberties and the rule of law. The Consulate has tried to raise the level of attention paid to these issues and encourage attention to be paid in and by official Washington, including visits by Members of Congress to Hong Kong and to Beijing, and hearings on Capitol Hill.

Few problems are anticipated in connection with the continuance in force of various U.S.-Hong Kong bilateral agreements. Several are pending, including a civil aviation agreement and an extradition treaty; a bilateral investment treaty needs to be negotiated as does a mutual legal assistance treaty. All are part of the policy, expressed in the U.S. Hong Kong Policy Act, to maintain a direct U.S.-Hong Kong relationship. The Act is the blueprint for this policy.

Another major issue confronting the U.S. is the status of the Consulate General and whether, after the People's Republic takes over Hong Kong on July 1, 1997, the consulate will be subordinated to the U.S. embassy in Beijing. Hong Kong is a very valuable post for the U.S. Fifteen U.S. government agencies are represented. Law enforcement is a particularly important function of the Consulate General. Several agencies are represented because Hong Kong is strategically located for gathering information on nuclear proliferation, weapons of mass destruction and narcotics. The Consulate General also plays an important role in promotion of U.S. business.

Governor Patten

Governor Patten noted the dramatic changes that had taken place in Hong Kong's infrastructure since his arrival in 1992, including progress on the new airport on Lamma Island, new bridges and reclamation in Victoria Harbor, and a new convention center.

Governor Patten called Hong Kong's situation astonishing in light of the fact that Britain's colonial governance usually ends with independence and self-governance for the former colony. Hong Kong's situation is different, he said, due to its history, alluding to the late 19th century Opium Wars and the concessions and leases through which Great Britain acquired Hong Kong island, Kowloon peninsula and the New Territories. The Governor said he had been criticized for admitting to having a "certain moral queasiness" over handing a free city over to a country with a different idea of freedom. Britain had attempted to solve its moral dilemma by negotiating a detailed arrangement for Hong Kong in the 1984 Sino-British Joint Declaration on the Question of Hong Kong which reflects the "one country, two systems" approach to Hong Kong's future under PRC sovereignty. Both the Joint Declaration and the Basic Law, the so-called "mini-constitution," promulgated by the National People's Congress in Beijing, spell out a detailed prescription for preserving Hong Kong's free and pluralistic society.

While the Joint Declaration is very specific, the trick, according to the Governor, is making it work. Beijing doesn't get the best advice on making the system work. And the influence of Tiananmen was profound. Some in Beijing choose to blame Tiananmen on outside interference from places like Hong Kong. Ultimately, the influence of Tiananmen was greater on Beijing than on it was Hong Kong. The reaction to the events of Tiananmen in Beijing created problems in Sino-British relationship on Hong Kong including, financing the airport, passports for Hong Kongers, the Bill of Rights and arrangements for democratic elections. The Governor said the reason for negotiations over electoral reforms broke down was not Patten's desire to move more quickly, but the PRC's insistence that Great Britain cooperate in rigging the elections.

Nevertheless, in spite of difficulties, the transition, according to Patten, has gone very well. The economy is strong, particularly the currency as measured against the U.S. dollar. Reserves are large. Exports and investments are good. Unemployment is at 3.1%. Jobs are growing at 4%. There hasn't been any capital flight—though some offshore arrangements are being made. Exceptions to the pattern of confidence are the domiciling of companies in other British colonies, and the acquisition by up to 600,000 Hong Kongers of foreign passports.

The Governor rejected arguments that Hong Kong people don't care about human rights and democracy. Many of Hong Kong's people fled from repression in mainland China and know the difference between a society based on the rule of law and protection from arbitrary government. The very high number of newspapers in Hong Kong is another indication of the interest of Hong Kong's people in political matters affecting them. Another indication of what Hong Kong people care about is demonstrated by the polls done by Michael DeGolyer of the Hong Kong Transition Project. These polls indicate most anxieties related to the future and the transition are about freedoms of the press and association and whether these will exist after 1997. The polls also reflect a correlation between demographic groups and attitudes about the future. Women are more worried than men. Better educated are more worried than the less educated. Younger people are more worried than older people, and the most worried are those who, because of their education, age, or other characteristics, are able to emigrate.

In response to questions, the Governor said that Great Britain couldn't fix the inconsistencies between the Basic Law and the Joint Declaration, but was focusing on reforming Hong Kong's laws to make them consistent with the International Covenant on Civil and Political Rights. The Hong Kong government's law reform project is 80% done. Difficulties remain in the areas of official secrets and telephone surveillance. The Governor said his government is determined not to leave behind laws which could be abused by the PRC after 1997.

Other issues of concern include corruption. Hong Kong's police and Independent Commission Against Corruption (ICAC) make Hong Kong the "cleanest city in Asia after Singapore. Any effort to take over and control the police would be a violation of the Joint Declaration and the Basic Law. The possibility of influence directed at Hong Kong's institutions by Beijing underscores the importance of a strong Chief Executive selected on the basis of merit.

Governor Patten said the PRC is serious about its threat to dismantle the Legislative Council (Legco), particularly because of the membership in the Legco of so many democrats. Here Patten said that the real reason for the collapse of talks over constitutional reform was not the specifics of his proposals but the PRC's demands that Great Britain be complicit in the abolition of the Legco and exclusion of certain democratic legislators unacceptable to Beijing. The PRC also demanded 2 member constituencies which would have had the effect of cutting in half the number of democrats elected. If the elections were conducted on one-man, one-vote geographical basis, Patten said, pro-democracy candidates would win 70% of the vote. Patten described Hong Kong's complicated system of election to the Legco based on 20 functional constituencies or electorates tied to workplace and professional associations, 10 electoral committee seats and 20 one-man, one-vote geographical constituencies.

Governor Patten said he was "very grateful" to the U.S. Senate for passing S. Res. 217 on June 28 supporting implementation of the Joint Declaration and expressing the position that it would regard establishment of an appointed legislature in Hong Kong as a violation of the Joint Declaration. The Governor said attention by other countries is very helpful to Hong Kong and that the U.S. matters the most of all to China. Since 1992 China has recognized that Hong Kong is an international city implicating international interests. Patten noted that the recent raising of Hong Kong by Chinese Foreign Minister Qian Qichen in a meeting with Secretary of State Christopher wouldn't have happened a few years ago.

Governor Patten related an anecdote concerning Qiao Shi, the head of the National People's Congress. Qiao Shi, a rising figure in China, has said there is a huge amount of "face" involved in the PRC's handling of Hong Kong and that interest in Hong Kong by the U.S. has an impact on Beijing. The Governor said the U.S.-Hong Kong Policy Act provides the proper focus for U.S. interest in Hong Kong and it would be "very sad" if the U.S. stopped speaking out or stopped sending visitors.

In response to Senator Cochran's expression of concern about a textiles transshipment issue dividing the U.S. and Great Britain, Governor Patten reported that his government feels the U.S. has not worked within the rules of the WTO and that Great Britain is sensitive to IPR and strategic trade issues. The Governor asserted that the border between Hong Kong and the PRC and the integrity of Hong Kong must be demonstrated on textiles, IPR, and strategic trade.

Governor Patten said visits by U.S. Navy ships were very important financially and otherwise to Hong Kong, presented no significant problems from the sailors, and should continue after 1997.

DEMOCRATIC PARTY CHAIRMAN MARTIN LEE

Mr. Lee observed that Hong Kong's future will be determined by China's current leadership situation which leads it to act confidently outside of China, but with weakness inside China. As examples, Mr. Lee gave the rearrest of and imprisonment for 14 years of Wei Jingsheng at the same time that Beijing is gathering up valuable contracts with Air France. The PRC is confident that the U.S. government won't react to its treatment of Wei. Yet, trade and human rights don't have to be mutually exclusive. Mr. Lee gave the example of the Canadian trade minister for Asia, Raymond Chan, who raised human rights on a trade mission to China.

The Taiwan elections were a very important day for Lee since they were the first democratic Chinese elections in 5,000 years. China's intimidation tactics both succeeded and failed. The show of force pleased the aging generals and possible the Chinese people, so internally it was a success. However, externally, the show of force was a disaster. Turning away a delegation of Hong Kong democrats who wanted to present a petition opposing the appointment of a provisional legislature in Hong Kong was also a public relations defeat. Beijing could have handled both differently but felt internal pressure not to appear weak.

On the question of whether Beijing will follow through on its threat to abolish the elected Legco, Mr. Lee said it depended on the type of opposition this threat draws. If only the Democrats oppose the move, Beijing will go ahead. However, support from others inside and outside Hong Kong for the elected legislature and its right to serve out its term could made a big difference in how Beijing proceeds. Recently, the details of the 17 rounds of negotiations between Great Britain and China became known. The Governor refused to acquiesce in PRC demands that Great Britain set up electoral laws which would disadvantage democrats and agree to provisions allowing China to exclude certain individuals from the legislature. The PRC also wants to retain repressive colonial laws that were rarely used by the British, and wants to get rid of the Bill of Rights, which is based on the International Covenant on Civil and Political Rights and confers power on the courts to strike down unconstitutional laws. The PRC also wants to resurrect old versions of colonial laws which allow the government greater control over freedoms of expression and association. For example, an old law on assembling to march was amended to only require notice to the police. The PRC wants to change the law back so that approval for a procession of more than 20 people has to be secured in advance. The power to define what kinds of gatherings require approval would be up to the PRC.

Mr. Lee said Senate Resolution 271 reiterating the Senate's support for the Joint Declaration and stating that an appointed legislature would violate the Joint Declaration was extremely important. Mr. Lee said that other countries need to act as well—but that someone has to lead. Mr. Lee said that in the past he had favored a quiet, behind-closed-doors approach, but that China's failure to abide by its commitments in the Joint Declaration has shown that approach to be ineffective.

On the question of selection of the Chief Executive, Mr. Lee said that China itself acknowledges the selection process is not democratic. The selection will be made by the Preparatory Committee, a Beijing-appointed body which includes key officials of the PRC, such as Foreign Minister Qian Qichen. The Preparatory Committee will select 400 Hong Kong people to select the Chief Executive. Three candidates have been identified so far—C.H. Tung, a shipping magnate and former member of the Governor's Executive Council considered close to the PRC, Anson Chan, the Chief Secretary of the Hong Kong Government, and T.S. Lo, a solicitor and PRC advisor.

On the question of what U.S. policy should be, Mr. Lee said it is a matter for the U.S. to decide but Mr. Lee added that the development of democracy and the rule of law anywhere in the world is beneficial to the U.S. The violation of international agreements by China or other countries is not in the U.S.'s interest and would create a bad precedent. Above all, however, consistency is most important. The U.S. should make a policy and stick with it.

Other Meetings

The delegation also met informally with members of the Preparatory Committee, Paul Cheng and Frederick Fung, the Better Hong Kong Foundation, academics, civil servants and representatives of the U.S. business community to hear their concerns and recommendations for U.S. policy.

FORT LEWIS/MCCHORD AIR FORCE BASE, WASHINGTON

Shortly after arriving from Hong Kong the delegation had the opportunity to tour both McChord Air Force Base and the Army's Fort Lewis in Washington state. After the tour Senator Cochran and other members of the delegation had an informal dinner with Lieutenant General C.G. Marsh, Commander of the U.S. Army's I Corps. General Marsh, who has responsibility for the deployment of I Corps units in the Asia-Pacific region, commented that, having recently commanded U.S. forces in Korea, he is concerned about the volatility in the region. The situation is fluid and could erupt overnight, and the U.S. must be prepared to take action in Korea. General Marsh went on to state he has a close working relationship with others the delegation met with during the trip, such as Admiral Prueher (CINCPAC) and General Rollings (Commander, III MEF), and that their frequent interaction is a key aspect of the U.S. military's being prepared to act in the Asia-Pacific region, if necessary.

CONCLUSION

The Asia-Pacific region will dominate many aspects of American policy—foreign, security, trade—in the coming century. It is a region with stark contrasts: North Koreans reading recipes for cooking grass in "newspapers", starving in the cities and countryside, while their government spends money buying, building, and selling missiles and weapons of mass destruction; the Politburo of the People's Republic of China, allowing a market economy to run free in the south of the country while at the same time attempting to harness and repress the individual rights of its citizens to think and act freely, all the while increasing the size of its military—for example, building a "blue water" navy, building new classes of intercontinental ballistic missiles, to include the PRC's first land-based mobile ICBM—beyond any conceivable needs for self-defense; the Socialist Republic of Vietnam, on the one hand proclaiming itself to be dedicated to the principles of communism yet, on the other hand, encouraging private business and freely allowing information into the country; and, the economic miracle that is most of Asia, where growth rates are the staggering envy of the rest of the world. This is a region that cannot be the afterthought of American policy in the 21st century.

American policy toward the region must take into account the differences within the region. In Indonesia, the United States must work with the government to improve its record of human rights while, at the same time, recognizing that Indonesia is a force for peace and stability in the region and has to be treated with respect. Restricting IMET participation for Indonesia is counterproductive.

In Vietnam, the United States must continue to insist on a full accounting of those American service members who are still missing or presumed dead. While there is every indication that the Vietnamese government is finally starting to cooperative fully with the United States on this problem, that cooperation must be sustained over a lengthy period of time to create the conditions for closer cooperation between our countries. During this period the United States should be doing everything possible to encourage the development of as open and free a market as possible; during the delegation's visit, it was clear that the Vietnamese government recognizes that its future financial prosperity depends upon allowing private ownership to take place and information flowing freely into the country. This is a country where eventual political reform will most likely be the by-product of an emerging market economy.

In Hong Kong, the United States must insist that the freedoms guaranteed by the Sino-British Joint Declaration are implemented by the People's Republic of China when Hong Kong reverts to PRC sovereignty on July 1, 1997. China has already made troubling assertions that it will not abide by parts of this Joint Declaration; these assertions can only be translated into reality if the government of the United States ignores its obligations under U.S. law.

Economic growth has accrued more than financial benefits to many of the citizens of the Asia-Pacific region. Free markets have blazed a path for free people, as the examples of elections in both the Republic of China and South Korea demonstrate. In Japan, our close friend and ally for the last half-century, we also see the political change that has come with the free market. Many other nations in the region are also taking a more serious attitude toward individual freedom, and it is clear that this change in attitude has almost always been preceded by a free, or freer, market.

America is the glue that binds the region together. Enmity is not quickly forgotten in Asia, and it is the American military presence in the presence in the region that has allowed to countries in the area to concentrate on economic growth rather than military expansion. The reassuring presence of an American carrier battle group—or the knowledge that one is often just over the horizon—has resulted in a stable environment that has been conducive to economic growth for many in the region.

The United States must remember that this is a region in which our ability to trade cannot be separated from our ability to defend our interests and, if need be, protect our friends. Our security guarantees must be credible. By allowing terrorist states like North Korea to acquire weapons of mass destruction and ballistic missile delivery systems, some of our friends in the region have not-so-privately begun to worry about the credibility of the American security guarantee, particularly given the at best half-hearted effort by the Clinton Administration to build quickly effective defenses against ballistic missiles. American vulnerability to coercion is not missed in Asia; unless the vulnerability if redressed, the credibility of the American security guarantee will evaporate, leading states that are now in an economic race into the invisible arms race. This can only work against American interest.

The United States will continue to succeed in the region, our trade will continue to grow, if we remember that military strength is respected, and it is upon this strength that American credibility is based. Our military must remain strong and visible in the region, and our security assurances to our allies must be carried out with the spirit, and not just the letter, of our arrangements in mind.•

THE PRESIDENT AT 50

• Mr. LIEBERMAN. Mr. President, I rise today to acknowledge a recent piece of journalism that I believe has captured the true essence of political reporting. On August 1, 1996, an article was published in the Wall Street Journal by Trude B. Feldman in which she relayed excerpts from her exclusive one-on-one interview with President Bill Clinton a few days before his 50th birthday. In a time when civility and respect are often pushed aside by personal attacks and rumor and innuendo, Ms. Feldman has proven herself to be a journalist who has retained an exemplary style of reporting. Her article, entitled "The President at 50", sheds light on the President's personality in novel ways. Ms. Feldman presents an articulate and important account of the President, drawing from him new insights into the policies and politics of our day. In the end, Ms. Feldman produces a proud piece of journalistic work.

Mr. President, I ask that the text of this article be printed in the RECORD.

The article follows:

THE PRESIDENT AT 50

(by Trude B. Feldman)

This month marks the 50th anniversary of the birth of the president of the United States. And today is the 50th anniversary of the Fulbright Scholarship Program, initiated by William Jefferson Clinton's mentor, who inspired the president to make a genuine contribution to global understanding. Eighteen days after President Truman signed Sen. J. William Fulbright's legislation into law, the boy who would become the 42nd U.S. President was born, one month ahead of schedule, by Caesarean section.

In an exclusive interview for his 50th birthday, President Clinton spoke of the two milestones, recalling what he had learned from his first political role model.

"Senator Fulbright had a profound impact on the way I now view the world," the President told me. "He taught that education is the solution to most of the problems of mankind; and he also cautioned against the arrogance of power.

"It was two weeks after Hiroshima when he sponsored the international education program that has affected the direction of policy in country after country. He changed our world forever, and for the better. And my goal is to continue on the path that he envisioned."

Sitting in the oval office for the one-on-one interview, the president was pensive as he expounded on the legacy of Fulbright's vision for the baby boomer generation. Mr. Clinton also spoke of his spiritual journey as well as his achievements, goals, and regrets. He addressed the character issue; explained his views on the economy; poignantly recalled the death of Vincent Foster; and reflected on what stirs within him as he reaches his half-century.

Excerpts from the hour-long interview follow:

Ms. Feldman: Is this milestone a turning point for you?

President Clinton: Yes, in many ways. I feel grateful to reach my 50th anniversary on Earth, to have my health, my family and this job at the time when I feel most able—mentally, physically, and emotionally—to do it. But I feel a sort of sea change. Being 50 gives me more yesterdays than tomorrows, and I'll now begin to think more about the long-term implications as well as the consequences of what I do. Since I've been president, I've become steadily more philosophical, but not less optimistic.

Q. Is there anything about yourself that you'd like to change as you turn 50?

A. Oh sure, lots of things. I'd like to develop more of what my wife calls the "discipline of gratitude." I'd like to be able to roll with the punches more. I've become much calmer in the face of buffeting events in the last few years, and I hope this continues so the highs and lows of events don't throw me off course.

Everybody has some regrets, but I've been so fortunate that I feel I've gotten a better deal in life than I deserved.

Q. What is your most significant accomplishment in the past 50 years; and in the last four years?

A. The most significant accomplishment in my life was convincing Hillary Rodham to marry me. It changed everything. There is no question about that.

The most significant accomplishment in the last four years is that I have largely succeeded in changing the way we think about ourselves and our future. By doing this, I helped to make it possible to make substantive changes. That's more important than any specific bill I passed.

Q. This is the third anniversary of Vincent Foster's death, so may I ask if you ever think about whether you could have helped avoid that tragedy by talking out his problems with him?

A. Absolutely, I think about that. We knew each other since I was four years old. Vince worked daily with Hillary [in a law firm] in Little Rock. But he was always so quiet and unassuming . . . that months would go by when we wouldn't have any contact. So his persona made it more difficult to see that he was profoundly depressed. When he worked here [as White House deputy counsel] I knew he had been under a lot of stress. I called him the night before he killed himself and asked if he wanted to come back and watch a movie. He said he was already at home and didn't want to leave his wife and return to the White House.

Then, he said, " I want to talk to you about something." And I said, "I want to talk to you about some things."

That was Monday. I told him I was busy on Tuesday and asked to meet him on Wednesday. He said, "Sure," and sounded very calm. I don't know whether, at that time, he had already decided to kill himself. And I don't know whether I could have helped.

I hated that I was insufficiently aware that he was going through that kind of pain, and I feel very bad that I missed it. You know, at that time, [July 1993] we were all getting beat up very badly. Everybody was sort of bruised and also amazed that the press coverage was the way it was. Still, I showed up everyday for work and I thought that's what Vince was doing. We thought we would work our way through it.

I still remember the last time I saw Vince. He was standing with his hands folded, over there at the back, to the right [Mr. Clinton pointed to the Rose Garden] during the ceremony when I nominated Louis Freeh as FBI director. Vince was pleased about the selection. He thought it would be well-received in the country and in Congress. [That was on Tuesday morning, July 20. He was found dead that evening.]

Q. Do you agree with Vince Foster's alleged suicide note, in which he scribbled that ruining people is considered sport in Washington, D.C.

A. Well, Vince was a proud person. He was a successful lawyer and everyone who knew him respected him. He was a good and highly ethical person, whether or not you agreed with his politics. And to get the kind of licking from the editorial pages of one newspaper bewildered him.

In retrospect, I didn't handle it well. I told him the attacks should not worry him so, but he must have been taking them more seriously than I knew.

Apparently, this is what happened to Adm. [Jerry M.] Boorda. There are other victims of smear campaigns who would not go that far. But they are still left with lifetime scars because of mean-spirited attacks.

It is particularly painful because they know many of these attacks register with the public even though the attackers often have no reason to attack. The smear campaigns have gotten too personal.

You know, if I win re-election, I hope to find ways to minimize the destruction and the unfair, subtle personal attacks because our country needs more civility.

Q. How concerned are you about the decline in civility in the nation today?

A. Very much so and I'm constantly trying to do something about this loss of civility and the impact it has—dividing us one against the other. Too often the debate goes, "If you disagree with me, you must be no good." Or,"If you can't prove yourself innocent of whatever I decide to charge you with today, you must be guilty."

Q. Given the relentless attempts at character assassination, why do you want a second term here in the Oval Office?

A. Because I can divorce those attempts from this job. They are called character assassination. There is nothing any person can say or do that can affect my character one bit. My character will be judged by what I do and will be judged ultimately by my God, not by any of these people who criticize me. They may assassinate my reputation, but they can't lay a hand on my character. Whether it's good or bad or somewhere in between, their ability to influence it or impact on it is nil.

Q. How has your presidency influenced your spiritual life?

A. It has tested my spiritual life. But at times the presidency has been good for my spiritual life because I realize I was not smart enough to make a lot of these decisions on my own. I realize that no matter how hard I work or what kind of brain God gave me, I cannot think my way through or calculate entirely some of these decisions. I have to feel what is the right thing to do and do it. And to do that, I have to be spiritually grounded. If I go through a week when I neglect my spiritual life, I can feel it. Little alarms go off and I try to get back in my groove.

I also spend a lot of time thinking about the relationship of personal morality to public purpose and public life. When I was younger I read Reinhold Niebuhr's " Moral Man and Immoral Society" and Max Weber's "Politics as a Vocation." They both had a profound impact on my feel for the moral, spiritual challenges to people involved in politics.

Q. Turning to the economy, is the 2.5% growth of the GNP enough to satisfy the needs of the American people?

A. We would be better off if we could grow a little faster. If we grow at 2.8% to 3%, for a period of three or four years, perhaps we could bring more private sector growth and job opportunities to isolated inner city areas and rural areas; and we could see genuine increases in incomes for all groups. Then we wouldn't have this continuing inequality of income that we've seen in the last few years.

But the truth is, no one knows what the optimum rate of economic growth without inflation is. The only thing I tried to do in dealing with the Federal Reserve was to show that I would be responsible in getting the deficit down, but I didn't want them to get in the way of economic growth. What I hoped we could do is develop a relationship where I did not interfere with the Fed's decisions, that they would be governed by a philosophy that basically would move on the evidence, and not on some old theory about how the economy operates. With so much global competition and technological change, it's possible you can grow faster today without inflation than you could 30 years ago. We just do not know and we need to find out.

Q. Can you explain why you were unable to keep you 1992 campaign commitment for a middle class tax cut?

A. First, it's important to make the point that we made a serious down payment on it. We gave 15 million families a big tax cut through the Earned Income Tax Credit, which today is worth about $1,000 in lower taxes to a family of four with an income of $28,000 or less.

We stopped there because, frankly, after I won the presidency it was obvious to me that the deficit was bigger than I thought it was going to be, that getting it down would be tougher and that we had to get a hold of it. I believed that if I could cut the deficit enough, we would get interest rates down and middle class people would be better off because more jobs would be created and they could then refinance their homes and get cheaper car payments and better interest rates on their credit card payments.

In fact, that's true. Since I've been president, eight million Americans have refinanced their home mortgages at lower rates. So I think I made the right decision. But it was a difficult one because I wanted to do even more. Now, for the last year I've been pushing for a targeted middle class tax cut dedicated primarily to education—the $1,500 credit for people to go to community colleges for two years; a $10,000 deduction for the cost of college tuition; an IRA for people that would permit them to withdraw without penalty for the cost of a college education, a first-time home or a family medical emergency.

I hope these middle class tax initiatives with be adopted by Congress, and I believe they will—either before or after the election. Then, we'll have a fairer tax system, but we'll also have a much more healthy economy than if I had sacrificed deficit reduction in 1993 to cut taxes more.

Q. If you are re-elected, do you expect any tax cuts?

A. Yes, the ones I just mentioned—unless we get them done before Election Day. If we get them done this term, in the context of the balanced budget, I would not expect significant tax cuts in the next term because we must continue until we balance the budget. But we already have enough savings identified to balance the budget and have a middle class tax cut targeted to education and child-rearing.

Q. Your reply indicates you expect to be re-elected. Do you?

A. I'm hopeful about winning the election, but I'm not overconfident by any means. As we do this interview the polls look good, but it is forever until the election. I am working hard as president, and also to be ready for the campaign, but I'm not overconfident. I believe we'll be successful because of our emphasis on the future.

Q. Speaking of the campaign, how do you compare your style with Bob Dole's?

A. Bob Dole is not like me; we're very different. Also, he has never lost an election in Kansas and I lost two [in Arkansas.]

Q. In your estimation, what are his strengths and his weaknesses as a campaigner?

A. I think Sen. Dole is a good campaigner, a very tough and effective one, and I expect him to do rather well. I'm also impressed with his patriotism. He was severely wounded in World War Two and could have become indifferent and bitter but he became a fine senator and public servant. You know, I think it's healthy to say positive things about competitors. I don't mind Senator Dole saying anything he wants to about how he thinks I was wrong on the budget or the Brady Bill or about any issue on which he disagrees with me. I look forward to a vigorous debate.•

IN MEMORY AND HONOR OF HART T. MANKIN

• Mr. WARNER. Mr. President, I rise today to recognize the dedication, public service, and patriotism that personified the life of Judge Hart T. Mankin. Hart T. Mankin, an associate judge on the Federal Appellate Court of Veterans Appeals, passed away on May 28. I knew Hart well, having worked closely with him at the Pentagon during the turbulent years of the Vietnam war.

Hart served as the General Counsel to the Department of the Navy from 1971 to 1973. It was my privilege to first serve as Under Secretary of the Navy, and then Secretary of the Navy during this same time period. I remember Hart as a hard working, dedicated man, who gave his time, talent, and efforts to the service of his country.

Judge Mankin is survived by his wife Ruth, to whom he was married for 42 years, and three children—Margaret Mankin Barton, Theodore Mankin, and Susan Mankin Benzel. He was also a grandfather to four lovely granddaughters.

Hart's son, Ted, delivered the eulogy at his father's funeral service. I believe the words he used to honor his father's memory are very touching, and I ask that they be inserted in the RECORD.

REFLECTIONS OF H.T. MANKIN

The great jazz musician Count Basie once said, "To make great music, it is not the notes you play, but the notes you don't play." I would like to think that my father made his music or lived his life the same way.

Dad's quiet strength and confidence affected everyone and everything he touched.

As a child growing up, whenever the we wondered how Dad could accomplish a certain feat, he would respond "Clean living." And you know what He was right.

While never claiming sainthood or looking for credit or attention. Dad's humility contributed to the strength other derived from him.

Dad could have been considered unemotional at times, but he was quite the contrary.

Always centered and anchored, Dad's emotions weren't symptomatic or reactionary, but honest and heartfelt.

At work, his calm transcended the litigious. At home, his calm transcended partisan politics.

His methodical thorough approach to life helped us all look before we leapt.

LISTEN

That was one of Dad's secret. Whether it was personal, work, or any other kind of problem, Dad listened. He might help you find your path, but would never push or force you into any decisions. But once your decision was final, he would support you to the end.

To Dad, the philosophical, the intellectual, the theological or spiritual were inextricably one. Any one movement to one side of the triangle affected the other two sides.

And Dad constantly pursued the truth, and at times defined it legally; and at other times left the truth open ended. The gray areas intrigued Dad, making him hungry for more interpretations.

Not that Dad didn't have his light side as well. Anyone who knew Dad, knew his dry sense of humor was clever yet playful. We all appreciate the time Dad spent doing his small part to save Delaware's Mountains.

Which brings us back to strength, this time strength of convictions. In our family, to get a word in edgewise is a feat in and of itself. But Dad, always choosing his words carefully, spoke softly and always above the fray.

Every word he spoke was very deliberate, well thought out, and almost always correct. One did not guess or take shots in the dark with Dad. Come prepared before you make your point. What some men say in 200 words, Dad could say in 20 words.

On the other hand, Dad did not wear blinders, and always listened to every point of view. Because of his rare gift to carefully consider every vantage point, he gradually was recognized outside of his immediate family and peers as someone who might really possess the truth. Some may consider this blasphemous, but to many of us right here, he was the truth.

To Dad, humanity was the coexistence of all through the truth. Humanity didn't just mean kindness or tranquility, it meant everyone striving for the truth and how it applied to their own particular life.

Dad taught from legal and religious texts, but what most learned from Dad came from the discipline in his demeanor.

We learned from my Dad, Hart Mankin, that truth and beauty can be found in Maritime law, Milton, or a Texas Straw Hat.

God will help Dad uncover the truth, and we will continue his journey. Dad we love you and miss you already.•

U.S. CAPITOL HISTORICAL SOCIETY DINNER HONORING THE SENATE ARMED SERVICES COMMITTEE

• Mr. NUNN. Mr. President, on September 17 the U.S. Capitol Historical Society hosted a wonderful dinner honoring the Senate Armed Services Committee as the Committee celebrates our 180th anniversary. For those who may not be familiar with the history of the Senate committees, the Senate established the Committee on Military Affairs and the Committee on Naval Affairs in 1816, and these two committees were replaced by the Armed Services Committee in 1946.

Under the leadership of former Congressman Clarence Brown, the Capitol Historical Society does an outstanding job of preserving the history of the Congress and promoting and encouraging the public's interest in this great institution. I want to express my appreciation to Congressman Brown and the staff of the Capitol Historical Society for the delightful evening honoring the committee.

Mr. President, the featured speaker at this dinner was Dr. James Schlesinger, a man who has made an enormous contribution to our national security.

I have know and worked with Jim Schlesinger since I came to the Senate in 1973. Over the years he has testified numerous times before the Armed Services Committee—both as a cabinet official and as a private citizen whose advice and counsel the committee has repeatedly sought on most of the difficult national security issues we have faced over the years. All of the members of the Armed Services Committee—both Democrats and Republicans—regard Jim Schlesinger as one of the pillars of this Nation's security.

In my remarks at the dinner, Mr. President, I recalled a Senate resolution which the Armed Services Committee and the full Senate adopted in 1975 and which I coauthored with our late colleague Senator Scoop Jackson. It was Senate Resolution 303, and it read:

> *Resolved*, That the Senate of the United States commends Secretary of Defense James R. Schlesinger for his excellence in office, his intellectual honesty and personal integrity, and for his courage and independence. The Senate believes that our country and the free world owe a great debt of gratitude to Secretary Schlesinger for his untiring efforts to improve the efficiency of our armed forces, the cohesiveness of our alliances, the wisdom of our strategic policies and doctrine, and for his determination to convey to the American people the truth as he saw it and the sense of the future he so deeply believed they must understand.

Mr. President, those comments about Jim Schlesinger are as true today as they were when the Senate passed this resolution in 1975. As I end my Senate career, I want to thank Jim Schlesinger for his tremendous contributions to U.S. national security and foreign policy and to me personnally.

I ask unanimous consent that Dr. Schlesinger's remarks to the Capitol Historical Society dinner honoring the 180th anniversary of the Armed Services Committee be included in the RECORD at the conclusion of my remarks.

Mr. President, I also want to note for my colleagues that the Center for Legislative Archives of the National Archives will soon be publishing a history of the Armed Services Committee by historian Richard McCulley. All of us on the Armed Services Committee are very excited about this project and eagerly look forward to its completion.

REMARKS OF THE HONORABLE JAMES R. SCHLESINGER, UNITED STATES CAPITOL HISTORICAL SOCIETY DINNER HONORING THE 180TH ANNIVERSARY OF THE SENATE ARMED SERVICES COMMITTEE, SEPTEMBER 17, 1996

I want to join Bud Brown in welcoming you to this evening's festivities run by the U.S. Capitol Historical Society, chartered by Congress with the uphill responsibilities of preserving American history.

Why are we here this evening? We are here this evening to celebrate the 180th anniversary of the founding of the predecessors of the Senate Armed Services Committee and to honor the committee for its exemplary service to the nation. Actually, the Senate Armed Services Committee is only 50 years old—created as a result of the Legislative Reorganization Act of 1946, which Bud Brown's father was instrumental in bringing about to create the Hoover Commission.

As all of you know, the Preamble to the Constitution—"We the People"—Article I of the Constitution assigns to the Congress the responsibility to raise and support armies and to provide and maintain the Navy. In turn, that responsibility is entrusted by both Houses to their Armed Services Committees.

As I said, this is the 50th Anniversary of this committee. Its predecessors trace back to 1816, back even to the Continental Congress itself which maintained such close daily supervision over General Washington. That close daily supervision is increasingly emulated by the current Congress.

Founded in 1947, the Congress preceded the Pentagon in achieving unification of the Armed Forces. Indeed the chairman of the Armed Services Committee is senior to the Secretary of Defense. In fact, the committee provides a channel for communications. It is sometimes difficult to communicate to one another. As you know, this difficulty in communication is reflected in the fact that different services do not use words in the same way. Take for example that simple English verb—secure. It has different meanings for each of the services. To the U.S. Navy, secure as in "secure a building" simply means to turn out the lights and lock the door. To the U.S. Army, secure means seize and hold. To the U.S. Marine Corps, it means attack and destroy. And, to the U.S. Air Force, secure means a three-year lease with option to buy.

Ladies and gentlemen, I shall pass over such sensitive issues from the past as the committee hearing on General Custer's actions at the Battle of Little Bighorn, the Civil War (sometimes referred to as the Late Unpleasantness), Billy Mitchell, or the firing of Douglas MacArthur. Those last hearings, I believe, took place in this Senate Caucus Room.

I turn to two subjects. The first—the characteristics of the Committee. And secondly, its substantive activity.

As you know, the existence of the Senate Armed Services Committee more or less coincides with the Cold War. As a consequence, the Armed Services Committee has attracted the giants of the Senate. Richard Russell himself after whom this building is named, was actually the second to chair the Committee. John Stennis, who died last year, and who declared in his 1947 race, "I want to plow a straight furrow right down to the end of my row." And that he did. Both Russell and Stennis served as Chairmen of the Armed Services Committee and the Appropriations Subcommittee—a practice now prohibited because it looks as if it is an inside operation.

But there are other giants—Scoop Jackson, Barry Goldwater, Leverett Saltonstall, John Tower, not to mention our co-host of the evening—Strom Thurmond, the present chairman. You may not believe this, but Strom and I both received our degrees from the University of South Carolina on the very same day. Sam Nunn—the ranking Democrat—has been an illustrious chairman for so many years and my trusted friend for this past quarter century. I have not mentioned some of the 35 members of the Committee I have known over the years.

The second characteristic of the Committee is that it is heavily Southern, as you may have known from the Chairman. My calculation of the 50 years this Committee has been in existence —42 have had Southern chairmen. The South, as you know, is the only part of this country with a historic memory of being subjected to military occupation. In the South, it has been determined that fate would not come to this nation as a whole. Georgia, South Carolina—I liked to believe that the last and best service performed by the late great William Sherman was to create the tradition of Southern dedication to national security. I know many of you will appreciate that, but our friend from Ohio won't.

The third element in this Committee's history is its bipartisan tradition. Strom Thurmond exemplifies that tradition in an exceptional way. The first six years he was on this Committee, he was a Democrat. The last 30 years he has been a Republican. That bipartisan tradition may reflect the affinity that Southern Democrats had for the Grand Old Party.

Senator Nunn, during the recent ceremony at the Pentagon, thanking him for his service, in his invocation commented that, in his experience, nothing is accomplished in Congress unless it is on a bipartisan basis. During the period of Republican dominance during the early 1980s, he was the driving force in creating this more integrated Pentagon.

My first connection with this Committee was with Scoop Jackson. When I was still at the RAND Corporation, Scoop Jackson asked me for an assessment of systems analysis as it was practiced at the Pentagon under Secretary McNamara. Scoop tended to be harder on Democratic Administrations than on Republican Administrations.

The fourth characteristic of this Committee is that it's conservative. The Democrats score lower than other Democrats on the ADA scale of liberalism. Republicans score lower on that ADA scale than do other Republicans. And it's on that conservatism that I had to rely, in those years that we needed support, those happy days, Vietnam and the aftermath of Vietnam.

But this Committee is conservative in a different and special sense. It recognizes that there are no free rides. The Committee knows that international engagement is not free—that one needs careful preparation. This Committee has learned through this bitter experience. It needs a more than adequate structure. It needs modernization, training and above all readiness, so that the United States is not put through the embarrassment it was put through at the start of World War II.

Since the end of the Cold War, there has been a public tendency to treat American leadership in the world as just another entitlement. It is not. American leadership requires more than rhetoric; it requires continued effort and sacrifice.

The final characteristic of this Committee is that it is the protector of the military services. It is historically wary of Defense Secretaries who might neglect or abuse the institutional requirements of the services.

Let me turn for a few moments to the substantive activities of this Committee.

Foresight. We must go back to the 1930s, before the Senate Armed Services Committee existed in its present form. There was Carl Vinson—the Chairman of the Committee on Naval Affairs. When the great uncle of Sam Nunn, who in the late 1930s managed to pass the Vinson-Trammell Act. The Act authorized ship construction monies despite the ample federal deficit. And as a result of the Act, the carriers that were created included the Yorktown, which was launched in 1937; the Enterprise in 1938; and the Hornet in 1941—all before Pearl Harbor. Those are the three carriers that won the battle of Midway. Without that legislation, we would have lost the battle of Midway. The Japanese could have cruised along the Pacific coast of the U.S. That would have made it difficult for the U.S. to win that war.

We mention this although today it is fashionable to object to deficit spending in all of its forms. If we would have had an annually balanced budget then, we might have lost World War II. An annually balanced budget may be a high priority, but it is not the first priority of this nation.

When our conventional strength was eroding, during the period when the President was negotiating the Salt II agreement, this Committee, on a historical and bi-partisan basis, asked the administration to increase defense expenditures for conventional forces and to rebuild our stockpiles of conventional ammunition, on the penalty of the loss of support on a bipartisan basis for SALT II. That is followed by the Reagan build-up and those actions paid substantial dividends during the Gulf War. The inventories were full, and we were ready. Fully mission capable rates for the U.S. Air Force for all aircraft during that war was 90 percent. By contrast in World War II, the mission capable rates were no higher than 50 percent for any length in period, and in the Carter years, for the B-52s. The rate was 40 percent for fighter aircraft.

The Senate Armed Services Committee has not always been triumphant. In the 1950s, they repeatedly tried to force the B-70 bomber on the Eisenhower Administration. The Committee failed in its effort, but of course not every President is an allied member in Europe, conqueror of Hitler, a 5-star general and chief of staff of the Army. The Committee has been more persuasive with other presidents. And I'm happy to say that the B-52s are doing alright.

Let me close with some additional observations. These are comments about the present and the future. At the end of the Cold War, there has been a massive shift of power within the U.S. as Congress is reasserting its prerogatives—and a resurgence of power toward the Congress. Constitutional limits that were ignored are being restored. From the time at Pearl Harbor until roughly the time of the Tet Offensive in 1967, the Congress regularly deferred to the President; that pure deference is now over. Congress must resist the temptation by any Congressional majority to embarrass the President. There is danger these days that everything becomes final for politics.

Second, the U.S. is a rather odd country to serve as a world leader. It is not as ruthless as some of the former imperial powers including France, as well as Germany and Japan. The U.S. was ideally suited for the task of the Cold War in which there was a long-term military threat, unchanging year after year that the public would focus on. Now there are numerous but petty threats—clashes of nationalism—clashes of ethnic origin. The rest of the world does not understand the U.S. Constitution, does not understand separation of powers and does not understand that in this country to conduct foreign policy, we need to have a consensus. We need to have public acquiescence in that foreign policy. It makes the U.S. as the great ruling power of the world somewhat different from anything in the past. Leadership is not an entitlement; it must be earned each year, each decade. And leadership can be costly. As long as offense and expenditures are being maintained in this country, other nations and other groups will be driven to terrorism as the only way to strike at the United States. Terrorism may be unpleasant, but it is less unpleasant than war.

Leadership implies choices—choices that we must avoid being over committed. We have spread forces in recent years; Saddam Hussein had noticed this recently. We have spread our political capital even thinner. Why do I say that? One must not overload the American public with international obligations, for the public will no longer accept it. Whatever we may say, whatever we may proclaim that we're not going to be the world's policemen, too frequently we become the world's policeman. As Sullivan proclaimed it, "A policeman's lot is not a happy one."

We accommodate dependents. And we cannot afford to accumulate dependents. We develop public hatred for them. We cannot come to any accommodations for them. We must shed both. Being the world leader is difficult. We must retain a technological edge. The American public is not eager to sustain high casualties for what appear to be petty purposes. And therefore, in order to hold casualties down it is essential for us to maintain a technological edge. The problem, though, is that we tend to reveal our technologies. We reveal all, as we did during the Gulf War. We showcase our technologies. Everybody now understands the global position that existed. that is the price that must be paid when American forces go to war. We can never rest from our past accomplishments. Finally, ladies and gentlemen, once again, as always, eternal vigilance remains the price of freedom.•

ROMANIAN-HUNGARIAN BILATERAL TREATY

• Mr. LUGAR. Mr. President, I rise to draw the attention of the Senate to the signing by the Governments of Hungary and Romania of a basic bilateral treaty intended to normalize relations and resolve longstanding border disputes and ethnic rivalries between the two countries.

The Prime Ministers of Hungary and Romania signed the bilateral treaty on September 16 marking an important step toward insuring peace and stability in Central Europe. Their signing represents the culmination of several years of difficult negotiations and, when ratified by both countries, will help ease centuries of conflict and tension between these neighbors.

The treaty obligates both countries to respect the basic civil rights and cultural identities of minorities in each country. Educational and linguistic guarantees and other communal protections are enshrined in the treaty. When ratified and faithfully implemented, the resolution of border disputes and respect for the rights of minorities that are embodied in the treaty will be an important model for other countries with comparable ethnic and nationality problems. Further, the treaty will move each country closer to satisfying requirements set for successful integration into western institutions, including membership in the European Union and the North Atlantic Treaty Organization.

As Romania and Hungary continue to strengthen their democratic institutions, develop free-market economies, and ensure respect for human rights, their governments and the political parties supporting this process are to be commended for taking the political risk required to reach an agreement on this treaty. It is a significant example of two nations putting the best interests of regional stability ahead of domestic political interests.

Therefore, Mr. President, I want to congratulate the governments and peoples of Hungary and Romania for successfully reaching agreement on this historic bilateral treaty.•

DAVID ABSHIRE

• Mr. NUNN. Mr. President, as this Congress and my own career in the U.S. Senate come to an end, I want to pay tribute to a distinguished American who has been of great assistance to me, to the Senate, and to our Nation, Ambassador David Abshire.

During my career in the Senate, David Abshire has been one of the leading figures in the national security field in the United States. Although he is probably best known for his service as our Ambassador to NATO and as the founder and president of the Center for Strategic and International Studies [CSIS], these are just two examples from his career of service to our Nation.

David Abshire was born in Chattanooga, TN in 1926. He graduated from West Point in 1951 and served with distinction in the Korean war, as a platoon leader, company commander and division assistant intelligence officer. His decorations for service as a front line commander included the Bronze Star with Oak Leaf Cluster with V for Valor.

In 1959 he received a Ph.D. in history from Georgetown University, where he returned to serve as an adjunct professor for many years.

In the early 1970's, he served as Assistant Secretary of State and later as chairman of the U.S. Board for International Broadcasting. He was a member of the Murphy Commission on the Organization of the Government, the President's Foreign Intelligence Advisory Board, and headed President Reagan's National Security transition team.

During the Reagan administration he served with distinction as the U.S. Ambassador to NATO, the North Atlantic Treaty Organization. Dr. Abshire served in this position during a very challenging period when the Soviet deployment of SS–20 missiles led to NATO's deployment of the cruise missiles and the Pershing missile. Ambassador Abshire's efforts bore fruit when the U.S. deployment led to the first major arms reduction treaty, the INF treaty. For his service as Ambassador he was awarded the Defense Department's highest civilian award, the Distinguished Public Service Medal.

I had the opportunity of working with David Abshire during his tenure as Ambassador on several important issues, including my amendment to force our NATO allies to contribute their fair share to our common defense, and on the NATO Cooperative Research and Development program.

In 1987, after finishing his service as Ambassador, he served as Special Counsellor to President Reagan. It is not surprising that a man to whom so many of us have turned for wise counsel and advice should be called on by the President of the United States as a Special Counsellor.

David Abshire's contributions to the national security field are not limited to his Government service. In recent years Dr. Abshire and CSIS have continued to stimulate debate and discussion on important foreign policy issues such as our policies toward Bosnia and China.

Dr. Abshire's talents have extended beyond Government service and academia to benefit our Nation in other areas as well. He is a member of the Council on Competitiveness, the Council on Foreign Relations and the International Institute for Strategic Studies, to name but a few of the organizations who have sought out his talents.

Dr. Abshire is also an author, and I want to call special attention to his most recent book, "Putting America's House in Order." This book demonstrates Dr. Abshire's keen grasp not just of matters of national security, but of the whole range of issues from deficit reduction to investments in, and reforms of, our education and training policies, that are necessary to put our Nation's house in order.

In 1991, under Dr. Abshire's leadership, CSIS created the Strengthening of America Commission to address these issues. I was honored that Dr. Abshire asked me and my friend and colleague from New Mexico, Senator PETE DOMENICI, to serve as co-chairs of this commission. I am very proud of the Strengthening of America report that our commission released in September of 1992 and am grateful to David Abshire for his leadership in creating this commission and seeing it through to a successful conclusion.

The work of the CSIS Strengthening of America Commission exemplified the best of David Abshire—long-term thinking and a keen insight into the fundamental issues facing our Nation. Our report challenged not just Government but our schools, our businesses and our parents to take the steps needed to secure a prosperous future for our Nation. We laid out a plan of action to get our fiscal house in order; to raise our level of national savings and our level of public and private investment in both physical and human capital; and to improve the way Washington works.

It is with great pleasure that I end my Senate career with a public thank you to a man who has contributed so much to U.S. national security and foreign policy and to me personally, David Abshire. I wish David, his wife Carolyn, and his family all the best.•

GRAZING OPERATIONS IN GRAND TETON NATIONAL PARK

• Mr. THOMAS. Mr. President, I rise to express my desire to work with the National Park Service to address the issue of open space in the Teton Valley and its interrelationship with grazing in Grand Teton National Park. Since establishment of the park in 1950, a limited number of local ranchers, who had grazing privileges within the boundaries of Grand Teton Park before its establishment, have been allowed to continue to graze within the area. These grazing permits were given for the life of the designated heirs of the permit holders who were local ranchers that required the summer range to maintain their ranches.

This arrangement has not only benefitted the ranch families involved, but helped support the ecology in the park and preserved open space in Jackson Valley for visitors to this unique region. Unfortunately, in the past few years, both of the designed heirs to these grazing permits have died. Although both families have expressed their interest in continuing to ranch in Jackson Valley, the Park Service may be forced to terminate these grazing permits unless a reasonable solution can be found. Without the summer range available in the park, these ranchers may be forced to end their operations and sell their ranches. If these ranches are sold, they would be immediately subdivided and developed and the open space provided by these areas would be gone forever.

It is an imperative environmental issue that we work to ensure that open space is preserved in and around Grand Teton National Park. This region is truly unique and it is vital for both the wildlife living in and around the park and the environment throughout the region that open space is protected. Unless the ranchers are allowed to continue grazing in the park, the region will be threatened with development that will harm the wildlife and the ecology in and around the park.

In the coming months, the Wyoming congressional delegation plans to work with the National Park Service, the ranch families, the environmental community and local citizens to develop a solution to this situation. By working together, I am hopeful we can continue to protect the open space in this magnificent region and continue an activity that has been monitored and managed by the Park Service for over 45 years. Make no mistake about it, ending grazing operations in Grand Teton National Park will be harmful to park resources, wildlife in the area and will destroy open space for visitors to this outstanding region. I look forward to working with the National Park Service in the coming months to address this critical matter.•

MILITARY QUALITY OF LIFE

• Mr. WARNER. Mr. President, I rise today to discuss an issue that has troubled me greatly over the years and has recently become an even greater problem as our Nation strives toward a balanced budget. This is the issue of the quality of life of our service men and women.

As a former enlisted sailor in the Navy, a commissioned officer in the Marine Corps, and Under Secretary and Secretary of the Navy, I have a particular empathy for our men and women in uniform. These men and women make sacrifices every day, throughout their careers, in defense of our nation. However, the pay and benefits that they receive, which in some cases are woefully inadequate, are constantly under attack by people and organizations that are too focused on the bottom-line and not on the morale and readiness of our Armed Forces. It is for this reason that I, as a senior member of the Armed Services Committee, sleep with one eye open in order to protect the benefits which our service members and veterans have earned through loyal and patriotic service to our Nation.

I have worked hard, together with my colleagues on the Armed Services Committee, to provide increased funding to improve the quality of life of our Armed Forces. In particular, we have been concerned about the lack of adequate funding for the maintenance of military housing. Many of our service members and their families are forced to live in substandard housing. In testimony before the Armed Services Committee this year, Department of Defense officials testified that a full 80 percent of military housing falls below Department of Defense standards. The result of years of diverting maintenance funds to other requirements is military housing units with leaky plumbing, flaking paint and broken appliances. Our service members deserve better!

That is why I was so concerned to see two articles in the most recent editions of the Navy and Army Times which describe further inequities for our service members in the area of military housing. I ask unanimous consent that these articles be printed in the RECORD.

The first article concerns a report by the General Accounting Office, dated September 17, 1996, which recommends that military families should begin paying rent for living in Government quarters. The report suggests that the rental payments are not primarily to raise money from military families, but to treat all service members equally whether they live on or off base. It is unfortunate that GAO's recommended solution to fix what they perceive to be an inequity is to raise the out-of-pocket expenses of the families living on-base, rather than increase the housing allowances to an adequate level for those living off-base. GAO's first response is to cut benefits to our Armed Forces.

I was pleased to see that the Pentagon opposes this idea. I will work with my colleagues on the Armed Services Committee to ensure that this GAO recommendation is not adopted.

The second article concerns a recent ruling by the General Accounting Office that a service member who is required to move because of renovation or construction of their base housing, is not eligible for a dislocation allowance to cover the expenses of that move. This is an issue of basic fairness. How can the Government, in good conscience, order a military service member to uproot and move his or her family and all of their possessions, but not pay the expenses of that move? This is another example of the constant attack on the benefits of our service members.

I will work with the Pentagon to try to find a solution to this problem. It is my understanding that the Pentagon had been paying service members a dislocation allowance for these moves prior to the GAO ruling. I am hopeful that a quick solution can be found so that service members will not have to bear the cost of these moves. If necessary, I will introduce legislation next year to correct this unfair practice.

Mr. President, it is time that we end this continuous assault on the quality of life of our Armed Forces. It is a question of fairness and respect for those that so selflessly serve our nation and defend the freedom that we all hold dear.

[From the Navy Times, Sept. 30, 1996]

PAYING RENT ON BASE? GOVERNMENT REPORT SAYS ALL SHOULD PAY

(By Rick Maze)

Military families should begin paying a modest rent for living in government quarters, according to a new congressional report.

The rental payments are being suggested not so much to raise money from military families as they are to treat all service members equally, whether they live on or off base.

But the underlying reason is that the rental payments would eliminate the attraction of living on base for many military members, and that would result in huge savings for the government

The "rent" would vary by rank and location, but would average $2,016 a year, according to the Sept. 17 General Accounting Office report. That is the same amount as the average out-of-pocket cost for service members with families living off base, whose housing allowances are set to fall roughly 18.5 percent short of covering the full cost of lodging and utilities.

NO RENT CHECKS JUST YET

Rent checks won't be required any time soon, because the report was delivered to the Senate Armed Services personnel subcommittee just weeks before Congress was scheduled to adjourn.

But the recommendations will play a part in the debate next year over both the planned overhaul of the military housing allowances and the Pentagon's continued push to improve housing conditions, both on and off base.

In recommending the on-base rents, auditors from the bipartisan congressional office said it isn't fair that people living off base must pay out of their own pockets for housing while people in the government quarters live rent-free.

But the real reason the bipartisan office is pushing the idea is the belief that charging even a modest amount for living in military family housing could save money. That's because rent-free living is one of the major attractions of living in government quarters.

If there is no financial difference between living on or off base, the government might be able to reduce its housing inventory. That would save money, the report says, because it costs the government an average of $4,957 more per year for each family living in government quarters than it costs to subsidize families living off base.

DOD SAYS "NO"

The Defense Department opposes the idea, saying the rent would have "potentially severe consequences for military retention and readiness, a sit would equate to a reduction in benefits for those personnel."

In an official response included in the GAO report, defense officials said the "only viable alternative" is increasing housing allowances to eliminate unreimbursed expenses for those living off base.

But that is not likely.

It would take about $1.4 billion a year to raise housing allowances by enough to eliminate out-of-pocket costs for people living off base, defense officials said. It would cost $322 million a year to reduce average unreimbursed housing expenses to 15 percent, the goal of the current allowance system.

The point of the GAO report is that the services could and should rely more on the private sector to provide housing and eliminate some family quarters. The one exception, according to the report, is that more on-base housing should be dedicated to junior enlisted members with families, who have the greatest difficulty finding affordable off-base housing.

Defense officials said they will leave decisions about who gets on-base housing to installation commanders. In some cases, junior enlisted personnel get priority. But in most places, career service members whom the services want to retain are given on-base housing ahead of junior members, defense officials said.

There are some locations with more on-base housing than necessary, defense officials said.

Construction plans have been modified to prevent overbuilding, but any existing housing that can be economically maintained will be kept open.

[From the Army Times, Sept. 30, 1996]

MILITARY WON'T PAY FOR YOU TO MOVE OUT OF WAY—YOU'LL PICK UP TAB FOR RELOCATING FOR BASE HOUSING RENOVATIONS

(By Andrew Compart)

The good news: The military is fixing the housing at your base.

The bad news: Although the military is forcing you to move because of renovations or new construction, it cannot pay you a dislocation allowance to cover your expenses, the General Accounting Office ruled Sept. 11.

The dislocation allowance, designed to help military people offset the costs of forced moves, is only intended for use when a move is required because of a permanent change of station or an evacuation, the GAO Comptroller General's Office said in its decision.

The military can use other funds, such as money designated for operations and maintenance, to help people pay for "mandatory" items, such as charges for hooking up the telephone and other utilities, the ruling said. But even that money cannot be used to help offset the cost of "personal" items, such as drapes or rugs.

COULDN'T AFFORD "ANYTHING DECENT"

The GAO ruling came in a case involving Air Force SSgt. Daren Pierce at Mountain Home Air Force Base, Idaho, after the financial services officer for the base's 366th Comptroller Squadron asked for a decision on the issue.

Pierce said he was one of many people to complain when they found out they couldn't get the dislocation allowance, which is a lump-sum payment equal to a person's basic allowance for quarters for two months. He spent $150 to $200 for blinds at his previous home, and though he could scarcely afford it, he spent $120 on the cheapest blinds he could find for the new home.

Pierce said he would have been satisfied with a partial dislocation allowance. "I'm not out there to get a bunch of money. But I feel we should be reimbursed for what our expenses were," he said, adding that he believes the housing construction is necessary for people at the base.

Mountain Home is replacing 52 of 612 1950s-era family housing units with two-bedroom homes for junior enlisted people, a project that began in mid-February. Eventually all units will be replaced, said Senior Airman Sonja Whittington, a base spokeswoman.

The base left some homes empty in anticipation of the reconstruction, and it met with the other families in "town meetings" to answer questions about their impending moves. The base paid for movers and expenses such as telephone and cable television connections.

Initially the base also paid the dislocation allowance to 12 of the families, Whittington said. But within a week the base was told by the Defense Finance and Accounting Service that it had made a mistake, according to Whittington and the GAO summary of the case, and the base had to ask the families to give the money back.

"It's unfortunate there was an error, but getting brand new housing is a nice thing," Whittington said. "We tried to make it as easy on our people as we could within the guidelines."

It is not known how often complaints about unreimbursed expenses arise. Richard Hentz, in charge of programming for Army family housing construction projects, said the issue never has been raised with him.

At Fort Knox, Ky., where housing renovations are scheduled to begin Nov. 1, officials stopped moving people into homes that are to be renovated. But even still, more than 400 families are being affected, said Peter Andrysiak, chief of the base's housing division.●

MICHIGAN'S UPPER PENINSULA FIREFIGHTERS

● Mr. ABRAHAM. Mr. President, I would like to take this opportunity to recognize the exceptional dedication of Michigan's Upper Peninsula firefighters. These courageous men and women joined forces with firefighters from across the Nation to battle this summer's rampant fires in the West. Countless acres of this country's precious wilderness, as well as untold millions in public and private property, have been saved due to their selfless efforts. Each of these individuals served their State and country proudly, whether administratively or on the front lines. These brave professionals stand ready to protect this country in times of natural disaster and for this, they have earned our respect and admiration.

I am privileged to recognize the following Upper Peninsula residents for their work fighting fires in the Western United States:

Kevin Doran, Bill Bowman, Sandy Pilon, Orlando Sutton, Mike Miller, Don Howlett, Dave Worel, Jane Wright, Roger Humpula, Duane Puro, Judy Moore, Ed Wenger, Jenny Piggott, Terry Papple, Terry Arnold, Paul Pedersen, Don Mikel, Ralph Colegrove, Jerry Terrain, Chuck Oslund, Phil Kinney, Vern St. John, Kevin Pine, Doug Heym, Ty Teets, Joan Charlobois, Jon Reattoir, Alex Jahn, Nathan McNett, Mary Clement, Les Henry, Ruth Ann Trudell, Tom Vanlerberghe, Kerry Doyle, Jon Luepke, Louise Congdon, Rick Litzner, Todd Scotegraaf,John Pavkovich, John Ochman, Lori Keen, Eric Johnston, Dennis Neitzke, Lee Ann Loupe, Rodney Mobley, Ollie Todd, Sharon Makosky, Ernest Hart, Cecilia Seesholtz, Jim Wethy.

Dave Worel, Karen Waalen, Jeff Stromberg, Allen Duszynski, Mike Lanasa, Brenda Madden, Jim Flores, Al Saberniak, Marvin June, Joe Carrick, John Niskanen, Bret Niemi, John Worden, Nichols Wall, Paul Dashner, Pamela Harmann, Paul Cichy, Brunkdoreen Baron, David Trewartha, Mike Syracuse, Tom Strietzel, Aaron Pouylous, Larry Velmar, Jim Dehut, Eric Green Pete Allen, Jason Allen, Eugene Loonsfood, Charles Gauthier, Nathan Avedisian, Robert Pairolero, John Strasser, Bill Genschow, Allen Mackey, John Holmes, Paul Blettner, E.B. Fitzbatrick, Don Palmer, Cindy Miller.

John Kempson, Ben Mireki, Nathan Lainonen, Loren Kariainen, Joanne Thurber, Bobby Joe, Justin Borseth, Allan Wacker, Dan Ryskey, Greg Dove, Mike Dakota, John Lee, Paul Daniels, Brian Blettner, John Tanner, Dave Pickford, Gerry Gustafson, Mary Rasmussen, Lee Rouse, Dale Gordon, Jake Maki, Matt Lindquist, Deb Korich, Bill Reynolds, Jean Perkins, Wayne Petterson, Kay Gibson, Floyd Meyer, Phil Doepke, Steve Chad, Greg Rozeboom, Rob Smith, Robert Garrison Jr., Heather Wettenkamp, Gayle Sironen, Sharon Brunk, Cliff Johns, Robert Wagner, Del Platzke, Jerry Hoffman, Linda Kramer, Chuck Mowitt, Mark Adamson, Shawn Green, Mike Jacobson, Clayton Lord, Joe Cronkright, Adam Hickson, Carmen Allen, Mike Jarvi, Daryl Johnson, Jack Applekamp, Gary Dinkel, Rick McVey, Jay Wittak, Robert Garrison Sr., Joel Enking.

Wayne Young, Mark Douglas, Donald Kuhr, Randy Bruntjens, John Mattila, Ellis Sutfin, Pat Halefrisch, Debbie Begalle, Terry Popour, Richard Annen, Gerald Mohlman, Chester Sartori, John Krzycki, Robert Burnham, Craig Farrier, John Johnston, Charles Vallier, Robert Ziel, Beverly Current, Jeffery Stampely, Gary Willman, Daniel Laux, Jeffery West, Otto Jacob, Kay Fisher, Jason Tokar, Paul Pierce, Brad Johnson, Jack Maurer, Jim Haapapuro, Byron Sailor, John Turunen, Scott Seberd, Michael Slade, Daniel McNamee, Patrick Olson, Steve Adkins, Pete Davis, Debra Huff, Richard Berkheiser, Roger Grinsteiner, Russ MacDonald, Amy Dover, Paul Gaberdiel, Jeff Noble, Chuck Lanning, Brian Mulzer.●

REFORM OF NAFTA CHAPTER 19 DISPUTE PROCESS

● Mr. CRAIG. Mr. President, in preparation for renewed consideration of adding countries to the NAFTA and of fast-track legislation for this purpose, it is imperative, in my view, that action be taken to resolve a serious problem with the NAFTA: The NAFTA Chapter 19 dispute settlement system for antidumping duty and countervailing duty appeals.

In August of last year, nine of my Senate colleagues, including the former majority leader and the chairman of the Trade Subcommittee of the Committee on Finance, expressed serious concerns about Chapter 19 in a letter to then-U.S. Trade Representative Michael Kantor.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. CRAIG. Mr. President, I wish to emphasize that I share the concerns of the authors of this letter and believe that addressing this failed system must be a priority for U.S. trade policy. Under Chapter 19, appeals of determinations that imports are subsidized or dumped into the U.S. market were, for NAFTA countries, transferred from domestic courts to panels of private individuals, which include foreign nationals. The system was introduced in 1988 as a provisional compromise for the United States-Canada Free-Trade Agreement. Although serious reservations were expressed about Chapter 19 at that time, it was accepted on an interim basis with Canada only until disciplines against Canadian subsidies and dumping could be negotiated. Although no such unfair trade disciplines were agreed to, Chapter 19 was, unfortunately, extended to the NAFTA. Its inclusion was a key reason for my vote against that agreement.

Chapter 19's infirmities are several. As the Justice Department indicated in 1988, there are major constitutional problems with giving private panelists—sometimes a majority of whom are foreign nationals—the authority to issue decisions about U.S. domestic law that have the binding force of law. These panelists, coming from different legal and cultural disciplines and serving on an ad hoc basis, do not necessarily have the interest that unbiased U.S. courts do in maintaining the efficacy of the laws as Congress wrote them. Moreover, the ad hoc, fragmented nature of Chapter 19 decision-making can lead to contradictory outcomes, even with regard to a single instance of alleged unfair trade.

In practice, Chapter 19 has revealed itself to be unacceptable. A foremost example is the Chapter 19 review of a 1992 United States countervailing duty finding that Canadian lumber imports benefit from enormous subsidies. Three Canadian panelists outvoted two leading United States legal experts to eliminate the countervailing duty based on patently erroneous interpretations of United States law—interpretations that Congress had expressly rejected only months before. Two of the Canadian panelists served despite egregious, undisclosed conflicts of interest. The matter then was argued before a Chapter 19 appeals committee, and the two Canadian committee members outvoted the one United States member to once again insulate the Canadian subsidies from United States law.

The U.S. committee member was Malcolm Wilkey, the former Chief Judge of the Federal Court of Appeals for the D.C. Circuit and one of the United States' most distinguished jurists. In his opinion, Judge Wilkey wrote that the lumber panel decision "may violate more principles of appellate review of agency action than any opinion by a reviewing body which I have ever read." Judge Wilkey and former Judge Charles Renfrew—also a Chapter 19 appeals committee member—have since expressed serious constitutional reservations about the system. While some have claimed that Chapter 19 decides many cases well, its inability to resolve appropriately large disputes, and its constitutional infirmity, demand a remedy.

Like my colleagues who wrote to Ambassador Kantor, I believe that something must be done about Chapter 19. I support returning appellate jurisdiction to the U.S. judiciary where it had long rested and still rests for non-NAFTA countries. Alternatively, Chapter 19 perhaps could be reformed to eliminate its constitutional and practical infirmities. It should, at minimum, be clear to executive branch officials that Chapter 19 cannot be extended to any additional country in its current form, be it Chile or any other NAFTA prospect. I look forward to working diligently in the upcoming Congress to correct this serious problem.

EXHIBIT 1

AUGUST 21, 1995.

Ambassador MICHAEL KANTOR,
Trade Representative, Executive Office of the President, Washington, DC.

DEAR AMBASSADOR KANTOR: In light of the advent of the new trade and dispute settlement rules in the agreements establishing the World Trade Organization (WTO), we are writing to express our concern with the current system for reviewing antidumping and countervailing duty cases under the NAFTA.

As you know, the original intent regarding Chapter 19 was that: 1) it would be limited to Canada and quickly phased out; 2) panelist conflict-of-interest rules would be strictly enforced; and 3) panels reviewing U.S. determinations would be bound, like the U.S. Court of International Trade, by U.S. law and its deferential standard of review.

It is clear that these conditions have not been met. Despite earlier assurances to the contrary, the system was extended to Mexico and effectively made "permanent" with respect to Canada and Mexico in the NAFTA. Moreover, the U.S.-Canada softwood lumber case demonstrated serious inadequacies and problems with conflicts of interest and standards of review under the Chapter 19 system.

We believe that because of the intended temporary nature of Chapter 19 and the great controversy it has engendered, the Chapter 19 dispute settlement mechanism should not be extended in future trade agreements to any other country, including the present NAFTA accession negotiations with Chile. This belief is without regard to whether such agreements should be concluded.

Under Chapter 19, ad hoc panels of private individuals rule in place of judges on whether antidumping and countervailing duties have been imposed consistent with the domestic law of the importing country. This requires Chapter 19 panels to interpret and apply national law itself, rather than resolving disputes over the interpretation of international agreements as would normally occur in international dispute settlement like the WTO. These panel decisions are automatically implemented without judicial or political review of accountable government officials.

In light of the WTO's new binding international dispute settlement process, and the Uruguay Round's new agreements on subsidies and dumping, we question the need for a special NAFTA trade remedy. It is our belief, especially in light of past experience, that disputes about U.S. law are best left to the U.S. Court system.

Absent an outright elimination of Chapter 19, which we would certainly consider in a favorable light, substantial attention should be given to reforming Chapter 19 with respect to the current NAFTA. The United States should not agree to extend this fundamentally flawed system to any other country. We trust that you will consider our suggestion in your ongoing negotiations with Chile, and urge increased consultation with the Congress during the process.

We appreciate your consideration of this important matter.

Sincerely,

MAX BAUCUS, DAVID PRYOR, JOHN ROCKEFELLER, JOHN BREAUX, KENT CONRAD, CHUCK GRASSLEY, BOB DOLE, ORRIN HATCH, ALFONSE D'AMATO.●

TRIBUTE TO SHERRY KOHLENBERG

Mr. WARNER. Mr. President, exactly 2 weeks ago on September 16, I was privileged to join with Virginia's First Lady, Mrs. Susan Allen, in the opening of the Face of Breast Cancer exhibit at the Regency Square Mall in Richmond, VA. This dramatic exhibition displays the photographs and life stories of 84 American women who have tragically become the victims of breast cancer. Of those portrayed, four were Virginians: Marianne Thatcher of Arlington, Lorraine M. Smusz of Buchanan, Kyong Ja Kim Pearce of Herndon, and Sharon Helen "Sherry" Kohlenberg of Richmond.

At the opening of the exhibit, the Virginia Breast Cancer Foundation, which together with the National Breast Cancer Coalition sponsored the exhibit, presented the 1996 Sharon H. Kohlenberg Healthcare Service Award to two outstanding individuals for their exceptional contributions in the fight against breast cancer. Those honored were Dr. Claire Carman, a surgeon from Tidewater, VA; and Katharine Spiegel, a nurse from the Medical College of Virginia.

Presenting the awards was Mr. Larry Goldman, husband of Sherry Kohlenberg, and their son, Sammy. In memory of Sherry, Mr. Goldman gave one of the most moving tributes which I have ever heard, and with his permission, I am today submitting it for the CONGRESSIONAL RECORD, not only to share with my Senate colleagues but indeed all of those who have loved ones or are themselves battling the scourge of breast cancer.

The tribute follows:

Sherry didn't want to be a "Face of Breast Cancer." When I met her, she was nineteen, I was twenty-one and we were students at the University of Wisconsin-Madison, she only wanted to be Sherry—happy, independent thinking, caring, life loving Sherry. She loved to just hang out with our friends, share a bottle wine, talk and laugh the night away.

School was important to her. Her interest and ability to master Romantic languages, and her interest in social justice led to her major in Iberio-American Studies. She also liked to get A's and would definitely stand up to a professor who had evaluated her work unfairly.

For her artistic outlet, Sherry was a photographer. She spent hours taking and developing photos that showed her perspective of herself and life. Each finished photograph had to have the perfect gradations of blacks and whites before it was matted as a finished work of art. These are a few of them. The hand-colored photo won first prize in the University of Wisconsin student art show.

Later in her life, Sherry saw a need and had a desire to enter what was at that time very male-dominated world of health administration. She decided to concentrate in the field of Risk Management, setting up policies that kept the costs of health care down so that no one in our society would ever be denied the health care that they needed. At the Medical College of Virginia, she defined the structure and policies of the Risk Management Department. Her warm, caring personality and sharp, quick intelligence made her the perfect person to balance complex issues between patients, doctors and more than once, lawyers. She understood, she cared and she was always fair.

Bright, artistic, professional, Sherry was also, of course, Sammy's mommy and my wife. We bought what was supposed to be our first house over in Lakeside, thinking we would keep it for five years and move to another school district when Sammy was ready for first grade. Sam was suppose to be the first of three children. Sherry had the good job while I wrote, and took care of Sam but we had plans for Sherry to take some time off to spend with the children at some future date. Sherry had plans for a lifetime and when breast cancer started shattering her plans, she simply made more plans.

Sherry was never a victim of breast cancer. She was always a fighter and an advocate. She fought so that the fight against breast cancer would get the funding and attention that it deserved. She fought against policies that harmed women, against policies and attitudes that didn't go far enough in this war.

When Sherry realized that the cancer was stealing her life, she didn't stop fighting. She fought for Sam, for me, for every person and family that was and will be forever battered by this horrible disease. She gave me the support I needed to finish my Masters and become a teacher. With her concern that she create strong memories for Sammy and that he would always know how much she loved him, Sherry contacted her friend, Hillary Clinton, and arranged a White House visit where Sammy met the President and Mrs. Clinton, and made sure that Sammy and I continued to be part of the "Faces of Hope" family. Sherry didn't even let the cancer stop her from taking a trip to Disney World and what she called "that smutzy Disney World" King's Dominion where Sammy remembers getting stuck in smurf mountain with his Mommy. Sherry made sure that the White House had the name and phone number of her close friend Mary Jo Kahn who she knew was an valuable resource in forming breast cancer policy. She cared and worried about all of us, not herself.

Sherry never wanted to be "A Face of Breast Cancer" and she wouldn't have wanted to have an award named after her, she wanted to live, but she would have been honored and proud of both. As a part of the "Faces of Breast Cancer" Sherry will continue being the advocate for breast health. And with this wonderful "Sherry Kohlenberg Healthcare Service Award" given by the Virginia Breast Cancer Foundation, Sherry will always be honoring those who continue the fight, and she would have been especially pleased when close friends like Kathy Spiegle, and those she would have wanted to know like Dr. Claire Carman, are honored. With these honors, Sherry is with us, her voice is heard, her strength supports us, her love is felt, as it always will be until this war against breast cancer is won. Thank you.●

TWIN CITIES-UPPER MIDWEST HUMAN RIGHTS CAMPAIGN AWARDS

● Mr. WELLSTONE. Mr. President, I recently had the honor of attending the annual Twin Cities-Upper Midwest Human Rights Campaign Awards Dinner honoring Ruth and David Waterbury of Minneapolis, and the Northern States Power Co. The work of the Human Rights Campaign, which is dedicated to combatting discrimination, ensuring equal protection for all under our laws, and advancing the interests of gay and lesbian persons in the United States, is one of the most effective organizations of its kind.

The Brian Coyle Leadership Awards, presented to the Waterburys and Northern States Power, are dedicated to the memory of Minneapolis City Council Member Brian Coyle, a community activist and inspiration to many, including to me. He was a friend of mine, and his work to end discrimination is a lasting legacy to the gay and lesbian community in my State, and across the Nation. As a long-time social and political activist myself, I was humbled that night to be in the presence of so many individuals who stand on principle, often in the face of terrific odds and in the face of anger, misunderstanding, bias and even, in some extreme cases, violence against themselves or their loved ones.

Ruth and David Waterbury are two such people. They have contributed much to our community, both as a couple and as individuals. As I have come to know this wonderful family over the years, I continue to be amazed at their tireless and selfless work on behalf of others. Both were board members of the Minneapolis-St. Paul chapter of Parents and Friends of Lesbians and Gays, and Ruth was president for the year just ended. David was chair of the Governor's Task Force on Gay and Lesbian Minnesotans. Ruth is a current board member of District 202. Each has been instrumental in establishing scholarship funds for gay and lesbian students at their respective alma maters, Yale and Carleton.

The Waterburys have also been involved in the good work of the National Gay and Lesbian Task Force, It's Time Minnesota, Plymouth Congregational Church, Interfaith Coming Out Celebration, Minnesota GLBT Education Fund, and the Human Rights Campaign. Additionally, in part due to their great efforts, my State of Minnesota enacted an inclusive civil rights law that is a model for other States to follow. Together they have been visible and effective advocates on behalf of the gay and lesbian community in our State.

If I might, let me include an excerpt from Ruth and David's biography that speaks to their commitment not only to the campaign for human rights, but to each other as well. "Ruth and David Waterbury have been advancing the civil rights of gays and lesbians since shortly after their daughter came out to them. Margery gave them literature to read and expressed hope that they would eventually be glad she was a lesbian. Ten years later, they have now fulfilled her hope and feel privileged to have taken the journey."

For many parents, it is sometimes difficult to accept differences in their children that they did not foresee or wish for. For many others, it is not easy to accept people who are different from themselves—whether it be because of their gender, race, religion or sexual orientation. But the Waterburys chose a path of acknowledging their daughter's orientation, embracing it, and working to help other parents confronted by the same issues. Because of people like them, there is much hope, and even reason for joy. Because of the actions of those like the Waterburys, willing to fight to ensure that the most basic guarantee of our Constitution—equal protection under the law—is secure, there are role models for others to follow, from which others might take the torch and lead. I wanted to publicly salute them today here in the Senate, and thank them for their tireless efforts on behalf of their daughter, and on behalf of gay and lesbian people in my State and throughout the Nation.●

TRIBUTE TO LORI MOONEY, RETIRING CLERK OF ATLANTIC COUNTY, NEW JERSEY

● Mr. BRADLEY. Mr. President, I rise today to pay tribute to the public career of a very special woman. The Honorable Lori Mooney will this month retire from public service having completed 19 years of faithful and distinguished service as the first publicly elected clerk of Atlantic County.

Having been elected in 1977 as the first woman to serve in the position of county clerk, Lori Mooney made one promise at that time to the people of the county—to bring the operations of the office of the clerk into the 20th Century. To that end, she can take great pride in her achievements. She has managed, with the help of a highly professional, service-oriented staff, to raise the professional standards of the office from hand-written entries to the complete computerization of all records. She has consistently worked to meet the growing and changing needs of her county by recognizing the importance of easy, accessible service to the general public. From being the first to provide a satellite office in Atlantic City to her forward-looking efforts today in establishing a World Wide Web site and a "County Connection" at the Hamilton Mall, Lori has instinctively understood the dynamic of citizen contact and public outreach. She has truly incorporated and made real her own motto, "Always At Your Service."

Mr. President, as important as her work as county clerk has been, so too has Lori distinguished herself as a professional businesswoman having been the first woman appointed to the National Small Business Council for New Jersey by President Lyndon Johnson in 1966. And finally, her love and her energy on behalf of Democratic candidates both local and national make her one of the very few Democrats in the State to have been a delegate to the party's national convention six times.

Mr. President, I offer my warmest and most sincere congratulations to one of New Jersey's most beloved public servants whose public career should stand as an inspiration to all who respect honesty, unquestioned integrity and sound judgement in public office.●

THE JAPAN-AMERICA STUDENT CONFERENCE

● Mr. LUGAR. Mr. President, today I would like to salute the efforts of a distinguished student organization that has been at the forefront of enhanced United States-Japanese cultural dialogue and understanding since 1934. I refer to the Japan-America Student Conference [JASC], which was founded 63 years ago by a group of conscientious Japanese and American students concerned about the cultural misunderstanding plaguing their countries' relations. The JASC continues to play a significant role in facilitating exchanges between American and Japanese university students.

Over the years, the annual JASC student exchanges have produced a remarkable collection of American and Japanese leaders in business, government, journalism, and academia, leaders whose familiarity with their counterparts' culture has been instrumental to their professional success. This year, as we celebrate the 63rd anniversary of student exchanges under the auspices of the Japan-America Student Conference, I commend its leadership and all its participants for their dedication to the cause of cultural enlightenment and enrichment in United States-Japanese relations.

As a completely student-designed and student-implemented program, JASC organizes an annual conference to promote its mission of "Pursuing World Peace through Education, Cooperation, and Personal Commitment." Conference locations alternate between Japan and America and typically involve 30 to 40 university students from each country who come together for a full month to live, travel, work, debate, study, and socialize in the host country. Intensive round-table discussions on topics of fundamental importance to Japanese-American relations complement field studies in which delegates meet with government officials, educators, business executives, journalists, and other prominent citizens of the host country. Homestays with local families allow visiting students insight into the customs of the host country, while Japanese-American sharing of rooms in dormitories ensures intimate cross-cultural links.

Following its tradition of consistently hosting outstanding Japanese and American students, this year's conference will focus on "Exploring Our Roles in the Emerging Asia-Pacific Community." Students will explore issues in culture, trade, philosophy, science, diplomacy, history, and politics in an attempt to understand the fundamental changes forming Japanese-American relations on the verge of the 21st century. Because 1996's Conference took place in the United States, the Japanese cities of Tokyo and Kyoto will host next year's JASC from July 20 to August 19.

In accordance with JASC's standard practice, this year's participants were chosen by the organization's American and Japanese student executive committees consisting of students from each country elected by their peers. Although the respective Japanese and American Executive Committees receive guidance and financial assistance from the Boards of Directors of JASC in Washington and the International Education Center in Tokyo, students in the two committees independently plan and manage the conferences.

Mr. President, JASC represents an effective and efficient means to address the intellectual deficit in Japan-United States relations. Although roughly 43,000 Japanese students are currently enrolled in American universities, less than 2,000 Americans are studying at institutions of higher learning in Japan. This gap must be reduced because we have as much to learn from the Japanese as they do from us. Therefore, I want to commend the Japan-America Student Conference for long dedication to improving ties between Japan and the United States.•

RETIREMENT OF LINDA COLLINS HERTZ

• Mr. NUNN. Mr. President, it is my privilege today to recognize the retirement of Linda Collins Hertz, a Federal prosecutor from Florida and a native of Georgia.

A graduate of Shorter College in Rome, GA, Ms. Hertz received her law degree from the University of Miami cum laude in 1973. After 6 years as an assistant attorney general for the State of Florida, she joined the U.S. attorney's office in the Southern District of Florida. In her 15-year tenure as the chief of the appellate division in that U.S. Attorney's Office, Ms. Hertz has overseen the filing of in excess of 3,000 briefs in the Eleventh Circuit Court of Appeals. I have been told by her former colleagues that the judges of that court frequently comment that the briefs filed under Ms. Hertz' supervision can be counted upon to reflect the highest standards of appellate advocacy, and bear the mark of her commitment to candor, forthrightness and vigorous, but always fair, argument. Ms. Hertz' efforts to ensure that the positions of the United States are argued in a manner consistent with the highest ethical standards serve as a testament to her own high standards. Her coworkers further advise me that Ms. Hertz has consistently provided support to other assistant U.S. attorneys in south Florida and elsewhere, and her counsel is regularly sought on matters of great import and complexity. Ms. Hertz has been recognized by her colleagues and the Department of Justice for her extraordinary work through numerous awards like the Justice Department's John Marshall Award for the Handling of Appeals, and the U.S. Attorney's Vince Antle Award.

In sum, Mr. President, based on the record and based on the testimony of those who know her best I believe Linda Collins Hertz of Rome, GA, and Miami, FL, deserves our gratitude for her dedication and service on behalf of the citizens of Florida and our Nation.•

BIOMEDICAL RESEARCH AT THE NATIONAL INSTITUTES OF HEALTH

Mr. HATFIELD. Mr. President, in the waning days of any Congress, the full range of emotions are not far from the surface in each one of us. We feel the thrill of success as we see our legislative initiatives become law and the disappointment of knowing that some of our priorities must await a new year. As I leave the Senate after thirty years of service, I leave next year's challenges to others.

Among the bills that did not become law this year is S. 1897, a bill to revitalize the National Institutes of Health. This bill is the fine work of my friend and colleague Senator NANCY KASSEBAUM. Once the Senate passed the bill last Thursday, Senator KASSEBAUM worked tirelessly to try to achieve an agreement with the House to pass the bill. Unfortunately, an accommodation could not be reached and as a result, many fine legislative provisions that would dramatically improve the work of the NIH, fall to the wayside this year. This is all the more frustrating given the fact that the House hasn't held one hearing on NIH this year and essentially stopped the bill because they hadn't had a chance to give input.

Mr. President, I have a passion for medical research. It provides the sole hope for an improved quality of life for so many who suffer. Congress has recognized the importance of biomedical research by providing a 6.5-percent increase for the National Institutes of Health this year. We provided a 5.7-percent increase last year—all told an increase of 12.2 percent over a 2 year period. I can think of few domestic discretionary programs which have received this kind of attention in this Congress and none with greater merit. In terms of return on our Federal investment, there is no program which brings greater return in terms of improving quality of life in this country.

I have four pieces of my own legislation attached to S. 1897, all of which I believe will be enacted over time. While not accomplished on my watch, I am hopeful that others in the Senate will take on these initiatives and insure their passage. Senate bill 184 codifies the Office for Rare Disease Research at the NIH. This office has been created in the appropriations process to coordinate the research on over 5,000 rare diseases—diseases that affect only a small portion of the population and frequently have no research project or registry. I have been attempting for 2 years to have the office codified in law and while the Senate has passed this bill twice, it has not become law.

The NIH bill also includes S. 684, the Morris K. Udall Parkinson's Research Assistance and Education Act of 1995. Mr. President, this bill has over 62 cosponsors in the Senate and over 100 in the House. It establishes Parkinson's

Disease research centers across this country and signals the NIH that Congress is not satisfied with the $30 million. that NIH currently spends on this disease—my bill calls for an $80 million investment to cure this disease. I would like to compliment that Parkinson's community, and particularly Joan Samuelson of the Parkinson's Action Network, for the work they did to propel this bill forward. The Parkinson's community has my deepest respect for their advocacy.

The bill also includes S. 1251, a bill that Senator HARKIN and I have long championed to establish a National Fund for Health Research. The version included in Senator KASSEBAUM's bill established the shell of the fund, and left the financing mechanism to a future Congress. My preference is a tobacco tax and a Federal income tax kickoff, but a range of options exist. The important point is that a trust fund recognizes the fact that the appropriations process will never yield adequate resources to fund the promise of scientific research which exists today. We need to do more and the American public, in opinion poll after opinion poll, has indicated they support us doing so.

Finally, the NIH bill includes a new initiative of mine, the Clinical Research Enhancement Act, S. 1534. This bill will increase funding for clinical research, improve training for persons planning clinical research careers, and modify the focus of the NIH to make it more receptive to clinical research proposals.

There is no question that NIH needs more resources to fund all research. However, as we seek to find these funds, we must also look within NIH to ensure that the environment is supportive for clinical research applications. A recent report from the Institute of Medicine presents some alarming trends: the number of young investigators applying for grants dropped by 54 percent between 1985 and 1993, the number of federally funded grants awarded to persons under the age of 36 has decreased 70 percent in this period, and at the same time, young investigators are racking up average debt loads of $63,000. If not rectified, these trends will result in a stunning lack of human infrastructure to deliver a knowledge base that has applicability to or utility for the benefit of patients. It is not an understatement to assert that clinical research is in a state of crisis. Such a crisis may lead to a serious deficiency of clinical expertise, a paucity of effective clinical interventions, an increase in human suffering, and ultimately, an increase in the cost of medical care.

All of these initiatives deserve our support. I am pleased that the Senate has endorsed them and I hope that the new Congress will begin where we ended this year and include these provisions as a starting point on the new version of the NIH revitalization bill.

Before I conclude Mr. President, I ask to have printed in the RECORD a report by Washington Fax of a hearing that I chaired with Senator COHEN on September 26, 1996. This was a significant hearing and I hope my colleagues will take the opportunity to review its content.

The report follows:

EXTRAORDINARY HEARING GRIPS SENATORS, WITNESSES, AND OBSERVERS

No one noticed when, but at some point ego and arrogance got up and left the Senate hearing room.

It may have been when the witnesses began to talk:

Gen. Norman Schwartzkopf, relating a sad commentary on the American male acting like an ostrich when it comes to prostrate cancer and other maladies;

Joan Samuelson, a 46-year-old lawyer diagnosed with Parkinson's disease nine years ago, relating how almost immediately things dear to her—playing the piano, running, backpacking—were taken from her, and then essential functions began to be stripped away;

Rod Carew, a Baseball Hall of Famer introducing us to his daughter, Michelle, via video tape—recalling her smile in the final days of her 18-year life.

And then there was Travis Roy of Yarmouth, ME, a 21-year-old quadriplegic who recalled his life's dream lasting 20 seconds on the hockey ice, and now he must wants to hug his mother and his girlfriend.

Then, at first haltingly, almost embarrassingly, the room began to fill with emotion—honest straight-from-the-heart emotion, rising from the experience of one human being listening to another and hearing.

The scene was a special joint hearing Thursday by the Senate Committees on Appropriations and Aging called to gather testimony on the benefits of biomedical research and the human cost of injury and disease.

As the first panel of witnesses spoke, the hubbub and noise of self-importance and pressing tasks, always a part of a congressional hearing, slowly stopped. The audience breathed ever so lightly; the door from the room stood unused.

Distances began to disappear. None remained between the dias, where Sens. Connie Mack, R-FL; Robert Bennett, R—UT; Conrad Burns, R-MT; William Cohen, R-ME; Mark Hatfield, R-OR; David Pryor, D-AR; John Glenn, D-OH; and Herb Kohl, D-WI, were seated, and the witness table.

The trappings of a hearing were dropped. It was like sitting around a supper table, where friends who know each other warts and all open themselves, trusting their companions to share thoughts, to understand, to help, to reach out and touch where it hurts.

Carew, Samuelson and Roy with great dignity opened their souls, because they want to help stop the pain—not only theirs—but the pain of others too. Hatfield and Cohen, the good hosts, allowed the mood to reign.

At one point, Mack, at Hatfield's gentle nudge, began to speak, but knowing he couldn't trust his voice, sat quietly waiting. There was no embarrassment for him, only great feelings of empathy. The wave of emotion passed, and he talked of the death from cancer of the brother he loved so much. There was a path of empathy from Mack to Carew.

Pryor spoke up. "Talking about one's personal hurts is hard," he said frankly. But he went on to relate how his son, a lawyer, thought he had injured an Achilles tendon playing racket ball. When the surgeon got inside my son's leg, they discovered a rare form of malignant tumor on the tendon, said Pryor. If it had been only a few years earlier, my son would have lost his whole leg, and a short time before that, he would have been doomed, he said.

When Hatfield called upon Bennett, the Utah Senator didn't respond. He obviously wanted to speak, but his grief was so cutting that it took a bit to pass. He directed his remarks to a young researcher who was on one of the witness panels. She had described in her testimony watching the president of Brigham Young University, Rex Lee, loose his battle with cancer. Bennett revealed that Lee was his best friend.

There was a lull in the conversation, and someone recalled the discussion earlier, when Samuelson described how her day goes. "From the moment I am awake, I wonder, 'how will my body react today?'" she said. "Initially it is always stiff and sluggish and unpredictable until it adjusts to medication. For the first hour or two, I cope with a sudden sharp tremor in one or both hands, or one leg suddenly freezing up or contorting in a way that prevents walking. Crawling around the house is sometimes the only way to keep getting ready as I wait for the drugs to begin to work."

Then Mack, with an edge to his voice, questioned aloud, "When are we going to do something about this? To provide what is needed?"

Hatfield warned that funding for biomedical research is not going to continue to increase and may not even hold stable, because in 1999, 2000 and through 2002 there isn't the money to carry out deficit reductions. "We are trying to balance the budget by taking money from only 18% of the budget," he emphasized. "And that isn't enough to do the job."

This was the last hearing that will be chaired jointly by Cohen and Hatfield. It was probably the most honest hearing on the Hill in a lot of years. Senators came face to face with why research is important. The witnesses now know these Senators as kindred souls who hurt as they do, a new reason to fight on through the pain and the grief.

Egos and arrogance left the room and honesty, caring and empathy remained. No heros, just folks trying to figure out how to help each other.

DELAWARE COMPANY HONORED AS FAMILY-FRIENDLY

• Mr. BIDEN. Mr. President, in this time of two worker households, working parents are increasingly faced with the difficult task of balancing work and family.

Every day in this country, families must find a way to meet the challenges that await them at home after a long day on the job. Some days it seems impossible to maintain a career while trying to figure out a way to get the shopping done, put dinner on the table and pick up the kids at soccer practice.

That is why today, Mr. President, I am proud to stand here to announce that Delaware companies are taking the lead and making it easier for working parents to balance their careers and families.

One particular company, MBNA America, which is based in Wilmington, DE, was recently honored as one of the top 10 family-friendly companies by Working Mother magazine.

This is the second straight year that MBNA has been named as one of the top ten companies for working mothers and the fifth straight year that it has been named in the top 100.

Also, in the September 16 issue of Business Week, MBNA was named as one of the top 10 businesses in terms of their work and family strategies. This is the first time that Business Week has rated companies for their family friendly practices, and it shows that businesses are most successful if they take their work and family strategies seriously.

Speaking about MBNA, Business Week stated that "the bank won the highest grades from employees, who cited strong programs and job flexibility."

MBNA is to be commended for instituting policies and programs that are sensitive to the realities of two income families.

For example, MBNA offers three on-site day care centers that serve MBNA employees. I have had the opportunity to visit one of the two centers that are in Delaware, and I cannot stress enough what a benefit it is for workers to be able to take advantage of these day care centers. In Delaware, these centers give the parents of around 400 children the peace of mind that their child is in good hands.

Also last year, 109 men and 264 women took advantage of childbirth leave of absences that averaged 13 weeks. This is a wonderful opportunity for parents to be there for those precious first weeks of their child's life.

Another important benefit that is offered by the company is adoption assistance of up to $5,000. This allows employees to provide a stable home and family to a child who needs that love and stability so badly. Just another way that companies can help build strong families.

Employees can take advantage of $849,000 in company-sponsored college scholarships that allow those who wish to better themselves the opportunity to do so. After all, education is the greatest investment this country can make.

Working Mother magazine also applauded MBNA for having flexible work hours by utilizing job-sharing strategies and compressed work weeks.

And, the study showed that women account for a high percentage of executive positions at MBNA. Women make up 39 percent of vice presidents at MBNA and 16 percent of all senior executives are women.

Besides MBNA, two other Delaware companies were honored recently as family friendly companies. DuPont and DuPont-Merck Pharmaceutical were named as two of the top one hundred companies by Working Mother magazine for their leadership in creating job strategies that are sensitive toward families. DuPont was also named in Business Week's top10n list, and other companies with facilities in Delaware, such as Hewlett-Packard and Nations Bank, have been praised for their family oriented policies.

Mr. President, these work strategies that take into account everyday family life do not just benefit the employees, but also the employer. There is little doubt that recruitment, retention, morale, and therefore productivity all increase when companies implement family-friendly policies.

I am proud that MBNA and other Delaware companies have emerged as leaders in creating family work strategies, and I hope that this trend continues throughout Delaware and throughout the country. •

INTERNET CENSORSHIP AND CHINA

• Mr. FEINGOLD. Mr. President, almost 1 year to the day after the Senate approved the Communications Decency Act [CDA], the Federal District Court in Philadelphia concluded that congressional approval of the CDA was "unquestionably a decision that placed the CDA in serious conflict with our most cherished protection—the right to choose the material to which we would have access."

Mr. President, this fall the Supreme Court will consider an appeal of that Federal District Court decision, issued in June 1996, which found the CDA to be unconstitutionally vague and a violation of free speech. The action by the Supreme Court will, without doubt, be one which determines whether the Congress will continue to encroach upon one of our most fundamental rights.

The Communications Decency Act was badly flawed in a number of ways—and I have spoken of those flaws often and in great detail on the floor of this Senate—but its most serious flaw was that it criminalized speech transmitted via the Internet which the Supreme Court has ruled is protected by the first amendment—so-called indecent speech. While its proponents claimed to be most concerned about sexually explicit and obscene materials on the Net—the transmission of which is already a violation of criminal law—the CDA swept more broadly, effectively prohibiting speech which is perfectly legal if it appears in a newspaper, magazine, or book.

Mr. President, when I and other Senators pointed out the great danger of the act's overly broad prohibitions of on-line speech, we were told that we were overreacting. We were told that this minor erosion on speech rights will not lead to greater restrictions on the rights of Americans.

But, Mr. President, what danger could be greater than a Congress willing to subjugate speech rights to the political needs of the day? While indecency may have been the target of Congressional disapproval in 1995, when the Communications Decency Act was first considered, the target of our current political climate appeared to be violence in media. The Senate Commerce Committee has considered and reported legislation that puts the Federal Government in the business of determining what violent television programming is acceptable and what is not. In the name of protecting children, this Congress has edged closer and closer to Federal content regulation of speech in mass media. It is an unfortunate but true fact, that the propensity is high for Congress to jeopardize speech rights for the sake of political expediency.

That the United States Congress has taken the same path of countries which do not hold free speech as one of their most cherished rights—such as China and Singapore—should be of great concern to the American people.

For example, earlier this year, China passed a law allowing use of the Internet, but prohibited so-called harmful information on the Internet. According to media reports, as of September 10, Chinese officials had blocked access of China's 120,000 Internet users to more than 100 different sites on the World Wide Web. China considers "harmful information" to include sexual material, political material, and other types of news information that might somehow be harmful to China's people. China has blocked access to Web sites operated by Amnesty International and Human Rights Watch as well as to foreign media sites such as the Washington Post, Cable News Network, and the Wall Street Journal.

China also requires Internet providers to use government phone lines which allow information to be routed to government choke points where access can be blocked. And Internet users are required to register with the government. Media reports indicate, however, that the censors are already missing some sites such as the Swedish-Tibet Network and that many computer users have found ways to circumvent the ban.

Why are China's actions so significant? The Chinese Government has shown us three things. First, they have shown how fear of a new form of electronic communications leads to excessive regulation and censorship. While censorship is acceptable in China, it is repugnant and unacceptable to most citizens of the United States.

Second, they have shown us that once certain types of speech are prohibited by a government, the ban must be enforced. The regulations imposed by China to enforce their ban—the required use of government phone lines and the registration of users with the Government—has led to even greater erosion of civil liberties of the Chinese people. And third, they have shown us that speech and access prohibitions are ineffective when broadly applied to this new form of electronic communication. China's ban on certain types of speech is being circumvented. Their misguided efforts to protect the public from foreign sources of information and other sites are not likely to be effective.

Surely, the actions of the 104th Congress in approving the CDA are substantially different from the Chinese Government's actions. Nevertheless, Mr. President, there are some striking similarities.

China reacted to the freedom of the Internet by applying the same type of controls they have used for centuries to control information—a ban on speech and prohibition on access. Similarly, Congress reacted to the presence of objectionable and offensive materials on the Internet by imposing the same types of speech restrictions that have been used in broadcasting. Both governments reacted in fear to a new and poorly understood technology by imposing overly restrictive controls that do not take into account the unique nature of the Internet. The difference is that China has a centuries-old tradition of restricting speech while Americans hold their first amendment rights among their most cherished freedoms. Governments with such vastly different values should not be following the same path on speech restrictions.

Senator LEAHY and I urged this body to take the time to study how we might more effectively protect children on the Internet without jeopardizing free speech rights. There are less restrictive and more effective means of protecting children on the Internet than the unconstitutional Communications Decency Act. Instead, like China, congressional fear of the unknown led this body down the perilous path of censorship.

Some in this body might find China's methods of enforcing the ban completely inapplicable to the Communications Decency Act. Surely, the United States would never require adults to register to use the Internet. However, the Department of Justice hasn't yet determined quite how the CDA would be effectively enforced. They have suggested credit card verification, which may not yet be viable. They have also suggested adult identification cards and tagging systems. Some involved in the debate of the CDA last year suggested that users be required to get an information superhighway drivers' license. That sounds remarkably like the registration requirements employed by the Chinese.

Mr. President, the fact is that the only way to effectively enforce the CDA is to dramatically restrict the constitutional rights of adult Americans. And that is simply unacceptable.

Congressional passage of the Communications Decency Act was a misguided attempt to reach an honorable goal—protecting children from those who seek to harm them on the Internet. While we should continue our efforts to protect children, we must seek more effective and constitutional means to achieve that goal.

The 104th Congress failed to honor its obligation to uphold the Constitution when it passed the Communications Decency Act. After the Federal District Court ruling, the Congress should have repealed the CDA—a law we knew to be unconstitutional.

I hope that the 105th Congress will repeal this unconstitutional statute soon after it convenes next year. Maybe then we can get down to the business of protecting children.•

MONTGOMERY COLLEGE 50TH ANNIVERSARY

• Mr. SARBANES. Mr. President, I rise today to acknowledge the many accomplishments of an exceptional institution of higher education in my own State of Maryland.

This year Montgomery College celebrates its 50th anniversary of providing quality higher and continuing education to the men and women of Montgomery County and the entire State of Maryland.

Since it began educating the men and women of Maryland 50 years ago, Montgomery College has experienced remarkable growth. From its modest beginnings with 186 students in borrowed classrooms at a local high school, Montgomery College's enrollment has increased to over 22,000 students who study at three campuses across the county in Germantown, Rockville, and Takoma Park. Over the years, half a million students have benefited from a Montgomery College education, preparing themselves for enrollment in a 4 year college and for direct entry into an increasingly high-technology workplace.

The rapid pace of technological development and the increasing complexity of our economy has created a new set of challenges for our Nation's institutions of higher education. Montgomery College has proven to be a national leader in responding to these challenges, developing a new state-of-the-art high technology and science center to be dedicated on October 10, 1996. This innovative project—a joint effort of State and local government—encompasses advanced technologies to further the educational opportunities for Maryland students and improve the economic competitiveness of our State.

Mr. President, it is my view that offering students the opportunity for a true education and helping them to develop their potential for success in our sophisticated and complex society are among the most important challenges facing our Nation. Montgomery College has risen to meet these challenges and is to be commended for its ambitious views of the future as well as its open-door admission policy, which makes that future accessible to all the citizens of Montgomery County and of Maryland.

Fifty years ago, Montgomery College was viewed as a "great experiment in higher education." It is clear from the accomplishments of the past half century that this experiment has been eminently successful in providing lifelong learning and enhanced opportunities for thousands of Marylanders.•

ORDERS FOR TUESDAY, OCTOBER 1, 1996

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., on Tuesday, October 1, 1996; further, that immediately following the prayer, the journal of proceedings be deemed approved to date, the time for the two leaders be reserved, and there then be a period for the transaction of morning business not to extend beyond the hour of 12:30 with Senators permitted to speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I further ask unanimous consent that at the hour of 12:30 p.m., the Senate stand in recess until 2:15, in order for the weekly party caucuses to meet. Mr. President, from previous information, that would be this side. I am told by the distinguished Democratic leader there will be no Democratic lunch tomorrow. But we will stand in recess until 2:15 in order for the Republican Party caucus to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCAIN. Mr. President, tomorrow there will be a period for morning business to accommodate a number of requests from Members. At 12:30 p.m. the Senate will recess for the party conference, as I mentioned, the Republican caucus to meet. The Senate could be asked to turn to any legislative item cleared for action. Therefore, votes could occur, and the 3 hours under the previous order may be utilized at any time during the day.

The PRESIDING OFFICER. Does the Senator wish the morning hour to be expired?

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 104-35

Mr. McCAIN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Inter-American Convention on Serving Criminal Sentences Abroad, (Treaty Document No. 104-35), transmitted to the Senate by the President on September 30, 1996; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

It is my understanding this has been cleared with the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Inter-American Convention on Serving Criminal Sentences Abroad, drawn up by the Committee on Juridical and Political Affairs within the Permanent Council of the Organization of American States (OAS) and composed of representatives of the Member States. The Convention was adopted and opened for signature at the twenty-third regular session of the General Assembly meeting in Managua, Nicaragua, on June 9, 1993, and signed on behalf of the United States at the OAS Headquarters in Washington on January 10, 1995. The provisions of the Convention are explained in the report of the Department of State that accompanies this message.

Although the United States is already a party to the multilateral Council of Europe Convention on the Transfer of Sentenced Persons, which entered into force for the United States, following Senate advice and consent to ratification, on July 1, 1985, only two other OAS Member States have become parties to that Convention. Ratification of the Inter-American Convention on Serving Criminal Sentences Abroad would help fill a void by providing a mechanism for the reciprocal transfer of persons incarcerated in prisons in OAS Member States, to permit those individuals to serve their sentences in their home countries. A multilateral prisoner transfer convention for the Americas would also reduce, if not eliminate, the need for the United States to negotiate additional bilateral prisoner transfer treaties with countries in the hemisphere.

I recommend that the Senate promptly give its advice and consent to the ratification of this Convention, subject to an understanding and a reservation that are described in the accompanying State Department report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 30, 1996*.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the morning hour will be deemed expired.

MEASURE READ THE FIRST TIME—S. 2161

Mr. MCCAIN. Mr. President, I understand that S. 2161, introduced today by Senator SIMON, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 2161) reauthorizing programs of the Federal Aviation Administration, and for other purposes.

Mr. MCCAIN. I now ask for the second reading, and I object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Mr. President, I know the hour is late. I certainly respect Senator SIMON's views on this issue, and I know that Senator SIMON feels very strongly. I also know that Senator SIMON is committed to the entirety of the bill. However, on both sides of the aisle, there are objections to S. 2161 introduced by Senator SIMON.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCAIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 11:06 p.m., adjourned until Tuesday, October 1, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 30, 1996:

THE JUDICIARY

PATRICIA A. BRODERICK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, HARRIET ROSEN TAYLOR, TERM EXPIRED.

DEPARTMENT OF COMMERCE

WILLIAM W. GINSBERG, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE CHARLES F. MEISSNER.

DEPARTMENT OF TRANSPORTATION

TRIRUVARUR R. LAKSHMANAN, OF NEW HAMPSHIRE, TO BE DIRECTOR OF THE BUREAU OF TRANSPORTATION STATISTICS, DEPARTMENT OF TRANSPORTATION, FOR A TERM OF 4 YEARS. (REAPPOINTMENT)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATHAN LEVENTHAL, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2002, VICE WILLIAM BAILEY, TERM EXPIRED.

NATIONAL SCIENCE FOUNDATION

JANE LUBCHENCO, OF OREGON, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE W. GLENN CAMPBELL, TERM EXPIRED.

DEPARTMENT OF JUSTICE

ADAN MUNOZ, JR., OF TEXAS, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS VICE BASIL S. BAKER.

EXTENSIONS OF REMARKS

A TRIBUTE TO HONOR REVEREND DR. WARREN W. OST

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. FORBES. Mr. Speaker, I rise today to honor and pay tribute to the Reverend Dr. Warren W. Ost. Reverend Ost is the founder and director of a Christian Ministry in the National Parks. For the past 45 years, Reverend Ost and his wife, Nancy Nesbitt Ost, have dedicated their lives to developing and maintaining this independent, interdenominational movement dedicated to serving the spiritual needs of visitors and staff in our Nation's treasurers, our national parks.

A Christian Ministry in the National Parks was born in Yellowstone National Park where Reverend Ost spent four summers working as a bellman and organizing programs for other seasonal employees. From these summer experiences and the faith and dedication of one man, a program was born that now spans the breadth of our country and touches the lives of millions of Americans each year. The program in Yellowstone National Park, with the cooperation of the National Council of Churches, spread and developed into a Christian Ministry in the National Parks. In 1971, through a reorganization of the National Council of Churches, a Christian Ministry in the National Parks became a separate movement.

A Christian Ministry in the National Parks is the oldest and largest ecumenical movement training church leaders in environmental education. The purpose of the program is to cultivate a Christian community of workers at work and worship, together with our park visitors, in our national parks. Each year a christian ministry in the national parks places over 300 seminarian interns in our national parks. Following the model of the worker-priest, each participant involved with the program has a regular secular job with the service establishments in the park.

From its very beginnings, the program has been a model of church and State separation. Students ministering in the program hold private sector jobs, the program is underwritten solely with private donations, and participants receive only those privileges granted to bonafide religious groups sending representatives onto Federal lands. Yet, this dedicated staff holds open the door to staff and tourists alike for Sunday worship that would not otherwise be readily available.

Reverend Ost likes to talk in terms of living above the store. Literally and figuratively, Warren and Nancy live above the store. A christian ministry in the national parks has been run since the beginning by a small, dedicated staff working from a small townhouse in New York City. Warren and Nancy live next door. For nearly half a century, Reverend Ost has led this dynamic program, not merely by overseeing its activities, but by actively participating in every facet of the movement. A Christian Ministry in the National Parks has been Warren and Nancy's life work and faith, and they live their faith each and every day. In quiet and often unnoticed ways, they have touched the lives of millions, crossing denominational lines and demonstrating God's love through their actions and relationships.

As Warren and Nancy retire, we offer them our heartfelt gratitude and respect. Their faith and commitment have remained steadfast in the face of all obstacles. They have faced each day with optimism and belief of purpose. They have truly been good and faithful servants.

A Christian Ministry in the National Parks will continue to touch lives for generations to come and we know Warren and Nancy will remain active participants in this and other Christian ministries. We wish them all the best and again offer our heartfelt thanks for a job well done.

LT. COL. MIKE WAITE VALUABLE DEFENSE AIDE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. MONTGOMERY. Mr. Speaker, I rise today to pay tribute to a truly outstanding Army National Guard officer, Lt. Col. Mike Waite of Missouri.

Since March of this year, Colonel Waite has been detailed to my office to serve as my Defense legislative assistant. He has proved to be an invaluable asset to me and of tremendous help in my efforts to formulate my annual Guard/Reserve procurement package. Thanks to his vast knowledge of the Reserve components, Mike provided very sound advice on the needs of the National Guard and reserves to insure that these components received adequate funding in order to be full partners in the total force.

In addition to his work on the procurement package, Colonel Waite took a personal interest in several personnel issues which are very important to maintaining morale among the Reserve components and thus the all important readiness of these units.

Before coming to my staff, Mike was assigned to the National Guard Bureau in the Legislative Liaison Directorate. The expertise and knowledge he gained in this assignment was quite beneficial to me because of his complete understanding of the issues and his ability to put my goals into legislative language.

Mr. Speaker, I wish Lt. Col. Mike Waite the best in his future career with the National Guard and express my thanks to him for job well done during the second session of the 104th Congress.

TRIBUTE TO JOSEPHINE NIEVES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. TOWNS. Mr. Speaker, triumph over adversity and beating the odds are success stories that need to be heralded. I am pleased to highlight the achievements of Josephine Nieves, MSW, Ph.D., the first Latina to head the National Association of Social Workers [NASW]. As a trained social worker, I have a personal affinity for the very important work that social workers perform.

As the head of a 155,000 member association, Dr. Nieves brings more than 30 years experience to the job. Most recently, she was a Presidential appointee to the U.S. Department of Labor, where she was in charge of the Office of Job Training Programs. Prior to her assignment at the Department, she worked for former New York Mayor David Dinkins and served as commissioner and spokesperson for the New York City Department of Employment.

Josephine grew up in a single-parent family in New York City's communities of East Harlem and the Bronx. Her mother worked in a factory for 40 years to provide for her family. Dr. Nieves was the first to graduate from college. She obtained her master's degree in social work from Columbia University, and her doctorate from Union Graduate School, Antioch University Consortium of Colleges and Universities.

Dr. Nieves believes in making positive contributions. She was a founding member of the National Puerto Rican Forum, ASPIRA, and the NYC Urban Coalition. Josephine also has served on the board of the Henry Street Settlement, Greater New York Fund, National Congress of Neighborhood Women, and Museo del Barrio.

An engaging, articulate, bilingual spokesperson for the social work profession, she resides in Silver Spring, MD, and New York City. Her successes to date are a prolog to her future successes at NASW. I am pleased to introduce her to my House colleagues.

TRIBUTE TO THE HONORABLE VINCENT J. FEMIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. HOYER. Mr. Speaker, I rise today to bring to the attention of my colleagues the outstanding career of the Honorable Vincent J.

Femia, judge of the Circuit Court of Maryland, who is retiring after having served the State of Maryland for over 33 years.

I have known Judge Femia for close to four decades, and I can tell you he is a man of strong convictions and deep compassion for his fellow citizens. We began our careers in Prince Georges' County in the early 1960's. We soon found out that we shared many of the same convictions of law, on politics, and on life. And, we quickly entered into what is now a longstanding friendship.

One of the most admirable aspects of Vincent Femia's life is his devotion to public service. Either through the State's attorney's office, or as a judge on the circuit court, Vincent Femia has committed his career to serving the citizens of Maryland.

A prime example of this devotion to public service is highlighted by his term as a judge in the juvenile court system. Judge Femia spent countless hours traveling to schools and speaking to our youth on the need to stay in school and about the perils of entering a life of crime.

Judge Femia's distinguished legal career began with his practice in 1960 when he was qualified as a certified public accountant in Maryland. He was admitted to the practice of law before the Maryland Court of Appeals in 1961, and was later admitted to practice before the U.S. Supreme Court in 1966.

His public service career began in 1963 when he was appointed as a part time assistant State's attorney [ASA] in Prince Georges' County from 1963 to 1967. He then became a full time ASA until 1969 when he became the deputy assistant State's attorney, which he remained until appointed to the Maryland District Court by Gov. Marvin Mandel in 1972. On November 7, 1977 he was appointed as a judge to the Circuit Court of Maryland and was then elected to a 15-year term on November 7, 1978. He was reelected to a second 15-year term on November 8, 1994.

Judge Femia was born on July 26, 1936 in Philadelphia, PA. He received his bachelor of arts degree in accounting in 1959 from George Washington University and his juris doctorate degree in 1961 from George Washington University Law School. He maintained a private practice of general law in Oxon Hill, MD, from 1961 to 1967.

Judge Femia is a man revered and respected by his peers, seen as a source of knowledge in the legal realm. He has appeared on "Nightline" and "60 Minutes" and has written a weekly column for the Prince Georges' Journal.

On October 11, 1996, I will join with Judge Femia and his friends and colleagues in honoring his long service to the State of Maryland. While he has made no firm plans, I expect he will find more time to enjoy the company of his wife, Liz, and their three children and two grandchildren.

In closing, Mr. Speaker, I want to convey how proud I am to know him, and wish him the best as he moves on to the next stage of his life.

TRIBUTE TO MASTER SERGEANT ABRAHAM STEPHENS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mrs. MEEK of Florida. Mr. Speaker, I would like to pay my final tribute to a dear friend of mine, Master Sergeant Abraham Stephens of Detroit, MI. May he rest in peace.

Master Sergeant Abraham Stephens gave generously of his life to his country, family, church, and community.

Master Sergeant Abraham Stephens joined the U.S. Army in March of 1941. He served bravely in both World War II and the Korean war. He then went on to join the U.S. Army Reserves and retired from his military career in 1961. In total, Master Sergeant Stephens gave 37 years of outstanding service for the defense of his country.

Abraham Stephens also served in a civilian job as a plant supervisor at Ford Motor Co. for many years.

Abraham Stephens also gave generously of his life to St. Phillips Lutheran Church. He was not only an active member, but also served on the deacon's board until his death on August 31, 1996.

He was a truly dear and giving person. I am proud to call him a friend. I will miss him greatly, as I am sure his family and friends will, too.

Mr. Speaker, I ask now that you and the rest of the Members join me in this a final tribute to one who served our country so selflessly, and in offering our most sincere condolences to his widow and his family and his friends.

IN RECOGNITION OF MARIAN McPARTLAND'S "PIANO JAZZ"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. CONYERS. Mr. Speaker, I rise today to recognize and support Marian McPartland's "Piano Jazz," a brilliant and entertaining radio series, as well as one of the Nation's finest vehicles for jazz preservation, promotion, and education. This series is produced by the South Carolina Educational Radio Network and has been the recipient of many major awards for broadcasting excellence, including the Peabody, Gabriel, Armstrong, Ohio State, and several New York International Radio Festival Awards.

The series has also been honored with an ASCAP Deems Taylor Award and captured a Jazz Times poll. A measure of "Piano Jazz'" value is that both the Library of Congress and the Rogers & Hammerstein Archive of Recorded Sound of the New York Public Library at Lincoln Center are preserving complete collections of the series. This is a remarkable achievement for one of the first station-based, locally produced public radio programs to air across America.

The program's host is herself an outstanding practitioner of jazz art and a well-honed musical intelligence. Ms. McPartland conducts the series with a warm collegiality that is both informative of the genres being explored and loving of the artists being featured. This style has made the series extremely listener friendly and popular. "Piano Jazz" rises to the difficult standard of appealing to both the aficionado and to the novice.

"Piano Jazz" is National Public Radio [NPR] longest running music series and airs on over 250 NPR member stations nationwide. In its 17 years, the program has been a showcase for many important performances by legendary and established artists, including Ahmad Jamal, Billy Taylor, Teddy Wilson, Mary Lou Williams, John Lewis, Oscar Peterson, Stanley Cowell, George Cables, Bobby Short, Cecil Taylor, and Bill Evans. The stylistic range of the series has been truly nonpartisan, if you will, reflecting the great diversity of modern jazz piano.

The series has also introduced many up-and-coming artists to a wider audience, including Kenny Drew, Jr., Geri Allen, Benny Green, and Kenny Werner. This is one of the more laudable services provided by "Piano Jazz" for its audiences. Newly emerging artists need every opportunity to share their ideas and work. Marian McPartland has been both wise and considerate in balancing her programming by presenting both well-established artists and those on the rise.

South Carolina Public Radio is to be congratulated for developing, launching, and maintaining "Piano Jazz." It is my fervent hope that this well-conceived and award-winning show continues to garner the public support it needs to serve its broad and varied audience. I ask my colleagues to join me in honoring Marian McPartland, Henry Cauthen, president and founder of the South Carolina Education Network, and Shari Hutchinson, the program's producer.

125TH ANNIVERSARY OF CENTRAL CHURCH OF CHRIST

HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. PETE GEREN of Texas. Mr. Speaker, I would like to take this opportunity to congratulate the leadership, staff and membership of Central Church of Christ Cleburne, TX on the observance of the church's 125th Anniversary.

On October 13, 1996, our community will celebrate the church's dedication to Biblical teachings, practice, and devoted service to the citizens of Cleburne, Johnson County, TX.

In 1871, following the Civil War, the Church of Christ was established as a stabilizing force for a county in the great State of Texas. Much of the growth and development of north Texas came as a result of migration of veterans and their families from the war ravished area of the South.

The congregation began meeting in the courtroom of the Johnson County Courthouse, From this beginning, it moved to permanent facilities in the western part of the country. In 1880, it moved to a new building in Cleburne. The church now enjoys a prominent position in the religious community through its many programs of worship, education, missions and service to the community, State, Nation and the world.

For 125 years, Central Church of Christ has continued the great principles established by our Founding Fathers and guaranteed by our constitution.

Mr. Speaker, please join me, my colleagues and fellow citizens of the 12th District in the great State of Texas, in extending our congratulations to this congregation on this momentous anniversary

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CLIFTON HEIGHTS FIRE DEPARTMENT CELEBRATES 100TH ANNIVERSARY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. WELDON of Pennsylvania. Mr. Speaker, next month, my friends at the Clifton Heights Fire Department will celebrate their 100th anniversary. Accordingly, I want to pay tribute to these Americans who have put their lives on the line daily to protect the citizens of Clifton Heights, PA.

In 1896, by order of the courts, the Clifton Heights Fire Protection Association and the Clifton Heights Hose, Hook, and Ladder Company received their charters. For nearly 60 years, the two companies operated separately to provide the citizens of Clifton Heights with superb fire protection. In 1956, putting all rivalry aside, the two companies agreed to disband and join together to form one entity—the Clifton Heights Fire Company.

Since 1956, the Clifton Heights Fire Company has been one of the best trained and most aggressive companies in Pennsylvania. With support from local officials and the community, the Clifton Heights Company has emerged as a model of excellence in firefighting capability. Over the years, the company has successfully procured only the best state-of-the-art firefighting apparatus. Modern equipment combined with excellence in training has resulted in a first class company in which we can all take great pride.

As a former volunteer fire chief and founder of the Congressional Fire Services Caucus, I know firsthand the dedication, determination, and hard work associated with the firefighting profession. Yet, all too often we take for granted our local fire and emergency service personnel.

With this in mind, I want to thank the brave men and women of the Clifton Heights Fire Company for all they have done over the past 100 years in making the community of Clifton Heights a safer place to live. Congratulations and I wish you luck in your next 100 years.

IN RECOGNITION OF THE OFFICE OF FAIR EMPLOYMENT PRACTICES' HEARING OFFICERS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. THOMAS. Mr. Speaker, October of this year, marks 8 years since the adoption of the House Fair Employment Practices Resolution, House Resolution 558 of the 100th Congress. At that time, this legislation established a new direction for addressing employment discrimination matters within the House of Representatives. The resolution prohibited discrimination against all House employees on the basis of race, color, national origin, religion, disability, and age. Additional employment legislation expanded upon these rights.

For the expressed purpose of addressing these employment issues. The resolution also created a new administrative process consisting of counseling, mediation, and adjudication. This House-designed process has been administered, during these 8 years, through the Office of Fair Employment Practices and the Fair Employment Practices Review Panel.

With the passage of the Congressional Accountability Act and the establishment of the Office of Compliance, we are now transitioning to a new era concerning employment rights in the Congress. Nevertheless, we are here today to pay special tribute to a select group of individuals who have been a part of the House Fair Employment Practices' process during its tenure: the hearing officers.

A critical component of the Fair Employment Practices' process has been the adjudicatory or hearing stage. Under this system, hearings have been conducted and decisions rendered by individuals who have come from the ranks of employees within the House of Representatives, with background qualifications in this area. These dedicated men and women have given their time and talent to provide every grievant a fair and impartial hearing.

Many hours of time have been given, time given without compensation, to the activities involved: The Background preparation for hearings, the actual conducting of hearings, the review of documents, the research time in the law library, and the writing of decisions.

Over the course of these 8 years, nine individuals have served the House with distinction as hearing officers under the Office of Fair Employment Practices. As an indication of the bipartisan nature which has been afforded to this process and which these hearing officers have upheld, each of the individuals was jointly appointed to the hearing officer position by the chair and ranking member of the Committee on House Oversight and its predecessor.

With pleasure, I would now like to recognize these individuals for their outstanding work: Michael L. Murray; Henry J. Schweiter; Randel K. Johnson; Ellen L. Weintraub; Charles J. Willoughby; Ariel R. David; Edward W. Hoskins, Jr.; Daniel J. Levinson; and Joseph Gibson.

A special note of thanks to Jim Schweiter who has served as a hearing officer for 6 years, taken on the greatest number of cases, and has served as a special resource to the staff of the Fair Employment Practices' Office. In all but title, he has been the senior hearing officer.

I would also like to thank the staff to the Office of Fair Employment Practices for their service to the House of Representatives, Joseph P. Horn, Ruby McCall-Bunch, Rebecca Miller, and particularly the OFEP Director, William X. Baranowski.

This opportunity to acknowledge these highly dedicated individuals is a small measure of our greatful appreciation for the work they have done in this unique role, on behalf of the House of Representatives. To all of you, please accept our heartfelt thanks for your outstanding work, and best wishes for your continued successful careers.

SUPPORT OF H.R. 4012—MEDICARE WAIVER FOR THE WELLNESS PLAN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. UPTON. Mr. Speaker, I rise today to comment on legislation I introduced earlier this year to temporarily waive the Medicare enrollment composition rules for the Wellness Plan in Michigan. The bill enjoys bipartisan support in the House and Senate and passed the Commerce Committee on September 18 by a unanimous vote.

H.R. 4012 would allow the Wellness Plan a waiver from the so-called 50–50 rule, which requires that any plan which serves as a Medicare HMO have at least 50 percent of its enrollees as non-Medicare and non-Medicaid recipients. The Wellness Plan is a Michigan-based 501(c)(3) federally qualified HMO which serves a predominately Medicaid-based population.

This plan had begun to serve the Medicare population under a health care prepayment plan. However, HCPP contracts were effectively frozen as of January 1, 1996, as a result of changes made under the Social Security and Technical Corrections Act of 1994 which subjects HCPP contractors to MediGap laws. Because of this, the Wellness Plan has been unable to enroll any more Medicare beneficiaries.

This plan has been recognized by two Secretaries of HHS and by Presidents Bush and Clinton. It serves a substantial portion of the Medicaid population in southeast Michigan and has been doing so for almost 25 years. It is financially sound and has an unblemished record of providing health care to this population.

Although the bill had passed the major committee of jurisdiction and enjoyed bipartisan support in the Senate, it became a victim of time constraints and was not able to be scheduled for a vote in the House before Congress adjourned for the year. Nonetheless, we made important progress this year and I believe we are in solid position to pass this bill early next year when Congress reconvenes for the 105th Congress. I look forward to working with my colleagues on the committee and the House leadership to achieve this goal.

TRIBUTE TO CONGRESSMAN WILLIAM CLINGER ON HIS RETIREMENT

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. MONTGOMERY. Mr. Speaker, I would like to take this opportunity to wish Representative BILL CLINGER well in his retirement. He has been extremely lucky in this life, with a lovely wife, Julia, four wonderful children, Eleanor, William III, James, and Julia, and two precious grandchildren, Sara and Charlotte. I feel sure that the future only holds more blessing for BILL CLINGER.

Congessman CLINGER was elected to the U.S. House of Representatives back in 1978, and he has been a fixture here in Congress ever since. He has worked hard as chairman of the Government Reform and Oversight Committee and vice chairman for the Transportation and Infrastructure Committee.

His work here in Washington has not gone unnoticed. He has earned the respect and admiration of all of his colleagues. I have enjoyed working with BILL for the last 20 years, and he will be missed in Congress after he retires.

THE MAN FROM MEMPHIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. TOWNS. Mr. Speaker, I rise to honor my distinguished colleague from Tennessee, the Honorable HAROLD FORD. During 11 consecutive terms of service in this body, HAROLD distinguished himself as a champion for meaningful welfare reform and an advocate for economic development for both urban and rural America. He will long be remembered as one who served his constituents with the same fervor that he dedicated to the crafting of legislation in the powerful Ways and Means Committee.

Because of his leadership, Central Station in downtown Memphis was revitalized; the Memphis Housing Authority was able to devote $47 million toward its revitalization programs; and Memphis will now have a new Job Corps Center. His work as chairman and the ranking Democrat of the Ways and Means Subcommittee on Human Resources in large measure enabled us to enact a welfare reform bill that strengthened the initiatives for work without hurting the Nation's vulnerable children. I personally enjoyed the ability to work with him on health care reform issues in the 102d and 103d Congresses.

The gentleman from Tennessee will be sorely missed. I am gratified, however, that his son Harold, Jr., is poised, to continue his legacy in the 105th Congress. I wish him the best in his retirement from this body and I am certain that he will continue to be a voice that speaks in the people's interest.

HONORING JOHN KABLER, A VOICE FOR PRESERVATION OF OUR WATERWAYS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to John Kabler, one of Maryland's most effective and respected environmental leaders; no one worked harder than John to protect the Chesapeake Bay. As regional director of Clean Water Action, John Kabler showed citizens of Maryland how to work together for a better environment.

John's quiet constructive approach to leadership is well described in a brief tribute published in the New Bay Times. Because we all have much to learn from the way John helped Maryland and the Nation, I would like to share this article with my colleagues and the public.

[From the New Bay Times, Aug. 8, 1996]

APPRECIATION: JOHN KABLER

(By Joe Browder)

John Kabler's life was about protecting water: assuring safe drinking water for all Americans; working to save the Chesapeake and his hometown rivers and streams that nourish the Bay, restoring the Everglades waters flowing to coastal south Florida's mangroves and corals and cities. The difference John made, in these and other issues that help shape our lives, actually came from his love of life and people. John loved his family most of all; few persons so accomplished in public service remain so deeply grounded in the love of family and friends.

My wife Louise Dunlap and I began working with John in the '70s and came to know him better through three paths. For Louise, the intensity of a political campaign during the 1984 presidential primaries and work on the Clean Water Fund's board. For me, the continuing struggle to protect the Everglades. For both of us, living in Anne Arundel County and treasuring every moment spent with John and Sandy.

John took joy from the absurdity and dignity of America's political process. He relished helping people realize that they can be powerful when working together. He believed that citizens, informing themselves and sharing their knowledge, can and should define the rules that everyone must play by.

John knew that both nature and neighborhoods are usually the losers when politicians make deals with polluters. But John remembered what was worth fighting for, so he understood that there is no more important struggle than against the impulse to let ehtier conflict or compromise becomes ends in themselves. When colleagues would form a circle and fire on each other, he was kind enough to help all the wounded.

John also believed that so long as the right things happen, it doesn't matter who appears to be responsible. That's why John's fundamental role in protecting the Bay was only recently given wide recognition, when the Governor of Maryland proclaimed John an Admiral of the Chesapeake.

In the Everglades, John's team demolished the myth about immigrants' indifference to the environment. Talking with thousands of households in south Florida, John's Clean Water surveyors repeatedly found Spanish-speaking families expressing the highest level of support for protecting the Everglades and making polluters pay.

When the Everglades was betrayed by the sugar industry's pet politicians and frustrated citizen leaders turned on each other or lashed out at government workers, John counseled better ways. Whether managing small armies or nurturing new leaders, John guided by teaching and learning.

John experienced what nature gives us, so his work was founded on understanding what is really to be won or lost. He believed in justice, for everyone, and saw the connection between social opportunity and the integrity of nature. He was awed by the majesty and intricacy of being while loving people—as a part of life and one person at a time.

John left us as gracefully as he lived with us. He is on his present journey filled, and filling us, with all the love a person could hope to give or get.

SOUTH DADE MOTORSPORTS EXHIBITION CENTER

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mrs. MEEK of Florida. Mr. Speaker, I strongly support efforts to create jobs for the people I represent. In this regard, I rise in support of the economic development project planned for the Homestead Motorsports Complex. The international motorsports exhibition facility will be a major, year-round economic development vehicle which will go a long way toward revitalizing the hurricane ravaged Homestead and south Dade communities. The exhibition facility is expected to bring in more than half a million tourists per year and generate more than 100 jobs in a wide variety of areas. The job creation will be even greater throughout the community. The project is also a public-private partnership, with the private sector committed to contributing one-third of the development costs, State and local governments another third, and the Federal Government the remaining third.

Mr. Speaker, in light of the economic distress which continues to plague Homestead and south Dade and the strong economic development potential of the proposed motorsports exhibition center, I strongly believe that this project deserves grant support from EDA in fiscal year 1997. I am hopeful that the Commerce-State-Justice Appropriations Subcommittee will join me and my south Florida colleagues in urging EDA to give expeditious and favorable consideration to this important project.

TRIBUTE TO THE 761ST BLACK PANTHER TANK BATTALION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to the 761st Black Panther Tank Battalion. These World War II veterans were the first of three African-American tank battalions to go into combat. These men fought with courage and honor; we should remember them as the heroes that they are.

The 761st Tank Battalion trained at Camp Hood, TX. Gen. George Patton, Jr., commander of the Third Army, requested their service in World War II, as the general ordered only the best troops for his division.

"Come out Fighting", the 761st's motto, was certainly appropriate. The Black Panther Tank Battalion participated in four allied campaigns through six European countries. The Battle of the Bulge was among the many battles in which they fought. The 761st Tank Battalion fought for 183 consecutive days during World War II when most tank battalions only fought for 10 to 15 days at a time.

Let us remember these unsung heroes. In 1978, the 761st Tank Battalion received the Presidential Unit Citation. However, it took 33 years for the veterans to achieve this award. I was privileged to assist the battalion in gaining this important recognition.

On August 23, 1996, Fort Hood, TX broke ground for the 761st Tank Battalion Monument. Ms. Beverly Taylor worked for several years to make this memorial a reality. History books have traditionally overlooked African-American veterans' contributions to the wars in which the United States participated. The 761st Tank Battalion Monument is a positive step towards the acknowledgment that these veterans deserve. The Nation has benefitted greatly from the efforts made by these champions, the likeness of which many people do not even know. We must continue to work to make sure that the 761st Black Panther Tank achieves their rightful place in American history.

TRIBUTE TO DON FERGUSON

HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. PETE GEREN of Texas. Mr. Speaker, I would like to take this opportunity to honor Don Ferguson upon his retirement from Bell Helicopter Textron in Fort Worth, TX. Don has worked at Bell for 12 years, joining that company following his retirement from Active Army duty in 1984. Don, an Army aviator, retired as a colonel after 28 years of service to his country. During the course of his Army career, Don was stationed overseas in Europe and Southeast Asia as well as a variety of military posts in the United States. His military awards include the Distinguished Flying Cross, Bronze Star, 3 awards, Meritorious Service Medal, Air Medal, 3 awards, Joint Services Commendation Medal, and the Army Commendation Medal.

Mr. Speaker, Bell Helicopter is in the congressional district I represent, and I have worked closely with that company throughout my tenure. I had the pleasure of meeting Don shortly after being elected to Congress and was immediately impressed with his knowledge of a wide range of subjects that affected Bell Helicopter and the Department of Defense. My staff and I grew to depend on him for timely and thoughtful responses to inquiries about Bell's operations and programs. On the rare occasions that Don did not know the answer to a question himself, he knew where to go to get it.

During my many visits to the Bell Helicopter facilities, either on my own or with other Members of Congress, Don would invariably be the first to greet us with his "Welcome to Bell" overview. This briefing set the tone for many successful and informative visits. Don's Army experience allowed him to provide a unique perspective in representing not just the manufacturer of these helicopters, but also that of the men and women whose job it was to fly them. His understanding of the issues coupled with his wry sense of humor and quick wit gave Don the uncanny ability of always being able to put friends and strangers alike immediately at ease.

In summary, Mr. Speaker, I can proudly say that Don Ferguson has served his country with distinction for over 40 years. Twenty-eight of those years in uniform; the remainder in civilian clothes, yet still dedicated to ensuring that our fighting men and women had the very best possible equipment that American industry could provide. During all that time, Don has continually demonstrated those qualities which we all admire and aspire to achieve—devotion to duty, honor, and integrity.

I know that all who have had the privilege of getting to know Don over the years will miss him and join me in wishing him and his wife, Marilyn, an enjoyable and well-deserved retirement.

MEDICAID OSTEOPATHIC CERTIFICATION ACT OF 1996

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. BONIOR. Mr. Speaker, I am pleased to rise today to express my strong support for H.R. 1791, the Medicaid Osteopathic Certification Act of 1996. This critical bill, which Congress passed this week, will ensure that our Nation's osteopathic physicians will continue to be able to provide high-quality health care services to millions of our Nation's most vulnerable people.

As you know, osteopathic physicians were recognized in the original Medicaid statute as being fully qualified to participate in this important program. However, due to an oversight in the 1990 Budget Reconciliation Act, osteopaths were excluded from further participation in Medicaid. While we have been able to temporarily postpone the enactment of this flawed section of the 1990 legislation, the only way to permanently rectify this oversight was by passing H.R. 1791.

For several years, I have fought for the reinstatement of osteopaths into the Medicaid Program. These dedicated men and women have been faithful stewards of our commitment to provide access to quality health care to our Nation's most vulnerable.

Osteopathic physicians are part of the success story of our health care system. Of the 40,000 D.O.s in our Nation today, more than half of them practice in primary care fields. Nowhere do osteopaths represent a bigger or more vital part of the health care community than in my State of Michigan. In fact, while osteopathic physicians compromise only about six percent of all doctors nationwide, 25 percent of the physicians who live and work in Michigan are D.O.s. The effect of excluding 25 percent of Michigan's doctors from the Medicaid Program would have a terrible impact on the poorest and most vulnerable people in our State.

In the 10th Congressional District, some 350 osteopathic physicians care for the poor, pregnant women, and children. A significant portion of that care is provided through two osteopathic hospitals in Macomb County, Bi-County Community Hospital in Warren, and Mt. Clemens General Hospital

Mr. Speaker, passage of this commonsense bill is long overdue. Our health care system needs improvement in many areas. But osteopaths are part of what is right with our system. We must do all that we can to see that they can continue to provide high-quality care to those who need it. I am pleased to join my colleagues in approving this important bill.

TRIBUTE TO ALABAMA'S OLDEST FAMILY-OWNED NEWSPAPER, THE SOUTHERN STAR OF OZARK

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. EVERETT. Mr. Speaker, I would like to pay special tribute today to the accomplishments of a dear friend and fellow newspaper publisher in my congressional district, Mr. Joe Adams of Ozark, AL.

Joe Adams is the editor-publisher of The Southern Star, a weekly newspaper in Dale County which occupies a special place in Alabama history. This year the Southern Star turns 129 years old, and as such, is the oldest family-owned newspaper in the State of Alabama.

The Southern Star is widely known and respected in southeast Alabama having been created and shepherded by five generations of the Adams family of Ozark: Joseph A. Adams, founder, 1867–1887; Joseph H. Adams, 1887–1907; John Q. Adams Sr., 1907–1925; Jesse B. Adams, 1925–1952; John Q. Adams Jr., 1952–1969; and Joseph H. Adams, 1969–Present.

The Southern Star was recognized earlier this year for its unique state-wide distinction by the Alabama Press Association, an organization of Alabama's newspaper publishers.

I have known Joe Adams for many years and am proud to call him a good friend. And I wish to congratulate him for his family's contributions to Alabama journalism.

FIRE PREVENTION

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. WELDON of Pennsylvania. Mr. Speaker, we are continually bombarded by news of disasters in our country. But unfortunately, the disaster that befalls more than 400,000 families each year is fire. While the number of household fires has been reduced, these fires continue to cause more than $4 billion in damage. According to the National Fire Protection Association, the most frequent cause of household fires is something that seems so simple—careless cooking.

Recognizing this situation exists, the Association of Home Appliance Manufacturers, representing the producers of kitchen ranges and ovens, has stepped forward to create awareness of this issue and focus educational efforts toward reducing the incidence of these needless fires.

The home appliance manufacturers joined with the National Association of State Fire Marshals and conducted an intense survey of careless cooking fires in 10 major jurisdictions in the United States. The survey results tell us some interesting things about careless cooking fires.

First, in nearly three-fourths of fires, the person responsible for the cooking was not in the area at the time the fire broke out. Unattended cooking has long been the single greatest cause of these fires.

Second, in nearly two-thirds of the fires, the person left the area rather than fight the fire. But in those cases where someone stayed to try and deal with it, nearly half used incorrect methods to do so, often increasing their risk of injury and damage to the home.

Third, half of the people responsible for careless cooking fires were between the ages of 30 and 49, not the very old or very young. This number is far larger than the population represented by this age group.

Fourth, consistent with other studies of inner-city and disadvantaged populations, a disproportionately high number of careless cooking fires seem to have occurred in minority households. Minority populations appear to be at particular risk for fire and should receive special attention in any education effort.

Using this study, the Association of Home Appliance Manufacturers and several other public safety groups, fire departments, and the U.S. Fire Administration are working together to help change the basic behavior. Special projects made possible by the appliance manufacturers are underway. For example, nearly 10 million special teaching brochures are being distributed this year. This includes the manufacturers inserting one in every new range as well as several million being distributed by school teachers, fire educators, and public service groups. In addition, a teaching video is being developed for fire educators. Finally, public service announcements and video news releases have been prepared and special educational grants have been made to fire educators to try new avenues to reach and educate the public.

The most important messages are rather simple. Stay focused on your cooking. If you have to leave the kitchen, turn off the range. If you have a fire, get the family out of the house and call 911 or the emergency service number.

I commend the appliance manufacturers on this program and urge public service groups and all fire departments across the country to join together to fight careless cooking fires. Together we can reduce the numbers of these fires and the effects of such a disaster on our citizens.

CONGRATULATIONS TO THE BERGEN COUNTY HOUSING AUTHORITY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Bergen County, NJ, Housing Authority on receiving the U.S. Department of Housing and Urban Development's Sustained Performance Award.

Presented by the Office of Public and Indian Housing, this award recognizes the Bergen County Housing Authority for "excellence in overall management performance" in the years 1993, 1994, and 1995. The housing authority received a perfect score of 100 in fiscal 1995 as measured by the Office's Public Housing Management Assessment Program.

This award is a well-deserved honor for the staff, management, and tenants of the Bergen County Housing Authority. Their hard work and dedication to making the 503 units operated by the authority some of the finest public housing in the Nation is exemplary. I am particularly pleased that the entire Nation will now know what we in Bergen County have known for a long time.

No organization can succeed without strong leadership and much of the credit in this case must go to Jack R. D'Ambrosio, Jr., executive director of the housing authority.

Responsible for the administration of all affairs of the authority and for the formulation of plans for new programs and their implementation, Mr. D'Ambrosio has held his position since April 1988. He is responsible for an annual operating budget of more than $24 million and supervises a staff of 75 full- and part-time employees who work with 51 member municipalities within Bergen County.

Mr. D'Ambrosio is also executive director of the Housing Development Corp. of Bergen County, a unit of the housing authority created so the authority can engage in the financing and development of affordable housing for low- and moderate-income individuals and families.

The first major project of the development corporation was a 135-unit senior citizens building. Since then, the corporation has been responsible for the construction of affordable condominium and townhouse units on 26 different sites throughout Bergen County.

Mr. D'Ambrosio is the former ombudsman for the institutionalized elderly for the State of New Jersey. An attorney admitted to the bar in both New Jersey and Texas, his past and current activities have included member of the board at Bergen Pines County Hospital in Paramus, the board of Holy Name Hospital in Teaneck, the Bergen County Human Services Advisory Board, the Alumni Executive Council of William Paterson College in Wayne and many other groups.

Again, I congratulate the Bergen County Housing Authority and Mr. D'Ambrosio on the receipt of this high honor. I wholeheartedly agree that it is well-deserved. I am confident their fine work will continue for many years to come. Bergen County is fortunate to have such caring and dedicated individuals among its leaders.

TRIBUTE TO CONGRESSMAN ROBERT WALKER ON HIS RETIREMENT

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. MONTGOMERY. Mr. Speaker, It has been my pleasure to have served with Representative BOB WALKER. We have worked together as Members of this House for more years than I care to remember. During that time, I cannot recall anyone with more knowledge on the rules of the House. In fact, I would say that he is an expert in parliamentary procedure.

Congressman WALKER was elected to the House of Representatives in 1976. Since then, he has spent much of his time on the House floor working on different pieces of legislation. He was an original sponsor of the only statutory provision in present law protecting a student's right to voluntary school prayer.

As chairman of the House Science Committee, he has strongly supported basic research. He has worked on legislation that allows for the research and development of hydrogen as an alternative fuel source, and he authored legislation on the viability of space as our next economic frontier.

As he prepares to retire and head back home to Pennsylvania, I wish Representative BOB WALKER and his wife, Sue, the best. Maybe now he will have more time to dedicate to his writing.

ACDA—35TH ANNIVERSARY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. BERMAN. Mr. Speaker, on September 26, the U.S. Arms Control and Disarmament Agency [ACDA], celebrated its 35th anniversary. I am proud to have been one of the architects of the Arms Control and Non-Proliferation Act of 1994 which underscored the necessity of maintaining bipartisan support for a revitalized ACDA to address the immense arms control agenda facing the United States in the post-cold war world.

The arms control agenda remains a vital issue, one which demands our continued vigilance and support. On September 24, President Clinton because the first world leader to sign the Comprehensive Test Ban Treaty [CTBT] at the United Nations—a commitment from virtually all the world's nations to end nuclear tests for all time.

The greatest danger to our security is from a nexus of new threats—rogue states, terrorism, international crime, drug trafficking, and weapons of mass destruction. We must seize every opportunity for more people to enjoy peace, freedom, security, and prosperity, while at the same time, moving strongly and swiftly against the dangers they face.

The CTBT is the shared work of hard negotiation. The signature of the world's declared nuclear power—the United States, China, France, Russia, and the United Kingdom—along with those of the vast majority of its nations, will immediately create an international norm against nuclear testing. In light of these global realities, proponent of ACDA's disappearance or absorption by the Department of State seem grossly out of step with reality.

ACDA brings to the table an expert and independent arms control perspective, one which often differs from the viewpoint of the Department of State. That is why ACDA was created. For example, in the 1960's, ACDA pressed for the Nuclear Non-Proliferation Treaty. The State Department initially opposed the original negotiation. ACDA's independent voice, then and now, serves to ensure a policy that is more fully informed and better framed to serve arms control and nonproliferation.

ACDA has had a major impact. Allow me to enumerate some examples.

ACEA insisted under the Salt I agreement that the Soviet Union be held to precise numerical limits on Backfires Bombers.

In developing the INF Treaty, ACDA argued successfully for the development of irrefutable evidence of the nuclear capabilities of Soviet SS–23s in Eastern Europe.

It was ACDA that provided the analysis that the Soviet Krasnoyarsk radar was in violation of the ABM Treaty, ultimately leading to its dismantlement.

The same agency demanded the preservation of the Cobra Dane ground-based phased array radar at Shemya, Alaska, an asset essential for verifying Russian compliance with the START Treaties. The U.S. needs this radar to determine independently whether or not the Russians are testing new or modified missile systems.

ACDA provided the positions leading toward a comprehensive test ban, including opposition to a "peaceful nuclear explosions" loophole, a zero-yield threshold, and no-first-test policy.

The agency successfully retained the proper interpretation of the Anti-Ballistic Missile (ABM) treaty, which was, in turn, instrumental in facilitating negotiation of the START treaties.

ACDA is responsible for the present U.S. policy regarding landmines and their use.

The decision to press for an effective, verifiable, and complete ban on chemical weapons, resulting in conclusion of the worldwide Chemical Weapons Convention in 1992, came about thanks to ACDA. Now, it remains for the Senate to ratify the convention. It should do so immediately.

ACDA spearheaded U.S. Government efforts to conclude a ban on biological and toxin weapons in the early 1970's, followed in the 1990s by negotiations to enhance transparency and strengthen compliance with that ban.

Since ACDA's initiation under President Eisenhower and its founding under President Kennedy, Republican and Democratic administrations have recognized that, to pursue arms control effectively, an independent, expert agency is essential.

That consensus is now reflected in the number of arms control agreements painstakingly achieved by both Democratic and Republican administrations. For example:

Start I—negotiated under President Reagan, ratified under President Bush, implemented by President Clinton; Start II, Nuclear Non-Proliferation Treaty, Intermediate Nuclear Forces agreement, Conventional Forces in Europe agreement, and the Convention on Conventional Weapons. Let me add to that list the Chemical Weapons convention. This treaty has been ratified by 63 countries and, if the Senate does not move to ratify it, is likely to go into force without U.S. participation. The convention bans the production, sale and possession of poison gas weapons and requires signatory nations to destroy their existing stocks. It was negotiated under President Reagan and signed by President Bush. President Clinton has given the convention his full support. The remaining step is ratification by the Senate.

Why is the convention so important? After the gulf war, we underestimated Saddam Hussein's ability to develop chemical weapons. It does not take a missile to bring about destruction. One person with a small vial can do that. Witness the impact of a small amount of Sarin gas in the Tokyo subway.

We must not be lulled into thinking that arms control implementation and compliance can take care of itself or that the dangers of proliferation are overblown. We must continue to support a strong, independent, streamlined and effective Arms Control Disarmament Agency to pursue one of the Nation's most urgent missions in a transformed world.

KASHMIR ELECTIONS: FREE AND FAIR?

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. TOWNS. Mr. Speaker, elections were recently held in Kashmir. It was the hope and expectation of many that these elections would clearly demonstrate the political preference of the Kashmiri people. The conduct of the elections themselves, however, made this determination impossible.

At least one independent Indian-based NGO, the All Indian Peoples Resistance Forum [AIPRF], found that people in Kashmir were not in favor of the elections. They viewed the elections as "a design to continue the 'annexation' of Kashmir." This perspective was verified, according to the AIPRF, by the lack of participation in the referendum. In several of the polling sites, the turnout was no higher than 6 percent by 4 p.m., a short time before the polls closed. Yet, the press reports in India indicated a final turnout of 60 percent. The AIPRF also found numerous instances of security forces pressuring people to vote when they were clearly reluctant to do so.

Certainly, we should make every effort to support real self-determination initiatives for the people of Kashmir. A referendum that is not free and fair is not real self-determination. I remain hopeful that the future of Kashmir can be determined through democratic and nonviolent avenues.

REMARKS BY BOUTROS BOUTROS-GHALI, SECRETARY GENERAL OF THE UNITED NATIONS: "CONFLICT RESOLUTION IN AFRICA: DIPLOMACY AND ACTION"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. RANGEL. Mr. Speaker, during the just concluded Congressional Black Caucus legislative weekend, we were honored by the presence of the Secretary General of the United Nations, the Honorable Boutros Boutros-Ghali. The Secretary General spoke to the International Affairs workshop on "Conflict Resolution in Africa: Diplomacy and Action" that was chaired by our esteemed colleague and chairman of the Congressional Black Caucus, DONALD PAYNE of New Jersey. All who heard the Secretary General's speech were impressed anew with his commitment to the economic, social, and political development of the African continent. I believe that all of our colleagues in the House should be made aware of the Secretary General's speech and, therefore, I ask that it be placed in the CONGRESSIONAL RECORD.

I am honoured to stand before Representatives of the American people. The United Nations—so much the dream and creation of the United States—finds its home, here, in America.

I am particularly honoured to have been invited to participate in this forum by Congressman Donald Payne, the distinguished Chairman of the Congressional Black Caucus and recognized foreign policy leader in Congress.

I thank Chairman Payne for holding this meeting on the peace-keeping mission of the United Nations to give us the opportunity to make more Americans aware of this vital work. I pay tribute to Chairman Payne and to Congresspersons Cynthia McKinney, Alcee Hastings, Albert Wynn and Victor Frazer, who serve with him on the House International Relations Committee.

I know that all of these members have valiantly continued the tradition of the Congressional Black Caucus as champions of U.S. engagement with the developing world, and particularly with the nations of Africa and the Caribbean.

The history of African-Americans is one of struggle, of pride, and of brilliant achievement. African-Americans are an inspiration to all who seek to live in liberty, in dignity, and in justice.

I want to acknowledge the rich contribution which African-Americans have made to the United Nations and to international diplomacy. Earlier this year, I participated in the dedication of the new Ralph Bunche Center for International Affairs at Howard University. This wonderful centre honours the memory and contribution of the man whose leadership launched the United Nations.

I recognize as well the continuation of the legacy of the African-American diplomats whose UN service followed that of Ralph Bunche, and want to pay particular tribute to the service of Ambassador Andrew Young as the US representative to the United Nations.

I had the privilege of working with Ambassador Young and his able successor, Ambassador Don McHenry, in the late 1970's, as they made the US an active participant in the movement for self-determination and majority rule in Southern Africa.

And, of course, I could not be here at this meeting without paying tribute to the leadership of the African-American community—especially Randall Robinson of TransAfrica—and the Congressional Black Caucus in securing legislation to impose sanctions upon the apartheid regime in South Africa in the mid-1980s.

Allow me, now some personal reminiscences.

In 1977, I was asked to become Minister of State of Egypt. As Minister, I chose—without hesitation—to focus on African affairs. In support of President Sadat's foreign policy I travelled throughout Africa and engaged with the problems of the Continent. Today, I can look back and say that I have visited virtually every African country. And I can look forward and predict that Africa will emerge as a great and vibrant force on the world scene.

My friends, I am African. And as an African, I am grateful to you for inviting me to share with you some of my thoughts on conflict in Africa.

My public comparison of the amount of international attention and response devoted to conflicts in Europe as compared to those in Africa has made me unpopular with some. But I stand by the recognition of this reality. I further recognize the need for greater advocacy for Africa. African conflicts are not getting the attention they need from the international community.

You, as leaders of the African American community, must continue to be vocal on behalf of Africa. You must call upon the international community to engage actively in the resolution of African conflicts before they escalate and exact a terrible toll on human life. The security of African States, and of Africa as whole, needs to be understood as significant for world peace and security.

Policy makers in government, those in the private sector, and in the international news media, need to be challenged to address conflicts in Africa, and seek their solution.

How can we obtain the international attention needed to resolve African conflicts? Let me mention four ways: diplomacy, disarmament, regional cooperation, and peace-building. The UN is at work in all these areas. But more can be done, with your help.

First, we can act through diplomacy.

Diplomacy cannot work miracles—particularly when one party believes it will gain from using force. But in Africa, military action too often is taken before diplomatic options have been exhausted.

When diplomacy is an option, more and more African countries turn to the UN. As an impartial body, with a global mandate, and without the need to publicize its role, the UN can achieve a great deal. It can work behind the scenes, where compromise may more easily be reached. The successful UN involvements in South Africa and Sierra Leone are solid examples of effective diplomacy. So is the resolution of territorial disputes involving Libya and Chad, and most recently, Nigeria and Cameroon.

Remember, however, as we have been reminded in Angola and in Somalia, that no diplomacy—no matter how skilled—can be successful without one essential ingredient: the will of the parties to achieve peace. The same is true in peace-keeping, which is based upon consent of the parties. Peace-keeping is therefore not appropriate for war situations. I have long argued that in war situations, the international community should either send combat troops or no troops at all.

Experience has shown that the best way to do that is with a multinational force, or regional force, authorized by the UN Security Council. The enforcement action could then, if necessary, be followed by peace-keeping. This was the course of the international involvement in Haiti—so far successful, and in which the leadership of the Black Caucus has been crucial.

I call upon you, the members of the Congressional Black Caucus to continue your efforts to mediate the conflicts in Liberia, Rwanda and Burundi. We must persevere in our efforts to resolve those conflicts. For history has shown that hard work and perseverance can produce positive results in even the most difficult situations.

Second, we can reduce conflict in Africa by disarmament.

Disarmament is an essential confidence-building measure, both among States and within them. The signing in April of the African Nuclear-Weapon-Free Zone Treaty was a major step forward in the disarmament of weapons of mass destruction.

Action is now needed to stem the uncontrolled flow of small conventional arms—which have, for too long, sustained and stimulated African conflict. What I have called micro-disarmament will be indispensable. Africa has been flooded with small arms. The very existence of light weapons in such vast numbers makes conflict in Africa inevitable. The United Nations has begun to track the transfer and stockpiling of light arms, and to set forth steps of achieving mico-disarmament.

A comprehensive international ban on land-mines is also urgently needed. Even years after conflict has subsided, land-mines continue to pose a severe obstacle to agriculture, transportation and infrastructure. Landmines in Africa are part of a destructive legacy of conflict that has impeded development. And this, in turn, has fuelled still more conflict. The United Nations has taken the lead in building international support for a ban on the production and transfer of all land-mines and land-mine components. This U.N. campaign deserves the widest support.

Third, we can help prevent—and resolve—the problems of conflict in Africa by reinforcing regional cooperation.

Cooperation between the United Nations and the OAU has been strengthened. The current situation in Burundi emphasizes the positive role which regional organizations can play in promoting regional stability and the peaceful resolution of local conflict.

The OAU must play an ever more active role in the resolution of African conflicts. It has recognized the need for leadership in this area through the creation of a Mechanism for the Prevention. Management and Resolution of Conflicts. I thank the Congressional Black Caucus for your support of the OAU over the years. And I thank you for your recent support for U.S. assistance to the building up of OAU's conflict resolution capacity.

In April, I welcomed the decision of the Government of Central Africa to designate armed units for possible United Nations or Organization of African Unity peace assignments.

This measure has far-reaching implications for conflict management prospects in Central Africa. Had such a measure been enacted two years ago, a massive human tragedy in Rwanda might have been averted.

I have been intensively involved in the U.N.'s work with the Monitoring Group [ECOMOG] of the Economic Community of West Africa States [ECOWAS] regarding the terrible conflict in Liberia.

As you know, I took the initiative to recommend to the Security Council the involvement of U.N. peace-keepers in Liberia, as a major assistance to the ECOWAS operation. I know that all of us have been frustrated by the lack of political will to reach a peaceful agreement on the part of the faction leaders. However, there now appears to be reasonable grounds for optimism.

We are now awaiting word from the Liberian Council of State as to what role the UN should play in the elections scheduled for the end of May 1997. We understand there is a consensus for the UN to conduct the elections. For my part, I will use my best efforts to give the Liberian people the opportunity to choose their own leaders in free and fair elections.

The fourth area for international action is peace-building, which combines many dimensions in a comprehensive effort. The purpose is to remove the causes of conflict, and to solidify the achievement of peace.

Democracy and respect for the rule of law help guard against division, conflict and war. In Africa, democracy is an essential component in the conflict resolution process. It is a strong support for efforts to achieve national reconciliation.

In Mozambique and in Angola, for example, democratization and improved civil governance have underpinned a new commitment to peace and an end to violent conflict.

Sierra Leone has just concluded a successful electoral process. But this process was not an easy undertaking. I personally intervened with former Chairman Strasser, and later on with his successor, Brigadier Bio, to impress upon them the necessity of abiding by their pledge to hold elections. At a critical stage in this controversy, I personally went to Freetown to make the case for free and fair elections.

Development is crucial. Without it, the competition of scarce resources will condemn Africa to continual conflict. The unbearable burden of debt must be lifted from African shoulders. And development assistance levels must rise so that Africans can be enabled to participate in the new global economy.

The Congressional Black Caucus leadership has created a new US trade and investment policy towards Africa, following the legacy of the late Secretary Ron Brown. Ron Brown opened the eyes of the US business community to opportunities for profitable investment in Africa. I salute the memory of Secretary Ron Brown. He gave his life on a peace-building mission. He was a true peace-builder.

The new U.N. Special Initiative for Africa—which I initiated in April 1996—offers a comprehensive, peace-building approach. It draws together all the elements of the U.N. system—including the Bretton Woods institutions—to mobilize support for Africa's priority development goals, in the most efficient and cost-effective manner possible.

I ask you of the black Caucus to help Americans learn about—and support—the U.N. Special Initiative for Africa.

Just yesterday, the High Level Panel of Personalities on African Development—a group of internationally recognized experts on African development—met in New York to provide me with counsel on the implementation of the Special Initiative for Africa. I am pleased to have on this Panel the participation of the Honourable Andrew Young.

If the international community gives Africa the support she deserves, it can help to tip the balance toward a brighter future for all of Africa, and for all the world.

Thank you.

TRIBUTE TO CHAIRMEN WALKER AND CLINGER

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. McDADE. Mr. Speaker, I am very pleased to take this opportunity to recognize the exceptional contributions of two native sons of the commonwealth of Pennsylvania, ROBERT S. WALKER and WILLIAM F. CLINGER, Jr. We thank them for their decades of service to their congressional districts, to the commonwealth and to our Nation as they plan to retire from the House of Representatives at the end of their Congress.

A am also pleased to share with you remarks by Pennsylvania Governor Tom Ridge honoring Bob Walker and Bill Clinger.

REMARKS BY GOVERNOR TOM RIDGE, HONORING THE RETIREMENT OF THE HONORABLE BOB WALKER

It is a pleasure for me to join my colleagues in recognizing and honoring the good work of Bob Walker upon his retirement after 20 years of service in the House of Representatives. Let me share with my colleagues a brief story that speaks to Bob's legacy.

Several years ago, as a member of the Veterans' Affair Committed, I traveled to Florida for a hearing with our good friend, Congressman Mike Bilirakis. An older woman, working at the hotel, discovered I was a Member of Congress, member of the Veterans' Affairs Committee and a veteran myself. She asked me to call her husband who was a disabled veteran and confined to their home.

After some polite conversation and pleasantries, the man inquired again about my name. I reminded him that it was Tom Ridge of Pennsylvania. He admitted that he watched Congress on C-SPAN often and that he was not familiar with me. But his voice got stronger and a little more excited when he asked if I knew Congressman Bob Walker who he thought was doing a wonderful job.

This man observed on television what we learned to appreciate in this Chamber. For years the minority relied upon Bob's perseverance, tenacity and focus to protect the rights of his Republican colleagues and challenge the ideals of his Democratic counterparts. For years he served his party, this institution and the country by challenging procedure and process to ensure that the minority voice and opinion would be heard. We have all witnessed, hundreds of times, Bob engaged in a colloquy with members on the other side demanding explanations of ruling from the Chair, justification for limiting debate, and explanations for more money and new programs. We can all give witness to the simple, but important, fact that he never did so in a personally offensive, malicious or mean-spirited manner.

There has always been and must always be concern in this country about protecting the rights of minorities, whatever that consistency might be. No one during my twelve years in the House of Representatives did a better job of protecting the rights of the political minority to disagree without being personally disagreeable than Bob. In the People's House, no one better understood or worked harder to ensure that all sides of the issue were aired before final disposition that Bob Walker. I thank him for his extraordinary service to the House of Representatives and to his country.

REMARKS BY GOVERNOR TOM RIDGE, HONORING THE RETIREMENT OF THE HONORABLE BILL CLINGER

It is a personal pleasure for me to join Bill Clinger's colleagues to acknowledge his extraordinary service as a Member of the House of Representatives for the past 18 years. We honor him for his proud and substantive legacy of legislative work and accomplishments. This achievement is well documented throughout the CONGRESSIONAL RECORD and committee reports. These chronicles, however, do not necessarily reflect those personal qualities that made his service truly a model for those who succeed him.

I join my colleagues this evening not to review what Bill Clinger has done as a Member of Congress, but how he has done it. For as Henry David Thoreau once wrote, "I know of no more encouraging fact than the unquestionable ability of man to elevate his life by a conscience endeavor." Bill's contributions were not only matters of public policy, but also of attitude and approach. He will always be remembered and respected for the great civility of style and tone he brought to cordial discourse throughout his entire career. His entire public life speaks to the ability to advocate strong beliefs with conviction, compassion and civility.

The public is legitimately concerned about the manner in which the people's business is often conducted in Washington. There are far too many occasions of rancorous, personally-directed, highly partisan and self-righteous debate in public chambers. And so, some have categorized the politics of governing as a contact sport; others, as a blood sport. Clearly, it can be a spirited, rough and tumble profession where one's ability to remain calm and thoughtful amidst challenge and criticism is frequently tested. The record should reflect that Bill Clinger always passed this test, keeping intact his integrity and character. His gentle manner, thoughtful ways and congenial disposition gave him enormous credibility and earned him the deep and lasting admiration and respect of his colleagues.

During my twelve years in the House of Representatives, I had many opportunities to work with my friend and neighboring Congressman from northwestern Pennsylvania. I will always be grateful for Bill's counsel and friendship. As America looks for a model of integrity, purposefulness, commitment and energy for its public servants to follow, there could be no better norm or standard than that set by my friend, Bill Clinger.

The Pennsylvania congressional delegation has a long tradition of close, bipartisan cooperation. While we have not always agreed, we have relied on the valuable dialog with our Pennsylvania colleagues and with Pennsylvania Governors of both parties to promote the interests of those citizens whom we are all proud to represent.

With the convening of the 104th Congress, the four committee chairmen from the Pennsylvania delegation built on our long history of open, candid debate. Chairman WALKER and Chairman CLINGER are part of a distinguished tradition of Pennsylvania leadership in the House that goes back to the first Speaker of the House—Frederick Augustus Conrad Muhlenberg.

ROBERT S. WALKER was first selected in 1976, and his constituents from the 16th District have sent him back to each succeeding Congress. Some of you may not realize it, but BOB's expertise on the rules and procedures of the House comes not only from his 20 years as a Member. He served for 10 years as a legislative assistant and administrative assistant to Congressman Edwin Duing Eshleman of Lancaster County.

Under BOB's able leadership, the House Committee on Science reported the Space Commercialization Promotion Act of 1996, which will encourage the development of a commercial space industry in the United States.

BOB WALKER was the original sponsor of the only statutory provision in present law protecting students' rights to voluntary school prayer. I want to commend him on this noble effort in particular because I recognize the challenge it posed and concur with him on the importance of affording our young people their constitutional rights. Well done, BOB, and best wishes.

BILL CLINGER won his first bid for elective office in 1978, and took a seat in the 96th Congress. The people of the Fifth District of Pennsylvania have reelected BILL ever since—twice with no candidate standing in opposition.

As the chairman of the Government Reform and Oversight Committee in the 104th Congress, BILL shepherded key elements of the Contract With America through the Congress and saw them enacted into law. The Line-Item Veto Act of 1996 and the Unfunded Mandates Reform Act of 1995 both represent BILL's vigilant efforts to promote good government for which I commend him.

The Federal Acquisition Reform Act is another important legislative legacy from Chairman CLINGER. It will allow our Government to cut through needless paperwork and reduce inefficiencies in Federal procurement procedures.

BILL's 17-county congressional district borders may own, and our districts have many similar needs. I have long valued his good counsel and loyal friend. All who know BILL recognize his dignity and integrity.

BILL, BOB, we miss you both. But you leave knowing that this is a better Nation for your service. Thank you and good luck.

A TRIBUTE TO JOSEPH J. RISHEL

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Joseph J. Rishel, whose knowledge of and dedication to fine art has benefitted the citizens of Philadelphia for 25 years.

After receiving his M.A. from the prestigious University of Chicago, and teaching at the College of Wooster, Joe Rishel began working at the Philadelphia Museum of Art as associate curator of European Painting before 1900 and the John G. Johnson collection. In 1972, Joe was promoted to curator of the Rodin Museum, as well as curator of European Painting and Sculpture Before 1900 and the John G. Johnson collection. Joe continues to serve in this capacity, overseeing the daily operations of the European collections as well as the Rodin Museum.

In addition to the day-to-day duties of running a first-rate museum, Mr. Rishel has coordinated several of the major exhibitions at the art museum, bringing some of the world's most celebrated artistic works to Philadelphia. Most recently, Joe acted as the cocurator of the sensational Ceszanne retrospective, which attracted record crowds in Paris, London, and Philadelphia—over 780,000 attended the exhibit in Philadelphia. On August 22d, I was lucky enough to have Joe as my personal guide through this exhibit of over 100 paintings and 75 works on paper. Having had this unique opportunity, I am confident that all 780,000 who viewed the exhibit in Philadelphia share my sense of gratitude to Joe for bringing such a wonderful collection to America.

Joe's other successes extend beyond the confines of the museum. He is an accomplished author on art and art-history, having contributed to many museum publications as well as to the catalogue, "Great French Paintings from the Barnes Foundation," which was written in conjunction with the Barnes exhibition which traveled last year through Europe, Asia, Canada, and the United States.

Mr. Speaker, in light of Mr. Rishel's accomplishments in the art world as well as his successes in making fine art available to the people of Philadelphia, I hope my colleagues will join me in honoring Joe on this day.

BILL WILEY, A UNIQUE RESOURCE

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. DICKS. Mr. Speaker, I wanted to bring to my colleagues' attention the loss of a unique resource in the State of Washington, indeed, the entire country. Dr. Bill Wiley, who has served in many capacities over the past 30 years, passed away on June 30, 1996. While he was only 54, he made many contributions to many causes and left us at too early an age.

I first met Bill Wiley in 1984 when he became director of the Pacific Northwest National Laboratory, operated by Battelle Memorial Institute. While Battelle has many facilities in the State of Washington, at that time they did not have any in the Sixth District. Subsequently, the Marine Sciences Laboratory at Sequim became a part of the Sixth District after the reapportinment of 1990. Battelle also has facilities at Seattle and Richland, and Bill Wiley was the senior official for Battelle in the Pacific Northwest from 1984 until 1994, at which time he was named senior vice president for science and technology policy for Battelle Memorial Institute and his portfolio expanded to the world.

Bill Wiley was a tremendous resource in his community of Richland, indeed, the entire Tri-Cities area. He was a member of the Rotary, Tri-City Industrial Development Council, and chairman of the United Way Campaign. His community service was highlighted in 1989 when he was selected by his fellow community leaders as Tri-Citian-of-the-Year.

Bill Wiley had so much enthusiasm and so much to give that his talents were sought by the entire State of Washington. Since Bill Wiley was a perfect demonstration of what educational opportunity can provide, he spent a good deal of his time on this issue. Education was a primary interest of his and, therefore, it was not surprising that he was selected to be a member of the first Washington Higher Education Coordinating Board. He also served as a member of the Board of Regents of Gonzaga University, a member of the Board of Overseers at Whitman College, and was most recently a member of the Board of Regents of Washington State University, having also served as Chairman of this Board. Additionally, he served as a member of the Washington Board of the Mathematics, Engineering, and Science Achievement [MESA] organization which is chartered to enhance the capabilities for young students of minority populations to pursue science and engineering careers. Bill also served on the Board of the Commission for Student Learning for the State of Washington.

Bill Wiley was also a good corporate citizen. He was a member of the Board at Trustees of Fred Hutchinson Cancer Center, as well as a member of the Boards of Directors of the SAFECO Company, the Washington Business Roundtable, "Forward Washington," the Seattle branch of the Federal Reserve Bank of San Francisco, and the Pacific Science Center. When Governor Lowry was elected in 1992, he asked Bill Wiley to serve on his advisory committee for addressing statewide issues.

Soon the Pacific Northwest region sought out this man of many talents. He became a member of the Board of the Oregon Graduate Institute, and was later named to the Board of the Pacific Northwest Natural Gas Co., and he provided many years of service to the Oregon Museum of Science and Industry.

Not surprisingly, the Nation learned about this man of remarkable skills, and many organizations recognized his contributions to science and technology issues as well as education challenges. He was selected to be a member of the Government-University Industry Roundtable [GUIR]; he was asked to serve on several task forces of the Center for Strategic and International Studies and Office of Technology Assessment. He was a lifelong member of the American Association for the Advancement of Science [AAAS] and had been named cochairman of the upcoming annual meeting to be held in Seattle in February 1997. He also was an invited participant in the Economic Conference convened by President Clinton and Vice President Gore in Little Rock, AR in December 1992. Bill Wiley was recognized for his talents by being selected Black Engineer of the Year by Black Engineer magazine as well as receiving a distinguished associate award from the U.S. Department of Energy in 1994. Bill Wiley had recently been selected to serve on the Smithsonian Institution's National Board and been elected president of Sigma Xi, the Scientific Society of America. I think, Mr. Speaker, you can begin to get the sense of this man and his contributions to society at all levels.

I will not stop there. The man had a vision that covered the globe. He was instrumental in supporting Battelle's efforts to create Energy Efficiency Centers in third world countries. He was a driving force in Battelle's efforts to develop these centers in Russia, Ukraine, Bulgaria, Poland, and China.

What I have omitted in this statement is the fact that Bill Wiley was the director of the Pacific Northwest National Laboratory for 10 years, from 1984 to 1994. This, itself, is a full-time job with many challenges. His vision as director of this laboratory was to build a great national laboratory. The raison d'etre of this vision was the Environmental Molecular Sciences Laboratory, which I have had the pleasure of supporting and helping make happen over the last 5 years. When this laboratory opens later this year, it truly will be a monument to Bill Wiley's vision and what science can do to solve mankind's problems.

Mr. Speaker, this son of a shoemaker from Jackson, MS, through education and dedication, made his community, his State, his Pacific Northwest that he loved, so dearly, his country and, indeed, the world a better place to live. He was memorialized by the Tri-City Herald newspaper following his death, and I am inserting for the RECORD the text of that editorial, suggesting that the EMSL should be named in his honor.

[From the Tri-City Herald, July 30, 1996]

EMSL SHOULD CARRY BILL WILEY'S NAME

It was 10 years ago when Bill Wiley proposed his vision of a laboratory where top scientific experts could collaborate on molecular science.

His vision was of a new era of innovation on the molecular level with far-reaching implications in a variety of fields, including medicine, energy and environmental cleanup.

That vision is coming to fruition as the Environmental Molecular Science Laboratory is readied for occupancy with installation of state-of-the-art equipment for the cutting-edge work that will be conducted there.

The workers are building on a foundation that is Wiley's heart and soul. But he will not be there to cut the ribbon. The former director of Pacific Northwest National Laboratory died June 30.

At Wiley's funeral earlier this month, a colleague, Jack White, proposed EMSL carry the name of the man who conceived it.

It's a good idea and one we hope Martha Krebs, the Department of Energy chief of national labs, will consider. She arrives tonight in the Tri-Cities to review EMSL's progress.

After October, about 210 permanent staff will move into EMSL, which also will accommodate scores of visiting scientists and students. The lab is expected to be 100 percent complete by fall 1997.

The annual research and operating budget will be about $70 million.

On a 1994 visit, Krebs gave Wiley credit for steering EMSL along the bumpy path of congressional approval and financing.

"Battelle, especially under the guidance of Bill Wiley, has exercised extraordinary leadership in the past 10 years in anticipating the direction that national labs must go," said Krebs, who spent seven years on the House of Representatives' Committee on Science and Technology.

Under Bill Madis, Wiley's successor, this laboratory is positioned to make worldwide contributions that go beyond Hanford.

The entire thing started in Wiley's imagination and was rooted in his conviction that the molecular revolution will be just as critical to human advancement as was the industrial revolution and the atomic age.

It is fitting such a visionary and groundbreaking facility be named after such a visionary and groundbreaking man.

TRIBUTE TO ROBERT WALKER AND WILLIAM CLINGER

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. GREENWOOD. Mr. Speaker, I rise before you today to pay tribute to two Members of this body who have distinguished themselves as honorable leaders through their lives of service in this House. For nearly 20 years, Chairmen ROBERT WALKER and BILL CLINGER have served this body as faithful representatives from the Commonwealth of Pennsylvania. They entered this House at a time of upheaval as our Nation struggled to regain the confidence in its institutions and elected officials that had been shaken by the schism over Vietnam and the disgrace of Watergate. Through their devotion and selfless service, Chairmen ROBERT WALKER and BILL CLINGER played leading roles in restoring faith to the American people, particularly to the people of the 5th and 16th Districts of Pennsylvania.

In my time as a member of this body, I have had the pleasure to serve in the same delegation as these two gentlemen, and it is unfortunate for this House that upon conclusion of the 104th Congress, we will lose them to retirement.

For his early years in Millersville, PA, Chairman WALKER dedicated himself to a life of service to our Nation. Whether he was shaping the minds of our Nation's young as a social studies teacher at Penn Manor High School, protecting his State as member of its National Guard, or chairing the House Committee on Science, Chairman WALKER has contributed to our Nation in ways both large and small. As an enthusiastic supporter of science, he has preached the necessity for Federal involvement in research and development projects. As a visionary, he recognized the vast potential of outer space and led the fight for further funding of both the manned space program and the space station project. As a Government steward of our planet, he strongly advocated research and development into hydrogen as an alternative fuel source with the hopes of saving our environment form further pollution.

As a protector of our civil liberties, he secured a student's right to voluntary prayer by being the original sponsor of the only existing law protecting that sacred right. And as a reformer, he struggled to make our Nation's workplaces drug free through his efforts on the Drug-Free Workplace Act.

Chairman BILL CLINGER has also lived a life of dedication and service. From his beginnings at the Blair Co. in his hometown of Warren, PA, to his career overseas as a lieutenant in Navy intelligence, as a lawyer in his own law firm, and eventually a member and leader of this House, Chairman CLINGER has likewise given of himself to his community, his State and his country while asking for nothing in return. He entered this House at about the same time as Chairman WALKER and set upon the same task, but on the battlegrounds of different committees. As a member, and eventual chairman, of the House Committee on Government Reform and Oversight, Chairman CLINGER set upon the difficult task of restoring the promise of a government of the people, by the people, and for the people.

During the dark days of the post-Vietnam and Watergate era, Chairman CLINGER came to Washington with one goal in mind, to restore the faith of the American people through tireless and often thankless service to the reformation of their government and their institutions. He has done this by fighting to make this government more accountable to the people by reforming the managerial practices of Government organizations from the General Accounting Office to the White House. Through his support of measures such as the line item veto and the curbing of unfunded Federal mandates, Chairman CLINGER has fought to cut wasteful Government spending and pork-barrel projects that have plagued the American public for so long and have continued to demand more of the people's hard earned money. Through his support of these measures and adhering to the higher standards of civility and intellectural integrity, Chairman CLINGER has shown himself to be a true representative of the needs and wants of the people of the United States, who are indeed the true governing force of this great nation.

Mr. Speaker, through almost 20 years of service, Chairmen WALKER and CLINGER have done much to restore the faith of the people and to bring honor to this great House in which we are members. Mr. Speaker, I ask you, as well as the rest of my colleagues in this House, to join with me and the people of Pennsylvania in thanking Chairmen ROBERT WALKER and BILL CLINGER for their years of service as distinguished Members and leaders of this House.

THE GENTLELADY FROM CHICAGO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. TOWNS. Mr. Speaker, I rise to honor our colleague from Illinois, the gentlelady, the Honorable CARDISS COLLINS. For more than 22 years, CARDISS has represented the Seventh Congressional District in "The Windy City" of Chicago. She leaves with a rich history of legislative accomplishments.

In addition to being the longest serving African-American woman in Congress, CARDISS will always be remembered for her championship of quality health care for women and minorities, enhanced consumer protection and promotion of minority business enterprise. Her legislative efforts improved access to cancer screening for poor and minority women. She authored landmark legislation and investigations on both aviation security and toy safety.

Having served with CARDISS as both a member of the Commerce Committee and the Government Operations, now Government Reform and Oversight Committee, I know of no better leader than our current ranking Democrat on Government Reform. The leadership she demonstrated as both the Energy and Commerce Subcommittee chair of the Commerce, Consumer Protection, and Competitiveness and the Subcommittee chair of the Government Operations Subcommittee on Government Activities and Transportation, only intensified when she became the ranking member of the Government Reform and Oversight Committee. Time and again she was called upon to defend the actions of the current administration; Cardiss did so without rancor and bitterness. Her ability to get the job done with a mixture of wit, intelligence and down right good humor will be definitely missed. It has been my honor to serve with Cardiss during her last 13 years in the House.

TRIBUTE TO HON. TOBY ROTH ON HIS RETIREMENT

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. MONTGOMERY. Mr. Speaker, it is my great pleasure to add my congratulations to Congressman TOBY ROTH. After 18 years of service to his home State of Wisconsin, this will be his last term, and I wish him well in his retirement.

During this time here in Congress, TOBY ROTH has represented his State well. He is a respected Member of Congress on several key issues, and he is particularly well known in Congress for his ability on international matters. No one in the House is more knowledgeable or more articulate on these issues. He has played a part in just about every major foreign policy decisions that has taken place in Congress over the last 10 years.

He and I have shared an interest in lowering Government spending and lowering taxes. That is why we have so often been recipients of the same awards and recognition. I know that I am on the right track on a fiscal issue if I see Representative ROTH voting the same way.

You have been an asset to Washington, and you will be missed. I wish you, your wife Barbara, and your three children much happiness in the future.

REMARKS BY DAVID JONES, CHAIRMAN OF THE BOARD OF CARVER FEDERAL SAVINGS, CHIEF EXECUTIVE OFFICER OF THE COMMUNITY SERVICE SOCIETY OF NEW YORK: ON THE COMMUNITY SERVICE SOCIETY OF NEW YORK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. RANGEL. During the Congressional Black Caucus weekend, we benefited from the presentations, advice and counsel of experts in the many issues of concern to the African-American community in the United States. We had a rich 2 days of discussion at the Washington Convention Center, exploring the problems which afflict our community and possible ways to effectively address and define solutions.

My colleague from Queens, NY, Congressman FLOYD FLAKE, held an economic development braintrust forum which reviewed current efforts of community groups in New York City and throughout the Nation to achieve sustainable economic development through the attraction of resources to enable the investment in infrastructure and human resources that will promise jobs, renewed economic activity, and the retention of funds in the African-American community. I want to share with you and my colleagues the contribution of David Jones, who was one of the presenters. David Jones, chairman of the board of Carver Federal Savings and chief executive officer of the Community Service Society of New York, also serves on the board of the Harlem community's empowerment zone.

STATEMENT OF DAVID R. JONES

The distinguished legal scholar Derrick Bell has described the present period as the worst for African-Americans since the 1890s, when the gains of the Civil War and reconstruction were wiped away by the Klan and the black codes.

Some might dismiss Bell's observation as over the top. How bad can things be when an Oprah Winfrey takes in more than $170 million in one year or when a hard-charging black middle class is seeing unprecedented income growth and participation in all aspects of American life?

But everyone in this room knows what Professor Bell is talking about. Consider the drum beat for attacks on affirmative action, The Supreme Court's single-minded effort to roll back electoral gains in Congress and in the State houses, or the vicious mugging of the Nation's children and poor under the guise of welfare reform.

Add in the increasing abandonment of public education and you know Bell is no alarmist. In urban schools like New York's, with kindergarten classes exceeding 50 children (often with only one teacher) and where inadequate materials and poorly trained teachers are the norm, you have a crisis brewing. At a time when real wages are plummeting for all but the most educated or the well-born, and when everyone including the President has said that only the best prepared will have a chance to share in real wage growth, our kids' blighted education opportunity almost certainly will destroy large portions of our next generation.

This is not a pretty picture. Still, my sainted grandmother told me never to dwell on today's ills. The point for her and for us is—what are you going to do about it?

And that is why a discussion of economic development and wealth creation is so vital now.

Walking down the streets of my own Bedford-Stuyvesant community provides a clear look at one reason for our disarray. Brooklyn has nearly 1 million African-American residents. So where are our businesses? Big or small, where are the economic engines that could provide jobs and experience for our young people?

And some corollary questions: Where are the financial contributions that could elect leaders responsive to our needs as African-Americans? Where is the funding for institutions that will protect our rights against those who want to strip us of everything we fought for at such great cost?

The capital is there within our own communities. African Americans, whose rate of increase in buying big-ticket items outpaces that of white households, don't see much being recirculated. In fact many communities are hemorrhaging cash.

I want to emphasize that economic development and wealth creation and all too often considered as separate and distinct ways of obtaining equality in American society from other forms of advancement. It's the old Booker T. Washington/W.E.B Dubois split. But today fighting for economic development is not different from political action and voter registration, or removed from the need to improve educational opportunity. These are all part of the same objective. If we are to rebuild a movement for African-Americans, then political, social and economic empowerment efforts must be melded into one fight.

In this effort we must also recognize that we are in trouble because of a significant class problem that divides us, just as it divides other ethnic groups. Despite our significant presence in American society—nearly 40 million strong and with a collective wealth in the billions of dollars, class and income divisions make it difficult to develop a common agenda that would benefit all.

At the height of the civil rights movement it was obvious to African-Americans at every income level that joint action for equal rights and opportunity was vital to improving everyone's life chances. That movement cinched extraordinary upward mobility for a generation of middle-class African-Americans already well positioned to make the most of its hard-fought social, political and economic gains.

It also opened the door for the tens of thousands of poor and working people who through hard work, wit, and luck managed to escape urban and rural poverty.

But as Harvard's William Julius Wilson has shown so well, many were left behind and their condition is rapidly deteriorating. They have become, because of color and condition, the perfect scapegoats for both major parties and held responsible for everything wrong with America.

Now the Nation has come full circle. Today's attacks on all people of color don't make fine distinctions between some "threatening" ghetto underclass and an alternatively benign and assimilable middle class. The attacks are indiscriminate and across the board.

And precisely because the attacks are so broad-brush, they allow for a renewal of understanding that we have a common agenda. They allow for a unity of purpose we have not seen since the civil rights era. Economic development is the arena where that response can be framed.

Let's talk specifics.

I am board chairman of the Carver Federal Savings Bank, in New York City. With some $370 million in deposits and assets, Carver is the largest African-American managed bank in the Nation. Founded in 1948, it now has eight branches throughout the city, and is one of only a handful of African-American institutions that is publicly traded.

Carver was always there for the community, providing the black churches with loans when others wouldn't. Now the bank is beginning to take its place as a vital part of what has to be done.

It was recently approved to grant SBA loans and has just launched a credit-card service. Our main office on 125th Street, destroyed in a fire three years ago, has been rebuilt as a $5 million four-story state-of-the-art banking facility that is one of the key elements in the revival of 125th Street.

A scholarship fund established in 1986 has already given out some $320 million to college-bound kids in our communities.

Carver—and the creation and support of similar institutions across the Nation—are just the most obvious vehicles for stopping the cash hemorrhaging from our communities and providing the capital to create and support a vital small-business community. Such work should be a mandate if we want to create a foundation for the next round of struggles around politics, jobs, and education.

Another area that needs serious consideration is the fledgling development of enterprise zones. I serve on the board of the upper Manhattan empowerment zone and chair its economic and physical development committee.

As you know, the empowerment zone initiative is proceeding in eight cities. While not without its critics and with only limited dollars, there can be no doubt that the zone has already generated a substantial amount of investment interest in central Harlem.

A one-stop capital shop for small businesses, offering both loans and technical assistance, has just opened its doors. The first round of proposals, numbering in the hundreds, have been reviewed. They range from expanding funeral homes to creating a Harlem health club, night clubs, credit unions, and a new cable distributor.

So while it is too soon to declare victory, the concept—driven by many members of this caucus—plainly can provide a significant push to economic activity in our communities.

And for it to work, government has to play a role, too. The government at every level has to fulfill its commitment to be a partner in areas the private economy cannot provide. The Community Redevelopment Act forced banks to do community development, but there are no comparable requirements for check cashers, for instance. No community people own them. Making them reinvest in the community is something we can do easily.

And where jobs develop outside the community there has to be a decent transportation system to get people to those jobs. Even the latest projection by the Regional Plan Association, covering education and transportation needs, doesn't deal with how poor urban residents can realistically access jobs in suburban industrial parks.

Here's where government needs to play a role today. It lies in such areas as subsidizing work on a high-speed rail system so inner-city youths can access suburban jobs. It means a WPA for national infrastructure projects, putting needed services in place while training young people as a new class of artisans. It means getting away from the childishness of left and right that says government and business have to fight each other. They have always collaborated; the question is—in whose interest?

We can make them work together for our community, and that is what self-reliance means. Community leaders must demand government programs—in education and skills development, in transportation, and in the transition from welfare to work—that ensure self-reliant traits can flourish.

But government won't provide unless it is pressured. That pressure has to come from organizations in our community, and particularly from members of this caucus. So what shape are the institutions in that protect African-American empowerment? Why haven't we been able to fund our own groups?

And what of the institutions that are supposed to be on the front lines? Even Kweisi M'Fume has said how difficult it is to raise money for the NAACP from inside our community. Plainly, we have work to do.

In closing: as the struggle for resources in America becomes more brutal, we had better have a serious discussion about how we can fund our own defenders. I mean the members of this caucus along with our civil rights, political, and social institutions. Keeping them alive and fighting is a major part of what makes economic development so critical today.

COMMEMORATING FREEDOM FOR THE HMONG REFUGEES IN THAILAND AND THEIR EXODUS FROM BAN NAPHO CAMP

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. GUNDERSON. Mr. Speaker, I am proud that after a long and arduous process, the summary forced repatriation policy against Lao and Hmong refugees in Thailand was reversed this year. We are very fortunate that a small dedicated group of individuals persisted in their effort to end this policy.

Mr. Speaker, many of the Lao and Hmong refugees being forced back to the Communist regime in Lao they fled were former combat veterans. They fought as staunch allies alongside the U.S. military and Central Intelligence Agency during the Vietnam war.

Thousands of Lao and Hmong veterans and their families in the Ban Napho camp in Thailand have now been given political asylum in the United States. Some will join relatives in my congressional district in Wisconsin. Critical to the success of the policy battle were a number of key individuals who played a leadership role in the enormous and intense struggle to free the Lao Hmong refugees. In particular, I would like to cite the efforts of Maj. Gen. Vang Pao, Dr. Shur Vangyl, Stephen Vang, Pang Blia Vang, Nhla Long Xiong, Pia Vang, and Kue Xiong of the Lao Veterans of America which has its Wisconsin chapter headquartered in my district. Likewise, Dr. Jane Hamilton-Merritt and Philip Smith helped spearhead the difficult battle in Washington, DC, and in Congress, to save the Lao and Hmong refugees. They worked very closely with my office to provide information and implement strategy.

In May 1995, I attended a human rights forum, at the University of Wisconsin-Stout. The forum was organized by Stephen Vang and Pobzeb Vang at the University of Wisconsin-Stout and was attended by many from Wisconsin and across the United States. It was essential in developing support for this important initiative.

Mr. Speaker, in tribute to the Lao and Hmong people, and their elaborate history, I request that my remarks from the University of Wisconsin-Stout conference be placed into the CONGRESSIONAL RECORD:

You have before you many experts, more expert and certainly much more heroic than me to deal with this cause. Mr. Philip Smith and Dr. Jane Hamilton-Merritt can talk to you at length about the situation as it exists today and the reasons that we sent the congressional staff to the area over Christmas and New Years as well as the forced repatriation and other events that have occurred since that time. The purpose of the trip was not successful by its end result; the trip was successful by facts which I think it has established and the truth which I believe it has exposed. We will do our best to try and articulate those facts and the truth as we see it this week on the floor of the United States Congress. I do not enjoy standing up and saying to my Government that you are not telling the truth. But if that is what is necessary to defend truth and justice, I will do that this week.

As I said, I originally intended to go through all the details of that trip and what we felt we learned—and what our report suggests. I am going to allow that to be done by Mr. Smith and others in their remarks. What I want to do is follow-up an assignment that I received yesterday from Dr. Merritt on the airplane from Minneapolis to Eau Claire when she said: "It was essential that I give you a call to action and that I articulate specific steps which I believe that you must take and we must take in the next few days."

Many of you are aware that we will consider a U.S. State Department reorganization bill before the U.S. Congress on Tuesday, Wednesday, and Thursday, of this next week. Thanks to the Human Rights Subcommittee Chairman, Congressman Christopher Smith of New Jersey, that bill will sequester, or prevent the expenditure of, thirty million dollars in UNHCR money for Fiscal Year 1996. It then will reserve that thirty million for the admission and resettlement of Southeast Asian refugees, including the Hmong and Lao refugees.

The sequestration language prohibits the use of any of this money for repatriation unless the President certifies to the Congress: (1) that all refugees have been offered resettlement outside the country of origin, and (2) that all unscreened camp residents and nonrefugees have had access to a fair screening process similar to that used by the Immigration and Naturalization Service here in the United States, or have been offered resettlement. The purpose is obvious. The purpose is to make the State Department, the UNHCR (which receives most of the money) and the host countries more accountable for actions taken with U.S. financial assistance. The purpose is also to send a clear and convincing message from the Congress that the present action of our Government is simply unacceptable. The standards which the State Department is responsible for enforcing are simply no different than those the Immigration and Naturalization Service enforces here at home.

You must know, however, that there will be opposition to this provision, and that there will be attempts to remove this provision from the legislation. Congressman Doug Bereuter, a member of the International Affairs Committee and a Congressman from Nebraska, is expected to offer an amendment on the Floor of the Congress during debate to strike this provision arguing that the State Department could use this money for other kinds of refugees. We must do what we can to defeat that amendment. This then would be my call to action for each and every one of you as suggested by Dr. Jane to me yesterday in her instructions:

First of all, each and every one of you must, between now and Tuesday, contact your Congressman and your Senators from your state (and any state you have friends or relatives in) explaining to them the urgency of their awareness, their involvement, and their support for maintaining the language in the Committee bill—and, in other words, defeating the Bereuter amendment.

Number two, it is essential that you begin immediately to create similar support and awareness in the United States Senate. Certainly, John Medinger can discuss and talk to that issue later this morning.

Fourth, and perhaps most important to our success, each and every one of you individually, and as an organization, must urgently and diligently work with the American press (some of them are here today) to publicize the tragic, dramatic circumstances that we now face unless something is done.

The American people are a good people. But, the American people can not take action unless first they are educated as to the problem. They must know and understand the circumstances. I have no doubt when they do, they will rally with you in your cause. But, we must first get the message to the American people.

Finally, many of you have come to know that we in America, at the end of May every year, set aside a day and a time to remember those veterans who have served our country and its cause. A week from Monday, we will do this again. You use Memorial Day as your opportunity to communicate with all Americans everywhere that when we remember those veterans who served our government and its policies that we don't forget those veterans in refugee camps today who are at risk.

Thank you very much.

TRIBUTE TO HON. BILL ZELIFF

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. COBLE. Mr. Speaker, I preferred to speak to this point on the floor last Saturday, but the late hour and the uncertain schedule precluded that. The purpose of these remarks is to advise all that the Congress of the United States will lose one of its leading members with the imminent departure of BILL ZELIFF.

I frequently refer to BILL ZELIFF as the common sense voice of reason from the "northern tier"—New Hampshire, Maine, Vermont. BILL ZELIFF speaks authoritatively for the private sector because, as an innkeeper, he, his wife, his family and his able staff personify the private sector.

Several months ago BILL called me to complain of a rumor he had heard regarding the transfer of a Coast Guard cutter from her New Hampshire port. He was upset and asked my assistance in retaining the cutter in this port. I told him my belief was that there was no move afoot, but checked with the Commandant of the Coast Guard who verified my conclusion. I then assured BILL not to worry. That was not good enough for ZELIFF. He insisted that I come to New Hampshire to meet with Coast Guard officials and assure them that the cutter would remain stationed in New Hampshire. I complied with his request and we did in fact meet with Coast Guard officials as well as interested citizens. This episode convinced me, once again, that BILL ZELIFF is

Mr. Persistence. This Coast guard cutter, by the way, continues to call New Castle, NH her home port.

I could speak hours about the outstanding manner in which BILL ZELIFF represents his constituents in Congress, but it is not necessary because they know they have been represented by an outstanding Member of Congress. Literally hundreds of New Hampshire citizens: male, female, liberal, conservative, Democrat, Republican, have told me BILL ZELIFF is the most popular and most effective elected official in New Hampshire.

So long BILL—you will be missed.

TRIBUTE TO GARLAND VERNON G.V. STEWART

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to pay tribute to one of the greatest Americans who ever lived, Mr. Garland Vernon G.V. Stewart, who departed this life on September 12, 1996. I make this distinction without the slightest hesitance, for Mr. Stewart embodied all the things that good people consider great.

Though born at a time when few African-Americans were expected to, or even allowed to, seek high academic training, Mr. Stewart was an educated man, having received degrees from two of the most prominent institutions in the South, Atlanta University and Morehouse College. More significant for a man of his era and circumstances, he also received a masters degree from the University of Michigan. Thus, it can be said that Mr. Stewart was truly a learned man. But education was not what made Mr. Stewart a great man. Rather, it was how he used his education to serve others, that made him great.

For almost half a century, G.V. Stewart committed himself to the education and uplifting of his community and his race. From school teacher, to principal, to the first African-American administrator in Hillsborough County, FL, he inspired his students and those around him to seek a better life, and to make life better for others. He believed, as most great men know, that it was his responsibility to reach back for others as others had reached back for him. In this regard, he used his influence, and his own personal resources to ensure that young African-American men and women who desired a college education received one. Many of those individuals are today very successful lawyers, doctors, politicians, judges, and educators, whose debt of gratitude can never be repaid. My own debt of gratitude spans a life time. When I decided to run for the U.S. Senate in 1970, Mr. Stewart was stalwart in his support of me: When others asked, "Why?," Mr. Stewart asked, "Why not?" Not only did he encourage me to seek public office, but he backed me financially. As a Federal judge, I was often blessed with Mr. Stewart's wise council, and when I was elected to the U.S. Congress, no one was more proud than him.

To say that Mr. Stewart was a community activist is like saying that Ghandi was a philosopher. He was. And in his activism there was genuine purpose and there was great vision. The world, owing so much of its progress to men like G.V. Stewart, will miss his vision and his commitment to serving others—the way he sought to build bridges between people of different orientations. But what it will miss most is the great love that exemplified his life—bestowed not just upon his family and close friends, but those who simply came in contact with him, and many who never did. His legacy is large: the number of Florida's community leaders, educators and other professionals who were influenced by G.V. Stewart is too great to list.

The world is a better place for knowing G.V. Stewart, and heaven is a better place for welcoming him. I take pride in honoring my mentor, my friend, and a man who claimed me as a son. I join Congressman SAM GIBBONS, Mr. Stewart's close personal friend and Representative, in saluting the life of G.V. Stewart, a great man.

REPORT FROM INDIANA—HOOSIER HERO THANK YOU

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. McINTOSH. Mr. Speaker, I rise today to give special report from Indiana. Each week throughout my first term, I have come before this House to life up kind and caring people in the Second District. Caring individuals who continue to strive day and night making their communities better places to live.

I've tapped these special people Hoosier Heros. Hoosier Heros because they truly have made a difference. Whether it be the MOM program in my hometown of Muncie that teaches inner city children to think they can until they know they can or the school children at Shadeland Elementary in Anderson, who stand up to the drug pushers, the gang members and criminals who roam their streets.

They continue to stand firm and say: "We aren't going to take any more." Or the good people in Richmond who love and care for battered and abused children at Wernle Home. Or the Shelby Co. Youth Shelter folks who take in troubled teenagers and provide them a new birth of hope for a brighter future.

And the Lincoln Central Neighborhood Association in Columbus, can not be forgotten. A poor neighborhood by monetary standards but a community rich in hope.

Imagine inner-city residents taking responsibility to rebuild, clean and revitalize their once poor and dilapidated neighborhood.

Mr. Speaker, these are certainly not the only Hoosier Heros that I have lifted up in my weekly report from Indiana during the 104th Congress. There are so many special places we have visited. So many new friends we have made throughout my first term here in Congress. So many people who have reached out and touched our heart with heir firm commitment to making their community a better place.

And, so many Hoosier Heros we've met along the way—makes me proud to represent them—proud of my District, the Second District of Indiana.

My wife Ruthie and I have met so many good people all across Indiana. These people are Hoosier Heros.

Today as we prepare to adjourn I'd like to not only lift them up one final time. But let me say, thank you, from the bottom of my heart. It's truly an honor to represent you. And that concludes my report from Indiana.

PROSTATE CANCER AWARENESS MONTH

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. FRELINGHUYSEN. Mr. Speaker, in recognition of Prostate Cancer Awareness Month, I commend to your attention a patient education conference that was held earlier this year in the 11th Congressional District—Prostate Cancer: Today and Tomorrow. Cohosted by the American Foundation for Urologic Disease, Morristown Memorial Hospital and the Prostate Cancer Support Group of Morristown Memorial Hospital, it was an effective grassroots effort to warn and educate local residents on the importance of early detection of and continued research into prostate cancer.

According to the American Cancer Society, prostate cancer is the greatest cancer risk for American men, and over 317,000 males will be diagnosed with this type of cancer in 1996. It is vital that prostate cancer be recognized as a serious threat to American men and their families.

Increased awareness of health issues, improved detection and testing techniques, and national awareness programs for this disease have all played significant roles in increasing public knowledge of prostate cancer.

There are a number of individuals and organizations I want to recognize for holding such an important conference:

First, Hon. Dean A. Gallo, the former Congressman of New Jersey's 11th Congressional District, died of prostate cancer on November 6, 1994. His widow, Mrs. Betty Gallo, is now a trustee of the Dean Gallo Foundation and she instituted the Dean Gallo Prostate Cancer Research Scholarship Fund. This scholarship fund will help fund career investigators who are committed to prostate cancer research in the State of New Jersey.

Second, I commend the American Foundation for Urologic Disease, a charitable organization, whose mission is to prevent and find a cure for urologic diseases through the expansion of research, education and public awareness. For over 20 years, the Research Scholar Program of the AFUD has funded over 300 urologic researchers as they established their scientific careers. Over 98 percent of the investigators have continued in these career paths.

Third, Morristown Memorial Hospital, a not-for-profit hospital serving northern New Jersey, for its leadership in the field. Founded in 1892, it has expanded in size and services to become a 599-bed medical center and the third largest in the State. It is a major teaching hospital, affiliated with Columbia University's College of Physicians and Surgeons. Its regional

Cancer Center is affiliated with the Cancer Institute of New Jersey in New Brunswick and offers expertise in surgical, urologic, medical, radiation, and gynecologic oncology specialties. Center highlights include clinical trails, cytogenetics, and patient support programs.

Fourth, the Morristown Memorial Prostate Cancer Support Group which is chaired by Mr. Peter Doherty, a prostate cancer survivor. Over 75 persons, including physicians and medical professionals, prostate cancer survivors, their partners and families and friends gather to exchange information and provide support, encouragement and hope.

Finally, I would also like to commend the participants of Prostate Cancer: Today and Tomorrow, outstanding physicians and an organization whose research is making significant inroads in the field of prostate cancer. They include:

E. David Crawford, M.D. professor and chairman, Division of Urology of Colorado Health Sciences Center, Denver, CO. He is also chairman of the Prostate Cancer Education Council [PCEC], national sponsor of Prostate Cancer Awareness Week.

Charles Myers, M.D., was chief of the Clinical Pharmacology Branch of the National Cancer Institute, where he directed clinical trials of drugs used in the treatment of advanced prostate cancer.

William H. Hait, M.D., Ph.D., director of the Cancer Institute of New Jersey.

Arthur Israel, M.D. is chief, Section of Urology, Morristown Memorial Hospital. Dr. Israel is a member of the American Foundation for Urologic Disease and the American Urological Association. He is currently president of the New Jersey Urological Society.

Schering Oncology Biotech, a corporation headquartered in Kenilworth, NJ and TAP Pharmaceutical, Inc. of Deerfield, IL for providing educational grants for prostate cancer research.

All those who participated in Prostate Cancer: Today and Tomorrow made a powerful impact on patients, physicians, medical institutions, research and educational foundations, and industry to collaborate and provide accurate medical information to prostate cancer victims, survivors, and their families. I salute their work.

MEMORIAL SERVICE FOR MATTHEW FLETCHER

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. CLINGER. Mr. Speaker, I rise to share with my colleagues the remarks I made at a memorial service for Matt Fletcher who passed away on August 31, 1996.

Matt Fletcher was a friend of mine—oh, he also worked for me—but that was secondary to the fact that he was my friend and I mourn his too early loss, with all of you, as we come together this afternoon to celebrate his life.

As an employee, Matt was a highly intelligent, incredibly hardworking, and extremely skillfull staff member. But more importantly, as a human being he was an engaging companion who was solicitous, generous, and above all loyal to all of his friends, and they were legion.

I first met Matt in 1987 when he came on board as the sole professional staff member on the old Energy, Environment and Natural Resources Subcommittee which was chaired by the late Mike Synar of Oklahoma—another friend of mine gone too soon—and on which I served as the very green Ranking Republican. I shall be forever grateful to Matt for so ably carrying out the thankless job of keeping me from making a complete fool of myself time and time again.

He also had another unenviable task as minority staff director which was to keep our friends in the majority from being too outrageous in their committee reports, criticizing what they viewed as the sins or omissions of the Reagan-Bush administrations. Matt was our equivalent of Hans Brinker or whoever it was who kept his thumb in the hole in the dike, to keep the flood waters at bay, and he would jawbone endlessly with the majority to tone down the inflammatory rhetoric in the committee reports.

In 1989, Frank Horton, my predecessor as ranking member on the Government Operations Committee and normally a very nice man, did a terrible thing to me. He lured Matt away from me and made him deputy staff director. But my loss—and it was enormous—was the committee's gain because Matt quickly became as indispensable to Frank and Staff Director Don Upson as he had been to me. Matt's extraordinary ability to master very complex and difficult issues always amazed me when we were dealing only with energy, environment and natural resources issues. In his new capacity, and later as minority staff director after Don Upson left, he expanded his expertise to the entire range of the committee's jurisdiction, which in essence meant every activity of the Federal Government.

In 1992, I became the ranking Republican on the full committee—a post I achieved largely because during the 12 Reagan-Bush years when all we Republicans in the committee could do was try to defend the administration, I was too dumb to get off the committee. Thus, as others above me in seniority jumped ship to get on supposedly more prestigious committees, I kept moving up until, lo and behold I was at the top of the ladder and I very quickly hired Matt as staff director to resume his previous role of keeping me from making a complete fool of myself.

Matt Fletcher took his job very seriously but he never even took himself seriously. He had a wry and mischievous sense of humor and an appreciation that we humans are all a little ridiculous and the world a trifle mad.

He was also a prankster which he coupled with a flair for the dramatic which emerged from time to time often during the Christmas season when Matt and his beloved dogs, Bear and Lupee, would hit the road as Santa Claus and two ersatz reindeer. Matt in full Santa Claus red suit, shiny belt and black boots, wire framed glasses and stuffed belly. Bear and Lupee with phoney antlers strapped to their heads. In Lupee's case it was especially hard to suspend disbelief that a spotted dalmatian with floppy antlers was a reindeer.

Any rate this motley entourage roamed the congressional halls offering gifts to all. Unfortunately, the gifts were usually withered apples from Frank Horton's district that had been lying around his office for months. But as we all know it's not the value of the gift but the thought that counts unless one is a Neiman Marcus freak.

At Halloween time, Matt would put on his eerily lifelike latex rubber Richard Milhaus Nixon mask and roam the hall throwing candy into offices and flashing the famous Nixon victory sign.

It is important to note that while Matt Fletcher was a terrific employee he was also a wonderful boss. He took a real and personal interest in the lives and careers of all of the members of the committee staff. He went to great lengths to make every staff member feel truly appreciated. He made sure that good works were recognized by writing personal notes commending individual staffers for their contributions. Matt built a terrific team of first-class professionals and created an atmosphere of comaradery and mutual respect by constantly reinforcing each staffer's worth and value to the committee.

The tragedy, of course, is that the scourge of AIDS so cruelly cut short such a promising life and brilliant career. When Matt said goodbye to friends and colleagues on the Hill just 2 years ago in one of the most profoundly moving farewell speeches any of us, I'm sure, have ever heard, he made it clear that his only regret was not that he would never have the title or the power and prestige of majority staff director but rather that he would no longer be in the arena engaged in the debate on the central issues of our time. Matt's world was not the world of power but the world of ideas.

Matt has left us in person but he has also left us a rich legacy to remember him by. He was a man who—even though he was with us for only a brief shining moment in the long sweep of time, truly made a difference. Here was a man who strove for and in large measure achieved excellence in everything he did. And here was a man who taught us that the true worth of any human being is measured finally by the caring, the concern, the love that he bears for his fellow human beings.

CONGRATULATIONS TO THE NATIONAL GUARD ON ITS ANNIVERSARY

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. MONTGOMERY. Mr. Speaker, I would like to take this opportunity to congratulate and wish a happy anniversary to an organization I have seen grow from infancy to the largest of the National Guard associations and the largest of all Enlisted Reserve component organizations in this great country of ours, the Enlisted Association of the National Guard of the United States [EANGUS].

This organization truly holds a special place in my heart. I have helped nurture it over the past 20-some years and have watched it grow and branch out to do exceptional work for our enlisted men and women who serve in the National Guard of these United States.

When EANGUS was first formed in 1970, and incorporated in 1972 in Jackson, MS, I don't think any of its forefathers thought it would grow into being the extremely successful organization that it has become.

What has made EANGUS so successful? The answer is simple, we have to look at its history. It was nurtured by people like Bob Spencer from South Dakota, Virgil Williams (deceased) from my home State of Mississippi, Jim Garritson from Iowa, Tony Nathe from Minnesota, John Ball from South Dakota, Nate Monastra from Ohio, and Bobby Dempsey from Arkansas. These individuals served the National Guard for many years in their military career. They continue to serve the National Guard as the founders and the forefathers of this great organization. Even in retirement today, they continue to serve and look out for the welfare of the enlisted members of the National Guard.

Look at EANGUS' leadership today. The president is M. Sgt. Blain D. Ross, an Air National Guard sergeant in South Dakota who is also a sergeant on the police force in Brandon, SD. The executive director, M. Sgt. Mike Cline, is a 25-year veteran whose lovely wife, Dian Cline, serves in the Maryland Air National Guard. His oldest son, Mike, is a 9-year Army veteran who lost his job during the Los Angeles earthquakes, but when the call came, he answered. His younger son, John, is a 4-year Air Force veteran who now serves in the Ohio Air National Guard.

The Guard is a family. The Guard is always there, ready to serve, whether the call is to fight a flood or a forest fire, to calm civil disturbances or to serve our country in time of the war such as Vietnam, the Persian Gulf, Bosnia. The Guard is there.

Many of this association's accomplishments not only benefit the enlisted National Guard member, but they benefit all reservists, officer or enlisted, Army Reserve or Marine Corps Reserve. Some of EANGUS' accomplishments are the commissary privileges, gray-area retiree issues, PX/BX exchange privileges, the VA Home Loan Program, the VA burial bill for National Guard and Reserve members in national cemeteries, transition benefits, increase in IDT points; the list goes on and on. This organization today fights to preserve its heritage, the heritage of the National Guard and look out for the welfare of the enlisted people.

I will always have a special place in my heart for EANGUS. This organization has its reception area named in my honor, an organization which created an award, which is presented to a member of congress each year, in my honor, and an organization which I'm told has a chandelier hanging in it that is older than my good friend, Senator STROM THURMOND of South Carolina.

So it is my hope and desire that when this organization comes knocking on your door and is bringing an issue that they consider of dire importance, that you will take the time to listen because chances are, that issue is going to impact not only the 400,000+ enlisted members of the National Guard but more than 1,000,000 reservists who stand ready to protect and serve this great Nation, their families and their communities.

So on their 25th anniversary, I commend the work of this great organization and what it has done to enhance the lives of the enlisted National Guard member, and the reserve components in general. Happy anniversary, EANGUS!

YOUTH CRIME

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. LAZIO of New York. Mr. Speaker, 6 months ago I stood here on the floor of the House to express my outrage about a Federal judge who threw out key evidence that proved a defendant guilty of Federal drug charges. Well, in the words of Yogi Bear, it's like deja vu all over again.

Just 2 weeks ago, a State appeals court in New York ruled that a 15 year old caught with a loaded gun in a Bronx high school can't even be suspended because school officials illegally searched him. It was ruled that the school security aide who noticed the bulge in the youth's jacket erred in stopping and searching the student because the bulge was not suspicious.

It is absolutely ludicrous that school officials are not even given the power and authority to maintain order within the school building, and have their hands tied when they attempt to root out dangerous influences such as loaded guns.

If our courts insist upon hamstringing the efforts of school officials trying to protect students within a school building where a lower legal standard applies, it does not portend well for the efforts of law enforcement to protect the public.

As a former county assistant district attorney, I have seen first hand the effects of youth crime on our communities. We need to apply some common sense in our efforts to promote public safety, and hopefully avoid such outrageous situations in the future.

UNIVERSITY RESEARCH AND EDUCATION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mrs. MORELLA. Mr. Speaker, as the Chair of the Technology Subcommittee of the House Science Committee, I am responsible for the technology and competitiveness policy of the United States. A top priority of mine, in that role, is to foster the breakthrough of new technologies and to encourage innovation development, thereby enhancing our Nation's ability to compete in the global marketplace.

It is clear to me that one of the wisest investments the Government can make is our Federal investment in university research and education. It has been clearly demonstrated through the years that a small investment in the basic research conducted at our Nation's universities reaps large rewards in technological discovery. As we move toward a balanced budget—and we must continue to do so to provide vigorous economic prosperity for our children—we must also maintain our Nation's leadership in basic research and technology preeminence.

A number of chief executive officers of some of the most prominent U.S. corporations recently sent as open letter to President Clinton echoing these sentiments. This simple letter speaks volumes about the importance of university research and development. I am submitting their letter into the RECORD and I ask all of my colleagues to read it, so that we can give our Nation's research and development enterprise the priority it deserves as we consider its funding in future Congresses.

AN OPEN LETTER TO PRESIDENT CLINTON

DEAR MR. PRESIDENT, as you achieve the fundamentally important goal of balancing the federal budget, we respectfully urge you to sustain the government investment in university research and education. We believe these goals are closely related.

Mr. President, as you well know, America's leadership position in an ever-increasing globally competitive economy has its basis in our technological prowess. Our universities, and the research programs pursued therein, have played a pivotal role in continually advancing our technical knowledge. Equally important, they have produced the very scientists and engineers that allow American industry to compete with nations and cultures throughout the world. The standard of living we enjoy today has, in large part, been made possible by our ingenuity and creativeness and our ability to continually advance and apply technology.

Many organizations within the federal government support the country's universities. We believe these agencies deserve your personal attention and commitment to modest, but sustained, real growth in programs which invest selectively in university science and engineering research. These programs are essential to our future. History has shown that it is federally sponsored research that provides the truly "patient" capital needed to carry out basic research and create an environment for the inspired risk-taking that is essential to technological discovery. We maintain that the federal government is, and must remain, the primary steward of our national trust in university research.

We know that you face politically difficult choices as you deliberate and ultimately decide which federal programs merit continued support. As you make those choices, we urge you to achieve the deeply entwined goals of a vital and productive society, world leadership in science and engineering, and a balanced budget.

Respectfully,

W.W. Allen, Chairman & CEO, Phillips Petroleum Company;

C. Michael Armstrong, Chairman & CEO, Hughes Electronics Corporation;

Norman R. Augustine, President & CEO, Lockheed Martin Corporation;

John L. Clendenin, Chairman & CEO, BellSouth Corporation;

Robert J. Eaton, Chairman & CEO, Chrysler Corporation;

George M.C. Fisher, Chairman, President & CEO, Eastman Kodak Company;

Robert W. Galvin, Chairman, Executive Committee, Motorola, Incorporated;

Louis V. Gerstner, Jr., Chairman & CEO, IBM Corporation;

Joseph T. Gorman, Chairman & CEO, TRW, Incorporated;

Gerald Greenwald, Chairman & CEO, United Airlines;

George H. Heilmeier, President & CEO, Bellcore;
Jerry R. Junkins, Chairman, President & CEO, Texas Instruments, Incorporated;
John A. Krol, President & CEO, DuPont;
Edward R. McCracken, Chairman & CEO, Silicon Graphics, Inc.;
Lars Nyberg, Chairman & CEO, NCR Corporation (formerly AT&T Global Information Solutions);
R.B. Palmer, Chairman & CEO, Digital Equipment Corporation;
John E. Pepper, Chairman & CEO, The Procter & Gamble Company;
Lewis E. Platt, Chairman, President & CEO, Hewlett-Packard Company;
Randall L. Tobias, Chairman & CEO, Eli Lilly and Company;
Alex Trotman, Chairman of the Board, Ford Motor Company; and
P. Roy Vagelos, M.D., Former Chairman & CEO, Merck & Company, Incorporated.

A TRIBUTE TO THE PADRES

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the San Diego Padres. Yesterday, the Padres completed a three-game sweep against the Dodgers in Los Angeles to win the National League West Title.

Facing a must win three-game series in Los Angeles, the Padres rose to the challenge. With a different hero for each of the three games, the Padres proved that teamwork is the core of their game. On Friday, Ken Caminiti tied the score with a solo home run in the 8th and doubled for the go-ahead run in the 10th. On Saturday, Tony Gwynn hit a two-out, bases-loaded single in the eighth inning to break a tie, giving the Padres a 4–2 win. Finally on Sunday, with the Division Title hanging in the balance, former Dodger Chris Gwynn hit a two-run double in the top of the 11th that crowned the Padres Division Champions.

This San Diego team is one of pure heart filled with heroes: seven-time batting champion Tony Gwynn; Ken Caminiti the leading favorite for the National League's Most Valuable Player award; all-time stolen base leader Ricky Henderson; Steve Finley and Wally Joyner who helped make 1996 one of the most exciting seasons in club history; proven starting pitcher Andy Ashby; Trevor Hoffman whose 41 saves helped lift San Diego to a 91–72 record; and every other member of this team has proven that teamwork wins titles.

In addition, special recognition must be given to the owners John Moores and Larry Lucchino, who made a commitment to winning; and manager Bruce Bochy, who balanced all of the different personnel of this team to win the Western Division Championship.

The Padres face the Cardinals in a best-of-five series. The winner of the series plays another series to determine the National League Champs. But no matter .the outcome, America's Finest City has the Western Division's finest team, the Padres.

HONORING STEPHEN J. JEROME, PRESIDENT, MONROE COLLEGE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. ENGEL. Mr. Speaker, a true success story of the Bronx is Monroe College and its president, Stephen J. Jerome. The college was founded in 1933.

This year Mr. Jerome celebrates his 30th anniversary at the school with the New York State Board of Regents authorizing its confirming baccalaureate degrees and the school dedicating King Hall, a 100,000-square-foot building housing offices for student services as well as the learning center, gymnasium and cafeteria. Mr. Jerome, who was raised in the Bronx, joined the school in 1966 as an instructor and was named president in 1978.

He is fond of saying that Monroe changes people's lives. The extent of that change can be seen in an enrollment comprising students from more than 40 countries, many of whom are first generation college attendees or recent immigrants. Mr. Speaker, I am proud to salute Stephen J. Jerome and Monroe College.

TRIBUTE TO CONGRESSMAN HAROLD FORD

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. CLAY. Mr. Speaker, I am honored to rise in tirbute to my distinguished colleague from Tennessee, the Honorable HAROLD FORD, as he prepares to retire from the U.S. House of Representatives. Congressman FORD has dedicated his life to public service. He was elected to the Tennessee State Legislature at the age of 25. He served two terms in that body and in 1974 was elected to represent the residents of Tennessee's Ninth Congressional District. HAROLD FORD was the first and is the only African-American Tennessean ever elected to the U.S. House of Representatives.

HAROLD FORD has been a staunch defender of justice and equality. He has shown a special dedication to representing the needs of the underprivileged and has left his signature on our Nation's welfare and employment programs.

In 1981 Congressman FORD was named chairman of the House Ways and Means Subcommittee on Public Assistance and Unemployment Compensation. Through his committee work, Chairman FORD fought to improve economic opportunities for the poor, He authored the Family Support Act of 1988, a program to increase education and training opportunities for AFDC recipients. Throughout his tenure Congressman FORD has fought to preserve the Federal role in administering domestic programs such as Aid to Families with Dependent Children, public housing, public education, and job training.

HAROLD FORD has been a truly effective political leader whose dedication to representing the people of Memphis cannot be overstated. Congressman FORD was instrumental in establishing several youth training programs in Memphis including Jobs Corps and Youth Fair Chance. He also gave vital support to local economic development projects in Memphis such as the Central Station renovation.

Representative FORD is a man of determination and spirit who has maintained his courage and equanimity in the face of trial and adversity. He has faced racism and injustice and these challenges have only strengthened his resolve to fight for equality.

Congressman FORD is a member of a family that has demonstrated a special commitment to public service. His great-grandfather served as a squire during the Post-Reconstruction Era in Tennessee. HAROLD FORD's brothers also serve in public office in the State of Tennessee. John Ford is a State senator, Joe Ford is a Memphis City Council member and Dr. James Ford is a Shelby County commissioner. Representative FORD's son, Harold Ford, Jr. is this year's Democratic nominee to succeed his father in the U.S. House of Representatives.

Mr. Speaker, it has been my privilege to serve beside HAROLD FORD in the U.S. House of Representatives. He has been a loyal public servant and the people of Tennessee and our Nation will long benefit from his many contributions. HAROLD FORD and his wife Dorothy have been valuable friends; Carol and I will miss them dearly. I wish him godspeed as he leaves the House of Representatives and begins another chapter in his life of public service.

VETERANS' HEALTH CARE ELIGIBILITY REFORM ACT OF 1996

HON. TIM Y. HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. HUTCHINSON. Mr. Speaker, it is with great pride and a resounding sense of accomplishment that I stand in support of H.R. 3118, as amended, the Veterans Health Care Eligibility Reform Act of 1996. This bill represents the culmination of strong bipartisan efforts to move Veterans' Administration [VA] health care into the 21st century. I want to extend my appreciation to Chairman STUMP for his leadership and to the ranking members SONNY MONTGOMERY and CHET EDWARDS of the Veterans Affairs' Committee for their steadfast support in doing what is right for America's veterans.

H.R. 3118, within appropriations, directs VA to provide all needed hospital and medical care services and establish and manage health care programs to promote the cost-effective delivery of health services to veterans with compensable service-connected disabilities, former prisoners of war, veterans exposed to toxic substances and environmental hazards, veterans meeting the "means test" as provide under existing law, and veterans of World War I.

The bill requires VA to manage the provision of health care services through an annual patient enrollment system that is reflective of the priority system, which provides the highest priority for enrollment to those with service-connected conditions and also requires that effective October 1, 1998, veterans enroll in a VA managed care plan to receive health care services. Veterans in need of care for a service-connected condition of 50 percent or more service-connected disabled are exempt from the enrollment requirement.

The bill eliminates restrictions on VA providing prosthetics, but requires VA to establish guidelines for providing hearing aids and eyeglasses.

The bill directs the VA to maintain its capacity for specialized services at the current level and within distinct programs and facilities dedicated to the specialized needs of those veterans. It also requires VA to consult with the Advisory Committee on Prosthetics and Special Disabilities Programs and the Committee on Care of Severely Chronically Mentally Ill Veterans in the assessment of these activities. Furthermore, the VA is required to report to the House and Senate Veterans' Affairs Committees by April 1 of the years 1997, 1998, and 1999 on VA's compliance with the specialized services provisions of the bill.

To ensure the budget neutrality of the eligibility reform provisions of this bill, the authorizations for appropriations are capped at the following amounts: $17.25 billion for fiscal year 1997 and $17.9 billion for fiscal year 1998.

The bill requires that no later than March 1, 1998, VA report to the House and Senate Veterans' Affairs Committees on the impact of the implementation of eligibility reform.

The bill authorizes the following major projects for a total amount of $358.15 million: construction of an ambulatory care facility and renovation of "E" wing, Tripler Army Hospital, Honolulu HI, $43 million; addition of ambulatory care facilities, Brockton, MA, $13.5 million; addition of ambulatory care facilities, Shreveport, LA, $25 million; addition of ambulatory care facilities, Lyons, NJ, $21.1 million; addition of ambulatory care facilities, Tomah, WI, $12.7 million; addition of ambulatory care facilities, Asheville, NC, $26.3 million; addition of ambulatory care facilities, Temple, TX, $9.8 million; addition of ambulatory care facilities, Tucson, AZ, $35.5 million; construction of an ambulatory care facility, Leavenworth KS, $27.75 million; environmental improvements, Lebanon, PA, $9.5 million; environmental improvements, Marion, IL, $11.5 million; environmental improvements, Omaha, NE, $7.7 million; environmental improvements, Pittsburgh, PA, $17.4 million; environmental improvements, Waco, TX, $26 million; environmental improvements, Marion, IN, $17.3 million; environmental improvements, Perry Point, MD, $15.1 million; environmental enhancement, Salisbury, NC, $18.2 million; and seismic corrections of building number 324 at the Department of Veterans Affairs medical center, Palo Alto, CA, in the amount of $20.8 million. The authorization covers the fiscal years 1997 and 1998.

The bill authorizes the following major medical facility leases for a total of $12.236 million: Allentown, PA, $2.159 million; Beaumont, TX, $1.94 million; Boston, MA, $2.358 million; Cleveland, OH, $1.3 million; San Antonio, TX, $2.256 million; and Toledo, OH, $2.223 million.

The bill requires the VA to develop a 5-year strategic plan for its health care system which specifically addresses the integration of planning efforts at the grassroots level, coordinated within the prescribed geographic network, and then formulated into a national plan. The plan is required to be updated annually.

The VA is also required to submit to the House and Senate Veterans' Affairs Committees an annual report on the top 20 major medical construction projects of the Department which includes the justification of the projects and any changes to the report, such as the addition, deletion, or change in rank order of any of the projects.

The bill expands the required documentation and justification of each major project and major facility lease proposed in the President's budget. The bill redefines a major medical construction project as costing at least $4 million and repeals effective fiscal year 1998, a provision of law exempting certain previously funded construction projects from the law's authorizations requirement. The bill also provides that amounts in excess of $500,000 may not be obligated from the VA's Advance Planning Fund until VA reports such proposed obligations to the House and Senate Veterans' Affairs Committees.

The provision of Health Care Sharing and Administration broadens and expands VA's ability to share health care resources while ensuring that services to veterans are not adversely affected by contractual agreements or sharing arrangements that may be established between the VA and other health care providers.

The bill makes permanent VA's ability to enter into sharing agreements with the Department of Defense under provisions of DOD's CHAMPUS program. The bill clarifies VA's authority to recover or collect from insurance plans (including CHAMPUS supplemental plans) and directs that all funds received under these provisions be credited to the facility that provided the care. It also exempts those personnel involved in providing care under this provision and other sharing authorities from personnel ceilings.

The effective date for the implementation of an administrative reorganization is reduced from 90 to 45 days during which Congress has been in continuous session.

The bill repeals limitations in 38 USC Section 8110(c) on contracting-out services currently performed by VA employees. VA is required to report annually to the House and Senate Veterans' Affairs Committees on those activities which it proposes to study for possible contracting out and those which have been contracted out.

Under Subtitle B of the bill, Care of Women Veterans, it stipulates that mammography standards for the VA be as stringent as those prescribed by Public Law 102–539 and requires that VA report to the Congress within 120 days of enactment of the legislation on the implementation of such standards. The bill also requires annual surveys through 1999 of all VA medical centers to identify patient privacy deficiencies relating to the treatment of women veterans, to develop plans for the correction of identified deficiencies, and to give priority to correction efforts in the Department's construction planning and budgeting process.

Under Subtitle C, Readjustment Counseling and Mental Health Care, VA is required to furnish readjustment counseling to those veterans who served in-theater during the Vietnam-era and those Vietnam-era veterans who seek or who have sought readjustment counseling before January 1, 2000. The provision also authorizes Vet Center counseling services to veterans of conflicts prior to the Vietnam-era such as Korea and World War II. Other provisions of this section require the VA to submit to the House and Senate Veterans' Affairs Committees a report on the feasibility and desirability of collating Vet Centers and also a report on the provision of offering limited health care services at readjustment counseling centers. Both reports are due within 6 months of enactment of the legislation. The bill also establishes an 18-member Advisory Committee on the Readjustment of Veterans which is required to submit an annual report on the readjustment of veterans with department comments to the Congress.

The bill authorizes appropriations for establishment of up to five centers of excellence in mental health research, education, and clinical care activities (MIRECC's). The MIRECC concept is intended to improve the quality of care, particularly at VA psychiatric facilities, by fostering collaboration between those facilities with primarily psychiatric or mental health missions and non-psychiatric tertiary medical centers. MIRECC's are to be modeled after the successful Geriatric Research, Education and Clinical Centers (GRECC's). Authorizations for appropriations are $3.125 million for fiscal year 1998 and $6.25 million for fiscal years 1999 through 2001. VA is required to submit reports on the operation of MIRECC's for the years 1999 through 2002.

The bill requires VA to establish a Committee on the Care of Severely Chronically Mentally Ill Veterans to assess VA's capability to meet the treatment needs of veterans including women veterans who suffer from chronic mental illnesses. The committee is required to submit reports for 1998 and the three years following on ways to improve care to this group of veterans.

Subtitle D of the bill contains the following important provisions:

HOSPICE CARE STUDY

This provision requires VA to conduct an in-house research and evaluation study on the most effective way of providing hospice care to veterans.

ADULT DAY CARE PER DIEM

Authorizes VA to make per diem payments to state veterans' homes in conjunction with adult day care provided at such homes. The bill also authorizes construction grant support to States for expansion, remodeling, or alteration of existing buildings to permit the provision of adult day health care.

RESEARCH CORPORATIONS

This provision renews VA's authority to establish additional research corporations through the year 2000. It also expands reporting requirements to Congress and requires an annual independent audit of research corporations with revenues in excess of $300,000. It also requires research corporations to more closely mirror reporting requirements of the Internal Revenue Service.

VETERANS HEALTH ADMINISTRATION HEADQUARTERS

This provision requires that the Office of the Under Secretary be staffed to include designated clinicians to provide expertise and direct policy guidance on VA's specialized services programs (including the readjustment counseling program) and that the latter be responsible for management of the readjustment counseling program.

DISBURSEMENT AGREEMENTS RELATING TO MEDICAL RESIDENTS AND INTERNS

Authorizes VA to make disbursement agreements for residents who train at outpatient clinics. nursing homes, or other VA medical facilities.

AUTHORITY TO SUSPEND SPECIAL PAY AGREEMENTS FOR PHYSICIANS AND DENTISTS WHO ENTER RESIDENCY TRAINING PROGRAMS

This provision suspends special pay agreements during residency training.

REMUNERATED OUTSIDE PROFESSIONAL ACTIVITIES BY VETERANS HEALTH ADMINISTRATION PERSONNEL

Lifts current law restrictions on title 38 health care professional working in their professional capacity in outside employment while employed full-time by the VA.

MODIFICATION OF RESTRICTIONS ON REAL PROPERTY, MILWAUKEE COUNTY, WI

Authorizes VA to modify conditions under which land previously transferred to Milwaukee County for civic and recreational purposes may be re-transferred.

MODIFICATION OF RESTRICTIONS ON REAL PROPERTY, CHEYENNE, WY

Authorizes VA to modify conditions under which land previously transferred to grant medical center lands on which the City of Cheyenne, WY may be re-transferred to permit First Cheyenne Federal Credit Union to build a building to house its operations.

NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, JOHNSON CITY, TN

Renames the VA medical center in Johnson City, TN, the "James H. Quillen Department of Veterans Affairs Medical Center".

REPORT ON THE HEALTH CARE NEEDS OF EAST CENTRAL FLORIDA VETERANS

This provision requires VA to submit a report to Congress on the health care needs of needs of veterans in east central Florida.

EVALUATION OF THE HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS

Extends VA's authority until December 31, 1998 to offer diagnostic examinations to the spouses and children of Persian Gulf veterans.

Mr. Speaker, I am proud to have been part of the legislative process that makes these critical changes which benefit our Nation's veterans. I yield back the balance of my time.

SENATE—*Tuesday, October 1, 1996*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Oh God, our help in ages past,
Our hope for years to come
Be our guide while this day shall pass
And our eternal home!

Almighty God, above time and yet with us in the passage of time, You give us enough time in each day to do what You want accomplished. Thank You for the minutes and hours of the day ahead. Help us to think of them as Your investment in this day's account, there for us to draw on to do what You want us to do on Your timing. May we neither feel rushed nor restless. Make us good stewards of the gift of time we have today. May we not squander it or sequester it. Free us from the manipulation of time. Our mutual goal is to do Your will in the order of Your priorities for the good, as well as the safety, of our Nation.

We commit ourselves to be sensitive to the guidance of Your spirit in the convictions we express and how we express them. Give us generosity in our attitudes and frugality in our verbiage. Remind us of our accountability to You. So fill this Chamber with Your glory and the mind and heart of each Senator with Your wisdom. And this morning, gracious God, we thank You for the service of Kelly Johnston as Secretary of the Senate and welcome Gary Sisco to this important and crucial position. We ask Your blessing and power on this Senate. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Good morning, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, this morning the Senate will be swearing in the new Secretary of the Senate. Following the oath of office, the Senate will conduct a period for morning business until the hour of 12:30 p.m. And at 12:30 today, the Senate will recess until 2:15 p.m. for the Republican policy luncheon.

Under the previous order, during today's session, there will be 3 hours reserved for debate on the FAA conference report for Senators to utilize throughout the day. As a reminder, there will be an additional 3 hours for debate tomorrow on that conference report, with a cloture vote occurring on the conference report on Thursday at 10 a.m. I expect that the Senate will invoke cloture on Thursday, and it is my hope that we will be able to complete action on the FAA conference report shortly following that vote, certainly sometime during the day. It conceivably could go into the late afternoon, but we believe we can get that done at a reasonable hour. Senators should be aware that votes are possible today with respect to any other legislative items that are in the clearance process.

The distinguished Democratic leader and I will be talking about, hopefully, no longer controversial items that we can move by unanimous consent. Of course, we will advise all our colleagues.

ELECTING GARY LEE SISCO AS SECRETARY OF THE SENATE

Mr. LOTT. Mr. President, I send a resolution to the desk electing Gary Lee Sisco as Secretary of the Senate.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 307) electing Gary Lee Sisco of Tennessee as Secretary of the Senate.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be considered, agreed to, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 307) was considered and agreed to, as follows:

S. RES. 307

Resolved, That Gary Lee Sisco of Tennessee be and he is hereby elected Secretary of the Senate.

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF GARY LEE SISCO AS SECRETARY OF THE SENATE

Mr. LOTT. Mr. President, I send a resolution to the desk notifying the President of the election of Gary Sisco as Secretary of the Senate.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 308) notifying the President of the United States of the election of Gary Lee Sisco of Tennessee as Secretary of the Senate.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be considered, agreed to, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 308) was considered and agreed to, as follows:

S. RES. 308

Resolved, That the President of the United States be notified of the election of Gary Lee Sisco of Tennessee as Secretary of the Senate.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF GARY LEE SISCO AS SECRETARY OF THE SENATE

Mr. LOTT. Mr. President, I send a resolution to the desk notifying the House of Representatives of the election of Gary Sisco as Secretary of the Senate.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 309) notifying the House of Representatives of the election of Gary Lee Sisco of Tennessee as Secretary of the Senate.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be considered, agreed to, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 309) was considered and agreed to, as follows:

S. RES. 309

Resolved, That the House of Representatives be notified of the election of Gary Lee Sisco of Tennessee as Secretary of the Senate.

ADMINISTRATION OF OATH TO THE SECRETARY OF THE SENATE

The PRESIDENT pro tempore. The new Secretary of the Senate, escorted by the Senators from Tennessee, will present himself at the desk to take the oath of office.

The Honorable Gary Lee Sisco, escorted by the Senators from Tennessee, Mr. THOMPSON and Mr. FRIST, advanced to the desk of the President pro tempore; the oath prescribed by law was administered to him by the President pro tempore.

[Applause, Senators rising.]

Mr. LOTT. Thank you, Mr. President.

COMMENDING KELLY D. JOHNSTON FOR HIS SERVICE TO THE U.S. SENATE

Mr. LOTT. Mr. President, I send a resolution to the desk commending Kelly Johnston for his service to the Senate.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 310) commending Kelly D. Johnston for his service to the U.S. Senate.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be considered and agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 310) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 310

Whereas, Kelly D. Johnston faithfully served the Senate of the United States as Secretary of the Senate during the 104th Congress, and discharged the duties and responsibilities of that office with unfailing dedication and a high degree of efficiency; and

Whereas, as an elected officer of the Senate and as an employee of the Senate and the House of Representatives, Kelly D. Johnston has upheld the high standards and traditions of the United States Congress, from his service on the staff of the House of Representatives from the 96th through the 101st Congress and then on the staff of the Senate from the 102d through the 104th Congress; and

Whereas, through his exceptional service and professional integrity as an officer and employee of the Senate of the United States, Kelly D. Johnston has earned the high esteem, confidence and trust of his associates and the Members of the Senate: Now, therefore, be it

Resolved, That the Senate recognizes the notable contributions of Kelly D. Johnston to the Senate and to his country and expresses to him its appreciation and gratitude for faithful and outstanding service.

OUR NEW SECRETARY OF THE SENATE

Mr. LOTT. Mr. President, I appreciate the cooperation of the leadership for getting this confirmation in place. I think the Senators are aware the name of KELLY JOHNSTON has been officially received by the Senate to be appointed to the Federal Election Commission, and we hope in the next couple of days final action will be taken on that nomination.

I am very pleased and honored today that we have confirmed Gary Lee Sisco to be our new Secretary of the Senate. I have known Gary for over 30 years. We were in college together. Even though he is a Tennessean, he had the very great wisdom of attending the University of Mississippi at Oxford. The Senators from Tennessee, FRED THOMPSON and BILL FRIST, I know, are very proud of this new Secretary of the Senate, but he did go to Ole Miss, and keep that in mind Thursday night.

But Gary has been a close personal friend. I have admired him for his attitude about Government, his family and his relationships with his friends and his work and his businesses. He is an outstanding human being.

He was born in Belvidere, TN. He is married to the former Mary Sue Baylis Sisco of Pascagoula, MS, once again, showing his great wisdom. As a matter of fact, my wife made the arrangements for the first blind date that Gary had with Mary Sue. She is a beautiful lady. They have three children: Stephen, 23; John, 21; and Mary Katherine, 13. I know they are very proud of their father this morning, and they are honored that he would be recognized in this way.

If I can take just a few moments to give you some more information about Gary. After he attended the University of Mississippi and received his bachelor of science in civil engineering in 1967, he also received a master of science in administration in September 1970 from George Washington University, and he attended law school at night at the University of Memphis. Gary is a captain in the U.S. Army Reserves.

For the past several years, in Nashville, Gary has been involved in real estate management and sales. And before that, he had a very distinguished record in Government. After he graduated first, though, from college, he worked for IBM. He was on active duty in the Army, and then he started working in political campaigns, including, I am sure, Howard Baker's campaigns. He was the campaign State chairman for Lamar Alexander when he ran for Governor and was elected. He served as administrative assistant to Congressman Robin Beard in the 1975–77 period. So he will understand and have a good relationship with the House.

Then he also worked for the Senate in a position I think that is critical and will be very helpful to him in this new position. He was the executive assistant to former Senator Howard Baker, giving him direct involvement and very and very active participation in the administration of a Senate office and understanding the way that that works.

So I am really pleased with this election. I know that Gary Sisco will make us all proud as the Secretary of the Senate. So I congratulate him and wish him well. And all I have to say is, "Go to work."

Gary, good luck to you.

Mr. President, I ask unanimous consent that the résumé of Gary Sisco be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Résumé

GARY SISCO

June 1, 1994

Address: 3833 Cleghorn Avenue, Suite 401, Nashville, TN 37215.

Telephone: (615) 385–4384.

Fax: (615) 385–4752.

Date of birth: October 1, 1945.

Height: 5′10″.

Weight: 175 lbs.

State of residence: Tennessee.

Spouse: Mary Sue Baylis Sisco of Pascagoula.

Children: Stephen Knox Sisco, 23; John Cartee Sisco, 21; and Mary Katherine Sisco, 13.

EXPERIENCE

January 1993 to Present: Apartment Management Corporation, 3833 Cleghorn Avenue Suite 401, Nashville, TN 37215—President/CEO.

Firm specializing in the brokerage and management of apartment communities.

Dixon Springs Investment Company, 3833 Cleghorn Avenue, Suite 401, Nashville, TN 37215—Shareholder.

Firm specializing in the investments of apartment communities.

January 1978 to January 1993: Town & Country Real Estate Companies, 3815 Cleghorn Avenue, Nashville, TN 37215—Chairman/CEO.

Diversified Nashville based Real Estate firm with management, sales, development, insurance, and investment divisions.

April 1977 to January 1978: Elkington, Keltner & Sisco, One Park Plaza, Nashville, TN 37209—Partner.

Partner in charge of the Nashville office of this firm specializing in condominium and association management with offices in Nashville, Memphis and Knoxville.

January 1975 to April 1977: Congressman Robin Beard, U.S. House of Representatives, Washington, D.C. 20515—Administrative Assistant.

Responsible for all staff operations of Congressman Beard in Washington and the Sixth Congressional District of Tennessee.

December 1973 to January 1975: Lamar Alexander for Governor, Box 1974, Nashville, TN 37202—State Campaign Manager.

Responsible for all of the gubernatorial campaign activities of the campaign of Governor Lamar Alexander for Governor in 1974 state-wide.

October 1971 to December 1973: United States Senator Howard Baker (R–Tenn), 2107 Dirksen Building, Washington, D.C. 20510—Executive Assistant.

Federal Building, Memphis, Tennessee—West Tennessee Field Director.

Responsible initially of the Memphis Senate Office and subsequently for all staff operations of Senator Baker in Washington and the five offices in the State of Tennessee.

September 1970 to October 1971: IBM Corporation, 1256 Union Avenue, Memphis, TN 38104—Marketing Representative.

Marketing Representative and System Engineer—Data Processing Division. Responsible for the installation of computers for IBM in a variety of businesses in the Memphis area.

October 1968 to September 1970: United States Army USAPERSINSCOM, The Pentagon Room, 1A885, Washington, D.C. 20510—Automatic Data Processing Project Officer.

First Lieutenant, Adjutant Generals Corps, Automatic Data Processing Project Officer, USA Personnel Information Systems Command, The Pentagon.

June 1967 to October 1968: IBM Corporation, 1256 Union Street, Memphis, TN 38104—Systems Engineer Data Processing Division.

EDUCATION

Central High School, Bolivar, Tennessee—Diploma, May 1963.

University of Mississippi, Oxford, Mississippi—Bachelor of Science in Civil Engineering, June 1967.

George Washington University, Washington, D.C.—Master of Science in Administration, September 1970.

The University of Memphis—Attended Night Law School.

MILITARY STATUS

Captain, U.S. Army Reserves, Classified IV-A.

PAST AND PRESENT MEMBERSHIPS AND AFFILIATIONS

Bank of Germantown—Board of Directors.

Baptist Health Care System—Board of Trustees and Executive Committee Member.

Baptist Hospital—Board of Trustees and Executive Committee Member.

Baptist Properties, Inc.—Board of Trustees.

Belmont College: An Agenda for Greatness Campaign—Chairman of Major Gifts Division.

Boy Scouts of America—Chairman of Large Gifts Division.

Education Corporation of America, Inc.—Chairman of Executive Committee—Board Member.

Governors Trade Mission to Shan Xi Province—People's Republic of China—Delegation Member.

Health Net—Employer Advisory Committee.

Immanuel Baptist Church.

Institute of Real Estate Management—Member.

Japan-Southeast U.S. Trade Association—Member.

Japan-Tennessee Society—Charter Member.

Leadership Nashville—Participant.

Nashville Area Chamber of Commerce—Member.

Nashville Board of Realtors—Member.

Nashville City Bank—Young Executives' Council.

Nashville Entertainment Association—Charter Member.

Nashville Exchange Club—Member.

Nashville Youth for Christ—Board Chairman and Advisory Board Member.

Tennessee Council of Private Colleges—Blue Ribbon Commission.

Tennessee Real Estate Commission—Member.

TRIBUTE TO KELLY JOHNSTON

Mr. LOTT. Mr. President, I also want to take a moment to thank again Kelly Johnston for his work over many years for a lot of different Congressmen and Senators. I did not realize that he had worked for so many different present Members of the Senate, I think probably at least three over the years. He has done a great job for Senators, like JON KYL. And, of course, he worked with DON NICKLES. He has done an excellent job as the Secretary of the Senate.

There are some vacancies at the Federal Election Commission, very important positions. Kelly has cleared the process you have to go through in being investigated. We need to get him there because there are two vacancies at the present time, and at least one or two more that will be coming up in April, and at a time when obviously the FEC is going to be the busiest that they perhaps have ever been.

But Kelly will put his great experience in the Congress and the Government and as the Secretary of the Senate to use for all Senators and Congressmen, and will work very hard, I know, to make sure that we have clean and honest and appropriate campaigns.

So, Kelly, we thank you very much, and we have been honored by your presence.

Would the Senator from Oklahoma like to add anything? We have done a resolution commending him already, in case the Senator did not see it. Would the Senator from Oklahoma like to add anything?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, one, I want to compliment my colleague, the majority leader, and join him in congratulating Kelly Johnston for doing an outstanding job as Secretary of the Senate. Secretary of the Senate is one of the highest positions that we have, maybe the highest nonelected position that we have serving Congress.

I have had the pleasure of knowing Kelly Johnston from Chickasha, OK, for a long time. He was my executive director when I was the chairman of the policy committee, the Republican Policy Committee. He did an outstanding job in that capacity. And I had the pleasure of working with him on the Senate Campaign Committee, and watching him do very able leadership as the Secretary of the Senate.

On behalf of all Senators, I just want to congratulate him for his service, thank him for his service, and send him best wishes, as he would assume new responsibilities at the Federal Election Commission.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The distinguished senior Senator from South Carolina.

Mr. THURMOND. I am sure I speak on behalf of all Senators when I commend Kelly Johnston for the fine job he has done. He has worked here for a number of years in many capacities. He has proven himself to be diligent, efficient, capable. And we are all pleased with the way he has handled matters. We wish him a bright future in the years ahead.

Mr. LOTT. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO GARY SISCO

Mr. DASCHLE. Mr. President, I had another engagement. I apologize for not being here a couple minutes earlier, but I also want to join with our colleagues in saluting Gary Sisco as our new Secretary of the Senate. We are delighted with his appointment, and we look forward to working with him.

I have had the opportunity to talk to the majority leader on a number of occasions about his qualifications, and the great respect and admiration that is held for him. I must say, it is with great enthusiasm that I welcome him to the Senate, and look forward to working with him.

We will have many opportunities to work together, and I look forward to those. I know that all of my colleagues share in our welcome and our enthusiasm for him this morning, and our congratulations. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. The Senate is in morning business until 12:30.

TRIBUTE TO SENATOR NANCY KASSEBAUM

Mr. GORTON. Mr. President, this gives me an opportunity to speak briefly at least about those of my colleagues, particularly my colleagues on this side of the aisle, who are voluntarily retiring from the U.S. Senate this year. I know of no such occasion during my career here in which so many Members whom I regard as my close friends and whom I regard as wonderful contributors to the deliberations in this body, have chosen to move on to another phase in their lives at exactly the same time.

In one sense, of course, first among those must be my seatmate in the very next desk to me on my left here, the wonderful, charming and distinguished Senator from Kansas [Mrs. KASSEBAUM]. Senator KASSEBAUM, to the best of my knowledge, during my time with her here has never once raised her voice, but at the same time I have often been able to describe her as having a will of iron. I cannot tell you, Mr. President, how often, even though we are closely allied philosophically, I have had a particular matter on which some other Senator has told me Mrs. KASSEBAUM has made a decision and I have attempted to talk to her about, perhaps, reconsidering that decision. I cannot count the number of occasions on which that has happened, but I can easily count the number of occasions on which I have been successful, because it is none.

When the Senator from Kansas has thought out an issue and has determined a course of action, that is the course of action she is going to take. It didn't matter whether it was her seatmate here or the Republican leadership or the President of the United States who attempted to change that course of action. It would not change.

For that reason, I found it particularly flattering to have at least a few occasions on which she has asked me for my own views on a subject before she has made up her mind. On occasion, at least, it seems to have given my arguments or my position some weight. But it is that strength of character coming from her family and the place in which she lives, and her unerring sense of right and wrong, what is proper and improper, that has caused her to make such a profound contribution to this body. She has made better each of the Senators with whom she has come in contact. I believe I can say that she has influenced us all and influenced us all toward our better natures.

During these final 2 years of her career here in the U.S. Senate, she has, of course, been the chairman on the Committee on Labor and Human Resources, and I have had the privilege of serving on that third major committee as a junior member. I have observed her patience in dealing with a large number of members on that committee who are quite willing to speak out on almost every issue, and to do so at length, and I have seen, almost without exception, how the patience of Senator KASSEBAUM has ultimately triumphed, together with her willingness to listen to the views of others and to accommodate them in building a majority for important pieces of legislation originating in that committee.

Her success in the Kassebaum-Kennedy health care bill is perhaps the single finest example of that form of cooperation and will remain a very real tribute to a person such as the Senator, but is only one of a legion of such accomplishments during the period of her three terms in this body.

TRIBUTE TO SENATOR WILLIAM COHEN

Mr. GORTON. Mr. President, another close friend who is retiring is the wonderful, talented, thoughtful, and intellectual senior Senator from Maine, BILL COHEN, whose career in the two Houses of Congress began in 1973. One level climaxed during his first term in the House of Representatives when, as a member on the Committee on the Judiciary, he sat through the impeachment hearings relating to President Nixon. I was not a Member of this body, or indeed in Washington, DC, during that vitally important and profound national debate. But I can remember, from afar I gained admiration for that very junior minority member of the House Judiciary Committee in connection with his public agonizing over an appropriate answer, the way in which he asked questions, and the way in which he justified his ultimately extremely difficult but, I think, correct decision on that matter.

He has, of course, been a Member of this body during my entire career here, as a thoughtful, highly independent mind, with a brilliant tongue and ability to state his position that is almost entirely unmatched. But, Mr. President, I think I will remember Senator COHEN most for his relationship with another former colleague of ours, Senator Warren Rudman of New Hampshire. The Presiding Officer remembers Senator Rudman very well. I often describe him as the only person I have known in my life who was always right, was never shy about sharing his absolutely correct views with everyone else, and who, even in a crowd of eight Senators, could occupy 75 percent of the talking time. Yet, with all of those qualities, he was greatly beloved by all who came in contact with him and was a wonderfully effective Senator.

The only Member of this body, however, who could ever prick Senator Rudman's balloon was Senator COHEN. He did so constantly, occasionally on the floor of the Senate, but literally every day in private relationships. To listen to the conversations between the two of them and the way in which Senator COHEN could deal with Senator Rudman was a wonderful privilege. While I know Senator COHEN looks forward to another wonderful career, I cannot but suspect that at least one of the reasons for his retirement now is the absence of any other person in this body with whom he could deal and interact in the way in which he did with our friend from New Hampshire, Warren Rudman. But Senator COHEN's wisdom and independence and thoughtfulness will be greatly and profoundly missed in this body.

TRIBUTE TO SENATOR HANK BROWN

Mr. GORTON. Mr. President, you, Senator BROWN, happen to be the Presiding Officer as I come to the floor to make these remarks. You are the one Member whose decision not to return I can least understand. Senator BROWN has been a friend, recommended to me by one of his closest friends in the House of Representatives as his closest friend, during the course of this last 6 years. You, perhaps above all of us on this side of the aisle, have been absolutely unafraid to take a position which would gain you only a tiny handful of votes. I know how many times I have come back to you during a rollcall to inquire whether or not one of your amendments could reach double digits during the course of a rollcall. But it has been one of your great features—a willingness to say, "no," the conventional wisdom is not correct, the easy way out is not the right way to go; there is a different way, a way that is better for the American people, better for all of us, albeit more difficult.

I know there have been occasions—a few occasions at least—in which those views have been expressed with such eloquence that they have actually prevailed in this body, and there are a number of times in which you can say, with I hope most of us, that, "But for me, the final result would have been different, and we are better off for me having been here."

Your cheerfulness and happiness and your willingness to deal with adversity has, I think, been an inspiration to every single one of us in this body. I do have every hope that you will be successful in whatever lies ahead in your career. I do know that not just by this Senator, but I believe by all of your colleagues, you will be greatly and wonderfully missed.

One last point in that connection which I found, about a year and a half ago, to be particularly profound was your role in the very difficult decision made by my other seatmate, the junior Senator from Colorado, to change parties, and to come over to this side. I don't know whether he would have been able to bring himself to do that at the same time or in the same way had it not been for the constant encouragement, friendship, thoughtfulness, and guidance that you provided for him. That itself will be a part of your heritage, which will live in this body long after you have left it yourself.

I must say this will be a lesser place without you. I note that the majority leader is now on the floor. I have several other talks like this to make about other Members, but for the time being, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The distinguished Republican leader.

Mr. LOTT. Mr. President, I thank the Senator from Washington for yielding, and also for his very kind remarks.

DEPARTING SENATORS

Mr. LOTT. Mr. President, 14 of our colleagues will be retiring from the Senate at the end of this year. That is almost one-seventh of this body. Their departure represents a major turnover in the membership of the Senate, an institution which prizes itself on its continuity and its gradual pace of change.

With these 14 leaving, surely the Senate will be a different place next year. We have been enriched by these 14 Senators each in their own way, and in many ways over the years.

In the last 2 weeks it has been very hectic here, and I would have taken the floor earlier to comment about these distinguished Senators except for that very busy schedule. But I am glad now that I have the time to talk with a little leisure, and maybe even tell some special stories that I remember about some of these Senators. Each of them deserve special recognition.

I am glad so many Senators have spoken at length about those who will soon leave us. I went back and read several of the statements that were made Friday and Saturday, including some of the statements by Senators that will be leaving—particularly Senator COHEN of Maine. I found his remarks very interesting and enlightening, and typical of the Senator from Maine.

As everyone knows, the last few weeks have been an extraordinarily busy time. We have managed to deal with many items that have been stalled but most importantly we successfully pulled together the omnibus appropriations bill that will fund most of the Federal Government and direct many of its policies for years ahead. It wasn't easy for some Members and staff. It took literally weeks, and many of the Senators and staff members stayed up literally all night for 2 nights in a row. They did great work, and we are very proud of their work.

We are proud that we were able to complete our work last night in a bipartisan fashion. There was an overwhelming vote for that work product. I believe the vote was 84 to 15.

So now in the little time we have left in this 104th Congress I can finally get around to paying proper respects, although in an abbreviated form, to these distinguished Senators.

Senator BILL BRADLEY of New Jersey, for example, is widely expected to remain a force in our national politics. That is a tactful way of saying he is too impressive to ignore and too young to be relegated to the political hall of fame. He spent 18 years in the Senate proving that a Rhodes scholar can play hardball when he has to—and disproving the old adage that Senators can't jump. We wish him well and know that, in more ways than one, we will be hearing from him over and over again.

As we are preparing to leave, one of the bills that is left is the so-called "parks bill." I found myself last night here in the well talking to the Senator from New Jersey. He was involved working with the Senator from Alaska, Senator MURKOWSKI, to find a way to get that one last bill done. He last left his mark on this institution, and his mark on some outstanding legislation. And we look forward to working with him in a different role in the future.

Of course, my good friend sitting in the Chair this morning, Senator HANK BROWN of Colorado, leaves us far too soon after only one term in the Senate.

I remember very well receiving his call—I believe it was 2 years ago right after we had the election. In fact, I was running for a position myself at the time. And he was giving me suggestions. But he also wanted me to know. "And, by the way, I am leaving." I almost passed out. I could not believe it. I cannot envision serving in the Congress without HANK BROWN. He is just one of the most insightful Members I have ever known—brilliant in a very modest way.

I really do wish we had time to get him on the Finance Committee because his hand on the tax policy of this country would have been a wonderful sight to behold.

I remember that several of the things I have done over the years, that probably have gotten me into more trouble than I wanted, had been suggested by HANK BROWN. I will not forget my friend from Colorado. We surely will miss HANK, and we know that, again like the others, we will be hearing from him, and that his insightful intellectual integrity and his unfailing courtesy will continue to serve him well as he goes back to his beloved Colorado.

Senator BILL COHEN seems also far too young, both in years and in spirit, to have served in Congress for 24 years. Senator COHEN of Maine, Senator COCHRAN of Mississippi, and I were sworn in together as Members of the House of Representatives in 1973. We all have been together really ever since, even though the two of them came over to the Senate in 1978 and I didn't come over. I trailed along 10 years later. We have been through some incredible experiences together.

I have grown over the years to just come to admire and respect BILL COHEN so much. On the Armed Services Committee we are not just colleagues but comrades. We worked together to advance our Nation's security. We have a common interests in the magnificent cruisers and destroyers that defend our shores so well.

BILL COHEN turned out to be a novelist and a poet. He even published a book of poems. I mean, can you imagine? Most people would do well to write one poem. He has written a book of poems, as well as being an expert on matters as diverse as weapons systems and the problems of the elderly—and always as an independent thinker for the people of his State and for our country.

There are many issues on which we disagree, and we didn't always vote together, obviously. But none of them could diminish our mutual respect or my admiration for his dedication to his State and to his country.

We all certainly wish he and Janet Godspeed in the years ahead.

Senator JIM EXON from Nebraska has served with distinction as ranking member of the Senate Budget Committee. As a junior member of that committee, I far preferred him in the latter role in the minority. But I respected his commitment and appreciated his fairness no matter what party was in the majority.

There may be no more thankless task in the Senate than trying to steer the budget process, from either side of the aisle. And it takes a lot of teamwork and cooperation between the chairmen. In the last couple of years Senator DOMENICI and Senator EXON—I watched them work together many times standing shoulder to shoulder in the same position. I know I speak for all of us in expressing our appreciation for JIM's leadership, for his friendship, and for all the times his prairie personality has taken the edge off the sharp issues, and helped us to see the other side.

In fact, I have enjoyed this very year. He would come over on to the floor and say, "You know, Dole is trying to get me to be his running mate, and I am giving it a lot of thought."

He always had something to say that just loosened you up a little bit.

I have enjoyed working with him.

Senator SHEILA FRAHM of Kansas has been with us for only a matter of months. Coming to the Senate in the aftermath of Senator Dole's departure, she immediately faced extraordinary circumstances which she met with admirable effort and ability.

She has dealt with both her official duties and her political position with a heartfelt commitment to the people of Kansas.

Someone once defined courage as grace under pressure. SHEILA FRAHM has exceeded that standard. To grace she has added an unfailing cordiality, a no-nonsense devotion to her work that really defines what it means to be a Senator of the United States.

In the Senate, it is not how long you are a member of the team. It is how you handle the plays for the time that you are on the field. I know I am not alone in looking forward to her next appearance in whatever arena of public service that she chooses.

I referred earlier to the hard work, the long hours, and the positive way in which we reached a bipartisan conclusion to our omnibus appropriations bill just last night. A lot of the credit has to go to the gentle nature, the intelligence, the modesty, and the persistence of Senator MARK HATFIELD of Oregon. He has been working here for 30 years as a central figure in the progress and the dramas of the American Republic. He is now an institution within this institution. He has been more than a witness to great events of the last 30 years. He has been a key participant in many of them.

I remember when I first came to Washington in 1968 as a 26-year-old young staffer. MARK HATFIELD was already here and making a mark, and making waves sometimes. But because of MARK's work over these three decades, American education has been transformed, American health care and medical research are revolutionized, and public policy is more humane, more just, and more compassionate. That is his memorial, and it is far larger a monument than the many statues that line the corridors of this Capitol.

Senator HOWELL HEFLIN of Alabama is often called the Judge, and for good reason. It is more than a reference to his previous position in the State of Alabama. It is a tribute to his temperament and his fairness, a special knowledge of the way he deals with issues and with people.

Some people say he talks a little funny. I never noticed it. I think he has no accent whatsoever. But I do get a little chuckle out of the fact sometimes that people come over and say, "Intrepret that for me." But whatever he is saying, it is worth listening to.

The Judiciary Committee will be poorer for his absence. We will all miss the way his self-effacing approach to a contentious matter could reinforce the comity that should always prevail in this body. While we share his happiness at the prospect of spending more time with his family, he and Mrs. Heflin will be missed from our Senate family.

They truly have been a family. Anytime there was an event off this floor, Mrs. Heflin was there. They were always a team. They were great representatives for our country in foreign affairs.

So I hasten to add, speaking as a neighbor, that they will be warmly welcomed across the border, and I know we are going to see a lot more of them here in Washington also.

Senator J. BENNETT JOHNSTON, of Louisiana, is another neighbor, and we have often worked together on regional matters.

While no one has ever doubted his loyalty to his party, he has often helped us bridge our differences to reach consensus. That has been especially true in his role, first as chairman, then as ranking minority member, on the Energy and Natural Resources Committee.

He now ends 24 years of service in the Senate and the Nation. It is hard to believe it has actually been that long. His departure will not end the friendship on both sides of the aisle, the best tribute to his standing among us. In fact, just last night there was a tremendous dinner held in his honor. Unfortunately, we were having a couple of votes, and it was interrupted a little bit, but a tremendous outpouring of affection from his constituents and from his colleagues in the Congress showed him just how much we do appreciate him.

Senator NANCY KASSEBAUM, of Kansas, came to Washington many years ago as a staff member to then Senator James Pearson, of Kansas. So I guess I should say she worked her way up the ladder.

Six years ago, when she was contemplating retirement, her colleagues sported buttons saying "Run, Nancy, Run." I wore one. We wanted her to stay. She ran, and, to no one's surprise she won overwhelmingly. If we had prevailed upon her to run again, she would win again.

Now it is time, she says, to go to—I think she calls it a farm. I had occasion to be in Topeka, and I landed at the airport, and there was NANCY KASSEBAUM, casually dressed and looking awfully relaxed and making me jealous that she was already in that frame of mind that she was enjoying retirement in her beloved land of Topeka, KS.

I could pay her tribute, as other Senators have, in appropriate flowery language, but in the final analysis I need only say this: When NANCY first came to the Congress, she was referred to as Alf Landon's daughter, but henceforth the identification will be reversed. From here on out, Alf Landon will be known as NANCY KASSEBAUM's father.

Senator SAM NUNN, of Georgia, also has spent 24 years in the Senate, during which time our country and all mankind have gone through tremendous changes. One thing that has not changed is SAM NUNN's single-minded devotion to his country's security in a dangerous world. Let me say something indelicate but something every one of his colleagues know. The Senate did not have to be the highest post to which SAM NUNN aspired. But he made his choices, and we are thankful for them.

His independent judgment has steadied the Senate in rocky times. I know that from personal experience. As a member of the Armed Services Committee, I worked with SAM in a bipartisan way across the aisle on many issues, many times very controversial issues. Even now on the Sunday morning talk shows, when most of the guests are on, I am flipping over to a football game or reading the paper or going out in the backyard to water the flowers. When SAM NUNN is on, I stop and listen because what he has to say is always very important and very impressive. His solid character has given weight to our deliberations. He has been a Senator's Senator, and I thank him for the gift of his example.

Senator CLAIBORNE PELL now closes out 36 years—36 years—six terms in the Senate. That is longer than many Members, particularly in the House, have been alive. As a young diplomat in postwar Europe, he saw the imposition of Soviet communism upon Eastern Europe. But he was here to greet the leaders of those same nations when, two generations later, they reclaimed their independence and their liberty. Among us here he has always retained the skills of the diplomat. No one can recall an angry word or destructive gesture on his part.

I wonder how many college students, present and past, realize that he is the "Pell" in their Pell grants. It is no matter, for his satisfaction has been in doing, not in the credit. We give it to him nonetheless with appreciation for what he has meant to the Senate and to the Nation.

I was very much impressed with the comments of the Senator from North Carolina [Mr. HELMS], just recently. He was emotional, and he said, "I admit it because we all love this man." And it is typical.

I was going down the hall on the first floor one day when I had the whip office adjoining his little office. He stopped me, and he said, "Have you ever seen my little room in here where I do most of my work?" I had not, and I walked in. It is an incredible room. I encourage my colleagues, if you haven't been in it, go. First of all, it is not real tidy. It has a smell of history, and it has a look of history—pictures that go back 50 years, 100 years, documents. It is a museum, and it is one room of one Senator in this building down on the first floor. I have enjoyed getting to know Senator PELL.

Senator DAVID PRYOR, of Arkansas, is a holder of the triple crown of American politics. He has served as Governor, Congressman, and Senator. I guess you could consider that the ultimate in recycling. They say you never know who your friends are until you run into real trouble. Well, when DAVID ran into trouble a few years ago with some rather serious heart problems, a heart attack while at home alone in his bed, the extent and the depth of his friendships in the Senate became clear. There is no greater tribute than having colleagues worry about your absence.

No one could say that Senator PRYOR is flashy in the traditional sense. That is why his quiet work on the Finance Committee and on the Aging Committee, which he formerly chaired, has made a difference and has rightly been his proudest accomplishment. Even now he is having some difficulty with a family member who has had to have some surgery and is going, I believe, to Houston for further evaluation this very week, and I have watched here in the Chamber as Senator after Senator go up to DAVID—Republican, Democrat, conservative, liberal, North, South, it makes no difference. They genuinely are interested and concerned because DAVID is interested and concerned. We salute him for all he has done.

PAUL SIMON, he of the bow tie. I thought it was a great tribute to him last week when we all wore bow ties. We just thought it was an expression of our affection for him. I think he enjoyed it, and we certainly all enjoyed it. He has received so many tributes that day and since from Senators it has left me very little I can say in addition, but he certainly has also left a mark here, not just his trademark bow ties, as they do not represent the important things about him—a thoughtfulness about issues, a civility about disagreements, a coolness about crises. The Senate's loss in his leaving is tempered by our certainty that it is hardly the end of his presence in public life in our country. We will be hearing his voice. We will be reading his insights for many years to come.

Last and not least is the tall cowboy from Wyoming, ALAN SIMPSON, probably one of the better known Members of the Senate. Once you have seen him, it is hard to forget him. Of course, among all his other achievements over the years—he has been in leadership, he has been highly involved in many issues—he has done radio shows, I think almost daily, in which he and his friend from Massachusetts, Senator KENNEDY, exchange pleasantries. It is great to listen to them. It is always hard hitting, insightful and funny. They genuinely like each other; you can tell it in the radio show.

The news media relish his keen and sometimes acerbic comments. He is always good for a laugh with those western stories that he seems to embellish more and more every time he tells them. I have heard some of them many times, and they are funny every time. Yet we should not miss the point of his famous humor. He uses it as a tool to deflate pomposity, to replace tension with camaraderie, to replace argument with communication.

The 104th Congress is closing with a landmark victory for Senator SIMPSON, enactment of an illegal immigration bill on which he has long labored. I know in many respects he will consider it his crown jewel, his greatest accomplishment legislatively over the years.

It really frustrated me a week or so ago when it looked like we might actually lose it or lose major portions of it, but he was determined, he was relentless, he was aggressive, and again he employed his best weapon of all, humor. But just this past Saturday, at 2:30 in the morning, ALAN SIMPSON was ramming around these corridors looking for where the meetings were on illegal immigration. He was not going to let them escape his grasp. Every place the negotiations settled for a meeting to talk about various subjects that always led to illegal immigration, lo and behold the door filled up with the image of AL SIMPSON once again.

We all know that there is much more he wanted to accomplish, but the times, and perhaps the tempers, were not right. So we have much to come back to next year, including those hot wires that Senator SIMPSON had the courage to grasp barehanded. Sometimes we would all stand back and say, "AL, don't touch that. But if you do, don't mention my name."

No one knows better than I how difficult it is to be his opponent. By the same token, I know firsthand how devoted he is to the Senate, how loyal he is to his conscience, and how, many times, come next year we will wish we were there, having him stand tall—very tall—among us all.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

TRIBUTE TO THE LATE JUDGE JAMES FRANKLIN BATTIN

Mr. BURNS. Mr. President, I rise today to pay tribute to one of Montana's favorite citizens, who died last Friday. Some will remember his name and some will remember his presence in these halls of Congress. Judge James Franklin Battin left a legacy of service to this Nation and to our State of Montana, and to everyone who came in contact with him. He was 71 years old. He died of cancer at his home in Billings, MT. He is survived by his wife Barbara, two daughters, and a son who is now serving as a member of the California State legislature.

The judge was born February 13, 1925, in Wichita, KS, and was a personal friend to former Senator and now Presidential candidate Bob Dole, of Kansas. Both of them being born in Kansas, we can see why. But he moved with his family to Billings in 1929.

The life story of "Big" Jim Battin reads like the life story of this great United States. There are stories like this one all over America, but they are not told or given their proper space in American lore. When this Nation called during its great time of need and peril in World War II, he answered. He served in the U.S. Navy, earned two battle stars at Saipan and Okinawa.

He also answered the call to serve the people of eastern Montana, and represented them and America in the House of Representatives from 1961 until President Nixon appointed him Federal district judge in 1970.

Everyone who knew him here as a Congressman had great respect for him. He was known for his vision, his wisdom, and a quick wit. More important, he was known for his integrity: His word was his bond. All these great characteristics he carried over in his work on the bench and the important decisions he made every day that affected peoples' lives.

To Jim Battin, all people had faces. I know of no one who ever met or dealt with Big Jim who had the feeling that he did not care, this tall Congressman from Montana, who had a heart as big as the sky and as big as the State he represented.

From a personal standpoint, I feel a great loss. He was one that I went to when I was confronted with problems arising out of Washington. Who better to go to, than a man who was held in high esteem here? No matter how busy his schedule, he always took the time, and we would visit. So, I have lost a great friend, adviser, and teacher.

There is one other thing, though, I will not miss—his great negotiating ability on the first tee. He loved the game of golf, and he played it with great passion.

We do not say goodbye very often in our country; we just say, "So long." Even though our trails will part now, they will cross again someday.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ALAN SIMPSON AND MARK HATFIELD

Mr. GORTON. Mr. President, there are two others of my colleagues on this side of the aisle about whom I would like to speak briefly this morning. The first, of course, is one who has been the subject of innumerable tributes already, the wonderfully delightful and witty senior Senator from Wyoming, ALAN SIMPSON.

There is almost nothing I can say that can add to the tributes that have already been made. ALAN SIMPSON is unique. The single wittiest Member of the Senate, whose legion of stories is so great that you can hear one 3 years after you first heard it, without having listened to it in the interim, and it is as funny the second time as it was the first. I must confess there were a number that I tried to memorize so I could tell them myself. To be in a place of informality with ALAN and to listen to what he has to say is an extraordinary privilege.

But, of course, that does not make him a U.S. Senator. Commitment and hard work and dedication to principle are what make an outstanding Member of this or of any other legislative body. And the degree of thoughtfulness and attention that Senator SIMPSON has focused on a wide range of issues, those representing his own quintessential rural Western State, but even more significantly those that affect the future of the United States, its place in the world, its society and its culture, all have fallen within the ambit of ALAN SIMPSON's interest.

Whether it has been the almost constant support of a strong and successful foreign policy for the United States, whether it has been his thoughtful examination of questions relating to the budget and the tax relief of the American people, his dedication to seeing to it that this Congress and administration actually seriously begin the attempt of balancing the budget, whether it is on his latest crusade for more thoughtful, balanced and strong immigration policy or a myriad of other issues, ALAN SIMPSON's views are sought out by his companions and given great weight by them.

Perhaps the finest symbol of the reach and scope of ALAN SIMPSON's interest and influence is his years of short radio debates with Senator KENNEDY, the leading Member of the other party. While I heard only a few dozen of them, each one shows Senator SIMPSON's patented wit, as well as his ability to get to the absolute heart of the particular issue.

Those are sets of qualities that are not likely soon to be duplicated here in the U.S. Senate, and as a consequence, every Member will miss ALAN SIMPSON as a U.S. Senator, and I believe I can say that every Member of the U.S. Senate will miss ALAN SIMPSON as a friend whom they see on each and every day.

Last in this series, but far from least, Mr. President, is my friend and neighbor, MARK HATFIELD, the senior Senator from Oregon. We are brought together, of course, by geography, by the fact that so many of the regional challenges that affect one of our States affects the other as well. By the very real geographic fact that rivers join together rather than separate and the boundary between our two States, through most of its length, is the Columbia River.

So, in any event, we would have been pushed together for the solution or for answers to these regional questions, but our association is far greater than that. I can say, Mr. President, that when I arrived in this body in 1981 and viewed my 99 colleagues, the single individual who most closely fit the best possible academic or idealistic profile of a U.S. Senator was MARK HATFIELD, in bearing, in demeanor, in dress, in voice, in mind and in ideas.

MARK HATFIELD is an individual who, as much as any other I ever met, is able to combine a great loyalty toward a set of ideas and directions which make and preserve a political party, with an independence of judgment and an unwillingness to delegate his final decisionmaking authority to anyone else. That is a very difficult balance, Mr. President, but MARK HATFIELD, I am certain from the beginning of his career, certainly during the 14 years that we have been here together, has perhaps best exemplified that wonderful balance: a chairman of an Appropriations Committee, tolerant, willing to listen to the views of others within his own party and in the other party, a firm and fine negotiator with whatever administration is in power, but at the same time, someone who never has lost sight of his goal of a more thoughtful, more peaceful, more generous America.

MARK HATFIELD's influence on this body will live for many years, perhaps for generations, after he has left. Others, beside myself, will look back and say that MARK HATFIELD was their ideal of what a U.S. Senator ought to be.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO SENATOR KASSEBAUM

Mr. DASCHLE. Mr. President, for much of her life and political career, NANCY KASSEBAUM has been in the company of political giants. There was her father, Alf Landon, who had served as Governor of Kansas and was the Republican nominee for President in 1936. And there is that other Senator from Kansas, Bob Dole, who happens to be this year's Republican nominee for President.

Entering the U.S. Senate is intimidating enough—but to be following a path forged by two such powerful figures must have been truly overwhelming.

NANCY LANDON KASSEBAUM was more than equal to the challenge. She quickly emerged as a thoughtful, powerful, and highly respected force in this Chamber.

In fact, she was elected to the Senate by defeating her opponent by a larger margin than had Senator Dole when he squared off against the same person.

In office, she established herself as a moderate, centrist force in her party and in the Senate, which she is. But Senator KASSEBAUM's moderation was never mistaken for lack of fortitude. No one can be more determined or more tenacious in pursuit of a cause or a principle.

Again, her service as chair of the Senate Labor and Human Resources Committee has been characterized by fairness, tolerance, and moderation. It has been characterized by her efforts to make America a better place to live and work, as witnessed by her recent cooperation with Senator KENNEDY in securing passage of the Kennedy-Kassebaum legislation to improve access to decent health care for millions of Americans.

Indeed, Senator KASSEBAUM has worked to make life better for all people in all lands. As chair and ranking member of the Subcommittee on African Affairs of the Foreign Relations Committee, she has worked to improve the lives of the young and the impoverished on that continent.

There is an infectious optimism about her, as she has always found the glass half-full, and she has that wonderful ability to make others feel the same way. There is a basic decency about her as she always seeks the high road.

In announcing her retirement from the Senate, she did not disparage politics or politicians. There were no cheap jokes or cheap shots. Instead, she announced her retirement by encouraging young Americans to choose politics as a future endeavor.

"Politics is the lifeblood of democracy," she explained. "We have become a great nation because so many Americans before us chose to be involved in shaping our public life, focusing our national priorities, and forging consensus to move forward."

Now, as NANCY KASSEBAUM moves forward to the next phase in her life—as she says, "to pursue other challenges, including the challenge of being a grandmother"—I, and every Member of this Chamber, wish her the best.

FAREWELL TO SENATOR BROWN

Mr. DASCHLE. Mr. President, I have had the good fortune to know Senator HANK BROWN for some time.

Since being elected to the Senate in 1990, he has been a tenacious advocate for the principles he holds, especially on matters of fiscal restraint. His service on the Senate Judiciary, Veterans' Affairs, and Budget committees were all marked by his consistent support of conservative-Republican causes.

But, I point out, Mr. President, that while few people can be as vigorously partisan in pursuit of the causes in which they believe, even fewer people could be more respectful or more polite in their opposition.

Senator BROWN is genuinely liked and admired by Members on this side of the aisle, many of whom he has worked with during his service on the Senate Budget, Judiciary, Foreign Relations, and Veterans' Affairs committees. This also includes those he worked with under difficult, strenuous circumstances like the Clarence Thomas hearings and the BCCI scandal. Furthermore, he has worked with Democrats to help preserve our precious, but limited environment, through efforts like getting the Rocky Mountain Arsenal declared a national wildlife refuge. Working with HANK BROWN has been a pleasure.

Although he is leaving us after only one term, this worthy adversary, and the qualities he brought with him to the Senate, will be missed by Democrats and Republicans alike.

In announcing his retirement, Senator BROWN said that he was looking "forward to being full time in Colorado." I can understand and appreciate that. Colorado is a beautiful State filled with wonderful people. I wish him the best.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

FOOD AND DRUG ADMINISTRATION REFORM LEGISLATION IN THE 104TH CONGRESS

Mr. HATCH. Mr. President, as the 104th Congress winds to a close, I wanted to take this opportunity to comment on the demise of the Food and Drug Administration reform legislation.

It has been extremely disappointing to me that efforts to prod the FDA into meaningful reform have not been fruitful. It is doubly disappointing because, our colleague, Senator KASSEBAUM, and her staff have spent countless hours crafting a solid reform bill, a bill that won overwhelming, bipartisan support from the Labor and Human Resources Committee.

In remarks before this body earlier this year, I outlined my views on the need for FDA reform and the principles which should be embodied in any reform legislation. I continue to believe that reform of this tiny, but important, agency is sorely needed, reform that will both streamline its operations and preserve its commitment to ensuring the public health.

I know that many who have worked on the FDA issues are discouraged, but we can be proud of three significant reforms to food and drug law this year: the first being the drug and device export amendments I authored with Representative FRED UPTON; the Delaney clause reform embodied in the pesticide legislation the President recently signed; and the animal drug amendments so long championed by Senator KASSEBAUM. It seems, therefore, that the revolutionary course we charted for FDA reform at the beginning of the 104th Congress, evolved into a path evolutionary in nature, but still productive nonetheless.

Much more remains to be done, and I will continue to work with my colleagues next year to advance the work we started this year. There are many priorities for further action, among them—speeding up generic drug approvals, clarifying how tissue should be regulated, expediting medical device approvals, deficiencies in the foreign inspections program, and rigorous oversight of the Dietary Supplement Health and Education Act's implementation.

Another issue that I would like to see addressed next year is one that has been periodically on the FDA radar screen: the issue of national uniformity in regulation of products that fall within the FDA's purview.

In 1987, FDA Commissioner Frank Young, in response to California's Proposition 65, was on the verge of issuing an FDA regulation that would have acted to preempt certain warning statements required by the State of California. In fact, in August of that year, Commissioner Young wrote the Governor of California to underscore his concerns about the potential negative effect of Proposition 65 on "the interstate marketing of foods, drugs, cosmetics and other products regulated by the FDA."

Further, Commissioner Young pointed out that "the agency has adequate procedures for determining their safety and taking necessary regulatory action if problems arise."

Although ultimately this regulation was not issued, the 1991 Advisory Committee on the Food and Drug Administration, chaired by former FDA Commissioner and Assistant Secretary for Health, Dr. Charles Edwards, examined this issue. The panel recommended that Congress enact legislation, "that preempts additional and conflicting State requirements for all products subject to FDA regulation."

The issue of Federal preemption is extremely important for several industries, especially over-the-counter drugs, cosmetics, and foods. I was heartened when the Labor and Human Resources Committee approved Senator GREGG's amendment on national uniformity for over-the-counter drugs during consideration of the FDA reform legislation, S. 1477, but was disappointed that Senator GREGG did not extend the concept further in his amendment.

Let us take the cosmetics industry as a case in point.

In the United States, the cosmetics sector of the economy represents an estimated $21 billion in annual sales, a significant amount by almost any measure. It consists of over 10 billion individual packages that move through the stream of interstate commerce annually. These include soap, shampoo, mouthwash, and other products that Americans use daily. These hundreds and hundreds of product lines, and thousands and thousands of products are each subject to differing regulation in the various States—even though all must meet the rigorous safety, purity and labeling requirements of Federal law.

Given this volume of economic activity, it is imperative that manufacturers be able to react quickly to trends in the marketplace; they must have the ability to move into new product lines and move in to and out of new geographic areas with a minimum—but adequate—level of regulation to ensure the products are not adulterated and are made according to good manufacturing practices.

Today, cosmetics manufacturers are competing more and more in a global economy, and are making products consistent with the international harmonization of standards in such large marketing areas as the European Union. A single nationwide system for regulating the safety and labeling of cosmetic products would be a great step in helping that industry move toward the international trends in marketing. At the same time, it would be a more efficient system, since allowing individual States to impose varying labeling requirements inevitably leads to higher prices.

In other words, the time has more than come for enactment of a national uniformity law for cosmetic regulation. It is my hope that this issue will be high on our congressional agenda next year.

In closing, Mr. President, I want to offer my great respects to Chairman KASSEBAUM for the hours, weeks and months of time she has devoted to the FDA reform issue. Although I have paid tribute to Senator KASSEBAUM in separate remarks here, I must reiterate again how much her reputation for equilibrium and fairness have lent to development of an FDA reform proposal which cleared the committee in such a bipartisan fashion.

Finally, I must also pay tribute to the lead staffer on FDA issues, Jane Williams, who has worked virtually round-the-clock to try to fashion a good, fair, bipartisan reform bill. Jane more than exceeded that goal, and I think this body should give her some much-deserved recognition.

I yield the floor.

PRESIDENT CLINTON'S CODDLE A CONVICTED CRIMINAL CAMPAIGN, PART II

Mr. HATCH. Mr. President, an administration's crime policies are a web of many factors. They include, for example, the kind of judges a President will appoint. They include an administration's prosecutorial policies and its outlook on the drug problem and how to combat it. And they include the scope and nature of prisoners' rights an administration asserts against State and local government prisons and jails.

I have spoken several times about soft on crime Clinton administration judges. President Clinton has been soft on drugs. After years of declining use, the drug problem is on the rise—on President Clinton's watch. And there is no way that he can avoid the criticism.

Today, I wish to speak again about the Clinton administration's coddle a convict program. The President is responsible for protecting the constitutional rights of convicted criminals and arrestees incarcerated in State and local prisons and jails. This is pursuant to the Civil Rights of Institutionalized Persons Act [CRIPA].

I might add that I was the deciding vote on that act, and was the prime cosponsor, along with Senator Bayh, of that act many years ago.

Convicted criminals do have some constitutional rights and we provided for them in that act; but, understandably, those rights are very sharply circumscribed. And, to my mind, the Clinton administration takes a very liberal view of these rights and reads the rights of the accused and of convicted criminals more favorably than the Constitution requires or even permits.

On June 4, 1996, I drew the Senate's attention to some of the constitutional violations the Clinton administration claimed the State of Maryland was committing at its Supermax facility. This facility holds the worst of the most vicious criminals in the Maryland State prison system—murderers, rapists, and other hardened criminals.

Now, is the Clinton administration citing the State of Maryland because it beats the convicts at Supermax? No. Is the Clinton administration citing Maryland because it tortures or starves these vicious criminals? No.

Mr. President, the Clinton administration is citing the State of Maryland, in part, because "food is served lukewarm or cold" to these murderers and rapists.

This is not all. The Clinton administration insists that Maryland provide these killers and rapists "one hour of out-of-cell time daily. At least five times per week, this out of cell activity should occur outdoors, weather permitting." [Letter of Mr. Patrick, May 1, 1996, to Governor Parris N. Glendening, page 12]. That is right Mr. President, the hardened criminals who are the worst of the worst, who require special supervision, have a constitutional right to fresh air, to go outdoors. This does not represent law and order. This is the coddling of vicious criminals.

Mr. President, this coddling campaign does not end at Maryland's Supermax facility. While time does not permit a full airing of this little known Clinton administration campaign, let me share with my colleagues just some of its more egregious outrages.

Bear in mind, Mr. President, that certain penal policies may be desirable. But, the Constitution permits criminal prisoners to be afforded much less than the ideal. The Constitution certainly does not require States and localities to adopt model policies, as the Clinton administration seems to be trying to cram down the throats of State and local governments.

The Clinton administration sent a June 1, 1995, letter to the Lee County jail in Georgia, a jail which had 27 inmates at the time. Here is one of the unconstitutional conditions the Clinton administration found at this jail:

"Inmates receive only two meals a day, and crackers and soda for 'lunch.' They do not receive juice or milk * * *" [June 1, 1995 letter from Assistant Attorney General for Civil Rights Deval L. Patrick to John L. Leach, III; page 3].

Mr. President, doesn't your heart just bleed? The inmates of this county jail do not get juice or milk. So, let us make a Federal case out of it, at least according to the Clinton administration. Let us threaten to sue this Georgia county, let us use the vast power of the Federal Government to ensure that the 27 inmates at this county jail get their juice or milk.

I am confident of one thing, though: these crooks must get their cookies during the day. How do I know? Because if they didn't, the Clinton administration would be claiming a violation of their constitutional rights.

Moreover, Mr. President, according to the Clinton administration, those arrested and detained for crimes have a constitutional right to wear underwear. You don't believe me, Mr. President? Am I satirizing the Clinton administration policies?

Let me quote from the Clinton administration's April 16, 1996 letter to the Virginia Beach, VA city jail. Here is one of the "conditions [which] violate the constitutional rights of prisoners housed at the jail." Let me go into it again.

"* * * [the jail] fails to provide underwear to newly arrested people who are wearing 'unacceptable' underwear at the time of their arrest. Unacceptable underwear is defined by [the jail] as any underwear other than all white underwear devoid of any ornamentation or decoration * * *. As a practical matter, this practice results in inmates having no underwear for extended periods of time * * *." [April 16, 1996 letter from Mr. Patrick to Mayor Meyera E. Oberndorf, pages 2, 5.]

This is ridiculous. Can you imagine it, Mr. President? The Federal Government, led by the Clinton administration, is fighting for the alleged right of inmates to wear underwear, and in the name of the Constitution, no less. Some of these inmates include accused murderers and rapists. James Madison has got to be rolling over in his grave.

On October 18, 1993, the Clinton administration listed "conditions at the [Grenada City, MS] jail [which] violate the constitutional rights of the prisoners confined therein." [October 18, 1993 letter from Acting Assistant General Attorney General James P. Turner to Mayor L.D. Boone, page 2]. The Clinton administration noted that its inspection "revealed that inmates are not provided an exchange of clean linen, such as sheets, blankets, pillows, and pillow cases on a scheduled weekly basis." [page 4]. On July 21, 1994, the city signed a consent decree at the Clinton administration's behest, which codifies in a court decree this requirement of weekly linen service.

Just weeks later, however, the Constitution changed according to the Clinton administration: "Prisoners should have a clean clothes and linen exchange at least three times per week." [August 3, 1994 letter from Mr. Patrick to Sheriff Robert McCabe, Norfolk, VA city jail, page 8.]

Mr. President, I am sure it is sound penal policy to provide clean clothes and linen exchange once or even three times a week. But the Clinton administration has no business imposing its policy preferences as requirements on States and localities under the false guise of enforcing the Constitution. Inmates' clothing and linen have to become awfully wretched before a constitutional violation occurs. This is an extra-constitutional convenience, a Clinton administration coddle, and not the enforcement of the Constitution.

The Clinton administration's coddling of criminals does not stop there. The Clinton administration is compelling jails and prisons to "ensure that no inmate has to sleep on the floor." The Clinton administration told the Tulsa County Jail that it must "[p]rovide all inmates within twenty-four hours of their admission with a bunk and mattress well above the floor." [September 13, 1994 letter from Mr. Patrick to Lewis Harris, page 15.]

It is certainly preferable to give inmates a bunk to sleep in. But, jail and prison space do not always match the number of criminals and detainees requiring incarceration. The Constitution does not require a bunk for every inmate. Sleeping on a mattress on a floor or on the floor itself may not be convenient, but the Constitution does not require prisons and jails to afford comfortable lodging for every criminal.

But just listen to the bleeding heart of the Clinton administration, time and again bringing the full weight of the Federal Government down on the law enforcement systems of our localities and States. On October 26, 1993, the Clinton administration advised the Lee County jail in Mississippi that the jail "is routinely overcrowded. [Its capacity] is 54, but there were 80 inmates on the first day [of the Justice Department's tour]" and occasionally the inmate population is about double the jail's capacity. This means "that some inmates have to sleep on bunks in the day rooms, on mattresses on the floor, and on top of the day room tables * * *." That is unconstitutional, according to the Clinton administration. [October 26, 1993 letter from Mr. Turner to Billy Davis, pages 2, 3.] The Clinton administration demanded that the jail "house[] only an appropriate number of inmates and that none of the inmates sleep on the floor." [page 8].

Indeed, Mr. President, take a look at how the Clinton administration handled the Forrest County, MS, jail. The Clinton administration cited the jail because it "is consistently overcrowded. Although the facility is designed to house 172 inmates * * * [it has] housed up to 242 individuals on a single day. On the day of [the Justice Department's] tour * * * the jail housed 203 inmates. Inmates have slept on mattresses on the floor for the past year." [July 6, 1993 letter from Mr. Turner to Lynn Cartlidge, Attachment, page 4].

The Clinton administration, with the full leverage of its resources, prevailed upon the county to enter into a consent decree nearly 2 years later. The consent decree provides that, "[t]he jail's population shall not exceed the rated capacity of 172 unless temporary conditions exist beyond the control of [the County]." Even then, the county must do all it can within its control to get the inmate population down to 172 [Consent decree, paragraphs 67–69].

Mr. President, the inmates at Forrest County jail, or any other jail or prison, do not have a constitutional right to be routinely housed at a jail with no overcrowding whatsoever. But the inmates' allies in the Clinton administration have created that right for them.

Mr. President, the Clinton administration has also discovered a constitutional right to fresh air for the inmates. According to the Clinton administration, the Lee County, MS, jail's "installation of individual domestic-type air conditioners did not provide minimum ventilation for the purposes of fresh air supply, air exchange and overall cooling, as indicated by the 91 degrees Fahrenheit temperature and the 75 percent relative humidity in the cell housing areas. * * *" [page 5]. Does that sound like cruel and unusual punishment to you, Mr. President?

I know of thousands, hundreds of thousands of Americans who live no better than that. But our prisonors have to be coddled. We have to take good care of them and make sure they all have air conditioning.

The Clinton administration has relentlessly fought for the rights of inmates to outdoor exercise and to exercise equipment. It complained to the Onondaga County jail of Syracuse, NY, that, "'outdoor recreation facilities' consist of only 1 operative basketball hoop and underinflated basketballs [and no other type of equipment.]" My goodness, here is the Clinton administration's demand on that county jail: "Existing outside recreation space must be equipped with sufficient sporting/recreation equipment to afford prisoners the opportunity to participate in large muscular activity. [The Jail] must assure that both indoor and outdoor recreation programs exist for prisoners." [October 18, 1994 letter from Mr. Patrick to Mr. Nicholas J. Perio, page 14.]

I am sure the citizens of New York State and the rest of our States can sleep easier knowing the Nation's jail inmates have this constitutional right to participate in large muscular activity with sufficient sporting and recreation equipment. I am sure we all rest easier knowing that these inmates have a right to indoor and outdoor recreation programs.

Mr. President, while the Constitution may require a minimum opportunity for inmates to exercise, there is no constitutional right to exercise out of doors. And there certainly is no constitutional right to exercise equipment and indoor and outdoor recreation programs.

Some of these programs may make sense as a matter of policy. I have no particular objection, for example, to outside exercise, which inmates can obtain without exercise equipment. But the Clinton administration has no business imposing these programs on States and localities in the name of the Constitution. The Clinton administration is seeking to constitutionalize its notion of enlightened prison policy and cram it down the throats of our State and local prisons and jails.

The Clinton administration cited the Calhoun County, GA, jail for allowing prisoners only 2 hours a week of out of cell exercise, staff availability permitting, and providing no exercise equipment. The Clinton administration demanded that, "Inmates * * * be provided with exercise outdoors when weather permits, one hour per day, five days per week. Reasonable exercise equipment should be provided." [June 1, 1995 letter from Mr. Patrick to Mr. Calvin Schramm, pages 3, 5].

On the same day, the Clinton administration read the Constitution even more expansively when it cited the Lee County jail for exercise violations—the same jail that allegedly violated the Constitution by not providing juice or milk to the inmates. The Lee County jail must provide not 5 days of outdoor exercise, but 7 days a week of outdoor exercise. [page 6].

Let me touch on another Clinton administration coddle. According to the Clinton administration's reading of the Constitution, "loss of meals must never be used as a punitive measure." [April 23, 1996 letter from Mr. Patrick to Mr. John Moore, Coffee County, Commission, GA, page 3.] From time immemorial, parents have sent children to bed without supper as punishment. But, just let a prison or jail try it on a convicted criminal, and they will wind up with the Federal Government on their backs, courtesy of the Clinton administration.

Moreover, the Clinton administration objected to a jail's inmate handbook which "instructs inmates to eat 'quickly'. This is contrary to generally accepted correctional practice," claims the Clinton administration [page]. But the Clinton administration has no authority to impose generally accepted correctional practices on State and local governments. It can only remove unconstitutional conditions at state and local prisons and jails. The Clinton administration is seeking, once again, to constitutionalize what it considers to be sound correctional policy.

Now, let me read, in its entirety, one of the "unconstitutional conditions" found at the Dooly County, GA, jail. This jail has a capacity of 36 inmates:

"Food sanitation is poor. The Jail does not have a kitchen. Food is obtained from a nearby, private establishment. The lunch meal on the day of our tour, tuna fish, was served at approximately 65 degrees Fahrenheit. This is much warmer than food safety standards permit." [June 1, 1995 letter of Mr. Patrick to Mr. Wayne West, page 5.]

That is it. The serving of that warm tuna fish violated the Constitution.

On the same day, the Clinton administration found the following "conditions at the Mitchell County, GA, jail violate the Constitutional rights of prisoners:

"* * * The food is transported by car in styrofoam or polystyrene containers not designed to maintain proper food temperatures. During our tour, the hot food for the evening meal, which should be served at a minimum of 140 degrees fahrenheit, was served at 115 degrees fahrenheit." The Constitution allegedly requires such proper insulation and temperatures for inmates' food. [June 1, 1995 letter from Mr. Patrick to Benjamin Hayward, page 6, 9.]

Mr. President, I could go on and on, about the areas just mentioned, as well as additional areas where the Clinton administration seeks to coddle criminals by demanding extra-constitutional privileges for them.

Scarce Federal law enforcement resources would be better utilized by focusing on putting more criminals behind bars rather than worrying about whether their tuna fish is too warm once they get there; whether their hot food is lukewarm, or heaven forbid, cold; whether they get juice or milk with their meals; whether they have to sleep on a mattress on the floor rather than a bunk a certain number of inches off the floor; whether they get outdoor exercise, exercise equipment, and recreation programs; and whether they get to wear underwear.

And the Clinton administration should stop diverting scarce State and local resources toward defending against, or bowing to, these bleeding-heart concerns.

Mr. President, I was the author, along with Birch Bayh, of the Civil Rights for Institutionalized Persons Act. I was the deciding vote on that vote. I believe it was in 1978 or 1979. It could have been 1980. It was an important bill. I believe in it. I do not think criminals should have their constitutional rights violated any more than anybody else.

But these assertions of the Clinton administration and these demands and these consent decrees and these costs to the taxpayers in those State and local areas are absurd. Frankly, we have to get them out of the pockets and lives of our State and local governments. When they find true constitutional issues, true constitutional wrongs, they ought to right them. But these are not constitutional issues or wrongs that need to be righted, and we have to give the State and local governments some flexibility. We also have to understand that these murderers and rapists and others have committed these crimes and they should not be coddled in the jails of this country.

Mr. President, I think we ought to quit making a distortion out of the Civil Rights for Institutionalized Persons Act and do what is right. But this is typical of this administration, and I had to make these comments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION

Mr. WARNER. Mr. President, I rise to urge the Senate, as quickly as possible, to address and pass the current piece of legislation relating to the airports. I do so for a very special reason.

Three airports primarily serve the bulk of the requirements of the Congress and the Federal Government, and the Greater Metropolitan Washington area: National Airport, Dulles Airport, and Baltimore International.

Some almost now, I think, a decade ago, I, together with others in this Chamber, fashioned the statute by which Dulles and National became independent, subject only to the Washington Metropolitan Airports Authority jurisdiction. In that legislation and in subsequent pieces of legislation, it was the wisdom of Congress that we need to constitute a special board to have some oversight responsibilities. It was highly controversial. The thought was that this board could bring to the attention of the metropolitan authority and others the particular needs of the users.

As it turned out, the Federal courts said that was unconstitutional, and we finally, now, had a Supreme Court decision which knocked down the functions of that legal entity. This bill puts into place the legislative corrections to implement the decisions of the Supreme Court and other Federal courts that have addressed this issue.

It is essential that legislation be passed for the very simple reason that as the Members of the U.S. Senate hopefully will begin their journeys home later this week, they will go through the airport and see both airports partially remodeled. Unless this legislation is in place, that remodeling, by necessity, will have to stop. The funds will run out.

I have just talked to the general counsel of the Washington Metropolitan Airports Authority. I ask unanimous consent to have printed in the RECORD certain documentation he will be providing the Senate today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY,
Alexandria, VA, October 1, 1996.

Hon. JOHN WARNER, U.S. SENATE, WASHINGTON, D.C.

DEAR SENATOR WARNER: We write to advise you of the critical importance to the Airports Authority of the enactment of the Conference Report on H.R. 3539, the Federal Aviation Reauthorization Act of 1996.

In addition to critical measures providing for improved security at all airports, and authorizing expenditures for the continuation of the airport improvement program grants and funding for the FAA, the Conference report contains vitally important provisions to restore the powers of the Airports Authority.

Since an April 1995 court order, the Airports Authority has been without basic powers to award contracts, adopt a budget, change regulations, or issue more revenue bonds. This is a serious matter for any public agency; for us, it goes to the heart of our business.

As you know, the Airports Authority is engaged in a $2 billion program to reconstruct Washington National and expand Washington Dulles International. We are now at the stage where we must raise more funds through the sale of revenue bonds in order to keep the construction work on track.

Enactment of the Conference Report now is essential to our ability to issue bonds next spring, and our overall ability to provide first-class air service to the public.

We therefore strongly urge that the Senate take action on the Conference Report before it adjourns.

Thank you for your steady support on this matter over the past two years. We look forward to working with you in the future.

Sincerely,

ROBERT F. TARDIO,
Chairman.

Mr. WARNER. Mr. President, he said ever so clearly that a bond, which will have to be issued next year to fund the ongoing modernization at both airports, that bond cannot be issued without this legislation in place, and preparations must commence now to go into the financial markets early in 1997 to get that next increment of funding required for this modernization.

That is not an issue that is at contest, but it is an issue that can literally put into semiparalysis the operation of these two airports; indeed, not only the inconvenience of a shutdown of remodeling, but there are some safety ramifications in air travel incorporated in having an ongoing orderly process of modernization and having it completed on schedule.

So, I fervently urge my colleagues to address this legislation as early as possible and to put in place the corrections that are found in this bill that will enable the Washington Metropolitan Airport Authority to continue an orderly modernization process.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

WHY AFRICA MATTERS: TRADE AND INVESTMENT

Mrs. KASSEBAUM. Mr. President, I rise to finish a series of speeches about Africa and why Africa matters to the United States. I am sure many of us, over the recent years, have looked at the Continent of Africa with some despair, seeing one crisis after another occur; and seemingly, as one is resolved, there is only another nation that has a terrible tragedy occur, a coup and civil war ensues.

I have spoken in a series of speeches about, one, our vulnerability in the United States to infectious diseases coming out of Africa, and addressed the many ways in which environmental crises in Africa can touch Americans right here at home. I have also addressed how international crime, terrorism, and narcotics trafficking in Africa affect our own sense of security here at home.

I believe that Africa does matter. But I believe there is also a great deal of hope for the countries of Africa. I believe there are many positive things that we should consider, and should not forget. Today, I want to conclude with a topic that I believe many people have overlooked in relation to Africa: trade and investment.

At the start of this Congress, I began the work of the Subcommittee on African Affairs in the Foreign Relations Committee by chairing a hearing on trade and investment in Africa. I think it is appropriate to conclude the work of this Congress on Africa issues by returning to this underemphasized area.

The focus of our hearing 2 years ago was not only to examine the potential role of private sector development in Africa, but also to bring to life the benefits to the United States of increased trans-Atlantic commercial ties.

Over the past few years, investment and trade flows between the United States and Africa have increased substantially. Many companies, particularly communications, infrastructure and engineering firms, see Africa as a major growth market. In a time of reduced foreign aid, a focus on trade and investment must be a fundamental component of our overall foreign policy toward the continent.

How many people know that there is more trade between the United States and the countries of Africa than between the United States and the states of the former Soviet Union? One of the best-kept secrets, I think, about U.S. relations with Africa is the tremendous amount of trade and potential trade also that occurs between our country and the African Continent.

In 1993, U.S. exports of goods and services to sub-Sahara Africa totaled nearly $4.8 billion. This is 20 percent greater than exports to the Commonwealth of Independent States of the former Soviet Union. By some estimates, every extra $1 billion in American exports to Africa adds some 19,000 new jobs in the United States. Exports to southern Africa alone are responsible for an estimated 60,000 jobs in this country.

Over the past 50 years, the African Continent has undergone tremendous change, as African nations have wrestled with decolonization, independence and, for some, democratization. Africa has many success stories to tell, and the continent's tales of overcome hardships are admirable, indeed. But these stories of progress rarely make headlines. More often, the news tells of the political problems that remain, of political and economic instability, waste, corruption, unsound economic policies. These problems are serious and, in many African countries, they have stifled investment and choked off growth and trade. But the truth is that a remarkable transformation is underway in Africa.

Nearly two-thirds of African countries are now at some stage of democratic transition, compared with only four in 1989. More than 30 elections have taken place in Africa over the past 6 years. Many African nations have taken difficult and courageous steps to keep budget deficits down, maintain realistic exchange rates and increase competition through domestic deregulation, trade reform and privatization of public enterprises, not easy tasks in very weak and struggling economies and countries that are trying to open a stable and free political society as well.

The aim of these reforms has been to create an environment in which the private sector can act as the engine for development. We are beginning to see these efforts pay off. In a time of declining foreign aid, it is more than practical to emphasize the potential role of the private sector in the economic development of Africa. It just makes sense.

Africans themselves want trade, not aid. They recognize that it is foreign trade and investment, not foreign aid, that provides the basis for sustained development, economic growth and new jobs, and trade with Africa does not benefit only Africans. As I pointed out, it helps us as well. New markets for American exports mean new jobs here at home.

In the coming years, we should try to direct more of our foreign assistance toward building the foundations for long-term economic development in Africa. We should work in partnership with international financial institutions, of other donors and, of course, the African leaders to help meet the continent's critical infrastructure needs. I have always believed if the continent of Africa had a transportation system across the continent, whether railroads or roads, it would help immensely the trade between African nations themselves. Without an adequate network of roads, airports and telecommunications to knit the countries of Africa together, economic growth in Africa will face inherent structural limits.

There are, of course, purposes for foreign assistance other than promoting economic growth. American assistance plays an important part in addressing pressing social and humanitarian needs in many African countries. But the reality is that present levels of aid in Africa cannot and will not continue indefinitely.

Increased U.S. trade and investment in Africa making the countries of Africa full partners in the world's unprecedented economic prosperity provides the only real basis for future African economic self-sufficiency. The many changes underway in Africa, though encouraging, are not enough. Countries that have begun economic reforms must do more, and countries that have not, must do so.

Sub-Sahara Africa currently attracts less than 3 percent of the total foreign direct investment flowing to developing countries and economies in transition. Our policies toward Africa should encourage the necessary political and economic changes to provide a stable environment for sustained domestic economic development and foreign direct investment.

Our voice carries far in Africa, and we can make a difference in ending conflicts, promoting open and accountable governments and fostering economic reform. For example, we should encourage the liberalization of land tenure laws that prohibit women from owning land. Women are the primary agricultural laborers in Africa, but they cannot attain the degree of financial control within the sector necessary to spur growth. The World Bank estimates that the value of women's agricultural output would increase by 22 percent if they had the same access as men to major factors of production.

Another example of where we can make a difference is in lowering trade barriers. We should support the removal of barriers to trade among African countries and support efforts aimed at regional economic integration. At the same time, the United States must also lower its own trade barriers that unfairly discriminate against African goods. This means allowing imports, such as textiles, coffee, and sugar, into the United States in a fair and equitable manner. The laws of economics apply in Africa as they do elsewhere, and we should do all that we can to ensure that the established rules of free trade do as well.

Mr. President, to conclude, I am optimistic about the economic potential of Africa. During my almost two decades of work on African issues in the Senate, I have observed firsthand the tremendous and commendable efforts made by the peoples of the many nations of the African Continent.

At the same time, I also am sober about Africa's future and realize that without continued American engagement, Africa will not be joining the rest of us as we enter the next millennium.

Leaving Africa behind would raise important threats to our people and our national interests. Emerging and proliferating infectious diseases do not respect international borders, nor do environmental crises on a large scale.

Let me say, even more important to leaving Africa behind would be to lose a tremendous opportunity for all of us to benefit from the continent's rich heritage and potential. As we approach the beginning of the new millennium, America's future will be brighter if Africa's is as well.

THE SITUATION IN LIBERIA

Mrs. KASSEBAUM. Mr. President, I want to make a few comments about recent events in Liberia.

The 6-year civil war has killed over 150,000 Liberians and displaced 1.2 million people. The country's infrastructure has been laid waste, and its economy is in ruins. Time and again, Liberians have reached tentative peace agreements, only to watch them fall apart.

Last fall, many of us held high hopes for the peace accord reached in Abuja, Nigeria. For once, the faction leaders appeared to set aside their personal agendas for a process of disarmament and elections. Our hopes were shattered again this past spring as the Liberian civil war erupted yet again.

After months of renewed fighting, another peace agreement was reached last month among the warring Liberian factions. It is my fervent hope that the current cease-fire and plan for national elections next spring will succeed and lead at long last to sustained peace for Liberia.

Like its predecessors, this peace is fragile. Restoring and protecting a secure environment for Liberians is the first requirement for lasting peace.

I commend the efforts of the West African peacekeeping force, ECOMOG, for its vital role in bringing peace to this war-torn land. It is in America's interest that ECOMOG succeed and that we broaden the number of African states participating in the regional effort. In April, President Clinton committed $30 million in aid to the ECOMOG forces, and I am pleased that the full amount has been authorized to be transmitted. I urge that the funds be disbursed as quickly as possible to provide assistance in the vital areas of need identified by ECOMOG, such as communications and transportation.

Long-term security will require more than a regional peace force—it will require a reestablishment of order in Liberian society itself. Short-term relief requires local order as well. Although the UNDP is currently rehabilitating the airport in Monrovia, and the World Food Program is meeting urgent humanitarian needs in areas severely affected by the fighting, most NGO's and private volunteer organizations are still reluctant to return until the security and political situation in Liberia is stabilized. The reestablishment of law and order in Liberia is a critical requirement for these organizations to function and meet pressing economic and humanitarian needs. Sooner or later, we will need to support efforts to reconstitute Liberian security and judicial institutions.

The second requirement for a lasting peace is the existence of basic economic opportunity. If peace is to endure, America's role cannot end with a cease-fire and an election. Faction fighters will not permanently lay down their arms unless they have something else to do and other means of sustenance.

In this area, Liberia's tragedy may provide its own opportunity. For example, Liberia desperately needs the reconstitution of its roads, bridges, airport, and water and electrical power systems. These are vital areas in which former belligerents can be employed, exchanging swords for plowshares, and contributing to the rebuilding of their country. Schools also must be reconstituted so the youngest fighters of ages 9 and 10 can replace their guns with books and return from the battlefields to the classrooms.

Mr. President, there are compelling reasons for America to remain engaged in Liberia. We share a special history. We also have an interest in eliminating the type of instability that can be a haven for threats that cut across national boundaries—environmental degradation, infectious diseases, and international crime, terrorism, and drug trafficking.

Elections alone cannot save Liberia. I trust the administration's diplomacy, with the oversight of Congress, will continue to take that fact into account as we try to make peace work in Liberia.

The PRESIDING OFFICER. The Senator's time has expired.

MEASURE PLACED ON THE CALENDAR—S. 2161

The PRESIDING OFFICER (Mr. GREGG). The clerk will read S. 2161 for a second time.

The assistant legislative clerk read as follows:

A bill (S. 2161) reauthorizing programs of the Federal Aviation Administration, and for other purposes.

Mrs. KASSEBAUM. Mr. President, on behalf of the majority leader, I object.

The PRESIDING OFFICER. S. 2161 will be placed on the Calendar.

The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

PRESIDIO OMNIBUS PARKS BILL

Mrs. BOXER. Mr. President, I come to the Senate floor this afternoon to update my colleagues and those who are following this issue, to update you all on our efforts to pass an omnibus parks bill for this Nation. My report has both disappointment and hope. I want to explain why.

We have been working nonstop to try to get an agreement from every single Member of this U.S. Senate to accept the House-passed omnibus parks bill called the Presidio parks bill, so that we can quickly act and send this bill to the President's desk.

It is important to note that the omnibus parks bill in the House, Presidio bill, passed with only four dissenting votes. So there was near unanimity over on the House side for this bill, which is very far-reaching, very important for American people, very bipartisan and has been agreed to by the administration.

So here we have an extraordinary opportunity, Mr. President, to end this session on a high note, to pass the bill that passed in the House in a bipartisan way, to pass a bill here that has bipartisan support, send it to the President, and all of us can go home feeling very good that we did something for this country's environment and that we did it in a bipartisan fashion.

So why is my report filled with some disappointment? First of all, I was very disappointed that the majority leader, who is working hard to build a consensus for this bill—there is no question Senator DASCHLE and Senator LOTT are working hard to build a consensus for this bill—but the majority leader, Senator LOTT, has the ability to bring this bill up before this body right now. He could have done it yesterday. Had he made that decision to bring this bill to the floor, we could have started the process, just as we have on the FAA bill, to vote on this bill.

The rules of the Senate can sometimes be confusing. I have had many people call and say, "Well, don't you have 60 votes in favor of the parks bill?" I said, probably more like 85 votes, maybe 90 votes, but we cannot get a cloture motion filed until the majority leader decides to call the bill up. He has not done so to date.

He says he prefers to have every single Senator agree. Of course, Mr. President, that would be a wonderful thing if every single Senator would agree with this bill. Then we could get it done without a recorded vote, without the necessity of filing cloture. But surely it seems to me we would have a better way to make this bill the law of the land if that bill was to be pending and a cloture motion pending. I think that would bring people to the table in a faster manner, and if we were not able to achieve unanimity, we could then go to the cloture route.

So I am very disappointed that to date the majority leader has not chosen to bring the parks bill before the U.S. Senate. I urge him to do that right now. We are going to be here. We should be here doing our work. We all want to resolve the FAA dispute, and we will. We surely ought to want to work on this parks bill. I hope that the majority leader will bring that bill before us.

Every single Democrat has told me that he or she is very much for this bill. The vast majority of Republicans have said the same. So all we need to do is have the bill brought before us, and if someone did filibuster it, we could bring the debate to a close with 60 votes and get on with it, and, as I say, I believe the vote would be overwhelmingly in favor of this bill.

Mr. President, I want to explain why this bill is so important.

No. 1, it includes parks for 41 States. Forty-one States in the Nation will benefit from this parks bill, which has required 2 years of effort, Mr. President, to put together, 2 years of effort to put together this Presidio omnibus parks bill. We could see this chance evaporate. I hope we do not. I hope everyone will agree. I surely will be on my feet until the waning hours of this session, if need be, proposing that we pass this House bill unanimously.

What States are covered? Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Kansas, Louisiana, Massachusetts, Maryland, Michigan, Mississippi, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

As you go into the bill and you read the various titles, you see, Mr. President, that in many States there is more than one important parks project.

Mr. President, every one of these States is counting on us. I am very, very hopeful—very hopeful—that we can resolve our differences. I for one have been doing whatever I could do to talk to individual Senators.

There are some Senators who have disappointments that they did not get everything they wanted in this bill. I understand that. You know, the Presidio, for example, which is so important to us; we had to compromise on that legislation, Congresswoman PELOSI and I and Senator FEINSTEIN and Congressman MILLER. I want to thank all of them for everything they are continuing to do as we speak to make this work. I had a conversation with Congressman MILLER. I have been talking to Senator MURKOWSKI and his staff. We are trying to make this happen.

In Alabama we have the Selma to Montgomery Historic Trail designation.

In Alaska there are many, many important provisions, ranging from Alaska Peninsula land exchange to Federal borough recognition, regulation of Alaska fishing, and University of Alaska.

In my State of California, Senator FEINSTEIN and I are so strongly in favor of this bill, not only because of what it will do for the rest of the country, but surely for our State. It includes setting up a trust, a nonprofit trust at the Presidio to make sure that, as this magnificent park takes shape from a historic military base that started so many years ago before California was a State—we need this trust to make the important decisions about the reuse of the various buildings and doing it in the right way and doing it in the environmentally sound way.

We have in that bill San Francisco Bay enhancement, Butte County conveyance, Modoc Forest boundary adjustment, Cleveland National Forest, Lagomarsino Visitor Center, Merced irrigation district land exchange, the Manzanar historic site exchange.

I see my friend from Illinois is here. The Manzanar Historic Site, we know this is where, during a very dark period of our country, Japanese Americans were held literally as prisoners in their own country. Manzanar is a historic site. In this bill it will be preserved. Very important.

The AIDS memorial grove, timber sale exchange, Santa Cruz Poland acquisition, Stanislaus Forest management, Del Norte School conveyance.

It goes on in Colorado, in Florida, in Georgia, in Hawaii.

I just want to mention one other very important—very important—issue. I see my friend from Alaska has come to the floor. How many times he has been to San Francisco to pledge to work to make this happen.

I know that the Sterling Forest in New Jersey is so very important to both Senators from New Jersey and to the entire bipartisan congressional delegation over in the House. We have Senator BRADLEY leaving after a distinguished career. I know he is working with Senator MURKOWSKI to try to resolve all of our problems that we have. Sterling Forest is the largest unbroken, undeveloped track of forest land still remaining along the New York-New Jersey border. The bill will allow an appropriation of up to $17.5 million for land acquisition. It designates the Palisades Interstate Park Commission, a Federal commission to manage this land. It goes on.

Most importantly for New Jersey are the billions of gallons of fresh clean drinking water that flow from the boundaries here.

When you look at the development that is possible for Sterling Forest, 14,000 homes, 8 million square feet of commercial space, even if the development were concentrated in the least environmentally critical and successful tracks, the construction will, according to Republicans and Democrats who support this acquisition, will irrevocably alter this land.

As I said when I took to the floor, I am mixed with disappointment and optimism. Clearly, I reiterate, not every single thing is in here that Senators feel ought to be in here. I so well understand it. I am working to see if there are ways to get those things done. I am looking forward to the remarks of my colleague from Nebraska who may be here on this topic. I hope that we are moving closer.

I can assure the Senator that if we can get this done, I will work with him do everything I can in the next Congress to move forward to address some of the concerns that he has raised. I have tried to do that, talking with the administration, as late as very late last night.

I hope when I come back to the floor I can speak more with hope and speak with more belief that we will, in fact, get this done.

I yield the floor.

GRATITUDE TO SENATE STAFF

Mr. SIMON. Mr. President, I am grateful to my colleagues who have been so good to me in my years in Congress, but let me also express my gratitude to a lot of others who are not as visible: The pages who serve us so effectively; the people in front, including Bill Lackey, Bob Dove, Scott Bates, all the people who work with us at the front desk; the court reporters, including the distinguished reporter from Menard County, IL; the people in the cloakroom, and the officers.

I rise today specifically because I just learned yesterday that Ed Litton, who has been an officer in the Dirksen Building through the years and has been marvelous to me and to the other Senators, but, equally important, and this is true for all the people around here, they are good to the public, and I think make a great impression for American Government.

Ed Litton is going to retire October 30. He is going to beat me into retirement. He has just been superb. He is good to people, and I think typifies the police officers in the Capitol area. They have really contributed immensely.

I just wish Ed Litton and his family the very best on his retirement. He can look back on his years of service with a great deal of satisfaction.

As I leave the Senate, I leave with a great sense of gratitude to all the people who have served us so well, most of whom I regret to say I probably have not thanked as I should.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

ALASKA SUBSISTENCE HUNTING AND FISHING ACT

Mr. MURKOWSKI. Mr. President, I rise this morning for the purpose of speaking on legislation I introduced yesterday. This legislation is very important to my State of Alaska. The intention of the legislation is to try and address some of the issues regarding subsistence hunting and fishing in Alaska. I am under no false hope that at this late date this legislation will move through the Senate this year, but I want it to appear in the RECORD for the purposes of starting a dialog in our State and starting a dialog with the various Federal agencies involved.

Mr. President, the issue of subsistence hunting and fishing in Alaska has caused a great deal of divisiveness in our State and has led to the State of Alaska becoming the only State in the Union which no longer retains the sole control of its fish and game resources on public lands. This is an extraordinary departure from the norm, but nevertheless it is a reality. The influence of the Federal Government over fish and wildlife resources in Alaska continues to grow and expand with each passing month.

This legislation calls for the Presidential appointment of a special master to come up with nonbinding recommendations to the Secretary of Agriculture, the Secretary of the Interior, the Governor of the State of Alaska, the State of Alaska legislature and to the Congress, as well. The recommendation will be on how to return management of fish and game resources to the State and how best to provide for the continuation of a subsistence lifestyle for Alaska's residence.

I hope to have significant discussions with the people of Alaska on this issue in the coming months during the recess and be prepared to move forward with the 105th Congress when we return in January. It would be my intention to introduce more definitive legislation on the subsistence issue at that time.

What we are attempting to do is set, if you will, a skeleton schedule in place so we can build on it by generating public input.

Mr. President, I ask unanimous consent that the text of the bill, S. 2172, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2172

SECTION 1. FINDINGS.

The Congress finds that—

(a) The State of Alaska received management authority and responsibility for fish and game resources in the State at the time of statehood.

(b) The Alaska Constitution requires equal access for all the citizens of the state to these fish and game resources.

(c) The State of Alaska developed statutes to implement a rural subsistence priority.

(d) In 1980 Congress passed the Alaska National Interest Lands Conservation Act providing that the "taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes."

(e) In 1989 the Alaska Supreme Court ruled in *McDowell* v. *Alaska* that the rural preference contained in the State's subsistence statute violated the equal provision of the Alaska Constitution putting the State's subsistence program out of compliance with Title VIII of ANILCA resulting in the Secretaries of Agriculture and the Interior assuming subsistence management on the public lands in Alaska.

(f) The Governor and the Lieutenant Governor of Alaska are to be complimented on their several attempts to resolve the issue and return management responsibilities of fish and game back to the state; however, these efforts have not been successful.

(g) There continues to remain an impasse that is creating a divisive atmosphere in Alaska among sport hunters, sport fishermen, commercial fishermen, Alaska natives, as well as urban and rural residents.

(h) The Congress hereby declares that it is timely and essential to conduct a review of Federal and State policies and programs affecting subsistence in order to identify specific actions that may be taken by the United States and the State of Alaska to help assure that a fair subsistence priority is provided to the citizens of Alaska and that management authority over fish and game resources is maintained by the State of Alaska.

SEC. 2. APPOINTMENT OF SPECIAL MASTER.

(a)(1) The President shall hereby appoint a Special Master to mediate the issues involved in this impasse, and

(2) In making the appointment of the Special Master, the President shall give careful consideration to recommendations submitted by the Governor of the State of Alaska and the president of the Alaska State Senate, and the Speaker of the Alaska State House.

(b)(1) The principal office of the Special Master shall be in the State of Alaska.

(2) The Special Master shall—

(A) review existing state and federal laws regarding subsistence use in Alaska, and

(B) after consultation with all interested parties, including, but not limited to, Alaska natives, sport and commercial fishing interests, sport hunting groups recreation groups, the Governor of Alaska, the Alaska legislature, The Secretaries of Agriculture and the Interior, and the members of the Alaska Congressional delegation, recommend specific actions to the Congress and to the State of Alaska including state statutory amendments, changes in existing management structures, constitutional amendments, and changes to Title VIII of the ANILCA, that—

(i) assure the State of Alaska recovers and retains management authority and responsibility for fish and game on all lands in Alaska, and

(ii) provide for the continuation of the opportunity for subsistence uses by residents of Alaska, including both Natives and non-natives, on the public lands and by Alaska Natives on Native lands which is essential for Native physical, economic, traditional, and cultural existence and to non-native physical, economic, traditional, and social existence,

(c) submit, by no later than the date that is six months after appointment, a report on the recommendations developed under paragraph (2), to the Secretary, the Congress, the Governor of the State of Alaska, and the legislature of the State of Alaska, and make such report available to the public.

(d) The Special Master shall have the power to—

(1) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS–18 of such General Schedule.

(e) service as a Special Master shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a Special Master, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(f)(1) The Special Master is authorized to—

(A) hold such hearings and sit and act at such times,

(B) take such testimony,

(C) have such printing and binding done,

(D) enter into such contracts and other arrangements,

(E) make such expenditures, and

(F) take such other actions, as the Special Master may seem advisable.

(2) The Special Master is authorized to establish task forces which include individuals appointed for the purpose of gathering information on specific subjects identified by the Special Master as requiring the knowledge and expertise of such individuals. No compensation may be paid to members of a task force solely for their service on the task force, but the Special Master may authorize the reimbursement of members of a task force for travel and per diem in lieu of subsistence expenses during the performance of duties while away from the home, or regular place of business, of the member, in accordance with subchapter I of chapter 57 of title 5, United States Code. The Special Master shall not authorize the appointment of personnel to act as staff for the task force.

(3) The Special Master is authorized to accepts gifts of services, or funds and to expend funds derived from sources other than the Federal Government, including the State of Alaska, private nonprofit organizations, corporations, or foundations which are determined appropriate and necessary to carry out the provisions of this section.

(4) The Special Master is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Federal Government such information as the Special Master may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Special Master, upon request

(g) The provisions of the Federal Advisory Committee Act shall not apply to the Special Master established under this section.

(h) Upon the request of the Special Master, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality available to the Special Master and detail any of the personnel of such department, agency, or instrumentality to the commission, on a nonreimbursable basis, to assist the Special Master in carrying out its duties under this section.

(i) The Special Master may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(j) The Special Master shall cease to exist on the date that is one hundred eighty days after the date on which the Special Master submits the report required under subsection (c)(5). All records, documents, and materials of the Special Master shall be transferred to the National Archives and Records Administration on the date on which the Special Master ceases to exist.

(k) There is authorized to be appropriated to the Special Master $250,000 to provide for the salaries and expenses to carry out the provisions of this section. Such sum shall remain available, without fiscal year limitation, until expended.

ASIAN DEVELOPMENT BANK

Mr. PRESSLER. Mr. President, I would like to take a moment to commend the Asian Development Bank [ADB] for its role in the growth and continuing prosperity in Asian and Pacific developing countries. Further, I urge the ADB to involve our Nation's small business community in efforts to further prosperity in this part of the world. The economic and social evolution underway in Asia has taken place at an incredible rate over the past decade. The ADB is playing an important role in this development, providing funds to improve and strengthen Asia's infrastructure.

As my colleagues know, the Asian Development Bank was founded in 1966 to function as an international development finance institution for the Asian and Pacific region. Headquartered in Manila, in the Philippines, the ADB had 56 member countries—40 within the Asian and Pacific region and 16 from outside the region—as of March 31, 1996. The ADB is engaged in promoting the economic and social progress of the Asian and Pacific region. Development banks in the world today with similar roles include the Inter-American Development Bank, the World Bank, and the African Development Bank.

Specifically, the ADB extends low interest loans to fund special projects in Asian and Pacific developing countries. The ADB finances infrastructure projects such as power plants, roads, bridges, and other ventures which have a strong impact on the designated area. This kind of financial support is critical to further the dynamic growth of Asian economies—growth that presents tremendous opportunities for U.S. businesses. Established businesses in the

United States, such as AT&T and Price Waterhouse, as well as smaller agricultural firms, such as Seminole Fertilizer Corp., benefit greatly from the exponential growth and progress of Asia. I encourage the ADB to seek opportunities for greater participation by U.S. small businesses as part of its future projects. The ADB assists private enterprises in undertaking financially viable projects which also have significant economic development merit and catalyzing the flow of domestic and external resources to such projects. For example, the bank allocated over $3.3 billion to develop telecommunications services in Asia's poorest areas and will invest almost $1 billion on telecommunications networks in India alone.

The ADB also provides loans, equity investments, and technical assistance, and also cofinances projects with bilateral and multilateral agencies as well as export credit and commercial sources. As of June 30, 1995, the bank had approved $51.9 billion in loans for 1,236 projects in 34 countries and $3.9 billion for 3,539 technical assistance grants.

As a donor member, the United States has contributed to the Asian Development Fund [ADF], which is the ADB's window for concessional lending to its borrowing member countries. Each year, ADB extends loans to fund projects and activities in Asian and Pacific developing countries, and provides several billion U.S. dollars worth of contracts to procure goods and consulting services. In 1995, the United States ranked first among donor member countries in total procurement, with a donor amount of $333 million dollars. The ADF, which is crucial to the bank's ability to grant loans, is the ADB's main soft-loan program. This soft-loan program lets donor countries apply for grants at a generous interest-free level, which makes it feasible for many poor countries to apply and receive loans to improve their environment, transportation, infrastructure, and communications.

A country that requests an interest-free loan from the ADF must fulfill requirements set by the ADB. The ADB stresses that the member countries have good governance which will permit a successful management of the development process, which encourages economic and political stability in the region. As a development partner, the ADB has a clear and direct interest in the capacity of borrowing governments to fulfill their economic role by implementing the associated policies. The success of the ADB's project investments depends on the efficacy of the institutional framework in development member countries [DMC]. In addition, governments are expected to perform certain key functions, including maintaining macroeconomic stability; developing infrastructure; providing public goods; preventing market failures; and promoting equity. Without macroeconomic stability, business prospects are uncertain and investment risks are high.

Further, the bank advises the developing countries regarding human rights, social and environmental policies, and other areas before accepting the country for a grant.

Mr. President, the replenishment of the ADF has been a ongoing problem. At present, ADF is expected to run out of money by year-end. In that respect, the ADB, along with other development banks, have been trying to arrange financing through private financial institutions. Multilateral agencies, such as ADB, likely will shift more funding to socially-oriented projects in the future, and have vast projects financed by private financial institutions.

The ADB has confronted and overcome many challenges, thanks to the efforts of its leadership. I would like to commend the diligent efforts of Ambassador Yang of the Asian Development Bank. Former California Savings and Loan Commissioner Linda Tsao Yang of Davis, CA, is the U.S. ambassador on the 12 member board of executive directors of the ADB. Ms. Yang has operated her own financial consulting firm since stepping down from the State S&L post in 1982. Her expertise during these challenging times is certainly welcome at the ADB.

I may not always agree with the bank's direction on a specific issue, but the overall direction of the ADB has been positive. Ambassador Yang is aggressively pursuing creative roles for the ADB to play in a manner which advances our Nation's commercial interests in that part of the world. Thanks in part to these creative efforts, the Asian continent is an exciting and promising region of the world for the residents and for those playing a part in its development.

TRIBUTE TO SENATOR AL SIMPSON

Mr. PRESSLER. Mr. President, we near the close of the 104th Congress will adjourn. Adjournment also will bring to a close the distinguished Senate career of Wyoming's senior Senator, the honorable AL SIMPSON. I am confident that Senate historians will see AL SIMPSON the way his colleagues already see him: as one of the truly great Senators of his era. I will miss AL SIMPSON—his leadership, his guidance, his wit, and most of all, his friendship.

AL SIMPSON and I entered the Senate at the same time—in 1979. At that time, he already had accumulated some Senate experience as the son of another legendary Wyoming Senator, Milward Simpson.

A story is told that Abraham Lincoln once began a meeting of his closest advisors by reading to them a piece from the humorist Artemus Ward. Lincoln seemed to be the only one who enjoyed the piece and found himself the only one laughing. Lincoln was said to have chastised his colleagues: "Why don't you laugh? With the fearful strain that is upon me night and day, if I did not laugh I should die, and you need this medicine as much as I do."

All of my colleagues would agree that the medicine of humor is best dispensed by our senior colleague from Wyoming. Perhaps not since Abraham Lincoln has Washington had a better practitioner in the art of medicinal humor. It has become a fond and regular experience to come to the floor for a vote, or visit the cloakrooms and see a small group of Senators listening delightfully to the yarns spun by our friend from Wyoming. When Senator SIMPSON formally addresses the Senate, we can count on his statements to be both informative and entertaining. I will miss AL SIMPSON's good nature and quick wit.

The full measure of AL SIMPSON is more than good humor. He is a man of enormous intellect and profound leadership. AL SIMPSON is sharp—as sharp as a tack, and as tough as a good piece of saddle leather, as he would probably say. But to see how tough AL SIMPSON is, and to understand his deep belief in the cause of public service, one need only take a look at the issues he has championed. Senator SIMPSON's extraordinary career no doubt will be remembered for his efforts on three very challenging issues—immigration, veterans affairs and entitlement reform. Each of those issues is vitally important, but frankly each can be thankless tasks.

It is appropriate that the 104th Congress will conclude with the passage of a comprehensive bill to address the serious problem of illegal immigration. This is the third major immigration bill shepherded in large measure by our friend from Wyoming. That is quite a record of legislative achievement given the volatile emotions that underlie this issue and the diverse interests involved. It's even more amazing when one considers that Senator SIMPSON hails from a great State not known for being a magnet for illegal immigrants. The tremendous leadership he has demonstrated on this issue is a testament to Senator SIMPSON's commitment to pursue what's in our Nation's interest, and to pursue such issues vigorously.

The same vigor is shown in Senator SIMPSON's commitment to our Nation's veterans. The Senator from Wyoming, like myself, is a veteran of the U.S. Army. Few have the level of understanding, the strong sense of compassion and fairness, that AL SIMPSON has displayed toward our veterans. As chairman of the Veterans Affairs Committee during a time of tremendous budgetary constraints, AL SIMPSON has made sure that this Nation maintains its commitment to the brave veterans who answered the call and made sacrifices for their country. All men and women who once adorned a military uniform to defend our country, as well as this Senate, and this Nation will miss this true friend of the American veteran.

Finally, Senator AL SIMPSON is a man of great vision—a man who believes that Congress has a duty to anticipate and prevent future problems. He's right. No example demonstrates this belief more than his almost lonely effort to address the lurking problem of Federal entitlements, from Social Security to Medicare. Along with our friend from Nebraska, Senator KERREY, Senator SIMPSON chaired the Bipartisan Commission on Entitlement and Tax Reform. This commission found ominous signs that indicate now is the time to begin the process of reforming our Social Security and Medicare systems. It's no secret that both systems are incredibly important to our senior citizens. No doubt, this Nation owes a great debt of gratitude to AL SIMPSON for embarking this Senate, this Congress, and this Nation on what we all hope is the road toward true reform of Federal entitlements.

Now our dear friend from Wyoming soon will be speaking not from the Senate floor but from a Harvard lecture hall. The Senate's loss is certainly Harvard's gain. No doubt the fortunate young people who attend Professor SIMPSON's class will be entertained and informed. I hope the academic world will appreciate one basic fact: AL SIMPSON tells it like it is. For that, he has my admiration.

I will miss my Senate classmate. My wife Harriet and I always have enjoyed Senator SIMPSON and his wife Ann. They are great friends, and we look forward to seeing them should our travels take us to Cambridge or their's to Washington or South Dakota. I hope my friend from Wyoming doesn't mind if I drop in on his class on occasion, not just to gain the benefit of his thoughtful insights, but to hear again his homespun stories and receive yet another dose of his tremendous good humor. I wish AL and Ann Simpson the very, very best.

NOTICE OF ISSUANCE OF FINAL REGULATIONS

Mr. THURMOND. Mr. President, pursuant to section 304(d) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(d)), a notice of issuance of final regulations was submitted by the Office of Compliance, U.S. Congress. The notice contains final regulations related to Federal Service Labor-Management Relations (Regulations under section 220(d) of the Congressional Accountability Act.)

The Congressional Accountability Act requires this notice be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS, PROTECTIONS AND RESPONSIBILITIES UNDER CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS (REGULATIONS UNDER SECTION 220(d) OF THE CONGRESSIONAL ACCOUNTABILITY ACT)

NOTICE OF ISSUANCE OF FINAL REGULATIONS

On July 9, 1996, the Board of Directors of the Office of Compliance adopted and submitted for publication in the Congressional Record final regulations implementing section 220(d) of the Congressional Accountability Act of 1995 (CAA), which extends to the Congress certain rights, protections, and responsibilities under chapter 71 of title 5, United States Code, relating to Federal service labor-management relations. On August 2, 1996, the House agreed both to H. Res. 504, to provide for the approval of final regulations that are applicable to the employing offices and covered employees of the House, and to H. Con. Res. 207, to provide for approval of final regulations that are applicable to the instrumentalities of the Congress, i.e., the employing offices and employees other than those offices and employees of the House and the Senate. On September 28, 1996, the Senate agreed to H. Con. Res. 207, covering the instrumentalities, and in addition approved S. Res. 304, to provide for the approval of the final regulations that are applicable to employing offices and covered employees of the Senate,

Together with the House's prior approval of H. Res. 504 and H. Con. Res. 207, the Senate's concurrence in H. Con. Res. 207 and its approval of S. Res. 304 constitute approval under section 304(c) of the CAA of the Board's section 220(d) regulations as applicable both to employing offices and covered employees of the House and of the Senate (other than those House and Senate offices expressly listed in section 220(e)(2)) and to the instrumentalities of the Congress. Accordingly, pursuant to section 304(d) of the CAA, the Board submits these regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for issuance by publication in the Congressional Record.

Pursuant to paragraph (3) of section 304(d) of the CAA, the Board finds good cause for advancing the effective date of the House regulations from 60 days after their issuance to October 1, 1996. That date corresponds with the effective date of application of CAA section 220 to the Congress. The Board finds that the effective implementation of the CAA is furthered by making these regulations effective for the House, the Senate, and the instrumentalities on that effective date rather than allowing the provisions of the CAA contained in section 411 and the derivative regulations of the executive branch to control the administration of the statute during the sixty day period otherwise required by section 304(d)(3) of the CAA.

Signed at Washington, D.C. on this 30th day of September, 1996.

GLEN D. NAGER,
Chair of the Board, Office of Compliance.

Accordingly, the Board of Directors of the Office of Compliance hereby issues the following final regulations:

[Final Regulations]

Subchapter C

2420 Purpose and scope
2421 Meaning of terms as used in this subchapter
2422 Representation proceedings
2423 Unfair labor practice proceedings
2424 Expedited review of negotiability issues
2425 Review of arbitration awards
2426 National consultation rights and consultation rights on Government-wide rules or regulations
2427 General statements of policy or guidance
2428 Enforcement of Assistant Secretary standards of conduct decisions and orders
2429 Miscellaneous and general requirements

Subchapter D

2470 General
2471 Procedures of the Board in impasse proceedings

SUBCHAPTER C

Part 2420—Purpose and Scope

§ 2420.1 Purpose and scope.

The regulations contained in this subchapter are designed to implement the provisions of chapter 71 of title 5 of the United States Code, as applied by section 220 of the Congressional Accountability Act (CAA). They prescribe the procedures, basic principles or criteria under which the Board and the General Counsel, as applicable, will:

(a) Determine the appropriateness of units for labor organization representation under 5 U.S.C. 7112, as applied by the CAA;

(b) Supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit and otherwise administer the provisions of 5 U.S.C. 7111, as applied by the CAA, relating to the according of exclusive recognition to labor organizations;

(c) Resolve issues relating to the granting of national consultation rights under 5 U.S.C. 7113, as applied by the CAA;

(d) Resolve issues relating to determining compelling need for employing office rules and regulations under 5 U.S.C. 7117(b), as applied by the CAA;

(e) Resolve issues relating to the duty to bargain in good faith under 5 U.S.C. 7117(c), as applied by the CAA;

(f) Resolve issues relating to the granting of consultation rights with respect to conditions of employment under 5 U.S.C. 7117(d), as applied by the CAA;

(g) Conduct hearings and resolve complaints of unfair labor practices under 5 U.S.C. 7118, as applied by the CAA;

(h) Resolve exceptions to arbitrators' awards under 5 U.S.C. 7122, as applied by the CAA; and

(i) Take such other actions as are necessary and appropriate effectively to administer the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§ 2420.2

Notwithstanding any other provisions of these regulations, the Board may, in deciding an issue, add to, delete from or modify otherwise applicable requirements as the Board deems necessary to avoid a conflict of interest or the appearance of a conflict of interest.

Part 2421—Meaning of Terms as Used in This Subchapter

Sec.
2421.1 Act; CAA.
2421.2 Chapter 71.
2421.3 General Definitions.
2421.4 National consultation rights; consultation rights on Government-wide rules or regulations; exclusive recognition; unfair labor practices.
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2421.14 Showing of interest.
2421.15 Regular and substantially equivalent employment.
2421.16 Petitioner.
2421.17 Eligibility Period.
2421.18 Election Agreement.
2421.19 Affected by Issues raised.
2421.20 Determinative challenged ballots.

§ 2421.1—Act; CAA.

The terms "Act" and "CAA" mean the Congressional Accountability Act of 1995 (P.L. 104-1, 109 Stat. 3, 2 U.S.C. §§ 1301-1438).

§ 2421.2—Chapter 71.

The term "chapter 71" means chapter 71 of title 5 of the United States Code.

§ 2421.3—General definitions.

(a) The term "person" means an individual, labor organization or employing office.

(b) Except as noted in subparagraph (3) of this subsection, the term "employee" means an individual—

(1) Who is a current employee, applicant for employment, or former employee of: the House of Representatives; the Senate; the Capitol Guide Service; the Capitol Police; the Congressional Budget Office; the Office of the Architect of the Capitol; the Office of the Attending Physician; the Office of Compliance; or the Office of Technology Assessment; or

(2) Whose employment in an employing office has ceased because of any unfair labor practice under section 7116 of title 5 of the United States Code, as applied by the CAA, and who has not obtained any other regular and substantially equivalent employment as determined under regulations prescribed by the Board, but does not include—

(i) An alien or noncitizen of the United States who occupies a position outside of the United States;

(ii) A member of the uniformed services;

(iii) A supervisor or a management official or;

(iv) Any person who participates in a strike in violation of section 7311 of title 5 of the United States Code, as applied the CAA.

(3) For the purpose of determining the adequacy of a showing of interest or eligibility for consultation rights, except as required by law, applicants for employment and former employees are not considered employees.

(c) The term "employing office" means—

(1) The personal office of a Member of the House of Representatives or of a Senator;

(2) A committee of the House of Representatives or the Senate or a joint committee;

(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) The Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(d) The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose the dealing with an employing office concerning grievances and conditions of employment, but does not include—

(1) An organization which, by its constitution, bylaws, tacit agreement among its members, or otherwise, denies membership because of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(2) An organization which advocates the overthrow of the constitutional form of government of the United States;

(3) An organization sponsored by an employing office; or

(4) An organization which participates in the conduct or a strike against the Government or any agency thereof or imposes a duty or obligation to conduct, assist, or participate in such a strike.

(e) The term "dues" means dues, fees, and assessments.

(f) The term "Board" means the Board of Directors of the Office of Compliance.

(g) The term "collective bargaining agreement" means an agreement entered into as a result of collective bargaining pursuant to the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

(h) The term "grievance" means any complaint—

(1) By any employee concerning any matter relating to the employment of the employee;

(2) By any labor organization concerning any matter relating to the employment of any employee; or

(3) By any employee, labor organization, or employing office concerning—

(i) The effect or interpretation, or a claim of breach, of a collective bargaining agreement; or

(ii) Any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment.

(i) The term "supervisor" means an individual employed by an employing office having authority in the interest of the employing office to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising such authority.

(j) The term "management official" means an individual employed by an employing office in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the employing office.

(k) The term "collective bargaining" means the performance of the mutual obligation of the representative of an employing office and the exclusive representative of employees in an appropriate unit in the employing office to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph does not compel either party to agree to a proposal or to make a concession.

(l) The term "confidential employee" means an employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations.

(m) The term "conditions of employment" means personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, affecting working conditions, except that such term does not include policies, practices, and matters—

(1) Relating to political activities prohibited under subchapter III of chapter 73 of title 5 of the United States Code, as applied by the CAA;

(2) Relating to the classification of any position; or

(3) To the extent such matters are specifically provided for by Federal statute.

(n) The term "professional employee" means—

(1) An employee engaged in the performance of work—

(i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital (as distinguished from knowledge acquired by a general academic education, or from an apprenticeship, or from training in the performance of routine mental, manual, mechanical, or physical activities);

(ii) Requiring the consistent exercise of discretion and judgment in its performance;

(iii) Which is predominantly intellectual and varied in character (as distinguished from routine mental, manual, mechanical, or physical work); and

(iv) Which is of such character that the output produced or the result accomplished by such work cannot be standardized in relation to a given period of time; or

(2) An employee who has completed the courses of specialized intellectual instruction and study described in subparagraph (1)(i) of this paragraph and is performing related work under appropriate direction and guidance to qualify the employee as a professional employee described in subparagraph (1) of this paragraph.

(o) The term "exclusive representative" means any labor organization which is certified as the exclusive representative of employees in an appropriate unit pursuant to section 7111 of title 5 of the United States Code, as applied by the CAA.

(p) The term "firefighter" means any employee engaged in the performance of work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment.

(q) The term "United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(r) The term "General Counsel" means the General Counsel of the Office of Compliance.

(s) The term "Assistant Secretary" means the Assistant Secretary of Labor for Labor-Management Relations.

§ 2421.4 National consultation rights; consultation rights on Government-wide rules or regulations; exclusive recognition; unfair labor practices.

(a)(1) The term "national consultation rights" means that a labor organization that is the exclusive representative of a substantial number of the employees of the employing office, as determined in accordance with criteria prescribed by the Board, shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) Be permitted reasonable time to present its views and recommendations regarding the changes.

(2) National consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to any labor organization s eligibility for, or continuation of, national consultation rights shall be subject to determination by the Board.

(b)(1) The term "consultation rights on Government-wide rules or regulations" means that a labor organization which is the exclusive representative of a substantial number of employees of an employing office determined in accordance with criteria prescribed by the Board, shall be granted consultation rights by the employing office with respect to any Government-wide rule or regulation issued by the employing office effecting any substantive change in any condition of employment. Such consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to a labor organization's eligibility for, or continuation of, such consultation rights shall be subject to determination by the Board.

(2) A labor organization having consultation rights under paragraph (1) of this subsection shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) shall be permitted reasonable time to present its views and recommendations regarding the changes.

(3) If any views or recommendations are presented under paragraph (2) of this subsection to an employing office by any labor organization—

(i) The employing office shall consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(ii) The employing office shall provide the labor organization a written statement of the reasons for taking the final action.

(c) The term "exclusive recognition" means that a labor organization has been selected as the sole representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast valid ballots in an election.

(d) The term "unfair labor practices" means—

(1) Any of the following actions taken by an employing office—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under chapter 71, as applied by the CAA;

(ii) Encouraging or discouraging membership in any labor organization by discrimination in connection with hiring, tenure, promotion, or other condition of employment;

(iii) Sponsoring, controlling, or otherwise assisting any labor organization, other than to furnish, upon request, customary and routine services and facilities if the services and facilities are also furnished on an impartial basis to other labor organizations having equivalent status;

(iv) Disciplining or otherwise discriminating against an employee because the employee has filed a complaint, affidavit, or petition, or has given any information or testimony under chapter 71, as applied by the CAA;

(v) Refusing to consult or negotiate in good faith with a labor organization as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii) Enforcing any rule or regulation (other than a rule or regulation implementing section 2302 of this title) which is in conflict with any applicable collective bargaining agreement if the agreement was in effect before the date the rule or regulation was prescribed; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(2) Any of the following actions taken by a labor organization—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under this chapter;

(ii) Causing or attempting to cause an employing office to discriminate against any employee in the exercise by the employee of any right under this chapter;

(iii) Coercing, disciplining, fining, or attempting to coerce a member of the labor organization as punishment, reprisal, or for the purpose of hindering or impeding the member's work performance or productivity as an employee or the discharge of the member's duties as an employee;

(iv) Discriminating against an employee with regard to the terms or conditions of membership in the labor organization on the basis of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(v) Refusing to consult or negotiate in good faith with an employing office as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii)(A) Calling, or participating in, a strike, work stoppage, or slowdown, or picketing of an employing office in a labor-management dispute if such picketing interferes with an employing office s operations; or

(B) Condoning any activity described in subparagraph (A) of this paragraph by failing to take action to prevent or stop such activity; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(3) Denial of membership by an exclusive representative to any employee in the appropriate unit represented by such exclusive representative except for failure—

(i) To meet reasonable occupational standards uniformly required for admission, or

(ii) To tender dues uniformly required as a condition of acquiring and retaining membership.

§ 2421.5 Activity.

The term "activity" means any facility, organizational entity, or geographical subdivision or combination thereof, of any employing office.

§ 2421.6 Primary national subdivision.

"Primary national subdivision" of an employing office means a first-level organizational segment which has functions national in scope that are implemented in field activities.

§ 2421.7 Executive director.

"Executive Director" means the Executive Director of the Office of Compliance.

§ 2421.8 Hearing officer.

The term "Hearing Officer" means any individual designated by the Executive Director to preside over a hearing conducted pursuant to section 405 of the CAA on matters within the Office's jurisdiction, including a hearing arising in cases under 5 U.S.C. 7116, as applied by the CAA, and any other such matters as may be assigned.

§ 2421.9 Party.

The term "party" means:

(a) Any labor organization, employing office or employing activity or individual filing a charge, petition, or request;

(b) Any labor organization or employing office or activity

(1) Named as

(i) A charged party in a charge,

(ii) A respondent in a complaint, or

(iii) An employing office or activity or an incumbent labor organization in a petition;

(2) Whose intervention in a proceeding has been permitted or directed by the Board; or

(3) Who participated as a party

(i) In a matter that was decided by an employing office head under 5 U.S.C. 7117, as applied by the CAA, or

(ii) In a matter where the award of an arbitrator was issued; and

(c) The General Counsel, or the General Counsel's designated representative, in appropriate proceedings.

§ 2421.10 Intervenor.

The term "intervenor" means a party in a proceeding whose intervention has been permitted or directed by the Board, its agents or representatives.

§ 2421.11 Certification.

The term "certification" means the determination by the Board, its agents or representatives, of the results of an election, or the results of a petition to consolidate existing exclusively recognized units.

2421.12 Appropriate unit.

The term "appropriate unit" means that grouping of employees found to be appropriate for purposes of exclusive recognition under 5 U.S.C. 7111, as applied by the CAA, and for purposes of allotments to representatives under 5 U.S.C. 7115(c), as applied by the CAA, and consistent with the provisions of 5 U.S.C. 7112, as applied by the CAA.

§ 2421.13 Secret ballot.

The term "secret ballot" means the expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened.

§ 2421.14 Showing of interest.

The term "showing of interest" means evidence of membership in a labor organization; employees' signed and dated authorization cards or petitions authorizing a labor organization to represent them for purposes of exclusive recognition; allotment of dues forms executed by an employee and the labor organization's authorized official; current dues records; an existing or recently expired agreement; current certification; employees' signed and dated petitions or cards indicating that they no longer desire to be represented for the purposes of exclusive recognition by the currently certified labor organization; employees' signed and dated petitions or cards indicating a desire that an election be held on a proposed consolidation of units; or other evidence approved by the Board.

§2421.15 Regular and substantially equivalent employment.

The term "regular and substantially equivalent employment" means employment that entails substantially the same amount of work, rate of pay, hours, working conditions, location of work, kind of work, and seniority rights, if any, of an employee prior to the cessation of employment in an employing office because of any unfair labor practice under 5 U.S.C. 7116, as applied by the CAA.

§2421.16 Petitioner.

Petitioner means the party filing a petition under Part 2422 of this Subchapter.

§2421.17 Eligibility period.

The term "eligibility period" means the payroll period during which an employee must be in an employment status with an employing office or activity in order to be eligible to vote in a representation election under Part 2422 of this Subchapter.

§2421.18 Election agreement.

The term "election agreement" means an agreement under Part 2422 of this Subchapter signed by all the parties, and approved by the Board, the Executive Director, or any other individual designated by the Board, concerning the details and procedures of a representation election in an appropriate unit.

§2421.19 Affected by issues raised.

The phrase "affected by issues raised", as used in Part 2422, should be construed broadly to include parties and other labor organizations, or employing offices or activities that have a connection to employees affected by, or questions presented in, a proceeding.

§2421.20 Determinative challenged ballots.

"Determinative challenged ballots" are challenges that are unresolved prior to the tally and sufficient in number after the tally to affect the results of the election.

Part 2422—Representation Proceedings

Sec.

2422.1 Purposes of a petition.
2422.2 Standing to file a petition.
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2422.30 Executive Director investigations, notices of pre-election investigatory hearings, and actions; Board Decisions and Orders.
2422.31 Application for review of an Executive Director action.
2422.32 Certifications and revocations.
2422.33 Relief obtainable under Part 2423.
2422.34 Rights and obligations during the pendency of representation proceedings.

§2422.1 Purposes of a petition.

A petition may be filed for the following purposes:

(a) *Elections or Eligibility for dues allotment.* To request:

(1)(i) An election to determine if employees in an appropriate unit wish to be represented for the purpose of collective bargaining by an exclusive representative; and/or

(ii) A determination of eligibility for dues allotment in an appropriate unit without an exclusive representative; or

(2) An election to determine if employees in a unit no longer wish to be represented for the purpose of collective bargaining by an exclusive representative.

(3) Petitions under this subsection must be accompanied by an appropriate showing of interest.

(b) *Clarification or Amendment.* To clarify, and/or amend:

(1) A certification then in effect; and/or

(2) Any other matter relating to representation.

(c) *Consolidation.* To consolidate two or more units, with or without an election, in an employing office and for which a labor organization is the exclusive representative.

§2422.2 Standing to file a petition.

A representation petition may be filed by: an individual; a labor organization; two or more labor organizations acting as a joint-petitioner; an individual acting on behalf of any employee(s); an employing office or activity; or a combination of the above: *provided, however*, that (a) only a labor organization has standing to file a petition pursuant to section 2422.1(a)(1); (b) only an individual has standing to file a petition pursuant to section 2422.1(a)(2); and (c) only an employing office or a labor organization may file a petition pursuant to section 2422.1 (b) or (c).

§2422.3 Contents of a petition.

(a) *What to file.* A petition must be filed on a form prescribed by the Board and contain the following information:

(1) The name and mailing address for each employing office or activity affected by issues raised in the petition, including street number, city, state and zip code.

(2) The name, mailing address and work telephone number of the contact person for each employing office or activity affected by issues raised in the petition.

(3) The name and mailing address for each labor organization affected by issues raised in the petition, including street number, city, state and zip code. If a labor organization is affiliated with a national organization, the local designation and the national affiliation should both be included. If a labor organization is an exclusive representative of any of the employees affected by issues raised in the petition, the date of the certification and the date any collective bargaining agreement covering the unit will expire or when the most recent agreement did expire should be included, if known.

(4) The name, mailing address and work telephone number of the contact person for each labor organization affected by issues raised in the petition.

(5) The name and mailing address for the petitioner, including street number, city, state and zip code. If a labor organization petitioner is affiliated with a national organization, the local designation and the national affiliation should both be included.

(6) A description of the unit(s) affected by issues raised in the petition. The description should generally indicate the geographic locations and the classifications of the employees included (or sought to be included) in, and excluded (or sought to be excluded) from, the unit.

(7) The approximate number of employees in the unit(s) affected by issues raised in the petition.

(8) A clear and concise statement of the issues raised by the petition and the results the petitioner seeks.

(9) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that the contents of the petition are true and correct to the best of the person's knowledge and belief.

(10) The signature, title, mailing address and telephone number of the person filing the petition.

(b) *Compliance with 5 U.S.C. 7111(e), as applied by the CAA.* A labor organization/petitioner complies with 5 U.S.C. 7111(e), as applied by the CAA, by submitting to the employing office or activity and to the Department of Labor a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives. By signing the petition form, the labor organization/petitioner certifies that it has submitted these documents to the employing activity or office and to the Department of Labor.

(c) *Showing of interest supporting a representation petition.* When filing a petition requiring a showing of interest, the petitioner must:

(1) So indicate on the petition form;

(2) Submit with the petition a showing of interest of not less than thirty percent (30%) of the employees in the unit involved in the petition; and

(3) Include an alphabetical list of the names constituting the showing of interest.

(d) *Petition seeking dues allotment.* When there is no exclusive representative, a petition seeking certification for dues allotment shall be accompanied by a showing of membership in the petitioner of not less than ten percent (10%) of the employees in the unit claimed to be appropriate. An alphabetical list of names constituting the showing of membership must be submitted.

§2422.4 Service requirements.

Every petition, motion, brief, request, challenge, written objection, or application for review shall be served on all parties affected by issues raised in the filing. The service shall include all documentation in support thereof, with the exception of a showing of interest, evidence supporting challenges to the validity of a showing of interest, and evidence supporting objections to an election. The filer must submit a written statement of service to the Executive Director.

§2422.5 Filing petitions.

(a) *Where to file.* Petitions must be filed with the Executive Director.

(b) *Number of copies.* An original and two (2) copies of the petition and the accompanying material must be filed with the Executive Director.

(c) *Date of filing.* A petition is filed when it is received by the Executive Director.

§2422.6 Notification of filing.

(a) *Notification to parties.* After a petition is filed, the Executive Director, on behalf of the Board, will notify any labor organization, employing office or employing activity that the parties have identified as being affected by issues raised by the petition, that a petition has been filed with the Office. The Executive Director, on behalf of the Board, will also make reasonable efforts to identify and notify any other party affected by the issues raised by the petition.

(b) *Contents of the notification.* The notification will inform the labor organization, employing office or employing activity of:

(1) The name of the petitioner;

(2) The description of the unit(s) or employees affected by issues raised in the petition; and,

(3) A statement that all affected parties should advise the Executive Director in writing of their interest in the issues raised in the petition.

§2422.7 Posting notice of filing of a petition.

(a) *Posting notice of petition.* When appropriate, the Executive Director, on behalf of the Board, after the filing of a representation petition, will direct the employing office or activity to post copies of a notice to all employees in places where notices are normally posted for the employees affected by issues raised in the petition and/or distribute copies of a notice in a manner by which notices are normally distributed.

(b) *Contents of notice.* The notice shall advise affected employees about the petition.

(c) *Duration of notice.* The notice should be conspicuously posted for a period of ten (10) days and not be altered, defaced, or covered by other material.

§2422.8 Intervention and cross-petitions.

(a) *Cross-petitions.* A cross-petition is a petition which involves any employees in a unit covered by a pending representation petition. Cross-petitions must be filed in accordance with this subpart.

(b) *Intervention requests and cross-petitions.* A request to intervene and a cross-petition, accompanied by any necessary showing of interest, must be submitted in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, a request to intervene and a cross-petition must be filed prior to action being taken pursuant to §2422.30.

(c) *Labor organization intervention requests.* Except for incumbent intervenors, a labor organization seeking to intervene shall submit a statement that it has complied with 5 U.S.C. 7111(e), as applied by the CAA, and one of the following:

(1) A showing of interest of ten percent (10%) or more of the employees in the unit covered by a petition seeking an election, with an alphabetical list of the names of the employees constituting the showing of interest; or

(2) A current or recently expired collective bargaining agreement covering any of the employees in the unit affected by issues raised in the petition; or

(3) Evidence that it is or was, prior to a reorganization, the certified exclusive representative of any of the employees affected by issues raised in the petition.

(d) *Incumbent.* An incumbent exclusive representative, without regard to the requirements of paragraph (c) of this section, will be considered a party in any representation proceeding raising issues that affect employees the incumbent represents, unless it serves the Board, through the Executive Director, with a written disclaimer of any representation interest in the claimed unit.

(e) *Employing office.* An employing office or activity will be considered a party if any of its employees are affected by issues raised in the petition.

(f) *Employing office or activity intervention.* An employing office or activity seeking to intervene in any representation proceeding must submit evidence that one or more employees of the employing office or activity may be affected by issues raised in the petition.

§2422.9 Adequacy of showing of interest.

(a) *Adequacy.* Adequacy of a showing of interest refers to the percentage of employees in the unit involved as required by §§2422.3(c) and (d) and 2422.8(c)(1).

(b) *Executive Director investigation and action.* The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that the showing of interest is adequate is final and binding and not subject to collateral attack at a representation hearing or on appeal to the Board. If the Executive Director determines, on behalf of the Board, that a showing of interest is inadequate, the Executive Director will dismiss the petition, or deny a request for intervention.

§2422.10 Validity of showing of interest.

(a) *Validity.* Validity questions are raised by challenges to a showing of interest on grounds other than adequacy.

(b) *Validity challenge.* The Executive Director or any party may challenge the validity of a showing of interest.

(c) *When and where validity challenges may be filed.* Party challenges to the validity of a showing of interest must be in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, challenges to the validity of a showing of interest must be filed prior to action being taken pursuant to §2422.30.

(d) *Contents of validity challenges.* Challenges to the validity of a showing of interest must be supported with evidence.

(e) *Executive Director investigation and action.* The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that a showing of interest is valid is final and binding and is not subject to collateral attack or appeal to the Board. If the Executive Director finds, on behalf of the Board, that the showing of interest is not valid, the Executive Director will dismiss the petition or deny the request to intervene.

§2422.11 Challenge to the status of a labor organization.

(a) *Basis of challenge to labor organization status.* The only basis on which a challenge to the status of a labor organization may be made is compliance with 5 U.S.C. 7103(a)(4), as applied by the CAA.

(b) *Format and time for filing a challenge.* Any party filing a challenge to the status of a labor organization involved in the processing of a petition must do so in writing to the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no hearing is held, challenges must be filed prior to action being taken pursuant to §2422.30.

§2422.12 Timeliness of petitions seeking an election.

(a) *Election bar.* Where there is no certified exclusive representative, a petition seeking an election will not be considered timely if filed within twelve (12) months of a valid election involving the same unit or a subdivision of the same unit.

(b) *Certification bar.* Where there is a certified exclusive representative of employees, a petition seeking an election will not be considered timely if filed within twelve (12) months after the certification of the exclusive representative of the employees in an appropriate unit. If a collective bargaining agreement covering the claimed unit is pending employing office head review under 5 U.S.C. 7114(c), as applied by the CAA, or is in effect, paragraphs (c), (d), or (e) of this section apply.

(c) *Bar during employing office head review.* A petition seeking an election will not be considered timely if filed during the period of employing office head review under 5 U.S.C. 7114(c), as applied by the CAA. This bar expires upon either the passage of thirty (30) days absent employing office head action, or upon the date of any timely employing office head action.

(d) *Contract bar where the contract is for three (3) years or less.* Where a collective bargaining agreement is in effect covering the claimed unit and has a term of three (3) years or less from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the agreement.

(e) *Contract bar where the contract is for more than three (3) years.* Where a collective bargaining agreement is in effect covering the claimed unit and has a term of more than three (3) years from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the initial three (3) year period, and any time after the expiration of the initial three (3) year period.

(f) *Unusual circumstances.* A petition seeking an election or a determination relating to representation matters may be filed at any time when unusual circumstances exist that substantially affect the unit or majority representation.

(g) *Premature extension.* Where a collective bargaining agreement with a term of three (3) years or less has been extended prior to sixty (60) days before its expiration date, the extension will not serve as a basis for dismissal of a petition seeking an election filed in accordance with this section.

(h) *Contract requirements.* Collective bargaining agreements, including agreements that go into effect under 5 U.S.C. 7114(c), as applied by the CAA, and those that automatically renew without further action by the parties, do not constitute a bar to a petition seeking an election under this section unless a clear and unambiguous effective date, renewal date where applicable, duration, and termination date are ascertainable from the agreement and relevant accompanying documentation.

§2422.13 Resolution of issues raised by a petition.

(a) *Meetings prior to filing a representation petition.* All parties affected by the representation issues that may be raised in a petition are encouraged to meet prior to the filing of the petition to discuss their interests and narrow and resolve the issues. If requested by all parties a representative of the Office will participate in these meetings.

(b) *Meetings to narrow and resolve the issues after the petition is filed.* After a petition is filed, the Executive Director may require all affected parties to meet to narrow and resolve the issues raised in the petition.

§ 2422.14 Effect of withdrawal/dismissal.

(a) *Withdrawal/dismissal less than sixty (60) days before contract expiration.* When a petition seeking an election that has been timely filed is withdrawn by the petitioner or dismissed by the Executive Director or the Board less than sixty (60) days prior to the expiration of an existing agreement between the incumbent exclusive representative and the employing office or activity or any time after the expiration of the agreement, another petition seeking an election will not be considered timely if filed within a ninety (90) day period from either:

(1) The date the withdrawal is approved; or

(2) The date the petition is dismissed by the Executive Director when no application for review is filed with the Board; or

(3) The date the Board rules on an application for review; or

(4) The date the Board issues a Decision and Order dismissing the petition.

Other pending petitions that have been timely filed under this Part will continue to be processed.

(b) *Withdrawal by petitioner.* A petitioner who submits a withdrawal request for a petition seeking an election that is received by the Executive Director after the notice of pre-election investigatory hearing issues or after approval of an election agreement, whichever occurs first, will be barred from filing another petition seeking an election for the same unit or any subdivision of the unit for six (6) months from the date of the approval of the withdrawal by the Executive Director.

(c) *Withdrawal by incumbent.* When an election is not held because the incumbent disclaims any representation interest in a unit, a petition by the incumbent seeking an election involving the same unit or a subdivision of the same unit will not be considered timely if filed within six (6) months of cancellation of the election.

§ 2422.15 Duty to furnish information and cooperate.

(a) *Relevant information.* After a petition is filed, all parties must, upon request of the Executive Director, furnish the Executive Director and serve all parties affected by issues raised in the petition with information concerning parties, issues, and agreements raised in or affected by the petition.

(b) *Inclusions and exclusions.* After a petition seeking an election is filed, the Executive Director, on behalf of the Board, may direct the employing office or activity to furnish the Executive Director and all parties affected by issues raised in the petition with a current alphabetized list of employees and job classifications included in and/or excluded from the existing or claimed unit affected by issues raised in the petition.

(c) *Cooperation.* All parties are required to cooperate in every aspect of the representation process. This obligation includes cooperating fully with the Executive Director, submitting all required and requested information, and participating in prehearing conferences and pre-election investigatory hearings. The failure to cooperate in the representation process may result in the Executive Director or the Board taking appropriate action, including dismissal of the petition or denial of intervention.

§ 2422.16 Election agreements or directed elections.

(a) *Election agreements.* Parties are encouraged to enter into election agreements.

(b) *Executive Director directed election.* If the parties are unable to agree on procedural matters, specifically, the eligibility period, method of election, dates, hours, or locations of the election, the Executive Director, on behalf of the Board, will decide election procedures and issue a Direction of Election, without prejudice to the rights of a party to file objections to the procedural conduct of the election.

(c) *Opportunity for an investigatory hearing.* Before directing an election, the Executive Director shall provide affected parties an opportunity for a pre-election investigatory hearing on other than procedural matters.

(d) *Challenges or objections to a directed election.* A Direction of Election issued under this section will be issued without prejudice to the right of a party to file a challenge to the eligibility of any person participating in the election and/or objections to the election.

§ 2422.17 Notice of pre-election investigatory hearing and prehearing conference.

(a) *Purpose of notice of an investigatory hearing.* The Executive Director, on behalf of the Board, may issue a notice of pre-election investigatory hearing involving any issues raised in the petition.

(b) *Contents.* The notice of hearing will advise affected parties about the pre-election investigatory hearing. The Executive Director will also notify affected parties of the issues raised in the petition and establish a date for the prehearing conference.

(c) *Prehearing conference.* A prehearing conference will be conducted by the Executive Director or her designee, either by meeting or teleconference. All parties must participate in a prehearing conference and be prepared to fully discuss, narrow and resolve the issues set forth in the notification of the prehearing conference.

(d) *No interlocutory appeal of investigatory hearing determination.* The Executive Director's determination of whether to issue a notice of pre-election investigatory hearing is not appealable to the Board.

§ 2422.18 Pre-election investigatory hearing procedures.

(a) *Purpose of a pre-election investigatory hearing.* Representation hearings are considered investigatory and not adversarial. The purpose of the hearing is to develop a full and complete record of relevant and material facts.

(b) *Conduct of hearing.* Pre-election investigatory hearings will be open to the public unless otherwise ordered by the Executive Director or her designee. There is no burden of proof, with the exception of proceedings on objections to elections as provided for in § 2422.27(b). Formal rules of evidence do not apply.

(c) *Pre-election investigatory hearing.* Pre-election investigatory hearings will be conducted by the Executive Director or her designee.

(d) *Production of evidence.* Parties have the obligation to produce existing documents and witnesses for the investigatory hearing in accordance with the instructions of the Executive Director or her designee. If a party willfully fails to comply with such instructions, the Board may draw an inference adverse to that party on the issue related to the evidence sought.

(e) *Transcript.* An official reporter will make the official transcript of the pre-election investigatory hearing. Copies of the official transcript may be examined in the Office during normal working hours. Requests by parties to purchase copies of the official transcript should be made to the official hearing reporter.

§ 2422.19 Motions.

(a) *Purpose of a motion.* Subsequent to the issuance of a notice of pre-election investigatory hearing in a representation proceeding, a party seeking a ruling, an order, or relief must do so by filing or raising a motion stating the order or relief sought and the grounds therefor. Challenges and other filings referenced in other sections of this subpart may, in the discretion of the Executive Director or her designee, be treated as a motion.

(b) *Prehearing motions.* Prehearing motions must be filed in writing with the Executive Director. Any response must be filed with the Executive Director within five (5) days after service of the motion. The Executive Director shall rule on the motion.

(c) *Motions made at the investigatory hearing.* During the pre-election investigatory hearing, motions will be made to the Executive Director or her designee, and may be oral on the record, unless otherwise required in this subpart to be in writing. Responses may be oral on the record or in writing, but, absent permission of the Executive Director or her designee, must be provided before the hearing closes. The Executive Director or her designee will rule on motions made at the hearing.

(d) *Posthearing motions.* Motions made after the hearing closes must be filed in writing with the Board. Any response to a posthearing motion must be filed with the Board within five (5) days after service of the motion.

§ 2422.20 Rights of parties at a pre-election investigatory hearing.

(a) *Rights.* A party at a pre-election investigatory hearing will have the right:

(1) To appear in person or by a representative;

(2) To examine and cross-examine witnesses; and

(3) To introduce into the record relevant evidence.

(b) *Documentary evidence and stipulations.* Parties must submit two (2) copies of documentary evidence to the Executive Director or her designee and copies to all other parties. Stipulations of fact between/among the parties may be introduced into evidence.

(c) *Oral argument.* Parties will be entitled to a reasonable period prior to the close of the hearing for oral argument. Presentation of a closing oral argument does not preclude a party from filing a brief under paragraph (d) of this section.

(d) *Briefs.* A party will be afforded an opportunity to file a brief with the Board.

(1) An original and two (2) copies of a brief must be filed with the Board within thirty (30) days from the close of the hearing.

(2) A written request for an extension of time to file a brief must be filed with and received by the Board no later than five (5) days before the date the brief is due.

(3) No reply brief may be filed without permission of the Board.

§ 2422.21 Duties and powers of the Executive Director in the conduct of the pre-election investigatory hearing.

(a) *Duties.* The Executive Director or her designee, on behalf of the Board, will receive evidence and inquire fully into the relevant and material facts concerning the matters that are the subject of the investigatory hearing, and may make recommendations on the record to the Board.

(b) *Powers.* During the period a case is assigned to the Executive Director or her designee for pre-election investigatory hearing and prior to the close of the hearing, the Executive Director or her designee may take any action necessary to schedule, conduct, continue, control, and regulate the pre-election investigatory hearing, including ruling on motions when appropriate.

§2422.22 Objections to the conduct of the pre-election investigatory hearing.

(a) *Objections.* Objections are oral or written complaints concerning the conduct of a pre-election investigatory hearing.

(b) *Exceptions to rulings.* There are automatic exceptions to all adverse rulings.

§2422.23 Election procedures.

(a) *Executive Director conducts or supervises election.* The Executive Director, on behalf of the Board, will decide to conduct or supervise the election. In supervised elections, employing offices or activities will perform all acts as specified in the Election Agreement or Direction of Election.

(b) *Notice of election.* Prior to the election a notice of election, prepared by the Executive Director, will be posted by the employing office or activity in places where notices to employees are customarily posted and/or distributed in a manner by which notices are normally distributed. The notice of election will contain the details and procedures of the election, including the appropriate unit, the eligibility period, the date(s), hour(s) and location(s) of the election, a sample ballot, and the effect of the vote.

(c) *Sample ballot.* The reproduction of any document purporting to be a copy of the official ballot that suggests either directly or indirectly to employees that the Board endorses a particular choice in the election may constitute grounds for setting aside an election if objections are filed under §2422.26.

(d) *Secret ballot.* All elections will be by secret ballot.

(e) *Intervenor withdrawal from ballot.* When two or more labor organizations are included as choices in an election, an intervening labor organization may, prior to the approval of an election agreement or before the direction of an election, file a written request with the Executive Director to remove its name from the ballot. If the request is not received prior to the approval of an election agreement or before the direction of an election, unless the parties and the Executive Director, on behalf of the Board, agree otherwise, the intervening labor organization will remain on the ballot. The Executive Director's decision on the request is final and not subject to the filing of an application for review with the Board.

(f) *Incumbent withdrawal from ballot in an election to decertify an incumbent representative.* When there is no intervening labor organization, an election to decertify an incumbent exclusive representative will not be held if the incumbent provides the Executive Director with a written disclaimer of any representation interest in the unit. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(g) *Petitioner withdraws from ballot in an election.* When there is no intervening labor organization, an election will not be held if the petitioner provides the Executive Director with a written request to withdraw the petition. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(h) *Observers.* All parties are entitled to representation at the polling location(s) by observers of their own selection subject to the Executive Director's approval.

(1) Parties desiring to name observers must file in writing with the Executive Director a request for specifically named observers at least fifteen (15) days prior to an election. The Executive Director may grant an extension of time for filing a request for specifically named observers for good cause where a party requests such an extension or on the Executive Director's own motion. The request must name and identify the observers requested.

(2) An employing office or activity may use as its observers any employees who are not eligible to vote in the election, except:

(i) Supervisors or management officials;

(ii) Employees who have any official connection with any of the labor organizations involved; or

(iii) Non-employees of the legislative branch.

(3) A labor organization may use as its observers any employees eligible to vote in the election, except:

(i) Employees on leave without pay status who are working for the labor organization involved; or

(ii) Employees who hold an elected office in the union.

(4) Objections to a request for specific observers must be filed with the Executive Director stating the reasons in support within five (5) days after service of the request.

(5) The Executive Director's ruling on requests for and objections to observers is final and binding and is not subject to the filing of an application for review with the Board.

§2422.24 Challenged ballots.

(a) *Filing challenges.* A party or the Executive Director may, for good cause, challenge the eligibility of any person to participate in the election prior to the employee voting.

(b) *Challenged ballot procedure.* An individual whose eligibility to vote is in dispute will be given the opportunity to vote a challenged ballot. If the parties and the Region are unable to resolve the challenged ballot(s) prior to the tally of ballots, the unresolved challenged ballot(s) will be impounded and preserved until a determination can be made, if necessary, by the Executive Director or the Board.

§2422.25 Tally of ballots.

(a) *Tallying the ballots.* When the election is concluded, the Executive Director or her designee will tally the ballots.

(b) *Service of the tally.* When the tally is completed, the Executive Director will serve the tally of ballots on the parties in accordance with the election agreement or direction of election.

(c) *Valid ballots cast.* Representation will be determined by the majority of the valid ballots cast.

§2422.26 Objections to the election.

(a) *Filing objections to the election.* Objections to the procedural conduct of the election or to conduct that may have improperly affected the results of the election may be filed by any party. Objections must be filed and received by the Executive Director within five (5) days after the tally of ballots has been served. Any objections must be timely regardless of whether the challenged ballots are sufficient in number to affect the results of the election. The objections must be supported by clear and concise reasons. An original and two (2) copies of the objections must be received by the Executive Director.

(b) *Supporting evidence.* The objecting party must file with the Executive Director evidence, including signed statements, documents and other materials supporting the objections within ten (10) days after the objections are filed.

§2422.27 Determinative challenged ballots and objections.

(a) *Investigation.* The Executive Director, on behalf of the Board, will investigate objections and/or determinative challenged ballots that are sufficient in number to affect the results of the election.

(b) *Burden of proof.* A party filing objections to the election bears the burden of proof by a preponderance of the evidence concerning those objections. However, no party bears the burden of proof on challenged ballots.

(c) *Executive Director action.* After investigation, the Executive Director will take appropriate action consistent with §2422.30.

(d) *Consolidated hearing on objections and/or determinative challenged ballots and an unfair labor practice hearing.* When appropriate, and in accordance with §2422.33, objections and/or determinative challenged ballots may be consolidated with an unfair labor practice hearing. Such consolidated hearings will be conducted by a Hearing Officer. Exceptions and related submissions must be filed with the Board and the Board will issue a decision in accordance with Part 2423 of this chapter and section 406 of the CAA, except for the following:

(1) Section 2423.18 of this Subchapter concerning the burden of proof is not applicable;

(2) The Hearing Officer may not recommend remedial action to be taken or notices to be posted; and,

(3) References to "charge" and "complaint" in Part 2423 of this chapter will be omitted.

§2422.28 Runoff elections.

(a) *When a runoff may be held.* A runoff election is required in an election involving at least three (3) choices, one of which is "no union" or "neither," when no choice receives a majority of the valid ballots cast. However, a runoff may not be held until the objections to the election and determinative challenged ballots have been resolved.

(b) *Eligibility.* Employees who were eligible to vote in the original election and who are also eligible on the date of the runoff election may vote in the runoff election.

(c) *Ballot.* The ballot in the runoff election will provide for a selection between the two choices receiving the largest and second largest number of votes in the election.

§2422.29 Inconclusive elections.

(a) *Inconclusive elections.* An inconclusive election is one where challenged ballots are not sufficient to affect the outcome of the election and one of the following occurs:

(1) The ballot provides for at least three (3) choices, one of which is "no union" or "neither" and the votes are equally divided; or

(2) The ballot provides for at least three (3) choices, the choice receiving the highest number of votes does not receive a majority, and at least two other choices receive the next highest and same number of votes; or

(3) When a runoff ballot provides for a choice between two labor organizations and results in the votes being equally divided; or

(4) When the Board determines that there have been significant procedural irregularities.

(b) *Eligibility to vote in a rerun election.* A current payroll period will be used to determine eligibility to vote in a rerun election.

(c) *Ballot.* If a determination is made that the election is inconclusive, the election will be rerun with all the choices that appeared on the original ballot.

(d) *Number of reruns.* There will be only one rerun of an inconclusive election. If the rerun results in another inconclusive election, the tally of ballots will indicate a majority of valid ballots has not been cast for any choice and a certification of results will be issued. If necessary, a runoff may be held when an original election is rerun.

§2422.30 Executive Director investigations, notices of pre-election investigatory hearings, and actions; Board Decisions and Orders.

(a) *Executive Director investigation.* The Executive Director, on behalf of the Board, will make such investigation of the petition and any other matter as the Executive Director deems necessary.

(b) *Executive Director notice of pre-election investigatory hearing.* On behalf of the Board, the Executive Director will issue a notice of pre-election investigatory hearing to inquire into any matter about which a material issue of fact exists, where there is an issue as to whether a question concerning representation exists, and any time there is reasonable cause to believe a question exists regarding unit appropriateness.

(c) *Executive Director action.* After investigation and/or hearing, when a pre-election investigatory hearing has been ordered, the Executive Director may, on behalf of the Board, approve an election agreement, dismiss a petition or deny intervention where there is an inadequate or invalid showing of interest, or dismiss a petition where there is an undisputed bar to further processing of the petition under law, rule or regulation.

(d) *Appeal of Executive Director action.* A party may file with the Board an application for review of an Executive Director action taken pursuant to section (c) above.

(e) *Contents of the Record.* When no pre-election investigatory hearing has been conducted all material submitted to and considered by the Executive Director during the investigation becomes a part of the record. When a pre-election investigatory hearing has been conducted, the transcript and all material entered into evidence, including any posthearing briefs, become a part of the record.

(f) *Transfer of record to Board; Board Decisions and Orders.* In cases that are submitted to the Board for decision in the first instance, the Board shall decide the issues presented based upon the record developed by the Executive Director, including the transcript of the pre-election investigatory hearing, if any, documents admitted into the record and briefs and other approved submissions from the parties. The Board may direct that a secret ballot election be held, issue an order dismissing the petition, or make such other disposition of the matter as it deems appropriate.

§2422.31 Application for review of an Executive Director action.

(a) *Filing an application for review.* A party must file an application for review with the Board within sixty (60) days of the Executive Director's action. The sixty (60) day time limit provided for in 5 U.S.C. 7105(f), as applied by the CAA, may not be extended or waived.

(b) *Contents.* An application for review must be sufficient to enable the Board to rule on the application without recourse to the record; however, the Board may, in its discretion, examine the record in evaluating the application. An application must specify the matters and rulings to which exception(s) is taken, include a summary of evidence relating to any issue raised in the application, and make specific reference to page citations in the transcript if a hearing was held. An application may not raise any issue or rely on any facts not timely presented to the Executive Director.

(c) *Review.* The Board may, in its discretion, grant an application for review when the application demonstrates that review is warranted on one or more of the following grounds:

(1) The decision raises an issue for which there is an absence of precedent;

(2) Established law or policy warrants reconsideration; or,

(3) There is a genuine issue over whether the Executive Director has:

(i) Failed to apply established law;

(ii) Committed a prejudicial procedural error;

(iii) Committed a clear and prejudicial error concerning a substantial factual matter.

(d) *Opposition.* A party may file with the Board an opposition to an application for review within ten (10) days after the party is served with the application. A copy must be served on the Executive Director and all other parties and a statement of service must be filed with the Board.

(e) *Executive Director action becomes the Board's action.* An action of the Executive Director becomes the action of the Board when:

(1) No application for review is filed with the Board within sixty (60) days after the date of the Executive Director's action; or

(2) A timely application for review is filed with the Board and the Board does not undertake to grant review of the Executive Director's action within sixty (60) days of the filing of the application; or

(3) The Board denies an application for review of the Executive Director's action.

(f) *Board grant of review and stay.* The Board may rule on the issue(s) in an application for review in its order granting the application for review. Neither filing nor granting an application for review shall stay any action ordered by the Executive Director unless specifically ordered by the Board.

(g) *Briefs if review is granted.* If the Board does not rule on the issue(s) in the application for review in its order granting review, the Board may, in its discretion, afford the parties an opportunity to file briefs. The briefs will be limited to the issue(s) referenced in the Board's order granting review.

§2422.32 Certifications and revocations.

(a) *Certifications.* The Executive Director, on behalf of the Board, will issue an appropriate certification when:

(1) After an election, runoff, or rerun,

(i) No objections are filed or challenged ballots are not determinative, or

(ii) Objections and determinative challenged ballots are decided and resolved; or

(2) The Executive Director takes an action requiring a certification and that action becomes the action of the Board under §2422.31(e) or the Board otherwise directs the issuance of a certification.

(b) *Revocations.* Without prejudice to any rights and obligations which may exist under the CAA, the Executive Director, on behalf of the Board, will revoke a recognition or certification, as appropriate, and provide a written statement of reasons when an incumbent exclusive representative files, during a representation proceeding, a disclaimer of any representational interest in the unit.

§2422.33 Relief obtainable under Part 2423.

Remedial relief that was or could have been obtained as a result of a motion, objection, or challenge filed or raised under this subpart, may not be the basis for similar relief if filed or raised as an unfair labor practice under Part 2423 of this Chapter: *provided, however,* that related matters may be consolidated for hearing as noted in §2422.27(d) of this subpart.

§2422.34 Rights and obligations during the pendency of representation proceedings.

(a) *Existing recognitions, agreements, and obligations under the CAA.* During the pendency of any representation proceeding, parties are obligated to maintain existing recognitions, adhere to the terms and conditions of existing collective bargaining agreements, and fulfill all other representational and bargaining responsibilities under the CAA.

(b) *Unit status of individual employees.* Notwithstanding paragraph (a) of this section and except as otherwise prohibited by law, a party may take action based on its position regarding the bargaining unit status of individual employees, pursuant to 5 U.S.C. 7103(a)(2), 7112 (b) and (c), as applied by the CAA: *provided, however,* that its actions may be challenged, reviewed, and remedied where appropriate.

Part 2423—Unfair Labor Practice Proceedings

Sec.

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2423.19 Duties and powers of the Hearing Officer.
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2423.21 [Reserved]
2423.22 [Reserved]
2423.23 [Reserved]
2423.24 [Reserved]
2423.25 [Reserved]
2423.26 Hearing Officer decisions; entry in records of the Office.
2423.27 Appeal to the Board.
2423.28 [Reserved]
2423.29 Action by the Board.
2423.30 Compliance with decisions and orders of the Board.
2423.31 Backpay proceedings.

§2423.1 Applicability of this part.

This part is applicable to any charge of alleged unfair labor practices occurring on or after October 1, 1996.

§2423.2 Informal proceedings.

(a) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the cooperative efforts of all persons covered by the program. To this end, it shall be the policy of the Board and the General Counsel to encourage all persons alleging unfair labor practices and persons against whom such allegations are made to meet and, in good faith, attempt to resolve such matters prior to the filing of unfair labor practice charges.

(b) In furtherance of the policy referred to in paragraph (a) of this section, and noting the 180 day period of limitation set forth in section 220(c)(2) of the CAA, it shall be the policy of the Board and the General Counsel to encourage the informal resolution of unfair labor practice allegations subsequent to the filing of a charge and prior to the filing of a complaint by the General Counsel.

(c) In order to afford the parties an opportunity to implement the policy referred to in paragraphs (a) and (b) of this section, the investigation of an unfair labor practice charge by the General Counsel will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, during which period the parties are urged to attempt to informally resolve the unfair labor practice allegation.

§2423.3 Who may file charges.

An employing office, employing activity, or labor organization may be charged by any person with having engaged in or engaging in any unfair labor practice prohibited under 5 U.S.C. 7116, as applied by the CAA.

§2423.4 Contents of the charge; supporting evidence and documents.

(a) A charge alleging a violation of 5 U.S.C. 7116, as applied by the CAA, shall be submitted on forms prescribed by the General Counsel and shall contain the following:

(1) The name, address and telephone number of the person(s) making the charge;

(2) The name, address and telephone number of the employing office or activity, or labor organization against whom the charge is made;

(3) A clear and concise statement of the facts constituting the alleged unfair labor practice, a statement of the section(s) and subsection(s) of chapter 71 of title 5 of the United States Code made applicable by the CAA alleged to have been violated, and the date and place of occurrence of the particular acts; and

(4) A statement of any other procedure invoked involving the subject matter of the charge and the results, if any, including whether the subject matter raised in the charge (i) has been raised previously in a grievance procedure; (ii) has been referred to the Board under Part 2471 of these regulations, or the Federal Mediation and Conciliation Service, or (iii) involves a negotiability issue raised by the charging party in a petition pending before the Board pursuant to Part 2424 of this subchapter.

(b) Such charge shall be in writing and signed and shall contain a declaration by the person signing the charge, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of that person's knowledge and belief.

(c) When filing a charge, the charging party shall submit to the General Counsel any supporting evidence and documents.

§2423.5 Selection of the unfair labor practice procedure or the negotiability procedure.

Where a labor organization files an unfair labor practice charge pursuant to this part which involves a negotiability issue, and the labor organization also files pursuant to part 2424 of this subchapter a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under part 2424 of this subchapter.

§2423.6 Filing and service of copies.

(a) An original and four (4) copies of the charge together with one copy for each additional charged party named shall be filed with the General Counsel.

(b) Upon the filing of a charge, the charging party shall be responsible for the service of a copy of the charge (without the supporting evidence and documents) upon the person(s) against whom the charge is made, and for filing a written statement of such service with the General Counsel. The General Counsel will, as a matter of course, cause a copy of such charge to be served on the person(s) against whom the charge is made, but shall not be deemed to assume responsibility for such service.

(c) A charge will be deemed to be filed when it is received by the General Counsel in accordance with the requirements in paragraph (a) of this section.

§2423.7 Investigation of charges.

(a) The General Counsel shall conduct such investigation of the charge as the General Counsel deems necessary. Consistent with the policy set forth in §2423.2, the investigation will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, to informally resolve the unfair labor practice allegation.

(b) During the course of the investigation all parties involved will have an opportunity to present their evidence and views to the General Counsel.

(c) In connection with the investigation of charges, all persons are expected to cooperate fully with the General Counsel.

(d) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the full cooperation of all parties involved and the voluntary submission of all potentially relevant information from all potential sources during the course of the investigation. To this end, it shall be the policy of the Board and the General Counsel to protect the identity of individuals and the substance of the statements and information they submit or which is obtained during the investigation as a means of assuring the Board's and the General Counsel's continuing ability to obtain all relevant information.

§2423.8 Amendment of charges.

Prior to the issuance of a complaint, the charging party may amend the charge in accordance with the requirements set forth in §2423.6.

§2423.9 Action by the General Counsel.

(a) The General Counsel shall take action which may consist of the following, as appropriate:

(1) Approve a request to withdraw a charge;

(2) Refuse to file a complaint;

(3) Approve a written settlement and recommend that the Executive Director approve a written settlement agreement in accordance with the provisions of section 414 of the CAA;

(4) File a complaint;

(5) Upon agreement of all parties, transfer to the Board for decision, after filing of a complaint, a stipulation of facts in accordance with the provisions of §2429.1(a) of this subchapter; or

(6) Withdraw a complaint.

§2423.10 Determination not to file complaint.

(a) If the General Counsel determines that the charge has not been timely filed, that the charge fails to state an unfair labor practice, or for other appropriate reasons, the General Counsel may request the charging party to withdraw the charge, and in the absence of such withdrawal within a reasonable time, decline to file a complaint.

(b) The charging party may not obtain a review of the General Counsel's decision not to file a complaint.

§2423.11 Settlement or adjustment of issues.

(a) At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have the opportunity to submit to the Executive Director or General Counsel, as appropriate, for consideration, all facts and arguments concerning offers of settlement, or proposals of adjustment.

Precomplaint settlements

(b)(1) Prior to the filing of any complaint or the taking of other formal action, the General Counsel will afford the charging party and the respondent a reasonable period of time in which to enter into a settlement agreement to be submitted to and approved by the General Counsel and the Executive Director. Upon approval by the General Counsel and Executive Director and compliance with the terms of the settlement agreement, no further action shall be taken in the case. If the respondent fails to perform its obligations under the settlement agreement, the General Counsel may determine to institute further proceedings.

(2) In the event that the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, if the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel and the latter shall decline to file a complaint.

Post complaint settlement policy

(c) Consistent with the policy reflected in paragraph (a) of this section, even after the filing of a complaint, the Board favors the settlement of issues. Such settlements may be accomplished as provided in paragraph (b) of this section. The parties may, as part of the settlement, agree to waive their right to a hearing and agree further that the Board may issue an order requiring the respondent to take action appropriate to the terms of the settlement. Ordinarily such a settlement agreement will also contain the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order.

Post complaint prehearing settlements

(d)(1) If, after the filing of a complaint, the charging party and the respondent enter into a settlement agreement, and such agreement is accepted by the General Counsel, the settlement agreement shall be submitted to the Executive Director for approval.

(2) If, after the filing of a complaint, the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel. The charging party will be so informed and provided a brief written statement by the General Counsel of the reasons therefor. The settlement agreement together with the charging party's objections, if any, and the General Counsel's written statements, shall be submitted to the Executive Director for approval. The Executive Director may approve or disapprove any settlement agreement.

(3) After the filing of a complaint, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may withdraw the complaint.

Settlements after the opening of the hearing

(e)(1) After filing of a complaint and after opening of the hearing, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may request the Hearing Officer for permission to withdraw the complaint and, having been granted such permission to withdraw the complaint, may approve a settlement and recommend that the Executive Director approve the settlement pursuant to paragraph (b) of this section.

(2) If, after filing of a complaint and after opening of the hearing, the parties enter into a settlement agreement that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval.

(3) If the charging party fails or refuses to become a party to a settlement agreement, offered by the respondent, that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied to the CAA, the agreement shall be between the respondent and the General Counsel. After the charging party is given an opportunity to state on the record or in writing the reasons for opposing the settlement, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval. The Board may approve or disapprove any such settlement agreement or return the case to the Hearing Officer for other appropriate action.

§2423.12 Filing and contents of the complaint.

(a) After a charge is filed, if it appears to the General Counsel that formal proceedings in respect thereto should be instituted, the General Counsel shall file a formal complaint: *Provided, however*, that a determination by the General Counsel to file a complaint shall not be subject to review.

(b) The complaint shall include:

(1) Notice of the charge;

(2) Any information required pursuant to the Procedural Rules of the Office.

(c) Any such complaint may be withdrawn before the hearing by the General Counsel.

§2423.13 Answer to the complaint.

A respondent shall file an answer to a complaint in accordance with the requirements of the Procedural Rules of the Office.

§2423.14 Prehearing disclosure; conduct of hearing.

The procedures for prehearing discovery and the conduct of the hearing are set forth in the Procedural Rules of the Office.

§2423.15 Intervention.

Any person involved and desiring to intervene in any proceeding pursuant to this part shall file a motion in accordance with the procedures set forth in the Procedural Rules of the Office. The motion shall state the grounds upon which such person claims involvement.

§2423.16 [Reserved]

§2423.17 [Reserved]

§2423.18 Burden of proof before the hearing officer.

The General Counsel shall have the responsibility of presenting the evidence in support of the complaint and shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

2423.19 Duties and powers of the Hearing Officer.

It shall be the duty of the Hearing Officer to inquire fully into the facts as they relate to the matter before such Hearing Officer, subject to the rules and regulations of the Office and the Board.

§2423.20 [Reserved]

§2423.21 [Reserved]

§2423.22 [Reserved]

§2423.23 [Reserved]

§2423.24 [Reserved]

§2423.25 [Reserved]

§2423.26 Hearing officer decisions; entry in records of the office.

In accordance with the Procedural Rules of the Office, the Hearing Officer shall issue a written decision and that decision will be entered into the records of the Office.

§2423.27 Appeal to the Board.

An aggrieved party may seek review of a decision and order of the Hearing Officer in accordance with the Procedural Rules of the Office.

§2423.28 [Reserved]

§2423.29 Action by the Board.

(a) If an appeal is filed, the Board shall review the decision of the Hearing Officer in accordance with section 406 of the CAA, and the Procedural Rules of the Office.

(b) Upon finding a violation, the Board shall issue an order:

(1) To cease and desist from any such unfair labor practice in which the employing office or labor organization is engaged;

(2) Requiring the parties to renegotiate a collective bargaining agreement in accordance with the order of the Board and requiring that the agreement, as amended, be given retroactive effect;

(3) Requiring reinstatement of an employee with backpay in accordance with 5 U.S.C. 5596; or

(4) Including any combination of the actions described in paragraphs (1) through (3) of this paragraph (b), or such other action as will carry out the purpose of the chapter 71, as applied by the CAA.

(c) Upon finding no violation, the Board shall dismiss the complaint.

§2423.30 Compliance with decisions and orders of the Board.

When remedial action is ordered, the respondent shall report to the Office within a specified period that the required remedial action has been effected. When the General Counsel or the Executive Director finds that the required remedial action has not been effected, the General Counsel or the Executive Director shall take such action as may be appropriate, including referral to the Board for enforcement.

§2423.31 Backpay proceedings.

After the entry of a Board order directing payment of backpay, or the entry of a court decree enforcing such order, if it appears to the General Counsel that a controversy exists which cannot be resolved without a formal proceeding, the General Counsel may issue and serve on all parties a backpay specification accompanied by a request for hearing or a request for hearing without a specification. Upon receipt of the request for hearing, the Executive Director will appoint an independent Hearing Officer. The respondent shall, within twenty (20) days after the service of a backpay specification, file an answer thereto in accordance with the Office's Procedural Rules. No answer need be filed by the respondent to a notice of hearing issued without a specification. After the issuance of a notice of hearing, with or without a backpay specification, the hearing procedures provided in the Procedural Rules of the Office shall be followed insofar as applicable.

Part 2424—Expedited Review of Negotiability Issues

Subpart A—Instituting an Appeal

Sec.

2424.1 Conditions governing review.
2424.2 Who may file a petition.
2424.3 Time limits for filing.
2424.4 Content of petition; service.
2424.5 Selection of the unfair labor practice procedure or the negotiability procedure.
2424.6 Position of the employing office; time limits for filing; service.
2424.7 Response of the exclusive representative; time limits for filing; service.
2424.8 Additional submissions to the Board.
2424.9 Hearing.
2424.10 Board decision and order; compliance.

Subpart B—Criteria for Determining Compelling Need for Employing Office Rules and Regulations

2424.11 Illustrative criteria.

SUBPART A—INSTITUTING AN APPEAL

§2424.1 Conditions governing review.

The Board will consider a negotiability issue under the conditions prescribed by 5 U.S.C. 7117 (b) and (c), as applied by the CAA, namely: If an employing office involved in collective bargaining with an exclusive representative alleges that the duty to bargain in good faith does not extend to any matter proposed to be bargained because, as proposed, the matter is inconsistent with law, rule or regulation, the exclusive representative may appeal the allegation to the Board when—

(a) It disagrees with the employing office's allegation that the matter as proposed to be bargained is inconsistent with any Federal law or any Government-wide rule or regulation; or

(b) It alleges, with regard to any employing office rule or regulation asserted by the employing office as a bar to negotiations on the matter, as proposed, that:

(1) The rule or regulation violates applicable law, or rule or regulation of appropriate authority outside the employing office;

(2) The rule or regulation was not issued by the employing office or by any primary national subdivision of the employing office, or

otherwise is not applicable to bar negotiations with the exclusive representative, under 5 U.S.C. 7117(a)(3), as applied by the CAA; or

(3) No compelling need exists for the rule or regulation to bar negotiations on the matter, as proposed, because the rule or regulation does not meet the criteria established in subpart B of this part.

§ 2424.2 Who may file a petition.

A petition for review of a negotiability issue may be filed by an exclusive representative which is a party to the negotiations.

§ 2424.3 Time limits for filing.

The time limit for filing a petition for review is fifteen (15) days after the date the employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained is served on the exclusive representative. The exclusive representative shall request such allegation in writing and the employing office shall make the allegation in writing and serve a copy on the exclusive representative: *provided, however*, that review of a negotiability issue may be requested by an exclusive representative under this subpart without a prior written allegation by the employing office if the employing office has not served such allegation upon the exclusive representative within ten (10) days after the date of the receipt by any employing office bargaining representative at the negotiations of a written request for such allegation.

§ 2424.4 Content of petition; service.

(a) A petition for review shall be dated and shall contain the following:

(1) A statement setting forth the express language of the proposal sought to be negotiated as submitted to the employing office

(2) An explicit statement of the meaning attributed to the proposal by the exclusive representative including:

(i) Explanation of terms of art, acronyms, technical language, or any other aspect of the language of the proposal which is not in common usage; and

(ii) Where the proposal is concerned with a particular work situation, or other particular circumstances, a description of the situation or circumstances which will enable the Board to understand the context in which the proposal is intended to apply;

(3) A copy of all pertinent material, including the employing office's allegation in writing that the matter, as proposed, is not within the duty to bargain in good faith, and other relevant documentary material; and

(4) Notification by the petitioning labor organization whether the negotiability issue is also involved in an unfair labor practice charge filed by such labor organization under part 2423 of this subchapter and pending before the General Counsel.

(b) A copy of the petition including all attachments thereto shall be served on the employing office head and on the principal employing office bargaining representative at the negotiations.

(c)(1) Filing an incomplete petition for review will result in the exclusive representative being asked to provide the missing or incomplete information. Noncompliance with a request to complete the record may result in dismissal of the petition.

(2) The processing priority accorded to an incomplete petition, relative to other pending negotiability appeals, will be based upon the date when the petition is completed—not the date it was originally filed.

§ 2424.5 Selection of the unfair labor practice procedure or the negotiability procedure.

Where a labor organization files an unfair labor practice charge pursuant to part 2423 of this subchapter which involves a negotiability issue, and the labor organization also files pursuant to this part a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under this part.

§ 2424.6 Position of the employing office; time limits for filing; service.

(a) Within thirty (30) days after the date of the receipt by the head of an employing office of a copy of a petition for review of a negotiability issue the employing office shall file a statement—

(1) Withdrawing the allegation that the duty to bargain in good faith does not extend to the matter proposed to be negotiated; or

(2) Setting forth in full its position on any matters relevant to the petition which it wishes the Board to consider in reaching its decision, including a full and detailed statement of its reasons supporting the allegation. The statement shall cite the section of any law, rule or regulation relied upon as a basis for the allegation and shall contain a copy of any internal employing office rule or regulation so relied upon. The statement shall include:

(i) Explanation of the meaning the employing office attributes to the proposal as a whole, including any terms of art, acronyms, technical language or any other aspect of the language of the proposal which is not in common usage; and

(ii) Description of a particular work situation, or other particular circumstance the employing office views the proposal to concern, which will enable the Board to understand the context in which the proposal is considered to apply by the employing office.

(b) A copy of the employing office's statement of position, including all attachments thereto shall be served on the exclusive representative.

§ 2424.7 Response of the exclusive representative; time limits for filing; service.

(a) Within fifteen (15) days after the date of the receipt by an exclusive representative of a copy of an employing office's statement of position the exclusive representative shall file a full and detailed response stating its position and reasons for:

(1) Disagreeing with the employing office's allegation that the matter, as proposed to be negotiated, is inconsistent with any Federal law or Government-wide rule or regulation; or

(2) Alleging that the employing office's rules or regulations violate applicable law, or rule or regulation or appropriate authority outside the employing office; that the rules or regulations were not issued by the employing office or by any primary national subdivision of the employing office, or otherwise are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA; or that no compelling need exists for the rules or regulations to bar negotiations.

(b) The response shall cite the particular section of any law, rule or regulation alleged to be violated by the employing office's rules or regulations; or shall explain the grounds for contending the employing office rules or regulations are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA, or fail to meet the criteria established in subpart B of this part, or were not issued at the employing office headquarters level or at the level of a primary national subdivision.

(c) A copy of the response of the exclusive representative including all attachments thereto shall be served on the employing office head and on the employing office's representative of record in the proceeding before the Board.

§ 2424.8 Additional submissions to the board.

The Board will not consider any submission filed by any party, whether supplemental or responsive in nature, other than those authorized under § 2424.2 through 2424.7 unless such submission is requested by the Board; or unless, upon written request by any party, a copy of which is served on all other parties, the Board in its discretion grants permission to file such submission.

§ 2424.9 Hearing.

A hearing may be held, in the discretion of the Board, before a determination is made under 5 U.S.C. 7117(b) or (c), as applied by the CAA. If a hearing is held, it shall be expedited to the extent practicable and shall not include the General Counsel as a party.

§ 2424.10 Board decision and order; compliance.

(a) Subject to the requirements of this subpart the Board shall expedite proceedings under this part to the extent practicable and shall issue to the exclusive representative and to the employing office a written decision on the allegation and specific reasons therefor at the earliest practicable date.

(b) If the Board finds that the duty to bargain extends to the matter proposed to be bargained, the decision of the Board shall include an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning such matter. If the Board finds that the duty to bargain does not extend to the matter proposed to be negotiated, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue. If the Board finds that the duty to bargain extends to the matter proposed to be bargained only at the election of the employing office, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue.

(c) When an order is issued as provided in paragraph (b) of this section, the employing office or exclusive representative shall report to the Executive Director within a specified period failure to comply with an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning the disputed matter.

SUBPART B CRITERIA FOR DETERMINING COMPELLING NEED FOR EMPLOYING OFFICE RULES AND REGULATIONS

§ 2424.11—Illustrative criteria.

A compelling need exists for an employing office rule or regulation concerning any condition of employment when the employing office demonstrates that the rule or regulation meets one or more of the following illustrative criteria:

(a) The rule or regulation is essential, as distinguished from helpful or desirable, to the accomplishment of the mission or the execution of functions of the employing office or primary national subdivision in a manner which is consistent with the requirements of an effective and efficient government.

(b) The rule or regulation is necessary to insure the maintenance of basic merit principles.

(c) The rule or regulation implements a mandate to the employing office or primary national subdivision under law or other outside authority, which implementation is essentially nondiscretionary in nature.

Part 2425—Review of Arbitration Awards

Sec.
2425.1 Who may file an exception; time limits for filing; opposition; service.
2425.2 Content of exception.
2425.3 Grounds for review.
2425.4 Board decision.

§ 2425.1 Who may file an exception; time limits for filing; opposition; service.

(a) Either party to arbitration under the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, may file an exception to an arbitrator's award rendered pursuant to the arbitration.

(b) The time limit for filing an exception to an arbitration award is thirty (30) days beginning on the date the award is served on the filing party.

(c) An opposition to the exception may be filed by a party within thirty (30) days after the date of service of the exception.

(d) A copy of the exception and any opposition shall be served on the other party.

§ 2425.2 Content of exception.

An exception must be a dated, self-contained document which sets forth in full:

(a) A statement of the grounds on which review is requested;

(b) Evidence or rulings bearing on the issues before the Board;

(c) Arguments in support of the stated grounds, together with specific reference to the pertinent documents and citations of authorities; and

(d) A legible copy of the award of the arbitrator and legible copies of other pertinent documents; and

(e) The name and address of the arbitrator.

§ 2425.3 Grounds for review.

The Board will review an arbitrator's award to which an exception has been filed to determine if the award is deficient—

(a) Because it is contrary to any law, rule or regulation; or

(b) On other grounds similar to those applied by Federal courts in private sector labor-management relations.

§ 2425.4 Board decision.

The Board shall issue its decision and order taking such action and making such recommendations concerning the award as it considers necessary, consistent with applicable laws, rules, or regulations.

Part 2426—National Consultation Rights and Consultation Rights on Government-Wide Rules or Regulations

Subpart A—National Consultation Rights

Sec.
2426.1 Requesting; granting; criteria.
2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights.
2426.3 Obligation to consult.

Subpart B—Consultation Rights on Government-wide Rules or Regulations

2426.11 Requesting; granting; criteria.
2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations.
2426.13 Obligation to consult.

SUBPART A—NATIONAL CONSULTATION RIGHTS

§ 2426.1 Requesting; granting; criteria.

(a) An employing office shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the employing office level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the employing office.

(b) An employing office's primary national subdivision which has authority to formulate conditions of employment shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the primary national subdivision level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the primary national subdivision.

(c) In determining whether a labor organization meets the requirements as prescribed in paragraphs (a)(2) and (b)(2) of this section, the following will not be counted:

(1) At the employing office level, employees represented by the labor organization under national exclusive recognition granted at the employing office level.

(2) At the primary national subdivision level, employees represented by the labor organization under national exclusive recognition granted at the agency level or at that primary national subdivision level.

(d) An employing office or a primary national subdivision of an employing office shall not grant national consultation rights to any labor organization that does not meet the criteria prescribed in paragraphs (a), (b) and (c) of this section.

§ 2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights.

(a) Requests by labor organizations for national consultation rights shall be submitted in writing to the headquarters of the employing office or the employing office's primary national subdivision, as appropriate, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, national consultation rights shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for national consultation rights under criteria set forth in § 2426.1 may be filed by a labor organization.

(2) A petition for determination of eligibility for national consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office or the primary national subdivision and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office or primary national subdivision in which the petitioner seeks to obtain or retain national consultation rights, and the persons to contact and their titles, if known;

(vi) A showing that petitioner holds adequate exclusive recognition as required by § 2426.1; and

(vii) A statement as appropriate:

(A) That such showing has been made to and rejected by the employing office or primary national subdivision, together with a statement of the reasons for rejection, if any, offered by that employing office or primary national subdivision;

(B) That the employing office or primary national subdivision has served notice of its intent to terminate existing national consultation rights, together with a statement of the reasons for termination; or

(C) That the employing office or primary national subdivision has failed to respond in writing to a request for national consultation rights made under § 2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for national consultation rights shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on all known interested parties, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office or primary national subdivision of its refusal to accord national consultation rights pursuant to a request under § 2426.2(a) or its intention to terminate existing national consultation rights. If an employing office or primary national subdivision fails to respond in writing to a request for national consultation rights made under § 2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office or primary national subdivision wishes to terminate national consultation rights, notice of its intention to do so shall include a statement of its reasons and shall be served not less than thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office or primary national subdivision pending disposition of the petition. If no petition has been filed within the provided time period, an employing office or primary national subdivision may terminate national consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing office or primary national subdivision shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigations as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for national consultation rights which shall be final: *provided, however*, that an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of hearing to be issued to all interested parties where substantial factual issues exist warranting an investigatory hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with §2422.17 through 2422.22 of this subchapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.3 Obligation to consult.

(a) When a labor organization has been accorded national consultation rights, the employing office or the primary national subdivision which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed substantive change in conditions of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in conditions of employment to an employing office or a primary national subdivision, that employing office or primary national subdivision shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

(c) Nothing in this subpart shall be construed to limit the right of any employing office or exclusive representative to engage in collective bargaining.

SUBPART B—CONSULTATION RIGHTS ON GOVERNMENT-WIDE RULES OR REGULATIONS

§2426.11 Requesting; granting; criteria.

(a) An employing office shall accord consultation rights on Government-wide rules or regulations to a labor organization that:

(1) Requests consultation rights on Government-wide rules or regulations from an employing office; and

(2) Holds exclusive recognition for 350 or more covered employees within the legislative branch.

(b) An employing office shall not grant consultation rights on Government-wide rules or regulations to any labor organization that does not meet the criteria prescribed in paragraph (a) of this section.

§2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations.

(a) Requests by labor organizations for consultation rights on Government-wide rules or regulations shall be submitted in writing to the headquarters of the employing office, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, consultation rights on Government-wide rules or regulations shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for consultation rights under criteria set forth in §2426.11 may be filed by a labor organization.

(2) A petition for determination of eligibility for consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office in which the petitioner seeks to obtain or retain consultation rights on Government-wide rules or regulations, and the persons to contact and their titles, if known;

(vi) A showing that petitioner meets the criteria as required by §2426.11; and

(vii) A statement, as appropriate:

(A) That such showing has been made to and rejected by the employing office, together with a statement of the reasons for rejection, if any, offered by that employing office;

(B) That the employing office has served notice of its intent to terminate existing consultation rights on Government-wide rules or regulations, together with a statement of the reasons for termination; or

(C) That the employing office has failed to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for consultation rights on Government-wide rules or regulations shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on the employing office, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office of its refusal to accord consultation rights on Government-wide rules or regulations pursuant to a request under §2426.12(a) or its intention to terminate such existing consultation rights. If an employing office fails to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office wishes to terminate consultation rights on Government-wide rules or regulations, notice of its intention to do so shall be served not less than thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office pending disposition of the petition. If no petition has been filed within the provided time period, an employing office may terminate such consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing office shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigation as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for consultation rights which shall be final: *Provided, however*, That an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of investigatory hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of investigatory hearing to be issued where substantial factual issues exist warranting a hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with §2422.17 through 2422.22 of this chapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.13 Obligation to consult.

(a) When a labor organization has been accorded consultation rights on Government-wide rules or regulations, the employing office which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed Government-wide rule or regulation issued by the employing office affecting any substantive change in any condition of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in any condition of employment to an employing office, that employing office shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

Part 2427—General Statements of Policy or Guidance

Sec.
2427.1 Scope.
2427.2 Requests for general statements of policy or guidance.
2427.3 Content of request.
2427.4 Submissions from interested parties.
2427.5 Standards governing issuance of general statements of policy or guidance.

§ 2427.1 Scope.

This part sets forth procedures under which requests may be submitted to the Board seeking the issuance of general statements of policy or guidance under 5 U.S.C. 7105(a)(1), as applied by the CAA.

§ 2427.2 Requests for general statements of policy or guidance.

(a) The head of an employing office (or designee), the national president of a labor organization (or designee), or the president of a labor organization not affiliated with a national organization (or designee) may separately or jointly ask the Board for a general statement of policy or guidance. The head of any lawful association not qualified as a labor organization may also ask the Board for such a statement provided the request is not in conflict with the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, or other law.

(b) The Board ordinarily will not consider a request related to any matter pending before the Board or General Counsel.

§ 2427.3 Content of request.

(a) A request for a general statement of policy or guidance shall be in writing and must contain:

(1) A concise statement of the question with respect to which a general statement of policy or guidance is requested together with background information necessary to an understanding of the question;

(2) A statement of the standards under § 2427.5 upon which the request is based;

(3) A full and detailed statement of the position or positions of the requesting party or parties;

(4) Identification of any cases or other proceedings known to bear on the question which are pending under the CAA; and

(5) Identification of other known interested parties.

(b) A copy of each document also shall be served on all known interested parties, including the General Counsel, where appropriate.

§ 2427.4 Submissions from interested parties.

Prior to issuance of a general statement of policy or guidance the Board, as it deems appropriate, will afford an opportunity to interested parties to express their views orally or in writing.

§ 2427.5 Standards governing issuance of general statements of policy or guidance.

In deciding whether to issue a general statement of policy or guidance, the Board shall consider:

(a) Whether the question presented can more appropriately be resolved by other means;

(b) Where other means are available, whether a Board statement would prevent the proliferation of cases involving the same or similar question;

(c) Whether the resolution of the question presented would have general applicability under chapter 71, as applied by the CAA;

(d) Whether the question currently confronts parties in the context of a labor-management relationship;

(e) Whether the question is presented jointly by the parties involved; and

(f) Whether the issuance by the Board of a general statement of policy or guidance on the question would promote constructive and cooperative labor-management relationships in the legislative branch and would otherwise promote the purposes of chapter 71, as applied by the CAA.

Part 2428—Enforcement of Assistant Secretary Standards of Conduct Decisions and Orders

Sec.
2428.1 Scope.
2428.2 Petitions for enforcement.
2428.3 Board decision.

§ 2428.1 Scope.

This part sets forth procedures under which the Board, pursuant to 5 U.S.C. 7105(a)(2)(I), as applied by the CAA, will enforce decisions and orders of the Assistant Secretary in standards of conduct matters arising under 5 U.S.C. 7120, as applied by the CAA.

§ 2428.2 Petitions for enforcement.

(a) The Assistant Secretary may petition the Board to enforce any Assistant Secretary decision and order in a standards of conduct case arising under 5 U.S.C. 7120, as applied by the CAA. The Assistant Secretary shall transfer to the Board the record in the case, including a copy of the transcript if any, exhibits, briefs, and other documents filed with the Assistant Secretary. A copy of the petition for enforcement shall be served on the labor organization against which such order applies.

(b) An opposition to Board enforcement of any such Assistant Secretary decision and order may be filed by the labor organization against which such order applies twenty (20) days from the date of service of the petition, unless the Board, upon good cause shown by the Assistant Secretary, sets a shorter time for filing such opposition. A copy of the opposition to enforcement shall be served on the Assistant Secretary.

§ 2428.3 Board decision.

The Board shall issue its decision on the case enforcing, enforcing as modified, or refusing to enforce, the decision and order of the Assistant Secretary.

Part 2429—Miscellaneous and General Requirements

Subpart A—Miscellaneous

Sec.
2429.1 Transfer of cases to the Board.
2429.2 [Reserved]
2429.3 Transfer of record.
2429.4 Referral of policy questions to the Board.
2429.5 Matters not previously presented; official notice.
2429.6 Oral argument.
2429.7 [Reserved]
2429.8 [Reserved]
2429.9 [Reserved]
2429.10 Advisory opinions.
2429.11 [Reserved]
2429.12 [Reserved]
2429.13 Official time.
2429.14 Witness fees.
2429.15 Board requests for advisory opinions.
2429.16 General remedial authority.
2429.17 [Reserved]
2429.18 [Reserved]

Subpart B—General Requirements

2429.21 [Reserved]
2429.22 [Reserved]
2429.23 Extension; waiver.
2429.24 [Reserved]
2429.25 [Reserved]
2429.26 [Reserved]
2429.27 [Reserved]
2429.28 Petitions for amendment of regulations.

SUBPART A—MISCELLANEOUS

§ 2429.1 Transfer of cases to the board.

In any unfair labor practice case under part 2423 of this subchapter in which, after the filing of a complaint, the parties stipulate that no material issue of fact exists, the Executive Director may, upon agreement of all parties, transfer the case to the Board; and the Board may decide the case on the basis of the formal documents alone. Briefs in the case must be filed with the Board within thirty (30) days from the date of the Executive Director's order transferring the case to the Board. The Board may also remand any such case to the Executive Director for further processing. Orders of transfer and remand shall be served on all parties.

§ 2429.2 [Reserved]

§ 2429.3 Transfer of record.

In any case under part 2425 of this subchapter, upon request by the Board, the parties jointly shall transfer the record in the case, including a copy of the transcript, if any, exhibits, briefs and other documents filed with the arbitrator, to the Board.

§ 2429.4 Referral of policy questions to the board.

Notwithstanding the procedures set forth in this subchapter, the General Counsel, or the Assistant Secretary, may refer for review and decision or general ruling by the Board any case involving a major policy issue that arises in a proceeding before any of them. Any such referral shall be in writing and a copy of such referral shall be served on all parties to the proceeding. Before decision or general ruling, the Board shall obtain the views of the parties and other interested persons, orally or in writing, as it deems necessary and appropriate. The Board may decline a referral.

§ 2429.5 Matters not previously presented; official notice.

The Board will not consider evidence offered by a party, or any issue, which was not presented in the proceedings before the Executive Director, Hearing Officer, or arbitrator. The Board may, however, take official notice of such matters as would be proper.

§ 2429.6 Oral argument.

The Board or the General Counsel, in their discretion, may request or permit oral argument in any matter arising under this subchapter under such circumstances and conditions as they deem appropriate.

§ 2429.7 [Reserved]
§ 2429.8 [Reserved]
§ 2429.9 [Reserved]
§ 2429.10 Advisory opinions.

The Board and the General Counsel will not issue advisory opinions.

§ 2429.11 [Reserved]
§ 2429.12 [Reserved]
§ 2429.13 Official time.

If the participation of any employee in any phase of any proceeding before the Board under section 220 of the CAA, including the investigation of unfair labor practice charges and representation petitions and the participation in hearings and representation elections, is deemed necessary by the Board, the Executive Director, the General Counsel, any Hearing Officer, or other agent of the Board designated by the Board, such employee shall be granted official time for such participation, including necessary travel time, as occurs during the employee's regular work hours and when the employee would otherwise be in a work or paid leave status.

§ 2429.14 Witness fees.

(a) Witnesses (whether appearing voluntarily, or under a subpena) shall be paid the fee and mileage allowances which are paid subpenaed witnesses in the courts of the United States: *Provided*, that any witness who is employed by the Federal Government shall not be entitled to receive witness fees in addition to compensation received pursuant to § 2429.13.

(b) Witness fees and mileage allowances shall be paid by the party at whose instance the witnesses appear, except when the witness receives compensation pursuant to §2429.13.

§2429.15 Board requests for advisory opinions.

(a) Whenever the Board, pursuant to 5 U.S.C. 7105(i), as applied by the CAA, requests an advisory opinion from the Director of the Office of Personnel Management concerning the proper interpretation of rules, regulations, or policy directives issued by that Office in connection with any matter before the Board, a copy of such request, and any response thereto, shall be served upon the parties in the matter.

(b) The parties shall have fifteen (15) days from the date of service of a copy of the response of the Office of Personnel Management to file with the Board comments on that response which the parties wish the Board to consider before reaching a decision in the matter. Such comments shall be in writing and copies shall be served upon the other parties in the matter and upon the Office of Personnel Management.

§2429.16 General remedial authority.

The Board shall take any actions which are necessary and appropriate to administer effectively the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§2429.17 [Reserved]

§2429.18 [Reserved]

SUBPART B—GENERAL REQUIREMENTS

§2429.21 [Reserved]

§2429.22 [Reserved]

§2429.23 Extension; waiver.

(a) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may extend any time limit provided in this subchapter for good cause shown, and shall notify the parties of any such extension. Requests for extensions of time shall be in writing and received by the appropriate official not later than five (5) days before the established time limit for filing, shall state the position of the other parties on the request for extension, and shall be served on the other parties.

(b) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may waive any expired time limit in this subchapter in extraordinary circumstances. Request for a waiver of time limits shall state the position of the other parties and shall be served on the other parties.

(c) The time limits established in this subchapter may not be extended or waived in any manner other than that described in this subchapter.

(d) Time limits established in 5 U.S.C. 7105(f), 7117(c)(2) and 7122(b), as applied by the CAA, may not be extended or waived under this section.

§2429.24 [Reserved]

§2429.25 [Reserved]

§2429.26 [Reserved]

§2429.27 [Reserved]

§2429.28 Petitions for amendment of regulations.

Any interested person may petition the Board in writing for amendments to any portion of these regulations. Such petition shall identify the portion of the regulations involved and provide the specific language of the proposed amendment together with a statement of grounds in support of such petition.

SUBCHAPTER D—IMPASSES

Part 2470—General

Subpart A—Purpose

Sec.
2470.1 Purpose.

Subpart B—Definitions

2470.2 Definitions.

SUBPART A—PURPOSE

§2470.1 Purpose.

The regulations contained in this subchapter are intended to implement the provisions of section 7119 of title 5 of the United States Code, as applied by the CAA. They prescribe procedures and methods which the Board may utilize in the resolution of negotiation impasses when voluntary arrangements, including the services of the Federal Mediation and Conciliation Service or any other third-party mediation, fail to resolve the disputes.

SUBPART B—DEFINITIONS

§2470.2 Definitions.

(a) The terms *Executive Director, employing office, labor organization,* and *conditions of employment* as used herein shall have the meaning set forth in Part 2421 of these rules.

(b) The terms *designated representative* or *designee* of the Board means a Board member, a staff member, or other individual designated by the Board to act on its behalf.

(c) The term *hearing* means a factfinding hearing, arbitration hearing, or any other hearing procedure deemed necessary to accomplish the purposes of 5 U.S.C. 7119, as applied by the CAA.

(d) The term *impasse* means that point in the negotiation of conditions of employment at which the parties are unable to reach agreement, notwithstanding their efforts to do so by direct negotiations and by the use of mediation or other voluntary arrangements for settlement.

(e) The term *Board* means the Board of Directors of the Office of Compliance.

(f) The term *party* means the agency or the labor organization participating in the negotiation of conditions of employment.

(g) The term *voluntary arrangements* means any method adopted by the parties for the purpose of assisting them in their resolution of a negotiation dispute which is not inconsistent with the provisions of 5 U.S.C. 7119, as applied by the CAA.

Part 2471—Procedures of the Board in Impasse Proceedings

Sec.
2471.1 Request for Board consideration; request for Board approval of binding arbitration.
2471.2 Request form.
2471.3 Content of request.
2471.4 Where to file.
2471.5 Copies and service.
2471.6 Investigation of request; Board recommendation and assistance; approval of binding arbitration.
2471.7 Preliminary hearing procedures.
2471.8 Conduct of hearing and prehearing conference.
2471.9 Report and recommendations.
2471.10 Duties of each party following receipt of recommendations.
2471.11 Final action by the Board.
2471.12 Inconsistent labor agreement provisions.

§2471.1 Request for board consideration; request for board approval of binding arbitration.

If voluntary arrangements, including the services of the Federal Mediation and Conciliation Services or any other third-party mediation, fail to resolve a negotiation impasse:

(a) Either party, or the parties jointly, may request the Board to consider the matter by filing a request as hereinafter provided; or the Board may, pursuant to 5 U.S.C. 7119(c)(1), as applied by the CAA, undertake consideration of the matter upon request of (i) the Federal Mediation and Conciliation Service, or (ii) the Executive Director; or

(b) The parties may jointly request the Board to approve any procedure, which they have agreed to adopt, for binding arbitration of the negotiation impasse by filing a request as hereinafter provided.

§2471.2 Request form.

A form has been prepared for use by the parties in filing a request with the Board for consideration of an impasse or approval of a binding arbitration procedure. Copies are available from the Executive Director, Office of Compliance.

§2471.3 Content of request.

(a) A request from a party or parties to the Board for consideration of an impasse must be in writing and include the following information:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Statement of issues at impasse and the summary positions of the initiating party or parties with respect to those issues; and

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized.

(b) A request for approval of a binding arbitration procedure must be in writing, jointly filed by the parties, and include the following information about the pending impasse:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Brief description of the impasse including the issues to be submitted to the arbitrator;

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized;

(4) Statement that the proposals to be submitted to the arbitrator contain no questions concerning the duty to bargain; and

(5) Statement of the arbitration procedures to be used, including the type of arbitration, the method of selecting the arbitrator, and the arrangement for paying for the proceedings or, in the alternative, those provisions of the parties' labor agreement which contain this information.

§2471.4 Where to file.

Requests to the Board provided for in this part, and inquiries or correspondence on the status of impasses or other related matters, should be addressed to the Executive Director, Office of Compliance.

§2471.5 Copies and service.

(a) Any party submitting a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of such request upon all counsel of record or other designated representative(s) of parties, upon parties not so represented, and upon any mediation service which may have been utilized. When the Board acts on a request from the Federal Mediation and Conciliation Service or acts on a request from the Executive Director, it will notify the parties to the dispute, their counsel of record or designated representatives, if any, and any mediation service which may have been utilized. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(b) Any party submitting a response to or other document in connection with a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of the document upon all counsel of record or other designated representative(s) of parties, or upon parties not so represented. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) A signed and dated statement of service shall accompany each document submitted to the Board. The statement of service shall include the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(d) The date of service or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person.

(e) Unless otherwise provided by the Board or its designated representatives, any document or paper filed with the Board under these rules, together with any enclosure filed therewith, shall be submitted on 8½″ 11 inch size paper.

§2471.6 Investigation of request; board recommendation and assistance; approval of binding arbitration.

(a) Upon receipt of a request for consideration of an impasse, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either:

(1) Decline to assert jurisdiction in the event that it finds that no impasse exists or that there is other good cause for not asserting jurisdiction, in whole or in part, and so advise the parties in writing, stating its reasons; or

(2) Recommend to the parties procedures, including but not limited to arbitration, for the resolution of the impasse and/or assist them in resolving the impasse through whatever methods and procedures the Board considers appropriate.

(b) Upon receipt of a request for approval of a binding arbitration procedure, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either approve or disapprove the request; *provided, however*, that when the request is made pursuant to an agreed-upon procedure for arbitration contained in an applicable, previously negotiated agreement, the Board may use an expedited procedure and promptly approve or disapprove the request, normally within five (5) workdays.

§2471.7 Preliminary hearing procedures.

When the Board determines that a hearing is necessary under §2471.6, it will:

(a) Appoint one or more of its designees to conduct such hearing; and

(b) Issue and serve upon each of the parties a notice of hearing and a notice of prehearing conference, if any. The notice will state: (1) The names of the parties to the dispute; (2) the date, time, place, type, and purpose of the hearing; (3) the date, time, place, and purpose of the prehearing conference, if any; (4) the name of the designated representatives appointed by the Board; (5) the issues to be resolved; and (6) the method, if any, by which the hearing shall be recorded.

§2471.8 Conduct of hearing and prehearing conference.

(a) A designated representative of the Board, when so appointed to conduct a hearing, shall have the authority on behalf of the Board to:

(1) Administer oaths, take the testimony or deposition of any person under oath, receive other evidence, and issue subpoenas;

(2) Conduct the hearing in open, or in closed session at the discretion of the designated representative for good cause shown;

(3) Rule on motions and requests for appearance of witnesses and the production of records;

(4) Designate the date on which posthearing briefs, if any, shall be submitted;

(5) Determine all procedural matters concerning the hearing, including the length of sessions, conduct of persons in attendance, recesses, continuances, and adjournments; and take any other appropriate procedural action which, in the judgment of the designated representative, will promote the purpose and objectives of the hearing.

(b) A prehearing conference may be conducted by the designated representative of the Board in order to:

(1) Inform the parties of the purpose of the hearing and the procedures under which it will take place;

(2) Explore the possibilities of obtaining stipulations of fact;

(3) Clarify the positions of the parties with respect to the issues to be heard; and

(4) Discuss any other relevant matters which will assist the parties in the resolution of the dispute.

§2471.9 Report and recommendations.

(a) When a report is issued after a hearing conducted pursuant to §2471.7 and 2471.8, it normally shall be in writing and, when authorized by the Board, shall contain recommendations.

(b) A report of the designated representative containing recommendations shall be submitted to the parties, with two (2) copies to the Executive Director, within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any.

(c) A report of the designated representative not containing recommendations shall be submitted to the Board with a copy to each party within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any. The Board shall then take whatever action it may consider appropriate or necessary to resolve the impasse.

§2471.10 Duties of each party following receipt of recommendations.

(a) Within thirty (30) calendar days after receipt of a report containing recommendations of the Board or its designated representative, each party shall, after conferring with the other, either:

(1) Accept the recommendations and so notify the Executive Director; or

(2) Reach a settlement of all unresolved issues and submit a written settlement statement to the Executive Director; or

(3) Submit a written statement to the Executive Director setting forth the reasons for not accepting the recommendations and for not reaching a settlement of all unresolved issues.

(b) A reasonable extension of time may be authorized by the Executive Director for good cause shown when requested in writing by either party prior to the expiration of the time limits.

§2471.11 Final action by the board.

(a) If the parties do not arrive at a settlement as a result of or during actions taken under §2471.6(a)(2), 2471.7, 2471.8, 2471.9, and 2471.10, the Board may take whatever action is necessary and not inconsistent with 5 U.S.C. chapter 71, as applied by the CAA, to resolve the impasse, including but not limited to, methods and procedures which the Board considers appropriate, such as directing the parties to accept a factfinder's recommendations, ordering binding arbitration conducted according to whatever procedure the Board deems suitable, and rendering a binding decision.

(b) In preparation for taking such final action, the Board may hold hearings, administer oaths, and take the testimony or deposition of any person under oath, or it may appoint or designate one or more individuals pursuant to 5 U.S.C. 7119(c)(4), as applied by the CAA, to exercise such authority on its behalf.

(c) When the exercise of authority under this section requires the holding of a hearing, the procedure contained in §2471.8 shall apply.

(d) Notice of any final action of the Board shall be promptly served upon the parties, and the action shall be binding on such parties during the term of the agreement, unless they agree otherwise.

§2471.12 Inconsistent labor agreement provisions.

Any provisions of the parties' labor agreements relating to impasse resolution which are inconsistent with the provisions of either 5 U.S.C. 7119, as applied by the CAA, or the procedures of the Board shall be deemed to be superseded.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 30, the Federal debt stood at $5,224,810,939,135.73.

Five years ago, September 30, 1991, the Federal debt stood at $3,665,303,000,000.

Ten years ago, September 30, 1986, the Federal debt stood at $2,125,303,000,000.

Fifteen years ago, September 30, 1981, the Federal debt stood at $997,855,000,000.

Twenty-five years ago, September 30, 1971, the Federal debt stood at $412,268,000,000. This reflects an increase of more than $4 trillion—$4,812,542,939,135.73—during the 25 years from 1971 to 1996.

ADM. LEIGHTON W. SMITH, JR., USN

Mr. HEFLIN. Mr. President, I rise today to pay tribute to an exceptional American hero and one of Alabama's favored sons, Adm. Leighton W. Smith, Jr. Recently concluding his 34 years of service in the U.S. Navy, Admiral Smith has served this Nation as a man of honor, integrity, and great courage.

It is this leadership which has led our forces through many challenges, most recently in Bosnia.

On April 4, 1994, Admiral Smith assumed command of Allied Forces Southern Europe, Commander Joint Task Force Provide Promise, and Commander U.S. Naval Forces Europe. Twenty eight hours later, under his command, NATO conducted its first ever air-to-ground combat operations near Gorazde, Bosnia. On numerous occasions between that April and August, 1995, NATO air forces supported the U.N. forces in Bosnia with close air support and air strikes. Simultaneously, as Commander Joint Task Force Provide Promise, he continued to oversee airland and airdrop support to the U.N. refugee program in Bosnia, saving thousands of lives.

As tensions continued to rise in the fall of 1995, Admiral Smith directed Operation Deliberate Force, NATO air operations against Bosnian Serb targets. These successful operations brought the warring parties to the peace accords in Dayton that November.

In December 1995, Admiral Smith assumed a fourth command hat—Commander Peace Implementation Forces, NATO's first ever ground operation entrusted with implementing the Dayton Peace Agreement. The JFOR became nearly 60,000 strong from 34 different countries. The mission was to create a militarily secure environment in order to build peace in a country which had been devastated from three and a half years of war.

Prior to Admiral Smith's most recent outstanding service, his record speaks to the numerous challenging situations he has faced and overcome. He was directly involved in operations in support of our men and women in Desert Shield/Desert Storm. This included directing combat operations into Iraq, the evacuation of civilians from Liberia and humanitarian support for the Kurdish refugees in northern Iraq. As the Deputy Chief of Naval Operations for Plans, Policy and Operations, Admiral Smith was a major contributor to Navy staff reorganization and the development of the naval strategy for the 21st century.

Throughout his Naval career, Admiral Smith has received numerous awards including two Defense Distinguished Service Medals, the Navy Distinguished Service Medals and three Legion of Merits, among others.

Whether you know him as Leighton, Smitty, Snuffy or Snoofoir, the Admiral is a down-home man of grit and tenacity who has committed himself fully to the duties associated with service. While his easy-going humor may be disarming, Admiral Smith has the tenacity of a pit bull. He will tell you pig-farming stories from his youth and how he made the upper 95 percent of his class at the Naval Academy look good, while simultaneously going toe to toe with our adversaries in order to protect, defend and support our men and women in uniform. His honor and integrity have anchored those who have had the privilege of serving with him through both internal turmoil and international instability.

On his retirement, my wife and I extend our personal wishes to Admiral Smith, his wife Dottie and their three children, Leighton III, Page, and Dee Dee.

SOME DEPARTING THOUGHTS ON OUR NATIONAL DEFENSE AND FOREIGN POLICY

Mr. HEFLIN. Mr. President, this is one of a series of general policy speeches I am delivering as my tenure in the Senate draws to a close. I will focus here on national defense and foreign policy issues—what my priorities have been as a Senator, where we stand in terms of our preparedness, and what the future might bring. It is not my intent here to be entirely comprehensive, for that would necessitate far more time than we realistically have. Instead, what I want to do here is simply to look back over my 18 years in the Senate and draw upon specific debates, crises, decisions, programs, and legislative efforts to reflect upon where we were when I came here, where we are now, and where we might go tomorrow, after I am again a private citizen.

First, I wish to emphasize that we as a nation should be grateful that we face no immediate threat to our borders from foreign military powers. I am particularly proud that I have played some role in rebuilding our Armed Forces and military strength during the aftermath of the Vietnam war. This commitment on the part of our Nation contributed substantially to the collapse of the old Soviet Union and its Communist philosophy. In my opinion, it was probably the major reason. This commitment proved itself again during the Persian Gulf war.

With my own experiences in World War II and observations since that time, I have felt compelled that we must at all times endeavor to obtain lasting peace, and that the primary road to achieving this goal is through military strength.

It is often stated on this floor of the U.S. Senate that for the first time in decades there is no Soviet missile targeted at the United States. In general, we are fortunate that our national security and defense policy are no longer focused on a single massive Soviet adversary. But, in other ways, our decisions are now far more complex, for they must take into account far more players, some of whom may not be clearly identifiable. Moreover, I believe the United States needs to continue the development of certain initiatives originally intended to respond to the Soviet military threat. Although we no longer need to fear a nuclear superpower, other countries now have access to Soviet weapons. Many countries also have achieved the technological capability to produce nuclear weapons and other weapons of mass destruction. We still face the threat of an accidental launched missile with no reliable means of defending the continental United States.

Former President Reagan deserves a great deal of credit for pursuing his Strategic Defense Initiative in 1983. SDI has faced tough opposition from its inception. I have fought with many of my colleagues to fund the program in the Senate. In 1984, we managed to save the program and, in fact, the American Security Council, then-majority leader Howard Baker, and the President credited me with swaying the critical votes to save funding for that year. I will always remember the President phoning me and saying "Bless you. Bless you." It has remained a difficult task to continue to provide research and development funds for this program. In 1989, changing relations with the former Soviet Union continued to fuel the opponents of the program and debate has continued into the post-cold-war era.

I feel that we must continue our efforts here in Congress to deploy an antiballistic missile system. And in my opinion, we should do it in evolutionary stages. The space-based laser incarnation of the antiballistic missile program must have continued research technology for the future. Today, we have the technology to develop and deploy a missile system to defend against an attack or accidental launches. We should develop and utilize that technology.

Actually, I advocated this position some time before President Reagan called for the development of the SDI program. In fact, in a meeting with him, I urged him to call for such a program. When the President established an inter-agency panel to recommend the best way to proceed with the strategic defense initiative, I lobbied for this approach, and was quite pleased to learn that the panel reached the same conclusion. In later years, I introduced amendments that would require the focus of the strategic defense initiative to the deployment of ground-based systems first. Then, as now, we need a ground-based technology rather than a space-based system, like Brilliant Pebbles. The ground-based system proved itself in a theater concept during the Persian Gulf war.

The Anti-Ballistic Missile Treaty has been both a consideration and a limitation in the deployment of this technology. I called for reconsideration of the ABM Treaty with the Soviets before it came up for review in 1982 while the nuclear arms race was ongoing. It seems to me a wiser approach to develop weapons that will be used only in a defensive nature. More recently, I urged the immediate deployment of a single antiballistic missile site that would be considered treaty compliant, and I have strongly advocated negotiations to allow the deployment of multiple ABM sites. Ultimately, the Congress hammered out a compromise the President could accept and which complied with the treaty to allow an unspecified number of sites to be deployed in the year 2003.

Since the very early days, when critics labeled the strategic defense initiative as an absurdly futuristic plan, public opinion of ABM technology has changed. A poll last year indicated that 90 percent of the American people believe that the United States should develop a missile defense system. The Congress and the President of the United States have the support of the people, the technology to accomplish this and the means to deploy these systems. I strongly urge my colleagues in this Congress and future Congresses to not let this initiative die.

Mr. President, in order to continue the preeminence of the U.S. military strength, I believe we need to continue with the development of smart weapons technology connected directly or indirectly to strategic defense. A few examples of programs I have supported over the years include the ASAT [Anti-Satellite Missiles], THAAD and other ABM technology.

Even though the United States is preeminent in military technology, we must maintain a large and well-prepared conventional military force. Throughout my Senate tenure, I have always been a proponent of the American arms buildup. President Carter called for NATO nations to increase its military spending by 3 percent, which I supported. This was the first step toward rebuilding our military. In 1980, I pushed for increased defense spending because I feared that the Soviets had surpassed us in many ways, including conventional weaponry, chemical warfare, and most importantly, trained manpower. In the following years of President Reagan's two terms, I consistently supported his efforts to increase national security.

More recently, I have urged a slowing to our military cutbacks. I supported President Clinton's decision to seek higher defense spending levels to deal with increasing need for the U.S. involvement in world affairs, including Haiti, Somalia, Rwanda and Kuwait.

The conventional forces of the United States have assumed an additional role during my time in the Senate. In order to cope with the number of small-scale threats around the world, our Nation desperately needs to maintain its quick-strike capabilities. I first advocated this type of force during the Iranian hostage crisis. At that time, it became obvious to everyone that the United States could no longer rely on its nuclear arsenal to combat the increasing number of brush fires around the world. We in Congress must make a commitment to see that the men and women in the Armed Forces have the training, the support, and technology that is deserving of the commitment these young people have made to protect our interests all around the world.

Manpower remains a significant element of our national defense posture. After the Soviet invasion of Afghanistan in late 1979, I supported the reinstatement of draft registration. I have also advocated increased compensation for the men and women in the military. The quality of our forces is essential to our security. Although I opposed including women in the draft and in combat, I have fought to ensure the military uses all of its personnel to the best of their abilities. I joined in introducing a bill in 1979 to end sexual discrimination in promotions, particularly in the Navy and Marine Corps.

The Navy may well be the most important element of our conventional forces. When I first came to the Senate, the United States had two ocean naval fleets. The Iranian Hostage Crisis, however, led me to believe that the United States needed to maintain a presence in the Indian Ocean and the Persian Gulf. I advocated this position at the time, but of course, it is even more important now. This region will continue to be a focal point in defense and foreign policy for years to come. We must be prepared to address unforseen developments in other regions as well.

In 1981, I was alarmed to learn that our Navy had halved its strength since 1969. President Reagan and Secretary John Lehman's leadership called for the creation of a 600-ship Navy. This buildup turned out to be an effective tool in the cold war and we cannot allow too large a reduction in our current naval force. We need to maintain the ability to convey our Forces around the world and provide the strike potential of our carrier groups. For these reasons, I was particularly proud to support naming a carrier after President Reagan.

I also believe that the United States must continue to focus on continuing to improve air forces. Air superiority on the battle field often times determines the outcome before the ground forces are ever deployed. The United States must continue to upgrade its fleet of B–52 bombers. In fact, this was an issue in my first campaign. I have been a supporter of the B–1 bomber since 1979, because even then, the 30-year old B–52's needed replacement. Stealth technology was still on the design table and this aircraft in my opinion was the most reasonable alternative. Opponents argued that the United States did not need a manned bomber; however, I think the need was proven in the Persian Gulf war. We must continue to embrace the stealth technology and improve upon it to maintain our air superiority.

In this post Communist world, weapons proliferation still poses serious threat to our national security. For this reason, I would like to commend my colleagues, Senator NUNN and Senator LUGAR, for their hard work to prevent the distribution of the weapon stockpile of the former Soviet Union. We must also not lose focus and emphasis on the United States need to keep control over its own technology. I have opposed certain nuclear sales in the past, such as President Carter's uranium fuel deal with India. India was, in my opinion, a blatant violator of the 1978 Nuclear Nonproliferation Act and I believe India also violated the 1963 act by using United States supplied nuclear fuel to build a bomb. I tried to prevent similar sales by joining in offering an amendment to the Export Administration Act of 1984 to require nuclear regulatory commission guidelines in fuel sales.

Chemical warfare is another increasing threat to American security. In 1980, I attended a briefing in Fort McClellan, Alabama and learned that the Soviets greatly outmatched our defensive chemical capabilities. The Soviets had significantly more trained specialists and their regular troops were much better equipped and informed. Furthermore, reports indicated that the Soviets were willing to use offensive chemical weapons, and in fact, they had delivered chemical attacks in Afghanistan, Cambodia, Laos, and Yemen. I was pleased that Secretary Haig called attention to this threat in 1981.

To respond to this threat, I supported the construction of a binary chemical weapons facility at Fort Smith, AR. My recollection is that then-Vice President Bush voted to break the tie vote on this issue after I cast the tie vote. The existing U.S. chemical weapons dated back 30 years; I felt they were obsolete and relatively ineffective. The threat of chemical warfare has not lessened. In fact, the potential danger is probably even greater now, as we learned in the gulf war. Increasing terrorism, like the Tokyo subway bombing, also underscores the need for chemical weapon response readiness. In order to address this problem, the Senate passed a number of chemical weapons provisions in its antiterrorism bill last year, including an amendment I offered to criminalize the possession of toxic nerve gas, which I was shocked to learn was not illegal to possess.

With this in mind, I have fought since 1990 to keep Fort McClellan and its chemical school open. Senator SHELBY, Congressman BROWDER, and officials from Calhoun County and the Federal Affairs committee at the Calhoun County Chamber of Commerce headed by Gerald Powell deserve a tremendous amount of credit for their efforts to advocate our position before the Base Closure Realignment Commission.

Even though the Defense Department last year recommended the closure of this facility, the BRAC Commission twice recognized the need to keep this facility open and viable. General Schwartzkoff offered a ringing endorsement to the U.S. Senate of the live agent training and the continued operation of Fort McClellen. The General noted that chemical training had bolstered the morale of troops serving in the gulf armed with the knowledge of dealing effectively with these deadly weapons. The commander of British chemical training also argued that live agent training greatly increased confidence and morale. Even though the third BRAC Commission voted to close Fort McClellen—mistakenly, in my view—I still hold the conviction that the United States must continue vital chemical warfare defensive training and it must keep the live agent training in the chemical school at the same facility.

In order to maintain America's conventional forces at the highest level during a time of continued fiscal austerity and national debt, I want to emphasize the necessity of keeping the Pentagon at its most cost effective. In 1981, I sponsored a measure to establish an inspector general for the Department of Defense. At that time, estimates indicated that the simple elimination of waste might cut defense spending by nearly one-third. In 1983, Congress created the office, but I thought it was a mistake to make the inspector general accountable to the Secretary of Defense rather than being an independent official. I argued that an independent solution would have been more effective.

I have also been an advocate of consolidated development efforts within the Pentagon, as well as revolving door and contract guidelines to increase competition. I also fought for the establishment of a central procurement office at the Pentagon. My efforts were driven to some degree by revelations made during judiciary subcommittee hearings held in 1985. At these hearings, we learned that the Pentagon had lost control of its spending, pouring hundreds, and sometimes thousands, of dollars into a single hammer or other simple item.

Another way of increasing the cost-effectiveness of our Armed Forces is maximizing efficiency through consolidation. I worked throughout my time here to enact such a plan at Fort Rucker, AL. Beginning in 1979, I advocated a plan to merge helicopter training from all four branches at the fort, and continued my efforts during President Reagan's first years in office. I urged the Defense Secretary and the OMB Director to adopt the plan, and solicited studies to examine its feasibility. Senator SHELBY and I renewed this effort under President Clinton, but again, we were unable to get the Department of Defense to carry out the implementation. However, I remain firmly convinced that such consolidation plans, if put into place across the country, are obvious, commonsense ways to address wasteful duplication of effort.

Increased profit through defense conversion will also be a helpful means of saving money. To this end, I supported President Clinton's technical reinvestment project to provide grants for small firms to convert from defense production to the development of technology with a dual-use, both civilian and military.

With regard to antiterrorism efforts, I believe the United States needs to maintain training to cope with attacks now more than ever in its history. One facility which has served our antiterrorism goals well is the bomb school at Redstone Arsenal, AL. When I came to the Senate, this school was the only facility of its type in the country. It was run by the Army and funded by the Law Enforcement Assistance Administration. Later, when the LEAA was eliminated, Congress decided to fund the school through the FBI. There was a gap in the funding for fiscal year 1981, and we succeeded in including a line-item appropriation for the school.

The importance of these programs only continues to increase. After the Oklahoma City bombing in 1995, the Judiciary Committee held hearings to consider ways to prevent and combat terrorism in the future. We listened to testimony from the FBI director and officials from the Southern Poverty Law Center, among others. In fact, the bombing hit close to home for me personally, since just a little over 5 years before, a terrorist mailed pipe bombs to four locations in the South. My close friend, Judge Bob Vance, died in one of these attacks. Of course, I strongly believe in the individual rights provided in the Constitution, but we must work to strike a balance which preserves these rights, yet also prevents individual terrorist acts.

Espionage has also taken on a different form in today's world. We are now faced with spies who embrace a new motivation—greed. They do not act out of ideology or beliefs, and have no goals but their own gain. I introduced legislation in 1985 to address this new motivation. It would have stripped any convicted spy of anything acquired through espionage, and it would have denied movie or book rights about treason.

Since then, the Aldridge Ames case has demonstrated that this problem is only growing. We cannot allow ourselves to think that espionage is a thing of the past, nor that it exists only as a remnant of the Cold War. Instead, it will continue to increase, and we have as much or more to lose in the future if we cannot combat it effectively.

We need to keep a close eye on our intelligence community. When Ames was finally caught, I learned that the FBI and CIA did not have access to his personal financial records. I introduced a bill to require financial disclosures from key intelligence officers at the CIA. I believe such a requirement would protect intelligence officers while also preserving our security.

I also want to stress the importance of increasing our self-sufficiency in terms of energy consumption. In the past, events such as the oil crisis in 1979–1980 have taught us that the United States is too heavily dependent on foreign countries for its defense materials. Those same countries which provide us with vital raw materials could become our adversaries. At that time, I called for contingency plans and investigation of the possibilities of utilizing our domestic resources, including the Alaska oil reserves. Since then, we have faced other energy scares, such as that which contributed to the Persian Gulf war. There is no reason to believe that such crises will not recur, and I urge Congress to continue exploring alternatives to dependence on foreign energy sources.

Military alignments among nations will be a major consideration in the future. One reason I supported the defense buildup in the 1980's was to reassert the U.S. position among our allies, which needs to be sustained. The expansion of NATO into the former Eastern bloc remains a key question of alignment. In 1993, NATO began to consider the admission of new members, including Poland, Hungary, and the Czech Republic, but Russia's position was unclear. The fall of communism did not bring a conflict-free Europe, but instead brought back some of the old alignments and hostilities that had existed before the two world wars. As chairman of the Senate delegation on the North Atlantic Assembly, I introduced a plan to provide specific guidelines for getting nations ready for NATO membership pursuant to the Partnership for Peace plan. Congressman DOUG BEREUTER of Nebraska, a vice chairman of the Assembly, joined me in this effort. Our plan calls for NATO applicants to demonstrate civilian control of the military and police, free and open elections, policies against international terrorism and crime, and other commitments desirable of NATO members. The plan also required the NAA's permanent committees to consider and report on any reform these countries might need to implement before NATO admission. I believe we need to be very cautious in the future about not treating NATO as a type of European United Nations, and remember that it is first and foremost a military alliance.

In my role as chairman and cochairman of the NAA Senate delegation, I have also gained direct input from European parliamentarians on such matters as lifting the arms embargo on Bosnia. Many of these leaders feared that a unilateral lifting of the embargo would cause a spillover. I argued that given the complexities of the war in Bosnia, there was simply no good way to know what effect it might have. With great reservation, I ultimately supported an amendment in the Senate to lift the embargo only under the auspices of the U.N. and NATO.

While I firmly believe in keeping our military strong—the best in the world—I also believe that reducing nuclear weapons and other weapons of mass destruction should remain a top priority. In so doing, we must again look at recent history as a guide. When President Carter signed the SALT II Treaty in 1979, I had serious reservations about its provisions. Could we rely on the Soviets to be honest about compliance? More importantly, could we confirm their compliance? These questions and others weighed heavily on my mind, as they undoubtedly did on those of all involved. There were methods available to verify Soviet missile tests and other related activities, including telemetry, satellites, and radar. But, if our then-adversary violated the treaty, the problem of dealing with noncompliance remained.

At that time, I advocated tough diplomacy backed up by definitive intelligence information. I felt this was the only realistic way to proceed. Of course, that was easier to say than do. What would the Soviet reaction have been? Would we have been able to rely on our own technology and intelligence for confirmation? Would they view such a stand as provocative or threatening?

Another problem was the fall of the Shah of Iran. A number of our primary detection stations were in Iran, and the CIA estimated that it would take at least 5 years to recover what we had lost, due to the instability there. Ultimately, the treaty died when the Soviet Union invaded Afghanistan.

To make the point even more clear, look at the situation in 1991, when Presidents Bush and Gorbechev signed the START agreement. I was very hesitant about ratifying that treaty. Its signing came shortly after the attempted coup in August of that year. This kind of instability would almost certainly come into play with other unpredictable nations who are becoming nuclear powers. In 1991, the outcome was favorable, but we cannot always bank on such an outcome.

When we do have to defend our vital national interests, economic sanctions and embargoes will continue to be an effective tool. I have usually supported sanctions over force, at least initially. I first called for the use of sanctions against Iran, after the hostage crisis began. I also introduced legislation to compensate the hostages from frozen Iranian assets in the United States. Similarly, I would have preferred the use of sanctions against Haiti rather than the threat of force.

But, we must be careful with the sanctions strategy, because it is not always effective, and sometimes it hurts Americans as much as the country we are trying to influence. I felt this was the case with the grain embargoes against the Soviet Union, which hurt United States farmers more than the Government of the U.S.S.R. Generally speaking, we should ensure the effectiveness of embargoes through a cooperative international effort.

Generally, I have been proud of the Senate for rallying behind the American President whenever he has determined the necessity of using our Armed Forces. The finest example of this resolve came during the Persian Gulf deployment in the fall and winter of 1990–91. I was 1 of 11 Democratic Senators to vote in favor of authorizing the use of force before the bombing began, although the entire Senate formally back President Bush after the hostilities began.

I have been consistent in embracing the philosophy of supporting the Commander in Chief, regardless of the party or what I might have felt personally could have been done differently or better. I supported President Carter throughout the Iranian hostage crisis. There was nothing to be gained by second-guessing his decisions—even after the failed rescue mission of April 1980. I felt this support was especially important given the Ayatollah's strategy of portraying a weak resolve on our part. Along these lines, I was particularly horrified by Ramsey Clark's kangaroo-court style probe of United States policy toward Iran, and pressed for a criminal investigation. I also supported the invasion of Grenada to protect American citizens and the removal of the corrupt Manuel Noriega to protect our vital interests in the Panama Canal region.

There have been other instances where I have been opposed to military action itself, but felt the President had the constitutional authority to initiate such action. Haiti was one example of this. I voted against a resolution requiring the President to adhere to a waiting period, although I did not want to see United States troops sent to Haiti. Another example was the deployment of ground troops in Bosnia, which I did not view as serving our vital national interests. However, I did argue that it was important to unite behind the President once his decision had been made and the troops had been deployed.

In conclusion, Mr. President, I want to urge the Congress to be extremely careful about cutting back our Armed Forces in the years to come. Despite what we think of as a relatively stable world, the future, in reality, is very uncertain and unclear. The nature of threats to our security is unfocused at this time. Tensions in Iraq have again flared, and instability may return to other areas of the world as well. Although world peace is our ultimate goal, it would be a serious mistake to allow ourselves to think we have reached that goal. The tensions that remain all around the world dictate that we continue our military preparedness in a manner that will allow America to be victors in any conflict that may arise with the fewest casualties possible.

REFLECTIONS ON PROGRESS IN CIVIL RIGHTS

Mr. HEFLIN. Mr. President, during my 18 years as a U.S. Senator, legislation of all sorts and in all issue areas has come before this body. Of course there were some issues I came to know best, sometimes because of the nature of my constituency, as was the case with agriculture and technology issues. But there are other topics the Senate addressed during this time which stand out in my mind for different reasons, such as judiciary and legal issues and national defense policy. Naturally, since I have a background in the law, I have a greater personal interest here than I do some other areas. But, of all the judicial work the Senate has tackled during my 18 years, its accomplishments in the area of general civil rights strike me as among its most commendable.

Since 1979, congressional action in the field of civil rights has been enormously significant. I think it would be appropriate to highlight some of these issues and events.

Of all the bills relating to civil rights, perhaps first in my mind is the extension of the Voting Rights Act of 1965, which passed during my first term. The fair housing bill, which enforced the provisions of the Fair Housing Act of 1968, also stands out. Another was the Civil Rights Restoration Act of 1991, which ensured that discrimination would not be tolerated in the workplace. But there were others, including the Dr. Martin Luther King, Jr., Holiday and Holiday Commission bills, the Civil Rights Restoration Act of 1987, the reauthorization of the Civil Rights Commission, and the Congress' efforts to save the Legal Services Corporation from the Reagan administration's cuts.

When the Congress considered each of these bills, Members on both sides took positions reflecting very different philosophies. But I believe that the need to reconcile various points of view is the essence of progress in civil rights. For this reason, I am extremely proud of the Senate for working out the necessary accords to pass these bills.

In addition to these specific bills, I am also very proud of the Senate for its advice and consent role in nominations for the Federal Judiciary and executive positions that affected the civil rights movement. During the time since my election, the Senate ensured the continued transition of the South from the 1950's into the next century. Many ills had yet to be addressed, and the Senate confirmed a number of individuals who will fight to resolve these ills and voted down some who might have furthered them.

In 1980, the Senate confirmed the first black district judges in Alabama. The Congress also worked to preserve the legacy of several judges from Alabama who had accomplished much in the area of civil rights, including Justice Hugo Black, Judge Frank Johnson, and Judge Robert Vance. All of these men furthered the cause of racial progress.

When it came to nominations, I would also like to note that the Senate occasionally felt it had to oppose some nominees, because it feared that these individuals might impinge on the enforcement of laws to protect individual rights. These nominees included some Federal judicial nominees as well as executive officials. But in each case, I did my best to remain open-minded until all of the facts were available and the arguments had been made. I might best compare my view of a Senator's role in the confirmation process to that of a judge rather than an advocate.

When it came to some of these bills and nominations, it happened that my own personal perspective and conscience compelled me to vote differently than some of my constituents might have liked. This was particularly true in some instances, including my very painful decision to oppose the special treatment extension of the insignia patent for the Daughters of the American Confederacy, which I will discuss later.

My goal here is to reflect upon some of the major legislation, nominations, and issues which have dominated the Senate's civil rights debate since I have been here.

GROVE CITY COLLEGE CIVIL RIGHTS RESTORATION BILL

In 1984, I supported the passage of a bill known as Grove City. Formally known as the Civil Rights Restoration Act of 1987, it did not pass until 1988. With this bill, the Congress essentially sought to restore civil rights guaranteed under several major laws restricted by the Supreme Court. It had a number of opponents among the religious community, especially, since abortion became a major controversy surrounding the bill. In fact, the Congress ultimately needed to override a veto to pass the bill.

Grove City took its name from a February 28, 1984, Supreme Court decision, Grove City College versus Bell. With this ruling, the Court altered the interpretation of title IX of the Education Amendments of 1972. It found that this law, which prohibited sex discrimination in federally funded institutions, applied only to the particular program or activity directly receiving the funds. Therefore, the entire school was not bound by the antidiscrimination language.

Perhaps the reason the Grove City case was so significant was its potential impact on three other civil rights laws. These laws were the Civil Rights Act, the Age Discrimination Act, and the Rehabilitation Act, all of which used practically the same language. The Court had clearly abridged the Government's rights and abilities to fight discrimination.

According to its stated purpose, the Civil Rights Restoration Act of 1987 sought to restore the "broad, institution-wide application" of Federal antidiscrimination laws. It pertained to each of the four civil rights laws, and like its previous incarnations, it sought to redefine "program or activity."

In 1988, Grove City became Public Law 100–259. But I wasn't necessarily pleased that the fight had been so hard. I had tremendous political pressure on me to oppose it. Immediately after I voted for the override, the vote was referred to as "another nail in my coffin." To put these thoughts in context, I received over 6,000 contacts, including phone calls or letters from constituents who criticized me for supporting the bill.

But I think that it was worth the fight. After its passage, the National Black Law Journal characterized the bill in these terms:

> The passage of S. 557 sends a clear signal: discrimination is illegal and will be prohibited through broad enforcement of the Civil Rights Restoration Act of 1987. Consequently, the enactment of S. 557 closes a major loophole in our civil rights laws and preserves two decades of hard-won civil rights for all Americans.

THE FAIR HOUSING BILL

Since my first year as a Senator in 1979, civil rights activists had been pushing the Congress for legislation to amend the 1968 Fair Housing Act, and I supported their efforts. However, a broad bill intended to enforce the provisions of the Fair Housing Act of 1968 did not pass the Congress until 1988.

My efforts in that first Congress included attaching a provision to the bill to allow discrimination complaints to be heard by HUD administrative law judges. A compromise version of this idea appeared in the final 1988 law.

In 1979, several national surveys spurred a House subcommittee to pass a fair housing bill. HUD Secretary Harris testified that it was necessary to improve the 1968 act. The act, she said, ". . . defined and prohibited discriminatory housing practices but failed to include the enforcement tools necessary to prevent such practices and provide relief to victims of discrimination."

A companion bill appeared before the Senate Judiciary Committee in the summer of the next year, 1980. During its markups, the committee adopted several of my amendments. One would allow HUD discrimination suits to be heard by administrative law judges. These judges would be appointed by a Fair Housing Review Commission authorized by the bill, and the President would appoint the commissioners. The Fair Housing Review Commission would have the authority to review and modify cases. The second of my amendments would limit suits to individuals who actually sought fair housing and who felt they had been victims of discrimination.

By this time, the House had passed its version. Its supporters included the NAACP, the AFL–CIO, the UAW, the League of Women Voters, and the ACLU. President Carter was also among this group, calling the bill "the most critical civil rights legislation before the Congress in years."

It was the House bill which ultimately came to the Senate floor. It had less luck in the Senate than the House, though; certain Senators led a filibuster which killed the bill.

Disagreement on the bill focused on two controversies, whether discrimination should be proven by results or intent, and whether cases should be heard by administrative law judges or Federal judges and juries. Civil rights groups supported provisions requiring the results standard of proof; Senate opponents wanted proof of intent. But there did not seem to be any middle ground. With regard to the administrative law judge provisions, Senator DECONCINI, offered a compromise to allow jury trials in some cases, but opponents were not receptive. This compromise just raised too many questions.

Unfortunately, we could not compromise that year, and the bill ultimately died in a filibuster.

In 1988, we finally passed a broad bill, H.R. 1158, to address the problem of racial and other discrimination in housing. This bill became Public Law 100–430, to amend the 1968 Fair Housing Act.

The new law authorized HUD to penalize those who discriminated in housing sales and rentals. In addition to prohibitions on discrimination according to race, color, religion, sex, or national origin specified by the 1968 act, the new law included protections for the handicapped and families with young children. According to Congressional Quarterly, this was the first time the Congress protected these latter categories under its laws.

Before the passage of this new law, HUD only possessed the authority to mediate battles. The Justice Department could file suits in the case of discriminatory patterns, and individuals could bring their own suits. But this bill authorized HUD to pursue suits on a victim's behalf.

The final law included a compromise version of my administrative law judge scheme of the 96th Congress. It provided for cases filed by HUD to be heard in front of administrative law judges, if the parties involved chose to do so. Where compromise failed in 1980, however, the 1988 law also provided a second option: if just one of the parties chose it, the case would be heard in a jury trial. The law required the parties to choose within 20 days.

VOTING RIGHTS EXTENSION

In 1982, the Congress passed a law to extend the Voting Rights Act of 1965—H.R. 3112, Public Law 97-205. This new law contained four essential parts. First, it extended section 5 of the act, the major enforcement provision, for 25 years. This section, called the preclearance provision, required 9 States, including my own Alabama, and parts of 13 others to receive approval from the Department of Justice before they could change their election laws. Second, it allowed States that could prove a good voting rights record for the previous 10 years to bail out of the preclearance section after 1984. Beginning that year, States desiring to bail out would have to prove their case before a Federal panel of three judges in Washington, DC. Third, the extension amended the permanent provisions of the 1965 act under section 2 to make it easier to prove violations. Previously, intent to discriminate had to be proven, but under the new law, it would only be necessary to prove that laws had resulted in discrimination. Last, the new law also extended bilingual requirements under the act for 10 years.

But passing this bill was not easy. It had opponents in the Senate and in the administration. In fact, the chairman of the Senate Judiciary Committee was not friendly to its passage. Compromise was required to save the bill, and I worked behind the scenes, especially with Senator Dole, to find a proposal which would be acceptable to the committee.

Congressional Quarterly has since noted that Senator Dole and I played deciding roles on the Senate Judiciary Committee. As the bill came out of subcommittee, the publication noted that divisions on the full committee left us "* * * holding the balance of power." Seven members were publicly against the bill, and nine were for it. The committee had 18 members at the time, and a tie of nine to nine would have resulted in a failure to report the bill to the full Senate.

I had an agreement with Senator Dole to work together to forge a compromise which would get committee approval, but not to publicize my behind-the-scenes activity. The reason for my reluctance to receive any credit was due to the fact that this was an unpopular bill with white voters in Alabama, particularly in Mobile.

Notably, Senator Denton, from Alabama, was also a member of the Judiciary Committee, but he opposed the bill. On June 22, the Talladega Daily Home printed an editorial contrasting our positions. "The next time he comes before Alabama voters to be re-elected or retired," it read, "U.S. Senator HOWELL HEFLIN may have a problem explaining satisfactorily his vote to extend the so-called voting rights act for another 25 years." About Denton, who opposed the bill, the editorial wrote he "won't have the same problem."

And on May 6, the Mobile Register printed an editorial which condemned the compromise, writing that it was no compromise at all; instead, the Register called it "probably the most discriminatory legal garbage to ever hit Congress." This editorial called on me to lead a filibuster of the bill for Alabama and particularly Mobile. The Register wrote that, in light of Mobile versus Bolden, the Voting Rights Extension would allow any Federal judge to change local governments' election laws at a whim.

As I mentioned earlier, section 2 of the 1982 extension made it easier to prove violations by requiring proof of results rather than intent. This revision would effectively overturn a 1980 Supreme Court decision, Mobile versus Bolden, upholding the intent requirements.

It was this provision, known as the results test, which first snagged the bill in the Senate committee; the constitution subcommittee refused to incorporate the provision in its March markup. President Reagan's Attorney General told the panel that the administration was opposed to the new provisions.

During this markup, the Senate subcommittee extended section 5, the enforcement provisions, for 10 years. But by contrast, the House version of the bill extended section 5 indefinitely. Again, the Attorney General supported the Senate subcommittee's move, testifying that the administration opposed a longer extension.

Notably, in the month following this subcommittee vote, U.S. District Judge Virgil Pittman of Alabama issued an revised opinion on Mobile versus Bolden declaring that Mobile had discriminated against blacks based on the results test. This decision, based on results, bolstered the case of civil rights groups who supported the bill provisions under section 2.

With these revisions, the bill then came to the full Senate committee, whose members began to align for or against the extension. As I mentioned above, nine members supported the House version and seven opposed it; leaving Dole and me in the middle to work out something the whole committee could accept.

On May 4, the committee passed our compromise version of the bill, with only four Senators voting against it. This compromise included changes to section 2's results language to specify its meaning. Taken from a 1973 Supreme Court case, White versus Register, the final version declared that a violation could be proved:

> * * * "if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation.

The compromise also extended section 5 for 25 years, rather than 10, as the administration and some Senators wanted, or permanently, as the House wanted.

Still in the way, however, was a filibuster to stop the bill. But the Senate voted it down. In the end, the Senate amended the House bill to align it with its own compromise. The House accepted the Senate amendments on June 23, by unanimous consent.

THE MARTIN LUTHER KING FEDERAL HOLIDAY

In my first month as a Senator, I became a joint sponsor of a bill to establish a Federal holiday in honor of Dr. Martin Luther King, Jr. That bill, however, did not become law, and it was not until 1983 that we were able to establish the holiday. In 1983, I fully supported its passage—H.R. 3706, Public Law 98-144.

During the 1983 debate, the measure became the victim of a filibuster led by Senator JESSE HELMS. According to Congressional Quarterly, Senator HELMS objected to King's "action-oriented Marxism," and alleged that King had connections to the Communist Party. These claims seemed to me to be without merit.

When the Senate began consideration of the holiday measure, I voted to end the filibuster, and I opposed amendments which would effectively have killed the bill. However, there were two amendments I found to be in line with my own thinking. They were offered by Senators Randolph and Boren to require that the King, Washington, and Columbus holidays be held on the actual dates of the events. In fact, I cosponsored Boren's amendment, and after that amendment failed, I signed onto a bill to serve the same purpose. My reasons for supporting this condition were the cost of a new holiday—the holidays would occasionally fall on Saturdays and Sundays, saving a great deal of expense—and I also wanted to ensure the proper observance of significant historical events. Dr. King's birthday is a significant date in the history of civil rights in this country, and it is most fitting to remember its actual date.

The following year, Congress passed a bill establishing a Martin Luther King

Holiday Commission to encourage ceremonies for the first celebration of the holiday—H.R. 5890; Public Law 98-399. The bill mandated a 3-member panel to be funded by donations.

Five years later, I cosponsored a bill to make the Martin Luther King commission permanent. The bill became law—(H.R. 1385, Public Law 101–30,—and it expanded the commission's role to include the promotion of racial equality and nonviolent social change. Again, when this bill came to the Senate floor, a number of amendments effectively to kill it were offered, and I opposed them all. However, I did support an amendment to bar the Commission from encouraging civil disobedience.

I joined Senator SARBANES as a sponsor in support of four different bills, S. 322 in the 100th Congress, S. 619 in the 101st Congress, S. 239 in the 102d Congress, and S. 27 in the 103d Congress, to set aside a piece of Federal land in the District of Columbia for the Alpha Phi Alpha Fraternity to build a memorial to Dr. Martin Luther King, Jr. However, these bills did not pass.

FUNDING FOR HISTORICALLY BLACK COLLEGES

I am especially proud of my efforts to authorize funding for the 1890 land grant colleges, including the Tuskegee Institute—now Tuskegee University—and Alabama A&M in my home State of Alabama. Even though these land grant colleges date to the 19th century, they had been largely ignored until the late 1970's. I consider that this fact represents a great waste; certainly these institutions deserve equal treatment, and I believe they are, properly funded, a valuable asset to the Nation in the field of agricultural research.

First, I would like to give a brief history of the African-American, 1890 land-grant colleges. In 1862, the U.S. Congress passed the first Morrill Act, which established the basis for land-grant colleges. These would be established by the States to educate their citizens in agriculture, home economics, and other practical subjects.

However, the Southern States did not provide funding for black colleges under this law, so the Congress passed a second Morrill Act in 1890 specifically to support the African-American institutions. From this history comes the term "1890 Land-Grant Institutions," specifically applied to these historically African-American colleges. However, the agriculture department did not begin earnestly to fund the 1890 land-grant colleges until 1966. That year, Assistant Secretary Dr. George Mehren asked the National Academy of Sciences to suggest an allocation of $283,000 for research at these colleges—under Public Law 89–106.

In 1866, Lincoln University in Missouri became the first such historically black land-grant college." By 1976, there were 16 such universities. Of these 16, there are 2 in Alabama, the Tuskegee University and Alabama A&M University.

The Alabama State Legislature created the Tuskegee Institute in 1881; it was then called The Tuskegee State Normal School for the Training of Negro Teachers. Booker T. Washington became Tuskegee's first President and served until he died in 1915.

During these first years, the State legislature appropriated $3,000 for the institution and authorized it a single teacher. The school remained public until the State legislature granted its board the power of governance in 1893, but Tuskegee Institute continued to receive State funds even though they obtained private status.

In 1897, the legislature also established "The Tuskegee State Experiment Station." George Washington Carver became its director and served until his death in 1943.

In 1899, the U.S. Congress granted the school 25,000 acres, and in 1906, it established the formal extension program. In 1933, Tuskegee became a regionally accredited 4-year college, and in 1943 it opened its graduate schools. Accredited graduate programs now include architecture, chemistry, dietetics, engineering, nursing, and veterinary science. Tuskegee's funding from grants remained nominal until 1972.

Alabama A&M University was founded in 1875 by an ex-slave named William Hooper Councill. Originally, the Huntsville Normal School was on West Clinton Street in Huntsville, the school moved to Normal in 1890. After a decrease in enrollment, the institution was renamed in 1919 the State Agricultural and Mechanical Institute for Negroes and reduced to junior-level training.

During the subsequent years, the school lost its financial support and nearly fell apart, but in 1927 Dr. J.F. Drake became its new president and oversaw expansion of the grounds and the return to 4-year status. It was not until 1962, during the tenure of President Dr. Richard D. Morrison, that the school became a university, with its own graduate school.

With this history of great difficulty as well as great leadership in mind, I hold myself honored to have worked with these institutions. I am particularly proud of efforts to create the Chappie James Preventive Health Center at the Tuskegee Institute, and to pass perhaps the first serious funding authorization for the 1890 black land grant colleges.

During the first summer I was a Senator, I introduced a resolution to authorize the construction of the General Daniel "Chappie" James Memorial Center for Preventive Health at the Tuskegee Institute. When I introduced the bill on the Senate floor, I noted that it was the first preventative health center in the south, maybe the country. I also stated, proudly, that it would become a museum of the general's memorabilia.

Furthermore, I argued that the dedication was especially fitting because General James, the first African-American to rise to a four-star rank in the U.S. Air Force, had been a beneficiary of Tuskegee's programs years before. Tuskegee established the first training program for black pilots, and it was here that General James learned the skills which furthered his career.

Ultimately, we succeeded in passing the Chappie James Center bill as a rider to the 1980 reauthorization of the Higher Education Act of 1965. My amendment authorized $6 million for the center, and required that it be constructed at the Tuskegee Institute.

In May 1981, I introduced a bill to help all of the 1890 land grant colleges. Its language specified that the 1890 land grant colleges receive money for the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity for research in the sciences of food and agriculture. That year, the House passed an identical companion bill unanimously.

As I have said many times, the 1890 schools had not, to that point, had the authorization to receive the benefit of the equipment and facilities they needed to be competitive. They had nothing from Congress to rely on, even though the Congress gave these historically black institutions the same mission as the 1862 schools mandated under the Morrill Act. Therefore, we owed them the means to fulfill that mission, research and development in the field of agriculture for the benefit of the whole country.

As with the Chappie James measure, this authorization passed as a rider, this time to the 1981 farm bill, Public Law 97–98). This amendment authorized $10 million annually to each of the historically black land-grant colleges through 1986—a total of $50 million for each.

BLACK ALABAMIANS BECOME FEDERAL JUDGES

In the spring of 1979, then-Senator Donald Stewart and I set out to find five U.S. district judges to fill vacancies in the State of Alabama. In order to do this, we formed two committees and clarified our intentions in charters for each. We called the first the Federal Judicial Nominating Commission of Alabama, and we called the second the Alabama Women and Minority Group Search Committee.

First, we intended to seek out the most qualified individuals in the State. This was the charge of the first committee. But we also sought to find qualified minorities to fill the slots. This task was the charge of the second panel, which would advise the first.

Through these efforts, two blacks were selected, and President Carter formally nominated them both. These men were U.W. Clemon, for Alabama's northern Federal district, headquartered in Birmingham, and Fred Gray, for the State's middle Federal district, headquartered in Montgomery. U.W. Clemon had become a prominent Alabama State senator, and Fred Gray was a prominent lawyer who had served in many posts. He was perhaps most widely known as Rosa Parks' lawyer.

Although the hearings were not easy, the Senate confirmed U.W. Clemon the next year, and he became the first African-American Federal judge in Alabama. Fred Gray's nomination, however, did not survive the confirmation process. In his place, I recommended Myron Thompson, another black, who was confirmed.

As I said many times during this process, I believe that it is absolutely essential for blacks to serve in Federal courts. In the committee hearings on our recommended nominees, and on the floor after their confirmation, I stated that I believe we must make up for years of injustice in this country. For many long years, blacks were excluded from the Federal judicial nominating process. True equality under the law cannot be achieved under such a system. All Americans must feel they will be treated fairly by the Federal courts, but if certain citizens are precluded from serving on the bench, the courts cannot give the perception of fairness.

CIVIL RIGHTS COMMISSION EXTENSION

In 1983, authorization of the Commission on Civil Rights expired, and the Congress set about passing a reauthorization. However, President Reagan intruded, and he tried to restructure the commission for his own purposes.

In late May, Reagan announced he would replace three commissioners on the panel—Mary Frances Berry, Bladina Cardenas Ramirez, and Rabbi Murray Saltzman. According to Congressional Quarterly, the President sought to remove these commissioners because they had criticized his administration's policies. To replace them, the President announced that he would appoint Morris Abram, John Bunzel, and Robert Destro. Some alleged that Reagan selected these replacements because they opposed affirmative action and busing.

President Reagan had clearly challenged the independence of the commission. And the Senate Judiciary Committee responded by putting off the votes on his new nominees. Ralph G. Neas, executive director of the Leadership Conference on Civil Rights, deserves much credit for lobbying against Reagan's position.

In response, Reagan summarily fired the three commissioners he sought to replace. CQ wrote that a White House lobbyist admitted that Reagan fired these individuals because he could not get the votes for his own nominees. Both Houses of the Congress responded with concurrent resolutions declaring their intent to create a new commission whose members would be appointed by the Senate as well as the President. Dr. Berry and Ms. Ramierez went on to win a suit in the D.C. District Court which granted an injunction against Reagan's firings.

For my own part, I worked to save Mary Berry's seat through a compromise which restructured the commission. During final action, the Senate accepted this compromise amendment, offered by Senator Specter, Public Law 98–183. Under this compromise, Reagan would have four appointees, and the Congress would have four, two for each house. The Commission would therefore have two additional members. The compromise, among other things, also established that the President had to show cause for firings, and authorized funding for the Commission. In response to this last, the House restored funds it had cut from the appropriations bill.

But in the end, civil rights groups were angry to learn that Reagan had backed off on an informal part of the compromise. He had promised, they said, to reappoint two commissioners he had previously opposed, Louise Smith and Jill Ruckelshaus. Reagan, House Majority Leader Michel, and Senate Majority Leader Baker, ultimately refused to put these commissioners on the panel.

Much to my own pleasure, though, the Congress saved Mary Berry's seat. She is now the chairman of the Commission.

OPPOSITION TO VARIOUS NOMINEES AFFECTING CIVIL RIGHTS

As I stated before, I feel that the Senate's opposition to a number of nominees was as important as any of its other accomplishments. In the South, some changes for the good occurred, and the Senate's work helped achieve successes in the area of civil rights. It voted down some individuals because of reasonable doubts concerning their impartiality in carrying out the duties of the office for which they were being nominated. These men included William Bradford Reynolds, Judge Robert Bork, Clarence Thomas, Kenneth L. Ryskamp, William C. Lucas, and Jefferson Sessions.

With regard to these nominations, my opposition was based on doubts—doubts about qualifications and about their impartiality as to racial and civil rights matters. However, I always tried to maintain my sense of objectivity. I always tried to keep an open mind until the end of hearings, because I believe hearings are meaningless if Senators do not examine the facts impartially, if they enter into the proceedings with prejudice. In fact, I have consistently articulated this view in my opening statements: We, as Senators, need to act as judges in the confirmation process. I was often criticized as being indecisive because I withheld my decision until the end of committee consideration. But, if I was to be fair to the nominee, then I had to assume a judge's role.

WILLIAM BRADFORD REYNOLDS' NOMINATION

In 1985, President Reagan nominated William Bradford Reynolds to become Associate Attorney General. This position, No. 3 in the Justice Department's hierarchy, carried with it the responsibility for all Federal civil matters.

Previously, Reynolds had been the Assistant Attorney General for the Civil Rights Division, and his record there earned him opponents among the civil rights community. In fact, I based my own decision to oppose Reynolds on what I knew of his record.

Examples of Reynolds' opponents included Benjamin Hooks, executive director of the NAACP; W. Gordon Graham, of the Birmingham city government, who spoke for himself and Mayor Richard Arrington; William L. Taylor, director of the National Center for Policy Review; Judy Goldsmith, president of the National Organization for Women; and Marie Foster from Selma, who was involved in the civil rights movement in that city during the 1960's. These individuals all testified very critically on Reynolds' record, and they all told the committee that he had worked to set back civil rights.

On June 27, 1985, we voted the nomination down in the judiciary committee, and it did not go to the floor. My vote decided the outcome.

On June 30, the Huntsville Times reported that this final meeting and these votes involved "plenty of gavel-banging and shouting as red-faced senators fought bitterly over President Reagan's nomination for a top Justice Department post." I waited until that time to cast my vote, but when I did, I said that I wasn't even certain I felt comfortable with Reynolds in the position in which he was serving at the time. I also said I would find out if the Senate could remove him. In my view, he was deceptive, lacking in forthrightness, evasive, and misleading during his testimony.

ROBERT BORK'S NOMINATION

Another individual I ultimately decided to vote against was Judge Robert Bork, nominated to become an Associate Justice on the Supreme Court. I was somewhat disconcerted by comments he had made, particularly with regard to rights guaranteed by the constitution—rights he said he did not see, but which had been seen by the courts and Congress on numerous occasions. Most important, though, in the end, I did not feel confident I knew what Judge Bork would do on the Supreme Court. Since the nomination was for life, I just could not vote for Judge Bork.

President Reagan nominated Judge Bork, who was, at the time, serving on the D.C. Circuit Court of Appeals, in

1987. Bork's advocates argued that he was a conservative judge who tended to defer to legislatures on political matters. But his opponents said that he was an activist, seeking to implement his own agenda. From this dispute, and others, the Senate entered into one of the most contentious confirmation debates of my tenure.

Controversy developed because Bork had, in earlier statements and writings, criticized the constitutionality of a number of Supreme Court decisions affecting individual rights. He had argued for a restrictive interpretation of the 14th amendment with regard to sex. Bork had also criticized decisions which struck down laws because they impinged on individual privacy, a right Bork had argued was neither explicitly nor implicitly provided by the Constitution. The decisions he had cited included the striking of a Connecticut law which banned contraceptives, as well as the Roe versus Wade decision. Regardless of whether or not I agree with Roe versus Wade, I do believe in the right to privacy, and unlike Judge Bork, I do see it in the Constitution.

Notably, Bork had also written that the first amendment applied only to political speech in a 1971 law review article. He followed this with a television statement in 1987 in which he said "other kinds of speech, speech about moral issues, speech about moral values, religion and so forth—all of those things feed into the way we govern ourselves."

During his testimony before the Judiciary Committee, we questioned Bork on his earlier statements and decisions. Several of us argued that Bork was trying to relax his image during these hearings. In fact, Senator LEAHY called Bork's seemingly changing beliefs "confirmation conversion." Uncertain of Bork's actual position, I cited Bork's "confirmation protestations" when I stated my final decision.

I voted against the nominee in the Judiciary Committee, and I also voted against him in the full Senate. I gave statements before that committee and on the floor reciting many of the reasons for my opposition to his confirmation. The bottom line was that I just did not known how Bork would treat essential, fundamental rights in his rulings.

The debate over Judge Bork, I might note, was a particularly unpleasant one. The media became so involved and the attempts to politicize the debate from both sides became so acidic, that I felt a particular need to speak on the floor about the potentially damaging effects on the judiciary. But, of course, this type of public intensity has surrounded other nominations since.

A number of mailing and telephone campaigns increased this political nature of the debate. I was even told that my own voice, or an imitation, was used in a telephone solicitation I certainly did not authorize. The spill-over from the Bork nomination lingers to this day, and has affected other nominations since.

CLARENCE THOMAS' NOMINATION

In October 1991, I voted against confirmation of Supreme Court Justice Clarence Thomas' nomination. Although I reserved my judgment, as always, until the nominee had been given a chance to be heard, I came out against Clarence Thomas well before I knew of Anita Hill's allegations. I just did not feel that Clarence Thomas was qualified, at that time, to assume a lifetime seat on the Supreme Court.

I do support a moderately conservative court. But I oppose a right-wing court which would embrace a regressive philosophy, which would attempt to rewrite or strike laws written to overcome years of racism in America. I strongly feared that Clarence Thomas would advocate such right-wing positions.

I also had reservations based on the contradictory nature of Thomas' statements on his fundamental view of the law. He had made a number of statements and written a number of articles before the hearings which the committee called on him to explain. His answers, however, did not satisfy me; they showed a man who had seemingly changed his essential perspective.

At the time, I did not know what the real Clarence Thomas was like or what role he would play on the Supreme Court, if confirmed. In fact, I was very much concerned that Thomas' inconsistencies suggested either intentional deception or a lack of scholarly, considered thought.

One example of my specific reservations was the nominee's apparent shift in his view of natural law. Thomas had criticized the "nihilism of [Oliver Wendell] Holmes," who rejected natural law. However, before the committee, he rejected these earlier statements. He said he made them "in the context of political theory," and described himself as a "part-time political theorist."

Thomas had also criticized the Brown versus Board of Education of Topeka, KS, decision. And when questioned, Thomas said that he had never even discussed Roe versus Wade. I would not have opposed the nominee based on his position on this single case, whatever it may have been, but I found it extremely unlikely that Thomas had never discussed Roe versus Wade, a defining point in the laws of this country. In fact, I was not certain that he was being completely forthcoming, especially considering the polarizing nature of this particular case in Supreme Court confirmations.

I was also deeply concerned about Thomas' advocacy for an activist Supreme Court which would strike down laws because they restrict property rights. Thomas advocated this position in a 1987 speech before the Pacific Research Institute, citing the libertarian Stephen Macedo. I believe, though, that modern constitutional jurisprudence has moved beyond the Lochner era which relied on natural law, and that individual rights are just as important as property rights, perhaps even more so. The Supreme Court has long recognized congressional authority to regulate commerce. As I stated, according to the libertarian view, we would have no laws to guarantee occupational safety and health, to preserve the environment, to protect consumers from unsafe food, to require airline safety, or to establish a minimum wage.

All of these concerns led me to doubts. I simply could not justify voting for a nominee whose positions remained so enigmatic, particularly when he had been nominated to the Supreme Court for life.

The peculiarities surrounding the nomination only increased after that time. In early October, the public became aware that Anita Hill, a former Thomas employee, had alleged that the nominee had made unwanted sexual advances and comments toward her over a number of years. I did not know if Thomas, or Hill, were telling the truth, or if neither was telling the complete truth.

I had not known about these allegations until after I made my initial statement opposing Thomas. The afternoon after my speech, Chairman BIDEN informed me of the an FBI file which included the charges. I did vote against the committee motion to report the nomination favorably to the floor, which failed in a tie, although I supported sending it to the full Senate without a recommendation. But I had no reason, whatsoever, to change my position; Thomas' record, testimony, and lack of qualifications were reason enough to oppose his confirmation.

JEFFERSON SESSIONS' NOMINATION

On June 5, 1986, the Senate Judiciary Committee rejected President Reagan's nomination of Jefferson Sessions to become a Federal district judge in Alabama. There were ten Republicans and eight Democrats on the committee. The vote for disapproval of his nomination was 10 to 8, with two Republicans voting against him.

Sessions was, at the time, a U.S. attorney in Alabama. Certain of my colleagues on the committee criticized comments Sessions allegedly made against various civil rights organizations as well as favorable comments made about the Ku Klux Klan. These comments, they argued, showed a "gross insensitivity" to racial matters.

My decision to oppose Sessions was very difficult. Of course, he was from my home State of Alabama. Frankly, I just did not know whether he would be a fair and impartial judge. My statement before the committee recited that since this was a lifetime appointment, we should be very cautious about his fairness and impartiality.

WILLIAM C. LUCAS' NOMINATION

In 1989, I voted against William C. Lucas' nomination to become the Assistant Attorney General in charge of the Civil Rights Division. Mr. Lucas happened to be an African-American, and I do not believe I can state strongly enough my belief in the substantive and symbolic importance of nominating blacks to these positions. However, when I weighed the evidence, I found that Mr. Lucas simply was not qualified to head the Civil Rights Division.

Lucas had worked in the Civil Rights Division in 1963, had been in the FBI, and he had been the Wayne County, MI—which includes Detroit—sheriff and county executive before President Bush nominated him to this post. But he had only just begun to practice law, and he had never represented a client in court.

Lucas' lack of legal experience showed during the hearings. Lucas downplayed the importance of recent Supreme Court decisions on civil rights laws, commenting "I'm new to the law." And when the Chairman asked Lucas about his view on the recent trend in the Supreme Courts decisions on civil rights laws he said, "I have to answer as a politician because I have not thought about the answer." Further, during the hearings, a number of civil rights activists testified or submitted statements to the effect that Lucas was not qualified to fill the position.

While he emphasized that he did not object to Lucas' views, Ralph G. Neas, executive director of the Leadership Conference on Civil Rights opposed Lucas on his "lack of civil rights and legal experience." Elaine Jones, deputy director counsel of the NAACP Legal Defense and Education Fund, testified that, although her group initially wished to support Lucas, it found that he did "not have the training and the background to litigate and understand the litigation process." Citing the need for experience in Federal litigation, Drew Days, a professor at Yale Law School and a former holder of the position Lucas would fill, said Lucas' confirmation would "be a frustration of the mission that Congress envisioned when it created that office in 1957." William L. Taylor of the Citizens' Commission on Civil Rights testified for his group, noting his personal belief that Lucas did not meet the standards set by his organization. Arthur L. Johnson, president of the Detroit branch of the NAACP said, "We do not believe that he [Lucas] is suitable for this highly specialized and important assignment where the public interest is so sharply focused, and where the trust of black Americans, and civil rights advocates in particular, should be sought and even enhanced." John H. Buchanan, Jr., of the People for the American Way also argued that Lucas was "inadequately qualified."

On the other hand, some civil rights leaders supported Lucas. Dr. Joe Reed of the Alabama Democratic Conference was one; Reed urged confirmation because, at the time, there had been only one African-American in the post. Another supporter was Alvin Holmes, the senior black member of the Alabama House of Representatives. These men both noted their belief that Lucas' opponents had based their views solely on qualifications. A final example of Lucas' supporters was Father William Cunningham, director of Focus HOPE of Detroit.

Congressional Quarterly reported on certain questions surrounded Lucas' record, including brutality in the Wayne County sheriff's department, a customs dispute, and exaggerations on his resume.

After hearing all of this information, I finally decided to vote against Mr. Lucas. I based my decision in large part on the importance of the position. The head of the Civil Rights Division perhaps has more responsibility than any other single individual for ensuring the security of our civil rights. The individual who assumes this role should be well qualified to deal with the intricacies of the law.

Mr. Lucas, I believed, did not possess sufficient legal experience to undertake the task, and I cast the deciding vote against him. I argued that, although his supporters and Mr. Lucas himself cited his accomplishments in Wayne County, the controversy surrounding them, including brutality in the sheriff's department, indicated to me that his managerial abilities were also questionable. After the committee vote, Ralph Neas who had testified against Lucas, announced a success for civil rights.

KENNETH L. RYSKAMP'S NOMINATION

I cast the deciding vote against Kenneth L. Ryskamp of Florida, whom President Bush had nominated to the 11th Circuit Court of Appeals. This circuit covers Florida, Georgia, and my home State of Alabama. President Bush actually nominated Ryskamp twice. The first time was in 1990, and the Judiciary Committee tabled the nomination that year.

Ryskamp had been criticized by People for the American Way, a civil liberties group which found that he had ruled against more civil rights plaintiffs than any other judge nationwide. He had also belonged to a country club which had an implicit policy of discrimination against African-Americans and Jews.

Also haunting Ryskamp was a specific case in which a number of African-Americans in West Palm Beach, including those who had not been found guilty of any crime, filed a complaint because they had been attacked by city police dogs. Although the jury had found the city, individual police participants, and the former police chief guilty of civil rights violations, Ryskamp threw out the conviction against the city and the police chief. He said: "It might not be inappropriate to carry around a few scars to remind you of your wrongdoing in the past, assuming the person has done wrong."

Nine Latin American members of the Florida State Legislature wrote a letter to express their belief that Ryskamp had "* * * demonstrated insufficient sensitivity to ethnic minorities and other groups who have traditionally been the objects of discrimination." In my opposition to Ryskamp, I weighed this information, and I concluded that, if the representatives of such a large population felt they would not receive justice, Ryskamp could not dispense it. With regard to this last point, I believe it is important to note that these lawmakers were Republicans, and they had no partisan motivation.

CREATION OF THE 11TH CIRCUIT

As a past chairman and now ranking member of the Judiciary subcommittee which oversees court reform and judicial administration, one of my great interests as a Senator has been that of improving and streamlining judicial procedure and process. In June of 1980, I introduced a bill to divide the Fifth Circuit Court of Appeals into two courts. On October 1, the Congress passed, by voice vote in both chambers, the House version of the bill to divide the circuit. This bill became Public Law 96-452.

At the time, this circuit included Texas, Louisiana, Mississippi, Georgia, Florida, and Alabama; this legislation broke off Georgia, Florida and Alabama to create the new 11th Circuit, and the others remained as the new fifth circuit.

The split had been considered several times before, but that year, I introduced the legislation in response to a request made by the court's judges. This request came to me as a formal petition, signed by all twenty-four judges sitting on the court. Among these were Frank Johnson, Joseph Hatchett, the first African-American on the court, and Bob Vance. Judge Johnson became the court's spokesman for the split during hearings on the matter in the House of Representatives.

The main purpose of the bill would be to promote judicial efficiency. Individual judges in the circuit were burdened by an excessively large caseload. Further, the entire court had accrued the largest "en banc" caseload in U.S. judicial history.

In the past, civil rights groups had opposed the split because, given the location of the circuit, it heard the most important civil rights cases in the country. Therefore, these groups did not want to see a more conservative court created.

In fact, during the House subcommittee hearings, Judge Johnson testified that he had been opposed to earlier incarnations of the proposal. He said, "* * * the basis for my opposition was a firm belief that the proposal would have a substantial adverse effect on the disposition of cases in the fifth circuit that involved civil and constitutional rights." After a careful evaluation of the judges who would go to the different circuits, Judge Johnson changed his position to become the spokesman for the split.

According to the circuit judges' proposal, this split was to be dissimilar to the earlier suggestions in two ways. It would not reduce the cases filed, nor would it create courts whose views differed from the present court's. With respect to these modifications, the petition read that the division could be accomplished "* * * without any significant philosophical consequences within either of the proposed circuits."

As a Congressman from Mississippi, Jon Hinson, pointed out during the hearings, the new courts would reflect a balance in their philosophy, at least as measured by the President who appointed the judges. Nine of the 14 judges on the fifth circuit were to be Carter's appointees, as were 7 of 12 on the 11th circuit.

Other former opponents, including Judge Hatchett and U.W. Clemon, submitted letters to the subcommittee explaining why they had changed their views. Judge Hatchett noted that the new Fifth Circuit Court would have no African-American judges, a matter which had caused many objections. However, he wrote that this matter could be addressed later. "While I understand the apprehension caused some persons by two 'new courts,' I do not believe their fears are well founded," he wrote. "The two courts that will emerge from this division will probably be no different from the existing fifth circuit." Judge U.W. Clemon wrote that, although he had opposed the 4 to 2 split, this new proposal "will not adversely impact on civil rights." Clemon added that it would, in fact, speed the 2-year lag time in the filing of civil rights cases.

THE FRANK JOHNSON COURTHOUSE

During my first year as a Senator, I strongly supported the nomination of Judge Frank M. Johnson, Jr., to become a U.S. circuit judge in what was then the Fifth U.S. Circuit Court of Appeals. Judge Johnson stands out as one of the most outstanding jurists of our times.

I believe that Judge Johnson has done more in the field of civil rights than almost any other single judge. He wrote or took part in numerous historical decisions including those in matters of desegregation, voter registration, and reapportionment. He was also variously involved in cases which established new standards in mental health programs and prisoners' rights. Notably, in 1978, Johnson became the first Federal district judge to find that an African-American educational institution discriminated against whites in its hiring practices.

At the time, I predicted that the Senate would not have the pleasure of confirming a better candidate for circuit judge in many years. To Judge Johnson's credit, I believe that my prediction has come true.

To further honor this man, whose fairness and judicial temperament I deeply respect, at the suggestion of Dr. Joe Reed, I introduced a bill in the summer of 1991 to name the Federal courthouse in Montgomery the Frank M. Johnson U.S. Courthouse. This bill became Public Law 102–261.

I felt that it was most appropriate to name this particular courthouse after Judge Johnson because it was there he began his career as a Federal judge. Judge Johnson's courtroom truly reflected the terms rule of law and equal protection of the law. And despite threats on his life, Judge Johnson at all times courageously upheld equal justice under the law.

I can only hope that this courthouse will continue to symbolize Judge Johnson's work, and to be a temple of justice.

THE HUGO BLACK COURTHOUSE

In 1983, I introduced a resolution to designate February 27, 1986, Hugo LaFayette Black Day. This day marked the 100th anniversary of the late Supreme Court Justice's birth. The resolution became public law 98–69.

Justice Black was born in Clay County, Alabama, and he was graduated with honors from the University of AL Law School. He was a practicing lawyer, a prosecuting attorney, and a police court judge in Birmingham, and he distinguished himself in all of these positions. He went on to become a Senator from Alabama, where, among other things, he sponsored the first minimum wage bill. In 1937, Hugo Black became Franklin D. Roosevelt's first nominee to the Supreme Court. Justice Black served there through six Presidents and five Chief Justices.

I know that Justice Black was a great champion of civil rights who saw the law as a tool to improve everyone's condition. He had a strong work ethic and a delightful sense of humor, and he had a great sympathy for victims of injustice. Chief Justice Burger once said, "He loved this Court as an institution, and contributed mightily to its work, to its strength, and to its future. He revered the Constitution: * * * But above all he believed in the people."

In 1987, I also worked to pass a bill to name the new Federal courthouse in Birmingham for Hugo Black. This bill became Public Law 100–160. Former Congressman Ben Erdreich from my State of Alabama sponsored the bill in the House.

THE BOB VANCE COURTHOUSE

In January 1990, I was deeply saddened by the murder of my very close friend, Bob Vance, who served on the 11th Circuit Court of Appeals. Judge Vance was murdered by a mail bomb which also seriously injured his wife, Helen Rainey Vance.

I spoke on the floor to honor his memory, and his great accomplishments in civil rights; sadly, it seemed clear that his efforts to further the rights of all citizens motivated his murderer. I wanted, as best I could, to state, unequivocally, that he did not die in vain, that his work to ensure racial equality did not die with him.

I wanted, very much, for everyone to know that Bob Vance was responsible, as much as any individual, for stopping racially motivated bombings like the one which killed him. We need more men like Judge Vance—men who have the courage to follow the moral imperatives of their conscience.

A few months later, I worked to pass a bill which renamed the courthouse at 1800 5th Avenue in Birmingham the "Robert S. Vance Federal Building and United States Courthouse"—Public Law 101–304. I hope that this stands as a testament to this great man's work to fight racism, and as a symbol of the work we have done as well as what we have yet to do.

THE DAUGHTERS OF THE AMERICAN CONFEDERACY INSIGNIA PATENT

Earlier, I alluded to the United Daughters of the Confederacy insignia debate. Although I firmly believe that it was the right thing to do, I made one of my most difficult and unpopular decisions as a Senator in 1993 when I voted against the special treatment extension of the design patent for this group. My personal family history is profoundly connected to the Confederacy. My maternal grandfather was a signer of the Ordinance of Secession by which Alabama seceded from the Union, and my paternal grandfather was a surgeon in the Confederate Army. I also had several close relatives who were killed while serving in the Confederate Army. All of these family members were convinced that their cause was right. Honor was their chief motivation at the time, and these men believed that their honorable course was to defend their cause and homeland. I felt a tremendous amount of conflict as I thought about the issue.

Senator CAROL MOSELEY-BRAUN, our only black Senator, eloquently argued against extending the patent. Her words made me consider, carefully, whether we in the Congress truly needed to extend a special recognition for this symbol of the past. After some considerable thought, I decided that honor is still a chief motivation. However, although I revered my ancestors, honor had taken a different meaning after one hundred and twenty-eight years, and I believe I did the right thing just as they did.

In May 1993, Senator MOSELEY-BRAUN had convinced the Judiciary Committee to delete provisions of a bill which extended the design patent concerning the Daughters of the American Confederacy. She argued that she did not oppose the group's freedom to use whatever symbol it should chose, but instead she questioned the need for the Congress to endorse a Confederate symbol with the special protection when an extension could be obtained through the Office of Patents and Trademarks in the normal routine manner.

However, the matter came before the full Senate two months later as a Helms amendment to a bill we were considering at the time.

Senator MOSELEY-BRAUN again opposed the amendment, and she made some compelling arguments on the floor. She objected to a special Congressional honor since it would, she said, conversely dishonor her own ancestors. She explained:

> * * * the United Daughters of the Confederacy have every right to honor their ancestors and to choose the Confederate flag as their symbol if they like. However, those of us whose ancestors fought on a different side in the Civil War, or who were held, frankly, as human chattel under the Confederate flag, are duty bound to honor our ancestors as well by asking whether such recognition by the U.S. Senate is appropriate.

I listened to this argument and considered it carefully. With a divided mind, I ultimately agreed with Senator MOSELEY-BRAUN. In its later report, Congressional Quarterly called my decision "Perhaps the turning point in the debate," which, until that time, had gone against Senator MOSELEY-BRAUN.

Our colleague from New Jersey, Senator BRADLEY referred to my decision in his engaging memoir "Time Present, Time Past". He wrote, "HEFLIN, who through his actions as a lawyer and judge had long championed racial justice, rose and said, 'I have many connections through my family to the Daughters of the Confederacy organization and the Children of the Confederacy, but the Senator from Illinois * * * is a descendant of those that suffered the ills of slavery.' I have a legislative director whose great-great grandfather was a slave. I said to my legislative director, 'Well if I vote with Senator MOSELEY-BRAUN, my mother, grandmother, and other ancestors will turn over in their graves.' He said, 'Well, likewise, my ancestors will turn over in their graves [if you vote against it].' "

I do not believe, nor did I believe then, that the Daughters of the American Confederacy is inherently racist nor that it takes part in racist activities. But I do believe that the U.S. Congress should not provide a special honor, as Senator MOSELEY-BRAUN argued, for a symbol that offends a large part of its constituency. In America, we have a long history of racial inequality to correct, and I believe much remains to be done. I also believe that, for substantive efforts to succeed, we must work symbolically as well.

On July 23, the Huntsville News, the Selma Times-Journal, the Dothan Eagle, the Mobile Register, the Birmingham Post-Herald, the Opelika-Auburn News, the Montgomery Advertiser, and the Gadsden Times wrote that I had "turned [my] back on [my] Confederate forefathers."

On July 24, the Gadsden Times, the Dothan Eagle, the Decatur Daily, the Talladega Daily Home, and the Columbus Ledger-Enquirer reported that "Southern preservationalists portrayed Sen. HOWELL HEFLIN as a Yankee-sympathizing turncoat Friday for his dramatic floor speech and vote against an insignia bearing a Confederate flag." The Tuscaloosa News also reported these objections, and it wrote that Frances Logan, president of the Tuscaloosa UDC, called RICHARD SHELBY a traitor because he also joined Senator MOSELEY-BRAUN. The Montgomery Advertiser also reported objections from members of the UDC and the Sons of Confederate Veterans.

The UDC in my own home town of Tuscumbia was notably upset with the Senate. The President of this chapter expressed her disappointment with me for not stating that the war, and the symbol, were not over slavery. A former president of the Alabama United Sons of the Confederacy, said: "What is going to be interesting is when (HEFLIN) tries to run for re-election". * * * "He's got about as much chance as the proverbial snowball when he's got these women mad at him."

On July 24, the Mobile Register editorialized that Senator SHELBY and I were "swept into political correctness along with * * * other colleagues * * * to reject a patent for an insignia of the United Daughters of the Confederacy." The editorial further asserted that rejection of the patent extension would do nothing to prevent racism.

But some articles and editorials were more favorable. On July 23, the Mobile Press printed an article in which it chose to quote a number of my colleagues who supported my decision, and the Anniston Star printed an editorial supporting my decision. This editorial denied that I did my ancestors a dishonor; in fact, the editorial was so complimentary as to call my decision courageous. On the 24th, the Andalusia Star-News gave me the same compliment.

The same day, the Birmingham News/Post Herald editorialized that the patent issue would be resolved only "To the satisfaction of neither side." The editorial noted that Senator SHELBY'S and my votes "didn't help them with the average white voter." But it added a great compliment to us both by suggesting that integrity played a part.

THE CIVIL RIGHTS RESTORATION ACT

In 1990, the Congress passed a bill to restore interpretations of employment civil rights laws recently limited by the Supreme Court. But President Bush vetoed the bill in the fall, and we failed to override the veto in the Senate.

This bill was generally called a civil rights restoration bill because its sponsors sought to overturn a number of Supreme Court decisions issued in the late 1980's. Congress felt the Court had become too conservative, depending too heavily on the exact wording of the law and sacrificing some of its meaning. With respect to the civil rights cases, particularly, I think the bill's authors felt that the Court had restricted the laws too much, and I agreed with them.

A filibuster met this bill when it came to the floor in July. At this time, a number of Senators offered amendments to the bill. I co-sponsored one offered by Senator FORD to apply the provisions of the bill to the Senate. The Senate passed this rider, and it voted down another to allow for special procedures for itself. Among all of the amendments, however, I think the most important was Senator KENNEDY'S amendment to eliminate the requirement of quotas as a remedy in the bill.

However, despite the Kennedy amendment, President Bush vetoed the bill based on an objection to quotas. "It is neither fair nor sensible to give the employers of our country a difficult choice between using quotas and seeking a clarification of the law through costly and very risky litigation," he argued in his veto message.

I was disappointed by the veto and puzzled by the President's reasoning. The bill, I said, included language explicitly stating that "nothing in the amendments made by this Act shall be construed to require or encourage an employer to adopt hiring or promotion quotas on the basis of race, color, religion, sex or national origin." I judged that the bill would only have restored employment practices to the standard before the Supreme Court restrictions.

The next year, the Congress and President Bush compromised on a new version of the bill, which the President declared free of quotas. This bill became Public Law 102–166.

Congressional Quarterly suggested that Bush moved, in large part, because his civil rights record had earned him enemies in the African-American community. This publication also wrote that the President had other political reasons to support the bill. Not least among these were the Thomas hearings and the GOP candidacy of former Klansman David Duke for Governor of Louisiana. But to suppose that he was motivated only by his own gain strikes me as cynical; I believe that the President deserves credit for supporting and signing this Act.

Ultimately, we worked out a compromise which passed as the Senate bill. It modified title VII of the 1964 Civil Rights Act to establish specific compensatory and punitive damages capped according to the size of the business in cases of intentional bias, and it allowed for complainants to seek jury trials under this section. The compromise also rewrote statutes to overturn, effectively, nine Supreme Court rulings. In answer to Wards Cove, the new law returned the burden of proof in discrimination cases to the employer, although it left the definition of business necessity to the courts. It prohibited racial harassment after hiring, contrary to Patterson versus McLean Credit Union. It overturned Martin versus Wilks by setting specific statutory guidelines for third party challenges to consent decrees in affirmative action cases. Against Price Waterhouse versus Hopkins, it specifically disallowed consideration of race, color, religion, sex or national origin no matter what circumstances otherwise surrounded the hiring. The new law also allowed a period of time to pass after seniority systems are implemented in order to examine their effects before discrimination suits need to be filed. This statute was a response to Lorance v. AT&T. It further amended Title VII to allow for those winning suits against the U.S. Government to recover interest on delays, contrary to Library of Congress v. Shaw. In order to reverse Crawford Fitting Company versus J.T. Gibbons Inc. and West Virginia University Hospitals v. Casey, it also modified this section to allow for recovery of the costs in hiring experts. Last, it allowed American workers abroad to sue U.S. companies for discrimination, against the Supreme Court's EEOC versus Arabian American Oil Co. decision.

Congressional Quarterly wrote that the language to reverse the Wards Cove decision—with reference to indirect discrimination, called disparate impact—was vague, and left much undecided. This vagueness was a function of the compromise we reached with President Bush.

I was disappointed with the law's failure to apply the same statutes to Senate employment as in the private sector. The bill, however, did include measures to prevent employment discrimination which held Senators personally liable.

This measure represented a key step in the elimination of discrimination, an end I believe the people of America and Alabama were—and are—working very hard to attain.

THE LEGAL SERVICES CORPORATION

During the 1980's, Congress saved the Legal Services Corporation, which provided legal assistance to the poor in civil litigation. This action followed a series of attacks leveled by President Reagan; each year he tried to abolish the corporation, and during that time, he also tried to restrict its activities and reconstitute its board. Since the Senate would not support his nominations, he made many of them in recess. Ultimately, after the Congress pushed funding through each year, Reagan gave in and requested money for the LSC in his last budget request.

I fought very hard to continue the Legals Services Corporation because I believe it is essential to true equality of justice. Given increasing fees and costs, the American system of justice continues to become more difficult for the poor to access. And this unfortunate reality has had a disproportionate impact on minorities. Its continuation represented a great victory for the Congress and the people.

CHURCH ARSON

In June 1996, I strongly supported S. 1890, a bill to increase Federal protection against arson and other destruction of places of religious worship. For the past couple of years, black churches had been burned under suspicious circumstances and with alarming frequency, and a national response was strongly needed.

To those of us who remember the violence and fires of the early civil rights movement and who applaud the progress which has been made in terms of race relations, these latest images in the early hours before dawn were profoundly disturbing.

I supported this bill and other efforts to stop these kinds of hate crimes, bring their perpetrators to justice, and encourage compliance with the law. I also saw this as an opportunity to ask ourselves if we can do more to advance the causes of equal rights and racial harmony. I also called for the authorization of a transfer of funds to be used to implement the provisions of this act at the State and local levels of government.

DESIGNATION OF THE ROUTE OF THE FREEDOM MARCH FROM SELMA TO MONTGOMERY AS A NATIONAL TRAIL

In 1990, I worked with Senator KERRY to introduce a bill to require a study to include the Route of Freedom, from Selma to Montgomery, in the national trails system. I introduced another in 1995 to officially include the Route of Freedom in the system.

Although a conference report is still pending, the provisions to designate the Route of Freedom a national trail passed the Congress in the House's Presidio bill, a larger parks bill.

SANCTIONS AGAINST SOUTH AFRICA

Beginning in the summer of 1985, I voted for the imposition of sanctions on South Africa, and I supported them until the end of apartheid. Although these sanctions remained somewhat unpopular in my home State, I believed that they were the right thing to do. Events since then have shown that sanctions did help bring about an end to apartheid and create a more stable society.

AFRICAN-AMERICAN STAFF MEMBERS

Over the years, I have had many black staff members. In fact, I believe that I have had more African-Americans working for me than other Senators. My legislative director, office manager, mobile field coordinator, and others are black.

As I have said, I believe that inclusion of blacks in government helps overcome symbolic and substantive obstacles to equality. However, it just happened that these staffers applied, and they were best qualified to do the job. This is the way it should be in all cases.

BLACK FEDERAL MARSHALS IN BIRMINGHAM

In 1993, I worked with black political leaders in Alabama to recommend two African-American U.S. Marshals in my home State. These men, Robert Moore and Bill Edwards, were very well qualified for the positions—perhaps even overqualified when compared with the usual candidates for this position.

Robert Moore had recently retired from the Secret Service, where he had served as a special agent for 8 years—the last four in senior status.

On July 15, 1993, Senator SHELBY and I recommended Bill Edwards for the northern district of Alabama. Mr. Edwards had been with the U.S. Marshal's office in Birmingham since 1970, and at the time of our letter, he was a senior criminal investigator. He was also in his last year of law school at the Birmingham School of Law.

That year, Senator SHELBY and I also recommended Florence Mangum Cauthen to the middle district on August 6, and she became the first female U.S. Marshal in Alabama. Among her other accomplishments, Ms. Cauthen had taught law at Jones Law School.

TITLE III OF THE HIGHER EDUCATION ACT

I sought to have a number of Alabama colleges funded through title III of the Higher Education Act. I supported a proposal to separate the general college at Tuskegee University from its renowned School of Veterinary Medicine so that both institutions could receive the benefit of title III. Normally, schools such as Tuskegee, which are considered developing institutions, receive only one grant under this law.

Additionally, I saw that junior colleges were included in the title III developing institutions programs. Over the years, I have worked closely with the Department of Education to see that junior colleges and historically black institutions receive title III funds. These resources have been extremely beneficial.

In the early 1980's Alabama Christian College—now Faulkner University—was turned down for a title III Developing Institutions Grant by the Education Department. Fortunately, we were able to prevail upon the Department and the White House. On a late Sunday afternoon, officials of the department reassembled outside readers and determined that Alabama Christian College's title III application should be granted. A few years later, this school received a challenge grant in the amount of $1,000,000 to assist in its development efforts.

CONCLUSION

As I reflect upon my Senate activities in connection with civil rights, a number of thoughts come to mind, including those surrounding my decision to run for the U.S. Senate.

Senator John Sparkman was in his late seventies, and many of his friends did not think he would be a candidate for reelection in 1978. Then-Governor George Wallace had announced his intention to run for the Senate and was already conducting a tough campaign against Senator Sparkman. I had always been a strong supporter of Senator Sparkman. I was told by friends of his to look at the possibility of running in the event that Senator Sparkman decided to retire.

I had polls conducted pitting my candidacy against that of George Wallace. The initial polls showed that if I were to run, Wallace would be far ahead of me. As I recall, the numbers first polled showed that Wallace would get about 45 percent and that I would get only about 17 percent. But my pollster, Peter Hart, indicated that there was a large amount of negative feeling in the State toward Wallace at that time and expressed his opinion that I could win such a race. One of the motivating reasons that caused me to give serious consideration to the race was that I felt that Alabama should be represented by a senator who believed in the improvement of race relations and progress in the area of civil rights.

I met with Senator Sparkman in Washington, and he told me about how he had entered his first race for Congress. Archie Carmichael was then the Congressman from Senator Sparkman's district, and Sparkman had been his campaign manager when he was elected. Congressman Carmichael did not enjoy being a Congressman, only serving two terms. He called John Sparkman to Washington and told him that he ought to get ready to run for his congressional seat; that he had not made up his mind yet, but that there was a strong possibility that he would not offer himself for reelection and that Mr. Sparkman should get ready to run in the event he did not seek his congressional seat again. He said to me, "I am telling you that story because I think you ought to get ready to run for the Senate against Wallace." I thanked him and told him I would follow his advice. I also relayed to him that Congressman Archie Carmichael was my wife's grandfather. Sparkman said he knew that and that was one of the reasons he wanted to tell me the story.

A few weeks later, Senator Sparkman announced that he would not be a candidate for reelection, and I announced the next day that I would be a candidate for John Sparkman's seat in the U.S. Senate.

My race against George Wallace was heated for several months. And then, while speaking to the Alabama League of Municipalities Convention in Mobile, he announced his withdrawal from the Senate race, giving no reason for his decision. In advance of his announcement, I was told of several polls that showed I had pulled ahead of Wallace, including a poll conducted by the Wallace campaign itself.

I attracted other opponents, but won in a run-off race against Congressman Walter Flowers by a 2-to-1 margin.

As I think back over the reasons I entered the race for the U.S. Senate, certainly the issue of racial progress in Alabama was a motivating factor, and I was fearful that if George Wallace was in the Senate, it could deter needed changes in the civil rights laws.

In 1982, he ran again successfully for Governor. His last administration was one in which race relations were far more harmonious than they had been in his previous terms in office, with Wallace appointing a number of blacks to key positions in his administration. He publicly stated that his segregation stand had been wrong. At a recent meeting of southern black Democratic leaders in Atlanta, Dr. Joe Reed, head of the Alabama Democratic Conference, said I was the first U.S. Senator from Alabama who believed in civil rights and who took positive steps to advance the individual rights of all persons.

Mr. President, despite all the progress in race relations and civil rights over the years, there is still much to be done. Our work remains unfinished, as the church burnings illustrate. When I reflect on these horrifying arsons and the death of Judge Bob Vance just a few years ago, I am again reminded of just how much remains to be done.

Perhaps it is unrealistic to believe that we can ever have a truly colorblind society. As long as fear, ignorance, and emotion guide some peoples' thinking, there will be prejudice and bigotry. But we can look at the great progress we have made—just in the 18 years since I came to the Senate—and say that we are doing better.

Members might differ on their approaches to civil rights issues. These approaches will take on different forms based on the region of the country we come from, our personal philosophical beliefs, and our political parties. My approach has been to do as much as possible in the public arena to advance opportunity and justice. At times, this has meant working behind the scenes to secure progressive judicial nominations, to craft compromise legislation that could pass and be signed into law, and working with both sides of an issue to cool passions and promote harmony. At other times, it has meant taking strong symbolic stands aimed at education and putting the past behind us, such as the case with the United Daughters of the Confederacy issue.

Regardless of what approach we take as leaders, it is our duty to work in every way we possibly can to see that each and every American citizen enjoys the same liberty, freedom, and equality of opportunity as all others. The fulfillment of the promise of the Constitution demands that we always remain diligent in fulfilling this responsibility.

THE PARTIAL BIRTH ABORTION BAN ACT, H.R. 1833

Mr. DORGAN. Mr. President, I supported passage of the bill to ban partial birth abortions when it was approved by the Senate on December 7 and I voted last week to override the President's veto of this measure.

My position on abortion issues is clear. I have consistently stated that I would not support overturning the Supreme Court's decision in Roe versus Wade. I support a woman's right to have an abortion. I do not think we should turn back the clock 25 years and make abortion illegal, but we should work in every way to reduce the number of abortions that are performed. I have also cast votes here in Congress to oppose using Federal funds to pay for abortions except in cases of life endangerment, rape, or incest.

The Senate's vote last week was on whether to override the President's veto of legislation which would prohibit a physician from performing a partial-birth abortion, a procedure in which a fetus is delivered into the birth canal before its skull is collapsed and delivery is completed. This legislation contains a provision which would make an exception for partial-birth abortions that are necessary to save the life of the mother in cases in which no other medical procedure would suffice.

I simply cannot justify the use of this procedure to terminate pregnancies in which the mother's life is not at stake. For this reason, I voted to override the President's veto and to support the ban on partial-birth abortions.

OMNIBUS APPROPRIATIONS BILL

Mr. FEINGOLD. Mr. President, yesterday I was one of a handful of Members of the Senate to vote against the FY97 omnibus appropriations bill.

This was a difficult vote and I have mixed feeling about passage of this bill.

While I am pleased a Government shutdown was avoided, I am disappointed in the way the process was handled.

Various measures that warranted separate consideration, ranging from the immigration bill, to amendments to the age discrimination law to banking legislation, were wrapped into this massive bill. The measure was hundreds of pages long, and few Members of either body were fully aware of the wide range of items shoved into this must-pass bill at the 11th hour. It has been pointed out by a Member of the other body that you could get a double hernia just trying to lift this omnibus spending bill.

I predict that over the course of the next several weeks, there will be many surprises discovered in the package. Some of the special interest pork provisions are buried deep within the various titles, as well as policy changes that should have been debated in public and voted on without the pressure to keep the Government running.

Moreover, although we succeeded in avoiding a massive new tax cut that would have set us backward on the road to deficit reduction, this omnibus spending bill represents a missed opportunity to cut Government waste and stop the unnecessary spending. The fact that this bill was loaded up with special spending provisions for individual Members indicates that it is business as usual in Congress when it comes to spending Federal dollars. While we have made significant progress in reducing the Federal deficit, much of that work was done in the last Congress and we missed the opportunity in the 104th Congress to finish the job and truly get the Federal budget into balance.

This bill adds a whopping $9 billion in deficit spending for defense systems above what Department of Defense requested. When all of the fiscal year 1997 appropriations bills are lined up together, excessive spending on things like sending Russian monkeys into space and massive out-dated water projects out West continues to drain the Treasury. I voted against this bill because I think we could have done a much better job at curbing unnecessary spending, government waste, and reducing the Federal deficit.

SENATOR BILL BRADLEY

Mr. MOYNIHAN. Mr. President, nothing is typical about BILL BRADLEY, but some things are characteristic. As, for example, his article on the front page of the Washington Post's Outlook section this past Sunday. Just before the scheduled adjournment of the 104th Congress, bringing to an end for now his brilliant 18-year career as a U.S. Senator. The article is characteristically bipartisan: "It's Government by Tax Break Again: Clinton and Dole Should Be Talking About Fairness and Loopholes, Not Cuts and Credits." It is our pleasant custom to ask that such articles be reprinted in the RECORD, and I make that request, with the text to be placed at the conclusion of my remarks.

The PRESIDING OFFICER. Without ojection, it is so ordered.

(See exhibit 1.)

Mr. MOYNIHAN. Mr. President, the Senate will take the meaning from the title. BILL BRADLEY harkens back to the great 1986 tax reform bill, of which he, above all his colleagues, conceived, inspired, and helped to enactment. The principles were simple. First of all, above all, simplify. Two low rates. In that sense, cutting taxes. But paying for the lower rates by closing loopholes in the existing code which had acreted like a coral reef as Congress after Congress responded to the tiny this and the tiny that special interest, until a vast barrier separated the privileged from the people. I happened to be one of the core group that put together this legislation. We would meet early each morning in the office of Senator Bob Packwood, who was then chairman of the Finance Committee. My informal task was to provide a brief inspirational reading as the meeting commenced. It was then a simple task. I would simply glance through the previous day's Wall Street Journal looking for the best advertisement.

Typically, it would have a headline: "Guaranteed Losses" In finer print one would learn that a sheep ranch in Idaho, an alligator ranch in Florida, an ostrich ranch in Kansas would assure investors immediate losses that could be offset against other income, which losses would be recouped at some future date. And that was where entrepreneurial energy was flowing. To guaranteed losses that the Internal Revenue Code would turn into profits. BILL BRADLEY changed that. But the work is never done, and so he leaves us still talking the responsibilities of citizenship and legislation.

I will miss him as perhaps few others. We have served 18 years together on the Finance Committee. He has taught me; I have learned from him and followed him. And will continue to do so. Just last week, the Finance Committee convened for its last meeting of this Congress. BILL was asked to say a few words; which was all he ever will do. He recalled that in 1978 I came down to Princeton, NJ to campaign with him in that first campaign for the Senate. In the course of our stumping about, I urged him to try to get onto the Finance Committee, where so very much of the critical issues of American life are decided. He did and he showed why. I then recalled a passage from Woodrow Wilson at the time he was president of Princeton University. A student of the Presidency, Wilson was watching the growing intensity of Presidential campaigns. Candidates did not, of course, did not then go to the conventions that nominated them, but after nomination were getting into the business of making speeches from the rear of railroad trains and all manner of stressful campaigning. Wilson wrote that if this should continue, we would be reduced to choosing our Chief Executives from "among wise and prudent athletes: a small class." I thought that then; I think it now, as we say farewell to BILL BRADLEY—for now.

EXHIBIT 1

[From the Washington Post, Sept. 29, 1996]

IT'S GOVERNMENT BY TAX BREAK AGAIN

(By Bill Bradley)

All the candidates for president are talking about taxes, but none of them are really talking about tax reform. Just a few months ago, when dueling flat-tax plans were the rage, it looked certain that the fall campaign would bring a long overdue, serious debate about how to make the tax code simpler and fairer. How long ago that seems.

Both President Clinton and former Senator Dole have put taxes at the center of their campaigns (and Ross Perot has put an emblem with the letters IRS with a red slash through them at the center of his) but we have yet to see a complete and credible proposal for tax reform. American voters weren't joking earlier this year when public opinion polls showed voters expressing a strong desire for a simpler, fairer tax system. But neither Dole's far-fetched 15 percent cut in federal income tax rates nor the president's well-intentioned tax breaks lives up to that desire.

A 15 percent cut would be a wonderful gift to any middle-class family, who could use it to ease the pressures of education, child-care or housing costs. Unfortunately, the Dole plan is an insult to the intelligence of voters. The $500 billion in budget cuts that would be required to pay for the tax cut is unspecified, and Dole answers the question only with discredited Reagan-era theories about increasing revenues from lower taxes. Is this tax reform? It's not simpler, and if it leads to an explosion in the deficit, further burdening our children, it's certainly not fairer.

Dole would also cut capital gains taxes and add several new tax breaks, such as for large estates. His proposal would amount to a small tax cut for some middle-class families, a large tax cut for many rich individuals and investors, and a huge loss of revenue for the government. The effect would be similar to the chaos and unfairness of supply-side economics in the early 1980's. In the 1986 Tax Reform Act, we demonstrated that the way to lower rates while not increasing deficits is by eliminating loopholes simultaneously. We should not have to learn this painful lesson twice.

The president has come closer to tax reform by targeting some tax relief where it is most needed, and doing so within the constraints of a balanced budget. His child tax credit and higher education tax credit will reach families where they most need help to get ahead, and will adjust the tax system where it is most burdensome and least fair. I am proud to have initiated some of these proposals, including the child tax credit in 1991, and I support all of them. But I have no illusions: This kind of tinkering around the edges, granting temporary relief for some families, does not address the real need for a thorough restructuring of the American tax system.

The tax unfairness and tax complexities candidates should be talking about are the following: A family in which both parents work, earning $80,000 in salaries, can pay more in taxes than an individual getting $80,000 from various investments. Thousands of narrow exceptions, exclusions, deductions and credits—for businesses ranging from oil rigs to convenience stores—reward powerful interests and their skilled lobbyists. These loopholes and anomalies are clearly unfair. The things a tax code should encourage, like work and family, are penalized. Not only do the loopholes make the code and the tax process more complicated than they need to be, they also drag down the efficiency of our economy as investors waste their time looking for tax dodges instead of seeking the kind of profitable investments that will create jobs and security.

If the candidates were really talking about tax reform, they would be saying things like: Citizens with equal incomes should pay roughly the same tax. Taxes should impede the capital allocation role of the market as little as possible. The system should be simple enough that most people and small business owners can fill out the forms easily. Taxpayers should be free to make their own decisions about spending and saving without worrying constantly about the tax implications.

These concepts can be translated into three simple ideas that must underlie any restructuring of the tax system: fairness, simplicity and efficiency. A decade ago, these principles made possible the 1986 Tax Reform Act, which cut rates for everyone, closed countless loopholes, eliminated the phenomenon of profitable corporations paying no tax at all and maintained a fair, progressive structure while reducing the number of tax brackets to just two. Democrats and Republicans supported these ideas. Bob Dole voted for it, and President Reagan signed it into law.

A decade later, Bob Dole and most Republicans seem to have abandoned these principles altogether, and many Democrats shy away from the issue. Once again, special interests have chewed through the tax code, leaving it riddled with confusing and unfair loopholes.

A simpler structure can be achieved, if candidates and legislators are willing to talk about it. It's not a flat tax, which benefits primarily the wealthy and treats income from labor differently from income from investments—and it's not a 15 percent across-the-board tax cut. I have in mind a plan which would have fewer rates (not one, but perhaps three). Almost everyone would pay at a lower rate. All tax preferences would be eliminated except those that benefit a clear majority of Americans and make sense economically—deductions for home mortgage interest, retirement savings, state and local taxes, and charitable contributions, for example. Loopholes that benefit only a narrow segment of the public would be closed. The resulting broader tax base would raise the revenue to pay for the rate cut—thus ensuring that the plan would not increase the deficit.

What are the prospects of such a tax reform plan becoming law? Slim to none without serious attention from a president. The debate over true reform has been sidelined. The candidates and the nation are missing a tremendous opportunity.

TRIBUTE TO DIANE BALAMOTI AND TERESA BRELAND

Mr. JOHNSTON. Mr. President, on several occasions over the past few days, I have taken the floor to express my appreciation to my fine staff for their loyal service to me and the committee over the years. Today, I want to say thank you to two staff members of the Energy and Natural Resources Committee.

Diane Balamoti has been with the committee since 1987. During this period she has served as the staff assistant to the Park and Public Lands Subcommittee. As many of my colleagues know, this subcommittee has always been one of the most active and prolific subcommittees in the Senate. During her 10 years with the committee, Diane has staffed countless hearings and business meetings and assisted in the preparation of bills, statements, and the drafting of committee reports. She has kept the subcommittee's voluminous bills files and tracked the work of the subcommittee through the Senate and House. Diane possesses truly outstanding clerical skills which are often tested, especially at the end of a Congress when the pace of the committee's business always quickens. Ms. Balamoti has been a dependable, productive, and important member of our committee staff for many years and I want her to know how much I appreciate her service to me and the country.

In addition, Mr. President, I want to thank Teresa Breland, the newest full time staff member on the Energy Committee minority staff. Terri, who has been with us slightly over a year, has served as our receptionist in the minority office and has more recently been the assistant to our staff director for the minority, Ben Cooper. Mr. President, Terri is one of those dedicated public servants who puts in a full day's work on the Hill and then goes to school at night. She is just about to finish her master's degree in psychology and I commend her for a job well done.

BIF/SAIF

Mrs. FEINSTEIN. Mr. President, would the chairman yield for the purposes of a brief colloquy to clarify a provision of the banking title to H.R. 3610, the omnibus appropriations bill, addressing the Bank Insurance Fund and the Savings Association Insurance Fund?

Mr. D'AMATO. I would be happy to yield to the Senator from California.

Mrs. FEINSTEIN. Am I correct that the new prohibition on deposit shifting set forth in section 2703(d) of the bill, if not carefully applied by the Federal bank regulators, could raise serious issues of interference with first amendment rights of free speech?

Mr. D'AMATO. We share the Senator's concern. In response, let me say that it is not our intent that the regulators implement the deposit shifting provision in a way that would raise constitutional free speech issues. The Supreme Court has made it clear that the first amendment protections do indeed extend to lawful and accurate business communications and we expect the regulators to abide by these decisions.

PARKS OMNIBUS LEGISLATION UPDATE

Mr. MURKOWSKI. I want to assure my colleagues that we are continuing to have discussions with the administration relative to the disposition of the parks omnibus bill, and I hope that those bear some meaningful resolve before the day is out. Those discussions are going on now, and, I might say, Mr. President, I am somewhat encouraged, but I have been at that stage before, as well.

I know there is a lot of interest in it, and I want to at least advise my colleagues of the current status. It has been somewhat like how I would envision a Chinese torture chamber might be, had I ever been exposed to one—and perhaps I have been exposed to one and just do not know it.

In any event, the ultimate outcome of this still depends on the administration recognizing that we need some assurance on timber supply to supply our three existing operating sawmills in our State, and hopefully provide enough for the fourth one that has been shut down for 2 years. That is where we are on the issue of resolving our differences.

There are other differences. In fact, the State of Colorado, particularly, and the State of Virginia, we appear to be working some of those issues out, as well. Of course, it would require a process of amending the House bill which is pending but subject to an objection under a unanimous-consent request. But that would be the vehicle. Then we would send it back to the House, and the House would either accept or reject it. So that is where we are, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate bill 2183 introduced earlier today by Senator DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The legislation clerk read as follows:

A bill (S. 2183) to make technical corrections to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

WELFARE AMENDMENT DESCRIPTION

Mr. DOMENICI. Mr. President, this bill would clarify congressional intent and allow all States, regardless of when the State opts to start the new block grant program, access to contingency funds if they qualify. The welfare bill limits funds available to a State in 1997 to the State's block grant amount, but requires a State of have an approved welfare reform plan before being eligible for a contingency fund payment.

Prior to opting into the new Temporary Assistance for Needy Families [TANF] Program, the State must operate under the current law Aid to Families with Dependent Children [AFDC] entitlement program. There are a handful of States that have rising caseloads and rising unemployment that normally would be eligible for the contingency fund. The authorizing committees, in a letter to HHS Secretary Shalala, indicated that congressional intent was that all States should be eligible for the contingency fund regardless of when they opt into the new TANF program. HHS has stated that legally they cannot give payments out of the contingency fund without a legislative change.

Many States will not be able to opt into the block grant until the legislation's effective date of July 1, 1997. For example, New Mexico's State Legislature will not convene until January 1997 and the legislative process will take time to develop a welfare reform plan.

Since CBO had assumed States would receive payments from the fund, the welfare bill was scored with costs (outlays from the fund.) Since this legislation clarifies intent, CBO scored no cost.

CBO identified a number of States that may have a problem because of rising unemployment or rising caseloads. These States include Nevada, New Mexico, Alaska, Hawaii, Idaho, and Minnesota. So far it is unclear which States will actually have a problem.

AMENDMENT NO. 5424

Mr. MURKOWSKI. Mr. President, there is an amendment at the desk by Senator DASCHLE. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. DASCHLE, proposes an amendment numbered 5424.

At the appropriate place, insert the following:

SEC. . EXTENSION OF NORTHERN GREAT PLAINS RURAL DEVELOPMENT COMMISSION.

Section 11 of the Northern Great Plains Rural Development Act (Public Law 103–318; 7 U.S.C. 2661 note) is amended by striking "the earlier" and all that follows through the period at the end and inserting "September 30, 1997.".

Mr. DOMENICI. Mr. President, this amendment is very simple. The amendment clarifies congressional intent and allows all States, regardless of when they opt into the block grant, access to the contingency fund.

The welfare bill restricts States funds in fiscal year 1997 to the block grant amount, even though the effective date for the new program is July 1, 1997. States may operate under current AFDC rules until then.

Congress never intended that States have financial difficulties prior to starting the new program.

In fact, most States make money under the block grant because caseloads have dropped, so the funding limitation never comes into question.

There are handful of States, including my home State, that have had caseload increases since the establishment of the block grant. These States could experience a funding shortfall during the transition period—a situation not foreseen in the original legislation.

Congress created the contingency fund for just this problem.

However, the contingency fund is available only to eligible States and HHS' interpretation is that an "eligible State" is a State that has opted into the block grant.

Most States do not have full-time legislatures that can convene and develop a new welfare plan. For example, New Mexico's Legislature does not convene until January 1997. Therefore, it will take time for New Mexico's welfare plan to be implemented.

Both the Finance Committee and Ways and Means wrote a letter to HHS advising the agency of congressional intent, but HHS responded by saying there must be a legislative change.

This amendment has no cost attached to it. CBO assumed that all States could have access to the funds and as such scored outlays in the welfare bill.

This amendment does not change the way States qualify for the fund—it is not limited to any particular State—any State that qualifies can access the funds as well.

This amendment has the support of the authorizing committees and the administration.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be advanced to third reading and passed, and the motion to reconsider be laid upon the table, all without further action, or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5424) was agreed to.

The bill (S. 2183), as amended, was passed, as follows:

S. 2183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS TO THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) CLARIFICATION OF LIMITATION ON CERTAIN FEDERAL OBLIGATIONS FOR 1997.—Section 116(b)(1)(B)(ii)(II) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended—

(1) in item (aa), by striking "the State family assistance grant" and inserting "the sum of the State family assistance grant and the amount, if any, that the State would have been eligible to be paid under the Contigency Fund for State Welfare Programs established under section 403(b) of the Social Security Act (as amended by section 103(a)(1) of this Act), during the period beginning on October 1, 1996, and ending on the date the Secretary of Health and Human Services first receives from the State a plan described in section 402(a) of the Social Security Act (as so amended) if, with respect to such State, the effective date of this Act under subsection (a)(1) were August 22, 1996,"; and

(2) in item (bb)—

(A) by inserting "sum of the" before "State family assistance grant"; and

(B) by striking the period and inserting ", and the amount, if any, that the State would have been eligible to be paid under the Contingency Fund for State Welfare Programs established under section 403(b) of the Social Security Act (as amended by section 103(a)(1) of this Act), during the period beginning on October 1, 1996, and ending on the date the Secretary of Health and Human Services first receives from the State a plan described in section 402(a) of the Social Security Act (as so amended) if, with respect to such State, the effective date of this Act under subsection (a)(1) were August 22, 1996.".

(b) CORRECTIONS RELATED TO THE CONTINGENCY FUND FOR STATE WELFARE PROGRAMS.—Section 403(b)(4)(A) of the Social Security Act, as amended by section 103(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, is amended—

(1) in clause (i)(II), by striking "minus any Federal payment with respect to such child care expenditures"; and

(2) in clause (ii)(I)—

(A) by inserting "the sum of" before "the expenditures"; and

(B) by inserting ", and any additional qualified State expenditures, as defined in section 409(a)(7)(B)(i), for child care assistance made under the Child Care and Development Block Grant Act of 1990" before the semicolon.

(c) CLARIFICATION OF HEADING.—The heading of section 116(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended by inserting "; LIMITATION ON FISCAL YEARS 1996 AND 1997 PAYMENTS" after "DATE".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of and the amendments made by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

SEC. 2. EXTENSION OF NORTHERN GREAT PLAINS RURAL DEVELOPMENT COMMISSION.

Section 11 of the Northern Great Plains Rural Development Act (Public Law 103–318;

7 U.S.C. 2661 note) is amended by striking "the earlier" and all that follows through the period at the end and inserting "September 30, 1997.".

PROVIDING FOR THE CONVENING OF THE 105TH CONGRESS AND COUNTING ELECTORAL VOTES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 198 regarding the convening of the 105th Congress and the counting of electoral votes which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 198) appointing the day for the convening of the first session of the One Hundred Fifth Congress and the day for the counting in Congress of the electoral votes for President and Vice President cast in December of 1996.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MURKOWSKI. Mr. President, it is my understanding from the clerk that the Senate will come back on the 7th and count the electoral votes on the 9th.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. MURKOWSKI. I thank the Chair.

I ask unanimous consent that the resolution be deemed read a third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 198) was deemed read a third time, and passed.

THE NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996—CONFERENCE REPORT

Mr. MURKOWSKI. Mr. President, I submit a report of the committee of conference on (H.R. 3005) and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3005) to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 28, 1996.)

Mr. D'AMATO. Mr. President, today I speak in support of H.R. 3005, the National Securities Markets Improvement Act of 1996. This bill is a critical piece of securities legislation that will vastly improve our securities markets and provide important investor and consumer protections.

As most of my colleagues already know, an earlier version of this bill, S. 1815, passed the Senate unanimously in late June. That bill enjoyed strong bipartisan support. As testament to that support, we were able to introduce the bill, mark it up in committee, and pass it through the Senate within 2 months.

Through hard work on both sides of the Capitol, the House and Senate conference on H.R. 3005 produced a sound bill that thoughtfully and carefully tightens the securities laws. I thank my distinguished colleagues and conferees whose tenacity and dedication have made it possible to produce this legislation. I thank the chairman and ranking member of the Securities Subcommittee, Senators GRAMM and DODD, along with the ranking member of the full committee, Senator SARBANES. I also thank my esteemed colleague, Senator BENNETT, who has been very helpful to the committee on securities legislation this Congress. I thank the staffs: Howard Mennell, Steve Harris, Laura Unger, Wayne Abernathy, Mitchell Feuer, Andrew Lowenthal, and Robert Cresanti, as well as the legislative counsel, Laura Ayud, who literally made this bill possible.

Mr. President, I urge the Senate to act expeditiously on this conference report so that we may then forward it to the White House for the President's signature.

The National Securities Markets Improvement Act of 1996 is a significant piece of legislation that will ensure that the U.S. securities market remains the pre-eminent securities market in the world. The U.S. securities market has the most capital and the most investors. Over 50 million Americans own stocks, not counting more than 10,000 institutional investors. Last year, the U.S. stock market had $7.98 trillion in capital—close to half the amount of capital in the entire world market.

This legislation will make it easier to raise capital in the securities market. The bill will create a new category of unregistered private investment companies that will help venture capitalists tap the capital markets to fund business endeavors. It will also bring more funding and investment to small business by making it easier for economic, business, and industrial development companies to raise money without having to register with the SEC and by providing liquidity and investment opportunities to business development companies.

The bill will promote capital formation by eliminating many overlapping State and Federal requirements for registering securities. It eases the restrictions on borrowing that currently restricts U.S. broker-dealers' sources of funding their business. The bill will make U.S. broker-dealers more competitive in the global markets. It will also allow U.S. firms to pass on substantial savings to their customers.

This bill will make the securities laws reflect the reality of today's marketplace. It will simplify procedures for paying fees and making disclosures. It will give the Securities and Exchange Commission flexibility to adapt to the changing financial market by letting the SEC say the securities laws don't apply where they don't make sense.

This legislation will tighten up regulation by giving the States and the SEC distinctly separate regulatory roles. It will divide between the SEC and the States regulation of the 22,000 registered investment advisers who are entrusted with $10.6 trillion in customer funds—much of which represents savings and retirement money. As a result, investment advisers will be better regulated and consumers and investors better protected.

The bill will make the mutual fund market a national market, that will be comprehensively regulated by the SEC. Mutual funds have become a household commodity in the last several years with almost one-third of U.S. households—that's 30 million households—owning a total of $2.7 trillion in mutual funds. This bill recognizes that the growth in the mutual fund industry means that it is no longer practicable for all 50 States to have a hand in what goes into a mutual fund prospectus.

This legislation also makes sure investors and consumers are not confused about what's in a mutual fund by giving the SEC authority to set standards on mutual fund names.

This is not a controversial bill, it enjoys support on both sides of the aisle. It thoughtfully and carefully tightens the laws governing the securities market. I commend my colleagues and their staff for their excellent work in drafting this legislation and urge my colleagues to support passage of the bill.

Mr. DODD. Mr. President, I rise today to join my colleagues in supporting the passage of the conference report on H.R. 3005, the National Securities Markets Improvement Act of 1996. Allow me to begin by offering my heartfelt congratulations to my fellow conferees: Senators D'AMATO, SARBANES, GRAMM, and BENNETT, with whom I worked very closely in first creating and now passing this thoughtful and strongly bipartisan bill. I believe that the high quality of this legislation is demonstrable proof of what can be accomplished when we set aside our partisan differences to work for the good of the Nation.

As I've said many times, the U.S. capital markets are vitally important for the good economic health not only of virtually every American company but for millions and millions of individual investors who have placed some of their assets either directly in securities or, as has become more and more common, into mutual funds.

Sustained economic growth is heavily dependent upon the continuing ability of our capital markets and financial services industry to function efficiently and with integrity. If companies find impediments to obtaining capital, they will not grow. If individuals find impediments to their access to securities and other investments, they will not save.

Taking steps to enhance the access of both corporations and individuals to the securities markets is a prudent means by which Congress can help sustain or even increase the Nation's rate of economic growth.

Furthermore, the American capital markets are the envy of the world. No other Nation enjoys the international reputation of our capital markets and it is necessary for Congress periodically to review and modernize, where necessary, the laws that make our markets and our financial services industry the world's leader.

I will acknowledge that it took us a little longer to get to this point than I had anticipated when the Senate passed S. 1815 at the end of June. Despite the other body's initially leisurely attitude toward conference negotiations, we have collectively achieved an excellent product.

This conference report, which I hope that the Senate will adopt today, is the culmination of a lengthy bipartisan effort to reform those aspects of the securities laws that are an outdated impediment to the efficient functioning of the securities industry.

The legislation will also provide clearer statutory directives to both State and Federal regulators so that the integrity of—and confidence in—our capital markets and financial services industry is enhanced.

Without going into excruciating detail, let me just highlight the main areas that this legislation covers: it improves the regulation of investment advisors by clarifying the proper roles of the SEC and the State regulators; it modernizes and streamlines the regulation of mutual funds on the one hand, and provides badly needed modernization of the statutes covering hedge funds and venture capital funds on the other hand; it provides for clarification on a host of technical matters ranging from treatment of church pension plans to the access by U.S. journalists to foreign issuer press conferences. And, significantly, the bill creates the mechanism for increased regulatory flexibility so that the SEC will have the ability to keep pace with needed regulatory changes as the needs and demands both of investors and the financial industry develop over time.

As I mentioned earlier, the legislation will allow the creation of a new kind of private investment company that is exempt from the restrictions of the Investment Company Act of 1940. Because this is a new mechanism for fund managers to use, we provide safeguards for participants in existing private investment companies. Any fund manager seeking to convert their existing fund to a new fund—called 3(c)[7] funds in the bill—must offer all their participants the option to first "cash out." It is further the intent of the conferees that these dissenter's rights not be evaded by fund managers who might seek to either invest their existing fund solely in the new fund or to simply have the old fund exactly mirror the investment decisions of the new fund. The conferees expect the commission to be particularly vigilant in this matter. It is also the expectation of the conferees that the commission act swiftly to define the term "Beneficial owners." It is the intent of the conferees that when such notices are given to institutional investors, the notice be given only to the controlling entity of that institution, not directly to all of the investing institution's underlying investors or participants.

I am also pleased that the conference report will require the Commission to study the impact of recent judicial and regulatory rulings that have limited the ability of shareholders to offer proposals at shareholder meetings regarding a company's employment practices. The abilities of shareholders to offer such kinds of resolutions such as the "Sullivan principles" for South Africa and the "MacBride principles" for Northern Ireland have had a direct impact on ensuring that U.S. corporations do not participate in the loathsome discriminatory practices that occurred—or still occur—in those Nations. I look forward to the results of the Commission's study in a year's time.

I would also note a few important provisions from the House bill that were included in this conference report. First, the conference report contains a 10-year authorization for the Securities and Exchange Commission that will reduce registration fees that were a drag on capital formation and will provide a level playing field for transaction fees on the New York Stock Exchange, the American Stock Exchange, and the NASDAQ stock market. This provision is a huge improvement over the House's original plan, since the plan first adopted by the House would have caused a negative impact upon programs in the Commerce Department, Justice Department and the State Department.

The Senate played a critical role in forcing the other body to reach agreement with the administration and Senate appropriators so that the goal of fee reduction could be achieved without harming other important Federal programs.

The conference report also contains a requirement for the establishment of uniform State laws on books and records for broker-dealers. While this uniformity has long been sought by State regulators, the SEC and industry, I remain concerned that some States will have to adjust their laws regarding books and records kept at branch offices. It is the intent of the conferees that the SEC work closely with the States to determine what records should be maintained at branch offices and to establish a mechanism so that States could require such records be kept in the branch office, rather than at a back office halfway across the Nation.

At this time, it is also appropriate to thank the Senate staffers who have worked so hard on turning ideas and goals into concrete legislation. I extend my congratulations and appreciation to Andrew Lowenthal from my staff; Laura Unger, the majority counsel; Mitchell Feuer, the minority counsel; and, Wayne Abernathy, the majority staff director of the Securities Subcommittee. I would also like to extend my thanks to someone who frequently, though unjustly, goes unmentioned when accolades are given on the floor—Laura Syoud of the Senate legislative counsel's office whose expertise was invaluable in solving some of the most difficult problems we confronted in drafting not only this conference report, but in the original Senate legislation.

Mr. President, this is a carefully balanced bill that, upon enactment by President Clinton, will improve our Nation's securities laws to allow the markets to function more efficiently, while balancing those reforms by maintaining, and in some cases enhancing, The full strength of investor protections that have made our markets the best in the world.

I urge my colleagues to support adoption of this important legislation.

Mr. SARBANES. Mr. President, I am pleased that the Congress has today enacted H.R. 3005, the National Securities Markets Improvement Act of 1996. Both the Senate and the House of Representatives passed legislation intended to promote efficiency in the regulation of mutual funds, better allocation of responsibility between Federal and State securities regulators, and elimination of outdated provisions. While the two bills had much in common, they also differed in certain respects. I commend Senator D'AMATO for his leadership of the Conference Committee, which has successfully bridged the differences between the two bills. Credit also goes to Senator GRAMM, Senator DODD, Senator BENNETT, and the House Conferees. The final product is a reasonable bill that deserves support.

This bill has two major themes: first, improvement of mutual fund regulation, and second, reallocation of responsibility between Federal and State securities regulators. It is appropriate to review the regulation of mutual funds, given the tremendous growth in this segment of the financial services industry. Mutual fund assets now equal insured bank deposits in size. The legislation contains a number of provisions supported by the SEC that are intended to allow mutual funds to operate more flexibly. These provisions include allowing the SEC to require mutual funds to provide shareholders with more current information and to maintain additional records that will be available to the SEC. Given the importance that mutual funds now have as an investment vehicle for millions of American households, it is crucial that information be available for mutual fund shareholders, and these provisions address that need. Both the Senate and House bills contained provisions creating a new exemption for funds open solely to sophisticated investors know as qualified purchasers. In the conference report, the House and Senate reached a compromise on the definition of qualified purchaser.

With respect to the role of the States in securities regulation, let me say that State securities regulators play a crucial role in policing our markets. Still, dual regulation need not mean duplicative regulation. The State regulators themselves have convened a task force to recommend how securities regulation can be made more efficient and effective by dividing authority between the Federal and State level. This conference report retains the provision of the Senate bill, that the SEC may preempt State laws only with respect to securities traded on the New York Stock Exchange, the American Stock Exchange, the NASDAQ, or other exchanges with substantially similar listing standards. The provision in the House bill would have preempted State law for securities not traded on an exchange. The conference report does contain preemption provisions from the House bill that were not present in the Senate bill, addressing secondary trading and regulation of brokerage firms.

The House and Senate compromised on the investment adviser provisions of the Senate bill. These would have removed investment advisory firms with $25 million or more under management from State regulation. The conference report provides that investment adviser representatives of such firms will continue to be licensed by the States in which they have places of business. The bill does not prohibit a State from requiring that investment adviser representatives doing business in that State designate a place of business in the State, such as an address for service of process, for purposes of maintaining State licensing authority over such individuals.

This is a moderate bill, and appropriately so, for the Federal and State laws governing our securities markets and the participants in those markets are not in need of wholesale changes. All the evidence suggests that the U.S. securities markets are functioning well. Companies continue to raise capital in the U.S. markets in record amounts. In addition to established businesses, new companies have been raising capital in record amounts. Individual investor confidence in the securities markets, measured by direct investment in securities and investment through mutual funds and pension plans, remains high. The U.S. securities markets retain their preeminent position in the world.

As passed by the conference, this bill strikes a reasonable balance. It should improve efficiency in the regulation of our securities markets without unduly limiting the authority of the State regulators, thereby exposing investors to sharp practices. The bill received support from Democratic and Republican House and Senate conferees, and was passed by the House unanimously 2 days ago. I am pleased that the House and Senate, Democrats and Republicans alike, were able to reach consensus on this legislation.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the conference report be considered as adopted, the motion to reconsider be laid upon the table, and statements relating to the report appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, and passed, the Senate will stand in recess until 2:15.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SMITH).

FEDERAL AVIATION REAUTHORIZATION—CONFERENCE REPORT

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, there will be 3 hours of debate on the conference report equally divided.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I designate myself as being in charge of the time for this side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I will be brief.

We have decided and the reality is that we will pass this bill. Under the unanimous-consent agreement we entered into yesterday, we will have a cloture vote on Thursday, it is obvious that there are well in excess of 60 votes for passage of this conference report. Unfortunately, for reasons that are not clear to me, the other side has chosen to delay until Thursday that cloture vote. Then, of course, there is the possibility of utilizing time after that.

Meanwhile, funding for much-needed projects is being held up. Funding for projects that are vital, in the view of many States throughout the country, which I will be describing at a later time, is being held up. I do not know why it is being held up. I do not know if it is at the behest of the Teamsters Union. I do not know if it is at the behest of some other labor unions. I do not know why. This provision was inserted by the Senator of South Carolina in conference and voted and carried nearly unanimously. It was the correction of a technical error. Now, the Senator from Massachusetts has tied up the Senate, going through the arcane obstruction and delay such as having the bill read for nearly 5 hours last evening. All but two pages of it were required to be read last night. I do not know why that happened, but the fact is we should be taking up this conference report and passing it right now. There are plenty of Senators who are still in town. We could do it now.

Why the Senator from Massachusetts insists on delaying these programs and projects—do you know what these programs and projects are? These are jobs. These are real jobs for working men and women around America who want to move forward to take their jobs and are now precluded from doing so until this conference report is signed.

The fiscal year ended last night at midnight. We are now a little more than 14 hours into the new fiscal year and thousands, literally thousands of men and women who are not working on these critically needed airport projects. We are now 14 hours into the new fiscal year where much needed improvements having to do with aviation safety and airport security are not being accomplished. We will go into Thursday at minimum, which is 2 more days away. Then the conference report is signed. Then it has to go to the President's desk for signature. We could be talking about several days, all because the Senator from Massachusetts objects to us moving ahead and voting on the conference report which has the overwhelming support of the Members of the Senate. Let me be clear, the provision in question was proposed on his side of the aisle in the conference, which was a technical correction to a drafting error and we all know it was a technical correction—that is all.

I say to the men and women who want to go to work, who want to help build their communities, who want to improve aviation safety and airport security, who want to do the things that this Congress and the American people want them to do, I am sorry; I am sorry this bill is being held up for no good reason. People can draw their own conclusions as to why this legislation is being held up.

There is no excuse for it. There is no reason for it. I know that people who are members of airport authorities, people who are involved in small businesses around the airports that supply the equipment and all the materials that go into the various airport construction and modernization projects around this country are asking the same question.

Now, perhaps the Senator from Massachusetts does not care about these small business people. Most of them are not union people. They do not give $35 million to defeat incumbent Republican Congressmen and Senators. No, they do not. They are just small business men and women around America who are trying to do their job and have been told these construction projects would move forward at the beginning of the fiscal year.

Now they are not. Now they are not. They are being held up.

It is interesting that we should have the deep concern and abiding concern about raising the minimum wage to help men and women around America. I wonder how many months at the current minimum wage increase these people are going to have to work in order to make up for the days and possibly weeks that are involved in the delay that is being orchestrated by the Senator from Massachusetts and a handful of other Senators on the other side of the aisle. I am going to try to get those calculations done between now and Thursday.

I think it is unconscionable. I think it is outrageous. I strongly recommend that the Senator from Massachusetts, for the sake of his own State, for the sake of the programs in his own State, would want to move forward so these people can go to work, so these airports can be improved, so we can get these much needed airport projects done.

Mr. President, let me tell you what is in Massachusetts. General Edward Lawrence Logan Airport in Boston, MA, $3,691,173; Nantucket Memorial Airport, Nantucket, MA, $949,962; the Barnstable Municipal Airport in Hyannis, $797,690; Martha's Vineyard Airport, $500,000; Worcester Municipal Airport, $500,000; New Bedford Regional Airport, $500,000; Provincetown Municipal Airport, $500,000—a total of $7,438,826 in Federal dollar entitlements, matched by $3,539,692 in Federal dollar State apportionments—a total of $10,978,518 the people of Massachusetts right now are being deprived of.

I do not understand it. I do not understand it, especially since this fight is over. This fight is over because we all know what is going to happen on Thursday.

"General Edward Lawrence Logan Airport, Federal Aviation Grants, $2 million, Noise Grant Program, Funding Crisis Alert."

This is from the mayor, Mayor Thomas M. Menino, City of Boston.

> General Edward Lawrence Logan Airport, Federal Aviation Grants, $2 million, Noise Grant Program, Funding Crisis Alert.
>
> A crisis exists which threatens future grants for airports.
>
> Excise taxes, including the airline ticket tax, which funds federal airport grant programs, have expired.
>
> Congress must pass a short-term extension of these taxes in order to make the aviation trust fund solvent again.
>
> Please urge Boston's representatives in Congress to save the airport program.

Save the airport program? Mr. President, I want to tell the mayor of Boston I will do everything I can, but I suggest that he contact Senator KENNEDY.

This is harsh language. These are harsh things I am saying in the Senate Chamber. I realize that. It is late in the season. We are in a political campaign. But I want to repeat, there is no rationale or excuse. I see the Senator from Massachusetts on the floor, so I directly ask the Senator from Massachusetts—I directly beg him to let us move forward and have a vote immediately, an immediate vote on the conference report. He has already lost. Let us have a vote on the conference report now and let us get this over with, get the bill to the President of the United States and have him sign it so we can move forward with these critical airport projects and let the working men and women all over America who want to begin work on $9 billion worth of projects, let them get to work. Let these airport related improvements be made. Let the aviation safety and airport security programs be implemented.

I will read in just a minute the safety and security provisions that are in this bill which are being held up because of the Senator from Massachusetts' reluctance to allow us to move forward. Mr. President, there are various airport security and aviation safety projects which are in this bill, which I will not read at this time, but I can tell you that there are at least 100 or more all over the United States.

Let me tell you about some of the aviation safety and airport security provisions. This bill requires the FAA to study and report to Congress on whether some security responsibilities should be transferred from airlines to airports and/or the Federal Government. The FAA is directed to certify companies providing airport security screening. This legislation, as soon as the President signs it, bolsters weapons and explosive detecting technology by encouraging research and development. It requires that background and criminal history records checks be conducted on airport security screeners and their supervisors. It requires the FAA to facilitate the interim deployment of currently available explosive detection equipment. It requires the FAA to audit effectiveness of criminal history records checks. It encourages the FAA to assist in the development of passenger profiling systems. It permits the Airport Improvement Program and Passenger Facility Charge funds to be used for safety and security projects at airports.

Mr. President, the Airport Improvement Program funds cannot be used for such safety and security projects at airports unless the Senator from Massachusetts lets us move forward with this bill.

The FAA and FBI must develop a security liaison agreement. We cannot begin on that. The FAA and FBI must carry out joint threat assessments of high-risk airports. We cannot begin on that.

It requires the periodic assessments of all passenger and air carrier security systems. It requires a report to Congress on recommendations to enhance and supplement screening of air cargo.

Mr. President, on aviation safety, it eliminates the dual mandate and reiterates safety be the highest priority for the FAA. It facilitates the flow of the FAA operational and safety information. The FAA may withhold voluntarily submitted information.

It authorizes the FAA to establish standards for the certification of small airports to improve safety of such airports. It directs the NTSB and FAA should work together to improve safety data classification so as to make it more accessible and consumer friendly and then publishes it.

It requires the sharing of pilot's employment records between former and prospective employers to ensure marginally qualified pilots are not hired. It discourages attempts by child pilots to set records or perform other aeronautical feats.

It also requires the FAA and NTSB to work together to develop a system so that the notification of the next of kin can be done in the most humane and compassionate fashion.

I do not know why the Senator from Massachusetts will not let us move forward. I ask at this time unanimous consent that we move immediately to the conference report and vote on it.

The PRESIDING OFFICER. Is there objection? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I object.

The PRESIDING OFFICER. Objection it heard.

Mr. McCAIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I ask unanimous consent that we go immediately to the bill on the calendar on the FAA authorization that is without the labor provisions.

Mr. McCAIN. Reserving the right to object, the Senator from Massachusetts knows full well the House of Representatives, the other body, is out and is not coming back. The Senator from Massachusetts also knows——

Mr. KENNEDY. Regular order, Mr. President. Is there objection?

Mr. McCAIN. I was stating my reservation.

The PRESIDING OFFICER. There is objection?

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, the House of Representatives is subject to the call of the Chair by the Speaker. As time-honored practice and procedures, they have followed that on countless occasions. I am glad we were able to clear the air of some of the comments that were made earlier by the Senator from Arizona.

Mr. President, I wish very much that we had been able to have passage of the FAA conference report. My friends and colleagues have talked about the urgency of these various programs. I do not know what delayed the members of the committee itself, or the conference, from bringing it to the Senate in these last hours. With all the points that were raised by the Senator from Arizona, I would have thought we would have had an opportunity to have this matter earlier in the consideration of the Senate Calendar. I do not know what happened during the course of those discussions or debate, but clearly the Republicans chaired those conferences and they bear a direct responsibility as to when those conferences are going to report back.

I heard the Senator from Arizona saying that, now that we have this in these final moments of the Congress, now we have to act. We ask: Where was this conference earlier in the course of this session? Why did we not act on it at an earlier period of time? Why is it one of the last pieces of legislation that we have before the Senate?

Clearly, it is because those who support this provision, which is the subject of our debate and discussion here this afternoon, felt they could jam the Senate in terms of this particular provision.

That is an old technique. The Senator from Arizona is familiar with it, as I am familiar with it. We ought to put it in some kind of a context.

The fact remains, Mr. President, when we had the continuing resolution before us yesterday, I was prepared to offer the FAA conference report without this special provision that benefits only one company and that will give it particular advantages, which it does not have at the present time, over the ability of their workers to organize into a union. But that was objected to by the Republicans.

Now they are saying, "Well, why didn't we pass this?" And they try to put the blame on the Senator from Massachusetts. We could have passed this overwhelmingly. I don't think there would have been a vote against it, if we had done it yesterday with a 10-minute time consideration. But, no, there was objection to that.

Now we say, "All right, let's get into why now our Republican friends and some Democrats want to have this longer, drawn-out process and procedure."

Mr. President, I want to address a few issues here this afternoon. We have other colleagues who will come to the floor who I hope will enter into this.

First of all, I want to point out that I wish that those who are saying that somehow we are delaying this and somehow there are safety considerations, I wish they had acted on those concerns yesterday. We could have done this. We could have passed it. Effectively, they said, "No, we're not going to do that, we're not going to pass the FAA conference report without that special interest provision. We refuse to do it, even though the conference report has all those safety mechanisms."

And now after they refuse to do it, they come over here on the floor and say, "We should pass it right away. I ask consent we pass it right away because of these safety provisions."

I think it is important to understand, and I know there are members of the committee who have a great deal more knowledge and experience about what is in this bill, but as I understand it, the operation account, which funds air traffic controllers, safety inspectors, security personnel, airport noise personnel, maintenance personnel, as well as everything and everyone that runs air traffic in the United States, not one of those operations is affected by the FAA reauthorization bill.

Also, security personnel who operate the metal detectors to screen baggage are employees of the airlines who use the terminal, and, therefore, are unaffected by this legislation.

Second, the facilities and equipment account pays for the display terminals, air traffic controllers, look-out radar equipment and other equipment used in the aviation industry. None of this is affected by the FAA reauthorization bill.

Third, the research account funds all sorts of aviation research. For example, FAA has funded research on the best x-ray machines for checking bags. All of this research is totally unaffected by the pending FAA authorization bill.

The Airport Improvement Program is the only FAA program that is affected by the pending FAA reauthorization bill, as I understand. AIP awards grants for airway improvements, and the contract authority for these programs depends upon the passing of the FAA reauthorization bill. While the AIP programs may be highly desirable, they do not affect the safety of the aviation industry, and those are the facts.

I think when we are taking a look at these scare comments, we ought to try and put this into some kind of perspective. We are going to have an opportunity to vote on this measure in 2 days, in any event, but safety is simply not affected by this bill. We know this is true because in 1994, the FAA reauthorization bill was not passed for almost 11 months. There was no question at that time with regard to safety. As I say, if there was such the urgency at the time, I suspect the Republicans who bore the responsibility of moving that process would have brought it forward at the time.

Mr. President, what is really at issue here, and why are we at this juncture? I refer, if I can, to some of the House debate. The House debated this issue. As a matter of fact, with all due respect for those who talk about a technical amendment, this was outside of the conference. We have a rule that is generally not enforced, historically, in this body, but the House does recognize that when matters are outside of the conference, that they have to get a special rule. That happened with regard to this particular measure. When all of those people say, "Well, this was just a technical matter," the fact is, they needed a separate vote in the House of Representatives.

I quote the chairman, the Republican chairman, of the Aviation Committee over in the House of Representatives, Mr. SHUSTER, when he was questioned about why this new provision was added to the FAA reauthorization. Mr. SHUSTER, in response to Mr. MOAKLEY says:

> I would be happy to respond. Absolutely.
>
> It is outrageous, it is outrageous that we even have to deal with this issue this way, because it is nothing more than a technical correction. We think it is fundamentally wrong . . . because this is nothing more than a technical fix.

That is Mr. SHUSTER. But even the Parliamentarian understood that was not the case, because they did require separate debate and a separate vote.

I found reading the House debate very instructive, especially remarks by those who have the special responsibility, the members, of the Aviation Committee.

Mr. LIPINSKI—and I think this really points out quite well in a brief way what this issue is all about when Mr. LIPINSKI was recognized. He said:

> Let us focus on what this debate is really about. This provision for FedEx is another assault on the American middle class. The American middle class has been attacked for over 15 years by our Nation's terrible trade policies, technology, profit driven downsizing, profit-driven deregulation and systematic sinister weakening of unions. How, you ask? Let me explain.
>
> During the debate on the rule, I outlined the history of this dubious Federal Express provision. Let us take a closer look at what my colleagues are calling a technical correction.

During the debate, the House Members were talking about the different attempts, the five or six different attempts by Federal Express to have this provision included in other legislation.

House Republicans tried to attach it to the 1996 omnibus appropriations bill, and it failed. House Republicans tried to attach it to the NTSB reauthorization, and it failed. House Republicans tried to attach it to the Railroad Unemployment Act Amendments, and it failed. Senate Republicans supported to attaching it to the Labor-HHS appropriations bill in committee, and that failed.

So the rider was not on the FAA reauthorization bill when it passed the House, it was not on the reauthorization bill that passed the Senate, but it was added in the conference.

So this is not, Mr. President, just a little technical change. This is a long-committed, dedicated effort to, in a very significant and important way, at the outset, override the litigation which is currently taking place on this very issue.

That is interesting, isn't it? A legislative fix for something that is effectively in litigation at the present time in the NLRB. Federal Express wasn't taking a chance that the NLRB might rule in one particular way, and they wanted a legislative fix. They tried and tried and tried and tried again.

This is not a technical fix, Mr. President. This is a very purposeful, directed, well-organized effort to change the rules of the game right in the middle of the game. Change the rules. Why do I say "change the rules in the middle"? Because it is, at the present time, in litigation. And what one side, Federal Express, is trying to do, is change the rules in the middle of that litigation.

Let me just continue with what Mr. LIPINSKI said:

> During the debate on the rule, I outlined the history of this dubious Federal Express provision. Let us take a closer look at what my colleagues are calling a technical correction.
>
> The last express carrier, as defined by the ICC, went out of existence 20 years ago, so at the ICC's suggestion the classification was removed from the statute because it was obsolete.
>
> But suddenly, after the ICC bill is signed into law, one company and its countless consultants decided that it might want to be an express carrier some day and started knocking on doors up here.
>
> I have already outlined the five other times FedEx has tried to get this provision into law. Judging by the consistent effort and expense they have gone to, it must really be important for them to remove this dead classification.
>
> But why? Federal Express would not go through all this trouble if they were not going to get something out of it. The fact is that it is much more difficult for a union to organize under the Railway Labor Act than under the National Labor Relations Act.

Mr. President, I explained that earlier. Under the Railway Labor Act, you have to have a national bargaining unit. Under the NLRB, you have local bargaining units. And each law applies to those relevant bargaining units.

What the purpose of this legislation is is to short-circuit the NLRB's making a judgment to put the trucking aspects of Federal Express under the Railway Labor Act, which will make it much more difficult for them to ever obtain union representation.

I continue:

> Under the RLA a unit of the company would have to be organized company-wide, while under the NLRA it can be done facility by facility.
>
> Why is this relevant for a company like Federal Express, which is currently classified as an air carrier and already subject to the RLA? Federal Express' operations have changed. No longer does every package get on a plane. Often it just goes on a truck to its destination.
>
> I understand that Federal Express' long-term plan is to truck in packages less than 400 miles away from their hubs around the country. Why would an airline like Federal Express rely so much upon trucks? Because it is cheaper. To their credit, Federal Express is planning for the future to remain competitive. It sure seems to be working.

They know where they are going, Federal Express. They are going into the trucks to deal with these issues. And they are trying to be characterized as an air carrier so that they will have different rules for the road in order to be able to halt the ability of the organizers to be able to go forward.

Mr. President, that position was stated just as accurately—and I would refer my colleagues and friends to Mr. OBERSTAR's statement which effectively says the same; and Mr. NADLER from New York, who effectively says the same. These are members of the House Transportation and Infrastructure Committee. These are not just Members of the U.S. House of Representatives, these are members of the committee of knowledge.

What they refer to, Mr. President, about this change is the ICC Termination Act of 1995 and the conference report. And if you look in the conference report, the general jurisdiction issues—first of all, if you look at page 154, you will see the Railway Labor Act amendments. In the first paragraph, the amendment strikes the term "express company"—that is the term of art.

Then under the amendment to the Interstate Commerce Act's general jurisdiction provisions, it states, "outdated references to express and sleeping car carriers which no longer exist, would be removed."

And then you go on to the back and look and see who signed it. You find out that the signatories were all the members of the conference committee, Republican and Democratic alike. They all signed it. This idea that this suddenly slipped in the drafting of the measure, that somehow people did not quite understand, that it really is technical, it runs completely to the contrary.

It runs contrary to what the Congressional Research Service has found. It runs contrary to the explicit words in the legislation. It runs contrary to the conference report, which bears the signatories of the Democratic and Republican members of this conference committee here in the U.S. Senate.

That happens to be the bottom line, Mr. President. We understand that what FedEx has tried to do over a long period of time was rejected. And it was rejected because it was such an outrageous grab for preferential consideration by one company, and the history of it that demonstrates quite clearly that the effect of this particular change would dramatically alter and change the current litigation in which Federal Express is very much involved.

Mr. President, I come back now to what really this issue is all about, as far as I am concerned. It is not just so much all of these kinds of references, which I am sure during the course of the debate in the afternoon we will come back to, but I want to just get back to how Federal Express treats its employees. That is what we are basically talking about, how these changes are going to affect the welfare and the well-being of these various employees.

In 1991, Federal Express employees had gone 7 years without a pay increase. Today, we celebrated the increase in the minimum wage. We went 5 years without an increase in the minimum wage. In 1980, the minimum wage provided a livable wage for a family of three. Now, this year, prior to this day, a family of three would be $3,000 below the poverty wage.

We had a commitment in this country, Republicans and Democrats, to say that we are for men and women who are going to work for a living, that they be provided a living wage so they honor work. That is a fair and just position. We had difficulty in getting that measure even voted on here in the U.S. Senate. Republican leaders in the House and Senate refused to even be willing to give us a vote on it. Then, when we got an agreement to vote on it, they wanted to reduce it; and then after we passed it, they wanted to delay its implementation.

But today it went into effect for 4.6 million Americans—4.6 million, and $1,000 a year, $20 a week. And that went into effect.

But here, Mr. President, we have the Federal Express employees for 7 years without a pay increase. And the company planned to reduce the drivers' work hours and substitute temporary employees. That is what ignited the initial organizing drive in 1991. Federal Express responded by giving the workers a pay increase in 1992 and 1993.

But during the last 3 years, despite the booming business, Federal Express employees have not received any raise, and the company recently announced there would be no further across-the-board increases.

So the Federal Express employees are in the process of organizing a union. They want a better deal. And what are the kind of grievances they have?

Well, there is Al Ferrier. He has been a tractor-trailer driver for Federal Express for 17 years. He wants a better deal. He has had three knee surgeries, a shoulder surgery, following on-the-job injury. Mr. Ferrier was recently diagnosed with cancer. Federal Express responded to Mr. Ferrier's misfortune by giving him 90 days to find a new job.

Joe Coleman wants a better deal, too. He was Federal Express' longest service employee when the company fired him. With no union, there was no grievance procedure to protect him or to even give him a chance to prove that his dismissal was unjust.

I could take literally hours to go through this. I do not know whether Al Ferrier or Joe Coleman are going to have the support of their colleagues to be able to say that "we want to be organized to pursue those," or not. I do not know that. We do not know in this particular forum whether they do or they do not. But they ought to at least be given a chance. We should not have the rug pulled out from under them. We should not change the rules of the road at a time when that issue is before the NLRB, and that is what this language does.

It is saying to the Al Ferriers and the Joe Colemans, and the countless other workers who feel they have not been treated fairly, we are going to take your opportunities away because we are going to change the rules of the game and put you under the Railway Labor Act, which means you are not going to try and just convince all of these in your local community or in your town; you are going to have to effectively convince everyone in this country because of the outreach of Federal Express.

These are real grievances. These are real families. These are real working men and women that are trying to do this. And all we are just saying is that we are not going to just stand by, by the sleight of the hand, and take away the legitimate interests of these working families. That is the issue.

We will hear later on about what we were really intending to do, and that this is really not going to change things. That is what the issue is: Whether these men and women have a right under the existing laws, existing laws here in the United States, to be able to make a judgment and a determination by convincing some, "Come with us and let us form a union;" or maybe they will be defeated.

We are not making a judgment on that. All we are saying to those who support our position is let them play by the rules that exist today—not in this legislation, not in this legislation that is being enacted here that was changed, which was never in the bill that passed the House or in the bill that passed the Senate and was basically discarded on a half a dozen different occasions and needed a special rule in the House of Representatives, even with people saying this is just a technical change, a technical change.

Well, the House Republican Parliamentarian understood this is certainly more than a technical change when he studied it and ruled on it. He understood it was more than a technical change. That is the only provision, the only provision of the conference report they had an independent vote on, because it was outside the scope and added at the final hour.

Mr. President, that is what we are looking at. Now we can say, well, is this really an isolated kind of circumstance in regard to Federal Express? I was absolutely startled reading through their pamphlets on the questions of what they were going to do about workers and how they would consider those that might want to get into a union. It is clear in reading through that book—and I see other colleagues that want to speak, so I will just touch on this point briefly. There is no question that the Federal Express is antiworker and the Federal Express Co. is not shy about its antiunion attitude. They distribute to managers a labor law book with specific instructions on how to prevent unionization efforts. On page 2 of the handbook Federal Express tells the managers, "Our corporate goal is to remain union-free. We all have the responsibility of making unions unnecessary at Federal Express." Federal Express devotes a whole chapter to what are indications of union activity, and in one chapter they advise supervisors to be on the lookout for these signs and report problems by calling your local personnel representative, the Employee Relations Department in Memphis. What are these sinister signs? Employees begin leaving the premises for lunch in unusual numbers; employees show unusual interest in compensation, personnel, and other company policies.

Mr. President, maybe they are in the union, maybe they are not. I am not saying one way or the other, but we ought not to say we are going to change the rules of the road. If Federal Express has that attitude, so be it. But we ought to understand it and it makes it much clearer in understanding what this proposal is about, what this proposal is about and what their intention is about.

It is just a measure we wanted to make sure conformed with the previous legislation. You put this evidence together about what the activities of Federal Express have been, the efforts they have gone to change this, what their own corporate attitude is, what their conditions are in terms of their employees, and you find out and see very clearly what has been happening with regard to Federal Express employees.

Mr. President, there are others here that want to address the Senate but I will conclude with these brief remarks. There is no question that this provision was put in here purposely to affect Federal Express' clear interests. That has been demonstrated during the course of the debate not just in the U.S. Senate, but the House of Representatives and the actions by Federal Express. They are entitled, as a company, to pursue whatever interests they might have—I recognize that—but not to change the rules in the middle of the game. That is what they are doing—changing the ground rules.

Americans understood fair play. They see it every day. They saw it last night in the Dallas-Philadelphia game. They understand fair play. They understand you have a set of rules, you play by them. Not Federal Express. They want the rules changed, and not changed just for the future—in order to be able to carry forward their company policy to maintain themselves really free from pursuit of grievances by workers, and by undermining litigation that is currently in place.

We do not do that around here very often. We do not take legislative action to pull the ground out from families and workers in our country that are playing by the rules and thought they would play by this set of rules, and then to be in litigation and find out the Congress in the last hour is playing by a different set of rules. We do not act around here just to benefit one company. We take action clearly in a general way. There will be particular companies that are going to, for one reason or another, be adversely affected and impacted in an unfair and unjust way. We address those. We try to. We never do it as effectively as I think the public thinks we should. That is always complicated and difficult.

That is not what this is about. That is not what this is about. That is not this circumstance. This is a clear power grab by Federal Express to carry forward its antiworker philosophy, and it is changing the rules in the middle of the game. It is basically unworthy for the Senate to favor that particular position. All we are trying to do is to get that provision removed. We could have tried yesterday but we were prevented from doing that by the Republican leadership—to say OK, we will pass the FAA without this provision, send it over to the House, and as all of us know, everyone in this body knows, the House of Representatives is subject to the call of the Chair. This would fly through the House of Representatives. We heard the same arguments when we had the minimum wage that we could not pass, just before the August recess, because the House was going to be out. We had it on Lodine. If Members will remember, there was a special tax provision for one particular company that was added to an agricultural appropriation in the last hours and here on the floor of the Senate there was such a row by Members—Republican and Democrat alike—that this was a special provision for a special company. We heard at that time, "We cannot do that now because the House of Representatives is not there." We know the House of Representatives at the call of the Chair passes those measures.

Given the vote in the House of Representatives, given the vote in the House of Representatives which was so incredibly close, a 20-vote difference, with 30 Republicans in the House of Representatives voting with the Democrats. Mr. President, 30 Republicans voted with the Democrats because they felt this kind of procedure was unworthy, 30 Republicans, and 15 Democrats went the other way. It was decided in the House by 20 votes.

Mr. President, they had the full debate. They understand this is a great deal more than just a technical amendment. It is a substance amendment. We ought to free this legislation from it and pass this legislation and get on with the rest of the country's business.

Could I ask how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 58 minutes remaining.

Mr. McCAIN. Mr. President, I yield myself such time as I may consume. I will be very brief because the Senator from South Carolina is waiting to speak.

Mr. President, the Senator from Massachusetts keeps alleging that somehow we could pass this bill by removing this legislative provision and then getting it passed. And clearly, the Senator from Massachusetts is entitled to that opinion.

Unfortunately, it is not shared by the Democratic leader, Mr. DASCHLE, who had a press briefing this morning which I will quote from:

> Question. Isn't the bottom line on this FedEx business, that if you don't pass the bill, and you do pass some sort of a continuing funding resolution or mechanism, that FedEx does not get its way and that the Teamsters do?
>
> DASCHLE. Well, it's more complicated than that. At this point, we can't send a bill back to the House because I don't anticipate that they'll come back.
>
> And because they won't come back, and there's no desire to. Any change we'd have to make would require unanimous consent. We're told any change to this bill would not acquire the necessary unanimous consent agreement there.
>
> And as a result, we are really left with the conference agreement that has now been written. So our options are very, very limited. So it's not even a question of who wins or who loses with regard to that specific provision, the question is, are we going to pass a conference report that really needed to be passed yesterday?
>
> Question. You've passed it, you've got a funding problem.
>
> DASCHLE. Exactly.
>
> Question. And you can't resolve that either.
>
> DASCHLE. We can't resolve that. I mean, we have—short of bringing the House of Representatives back into session, we can't find another way, another vehicle, another funding mechanism.
>
> And as I indicated, that the leadership in the House have already made it known that they don't plan to come back.
>
> Question: So you've got to pass this bill?
>
> DASCHLE. We've got to pass this bill.

I am sorry that the Senator from Massachusetts does not agree with his elected leader here in his party, who clearly says we have to pass this bill, which he also says we should have passed yesterday.

Why should we have passed it yesterday, Mr. President? Because there are thousands of men and women who are workers who are not working, who would be working if the Senator from Massachusetts had allowed this bill to pass, rather than have the bill read last night for 5 hours, as he did, and keeping this body tied up.

Mr. President, let me also point out that everybody is entitled to their opinion, but not everybody is entitled to their facts. The facts are that the Senator from Massachusetts stated that only Airport Improvement Program moneys, aviation improvement fund moneys, would be affected by the lack of passage of this bill. Mr. President, that is not correct. The aviation trust fund is unique. The Finance Committee and the Joint Committee on Taxation have studied this issue, and their staff state that the language in the code regarding "meeting obligations of the United States," which, I repeat, is unique to this one section of the code, effectively means that all spending out of the trust funds bill will be stopped.

This means countless aviation safety programs, jobs, and airport construction programs will be affected, and are affected as we speak, but will be more affected as we wait until Thursday and will be more affected between the time the bill is passed and goes to the President's desk. Furthermore, if this bill is not passed, we cannot have criminal history background checks and the FAA will not be able to deploy $175 million for explosive detection technologies—many which are made in Massachusetts. I repeat, this information comes from the Finance Committee and the Joint Committee on Taxation both.

So the Senator from Massachusetts does not have his facts correct on what is stopping being funded. Let me give a brief comment on some of the projects that we have already heard from—some of the programs that are stopped: Providence, RI, debt service for a new terminal, letter of intent; Philadelphia, PA, site preparation for new commuter runway; Ithaca, NY, entitlement for runway project, phase 2; Albany County, NY, new terminal project; Parkersburg, WV, mud slide; Parkersburg, WV, finish a new airport; Buckhannon, WV, site preparation for runway extension; Buffalo, NY, terminal project, letter of intent; Portland, OR, runway reconstruction; Denver, CO, debt service for new airport, letter of intent; Seattle, WA, ongoing noise program; Memphis, TN, cash-flow problem.

The list goes on and on, Mr. President. We are already hearing from the airport managers who are not able to move forward on these critical airport projects. They are not able to move forward.

Mr. President, look, I am not familiar with FedEx. I certainly have known many of their employees. There are 125,000 of them. Allegation: Joe Coleman was fired and received no grievance. Joe Coleman was fired and received no grievance procedure. Truth: FedEx has an internal grievance procedure, and Mr. Coleman appealed his discharge and was reinstated in 1991. He subsequently quit. Allegation: Al Ferrier received injuries and was told to find a new job in 90 days. Truth: Mr. Ferrier was offered a full-time job, which he turned down, a month ago.

Mr. President, I don't know the facts of these cases. These are other responses to them. What the Senator from Massachusetts says may be true, but I have different information.

But what cannot be disputed here, Mr. President, is that thousands of workers are not working today or tomorrow or Thursday because the Senator from Massachusetts refuses to allow this bill to move forward and the conference report to be voted on, and that includes aviation safety and airport security.

Mr. President, let me finally say that this legislation does not prevent Federal Express from being subject to union organization. Federal Express will be treated as every other major corporation in America, which I hope the Senator from South Carolina will elaborate on, and will be subject to all of the laws that apply to all companies and corporations in the United States. If the workers of Federal Express want to become unionized, they will be allowed to do so under existing law.

I yield to the Senator from South Carolina such time as he may consume.

Mr. HOLLINGS. I thank the Senator from Arizona. Mr. President, the distinguished Senator from Massachusetts has just spewed out such a bunch of nonsense that it is hard to know where to begin. One is with respect to Federal Express. Like the Senator from Arizona, I am learning about Federal Express. I refer, Mr. President, to "The 100 Best Companies to Work for in America," by Robert Levrig and Milton Moskowitz, of last year. On page 121:

> The Federal Express invented overnight parcel delivery. U.S. employees: 77,700.

It is now over 105,000 domestic, and a total of 125,000, growing at 15 percent per year. But this particular edition has the top-top rating of five stars, and really about the highest rating is four stars. Thumbing through this when I was given it, I could not find any other company with the five stars. Let me show you immediately under that particular provision. On pay and benefits, Federal Express is rated four stars; under opportunities, four stars; under job security, five stars; in pride in work and company, four stars; openness and fairness, five stars; camaraderie and friendliness, four stars. The biggest plus, "you probably won't get zapped." Biggest minus, "you may not be an overnight success."

Now, since the distinguished Senator has raised the point that the Senator from South Carolina is zapping the employees, I thought I would have to read that. At least Federal Express hasn't raised that point, or zapped anyone, according to that best-of-the-best edition. So I more or less have to clear the record to defend my record, because we are not about zapping employees. We are not about end-running. We are not about changing the rules in the middle of the game.

The truth is, Mr. President, that if we had known last December 22 that the little phrase "express company" was being dropped from the ICC Termination Act, and they would have said, "Senator, we are going to have to drop this provision," I would have said, "Wait a minute," if I would have known it, and I would have made that exact charge: You can't change the rules in the middle of the game.

Why do I say that? Because those same employees he talks about over in Philadelphia have had 5 years with their lawyer, and unlike what the Senator from Massachusetts has said about the board—I will read his statement from the CONGRESSIONAL RECORD. I refer to yesterday's RECORD at page S11854:

> Federal Express challenged the petition, arguing that the entire company, including its truck drivers, is covered by the Railway Labor Act, not the National Labor Relations Act, and that therefore the bargaining unit for its truck drivers must be nationwide. The board has not yet decided the issue.

Absolutely false.

I ask unanimous consent to have printed in the RECORD excerpts of the decision of the board.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL MEDIATION BOARD,
Washington, DC, November 22, 1995.

JEFFREY D. WEDEKIND,
Acting Solicitor, National Labor Relations Board, Washington, DC.

Re NMB File No. CJ-6463 (NLRB Case 41-RC-17698).

DEAR MR. WEDEKIND: This responds to your request dated July 17, 1995, for the National Mediation Board's (Board's) opinion as to whether Federal Express Corporation (Federal Express or FedEx) and certain of its employees is subject to the Railway Labor Act, as amended, 45 U.S.C. §151, et seq. The Board's opinion, based upon the materials provided by your office and the Board's investigation is that Federal Express and all of its employees are subject to the Railway Labor Act.

I.

This case arose as the result of a representation petition filed with the National Labor Relations Board (NLRB) by the International Union, United Automobile Aerospace and Agricultural Implement Workers of America (UAW). The UAW initially sought to represent a unit of Federal Express's employees including "all regular full and part-time hourly ground service employees in the Liberty District." On December 9, 1991, the UAW amended its petition to exclude "ramp agents, ramp agent/feeders, handlers, senior handlers, heavyweight handlers, senior heavy weight handlers, checker sorters, senior checker/sorters, shuttle drivers, shuttle driver/handlers, office clerical employees, engineers, guards and supervisors as defined in the Act [NLRB]." The titles remaining in the UAW's petition include: service agents, senior service agents, international document agents, couriers, courier/handlers, tractor-trailer drivers, dispatchers, courier/non-drivers and operations agents.

The UAW argues that the employees it seeks to represent in Federal Express' Liberty District are employees subject to the National Labor Relations Act (NLRA). The UAW acknowledges that pilots and aircraft mechanics employed by Federal Express are subject to the Railway Labor Act. However, the UAW contends that the two-part test traditionally employed by the Board to determine whether an entity is a carrier should be applied to the unit of employees it seeks to represent in Federal Express' Liberty District. According to the UAW, the employees it seeks to represent in the Liberty District do not perform airline work and are not "integral to Federal Express' air transportation functions."

Federal Express asserts that it is a carrier subject to the Railway Labor Act and, as a carrier, all of its employees are subject to the Railway Labor Act. Federal Express notes that the Board and the courts have repeatedly found it to be a carrier subject to the Railway Labor Act. According to Federal Express, the job classifications remaining in the petition are integrally related to Federal Express' air transportation activities. Federal Express contends that it is a "unified operation with fully integrated air and ground services." According to Federal Express, allowing some employees to be covered by the National Labor Relations Act and others to be subject to the Railway Labor Act would result in employees being covered by different labor relations statutes as they are promoted up the career ladder.

Federal Express contends that the two-part test suggested by the UAW is not appropriate in this case. According to Federal Express, the Board uses the two-part test to determine whether a company is a carrier, not to determine whether specific employees of a carrier perform duties that are covered by the Railway Labor Act. Federal Express cautions that adoption of the test suggested by the UAW "would drastically alter labor relations at every airline in the country." According to Federal Express, under the UAW's test, most categories of employees except pilots, flight attendants and aircraft mechanics would be subject to the NLRA.

The Board repeatedly has exercised jurisdiction over Federal Express. Federal Express Corp., 22 NMB 279 (1995); Federal Express Corp., 22 NMB 257 (1995); Federal Express Corp., 22 NMB 215 (1995); Federal Express Corp., 20 NMB 404 (1993); Federal Express Corp., 20 NMB 394 (1993); Federal Express Corp., 20 NMB 360 (1993); Federal Express Corp., 20 NMB 126 (1993); Federal Express Corp., 20 NMB 91 (1992); Federal Express Corp., 20 NMB 7 (1992); Federal Express Corp., 19 NMB 297 (1992); Federal Express Corp., 17 NMB 24 (1989); Federal Express/Flying Tiger, 16 NMB 433 (1989); Federal Express, 6 NMB 442 (1978). There is no dispute that Federal Express is a carrier subject to the Railway Labor Act with respect to certain Federal Express employees (i.e. Pilots; Flight Attendants, Global Operations Control Specialists; and Mechanics and Related Employees; Stock Clerks; and Fleet Service Employees). However, the Board has not addressed the issue raised by the UAW: whether or not certain Federal Express employees are subject to the Railway Labor Act.

The NLRB initially requested the NMB's opinion as to whether FedEx is subject to the RLA on July 1, 1992. However, on that date, the NLRB granted the UAW's request to reopen the record and the file was returned to the NLRB. The NLRB renewed its request on July 17, 1995 and the NMB received the record on July 31, 1995. The NMB received additional evidence and argument from FedEx and the UAW on August 17, 1995 and September 5, 1995.

II.

Federal Express, a Delaware corporation, is an air express delivery service which provides worldwide express package delivery. According to Chairman of the Board and Chief Executive Officer Frederick Smith, Federal Express flies the sixth largest jet aircraft fleet in the world.

Federal Express' jet aircraft fleet currently includes Boeing 727-100's, Boeing 727-200's, Boeing 737's, Boeing 747-100's, Boeing 747-200's, DC 10-10's, DC-10-30's and McDonnell-Douglass MD-11's. Federal Express also operates approximately 250 feeder aircraft, including Cessna 208's and Fokker 27's. It has over 50 jet aircraft on order.

Federal Express currently serves the United States and several countries in the Middle East, Europe, South America and Asia, including Japan, Saudi Arabia and Russia. According to Managing Director of Operations Research Joseph Hinson, Federal Express does not transport freight that moves exclusively by ground to or from the United States.

* * * * *

III. DISCUSSION

The National Mediation Board has exercised jurisdiction over Federal Express as a common carrier by air in numerous published determinations. Federal Express Corp., 22 NMB 279 (1995); Federal Express Corp., 22 NMB 257 (1995); Federal Express Corp., 22 NMB 215 (1995); Federal Express Corp., 20 NMB 666 (1993); Federal Express Corp., 20 NMB 404 (1993); Federal Express Corp., 20 NMB 394 (1993); Federal Express Corp., 20 NMB 360 (1993); Federal Express Corp., 20 NMB 126 (1993); Federal Express Corp., 20 NMB 91 (1992); Federal Express Corp., 20 NMB 7 (1992); Federal Express Corp., 19 NMB 297 (1992); Federal Express Corp., 17 NMB 24 (1989); Federal Express/Flying Tiger, 16 NMB 433 (1989); Federal Express, 6 NMB 442 (1978). In eight of those determinations, the Board exercised jurisdiction over ground service employees of Federal Express, 6 NMB 442 (1978). In eight of those determinations, the Board exercised jurisdiction over ground service employees of Federal Express. The substantial record developed in this proceeding provides no clear and convincing evidence to support a different result.

A.

Section 181, which extended the Railway Labor Act's coverage to air carriers, provides:

"All of the provisions of subchapter 1 of this chapter except section 153 of this title are extended to and shall cover every common carrier by air engaged in interstate or foreign commerce, and every carrier by air transporting mail for or under contract with the United States Government, and *every air pilot or other person who performs any work as an employee or subordinate official of such carrier or carriers, subject to its or their continuing authority to supervise and direct the manner of rendition of his service*. 45 U.S.C. §181. (Emphasis added).

Federal Express is an air express delivery service which holds itself out for hire to transport packages, both domestically and internationally. Federal Express and the UAW agree that Federal Express and its air operations employees, such as pilots and aircraft mechanics, are subject to the Railway Labor Act. The disagreement arises over whether Federal Express' remaining employees are subject to the Railway Labor Act. The UAW argues that the employees it seeks to represent do not perform airline work and are not "integral to Federal Express' air transportation functions." Federal Express asserts that all of the employees sought by the UAW are integrally relate to its air express delivery service and are subject to the Railway Labor Act.

Since there is no dispute over whether Federal Express is a common carrier by air, the Board focuses on whether the employees sought by the UAW's petition before the NLRB are subject to the Railway Labor Act. The Act's definition of an employee of an air carrier includes, "every air pilot or other person who performs any work as an employee or subordinate official of such carrier or carriers, subject to its or their continuing authority to supervise and direct the manner of rendition of his service". The Railway Labor Act does not limit its coverage to air carrier employees who fly or maintain aircraft. Rather, its coverage extends to virtually all employees engaged in performing a service for the carrier so that the carrier may transport passengers or freight.

In REA Express, Inc., 4 NMB 253, 269 (1965), the Board found "over-the-road" drivers employed by REA subject to the Act stating:

"It has been the Board's consistent position that the fact of employment by a "carrier" under the Act is determinative of the status of *all* that carrier's employees as subject to the Act. The effort to carve out or to separate the so-called over-the-road drivers would be contrary to and do violence to a long line of decisions by this Board which would embrace the policy of refraining from setting up a multiplicity of crafts or classes. As stated above, there is no question that this particular group are *employees* of the carrier." (Emphasis in original).

The limit on Section 181's coverage is that the carrier must have "continuing authority to supervise and direct the manner of rendition of . . . [an employee's] service. The couriers, tractor-trailer drivers, operations agents and other employees sought by the UAW are employed by Federal Express directly. As the record amply demonstrates, these employees, as part of Federal Express' air express delivery system, are supervised by Federal Express employees. The Board need not look further to find that all of Federal Express' employees are subject to the Railway Labor Act.

B.

In the Board's judgment, the analysis of the jurisdictional question could end here. However, Federal Express and the UAW have directed substantial portions of their arguments the "integrally related" test. Specifically, the participants discuss whether the employees the UAW seeks to represent are "integrally related" to Federal Express' air carrier functions. The Board does not find consideration of the "integrally related" test necessary to resolve the jurisdictional issue, however, review of the relevance of this test is appropriate.

The UAW argues that the employees it seeks to represent are not integrally related to Federal Express' air carrier functions and therefore are not subject to the Railway Labor Act. Federal Express asserts that the NLRB and federal courts have found its trucking operations integrally related to its air operations.

However, the Board does not apply the "integrally related" test to the Federal Express employees sought by the UAW. Where, as here, the company at issued is a common carrier by air, the Act's jurisdiction does not depend upon whether there is an integral relationship between its air carrier activities and the functions performed by the carrier's employees in question. The Board need not consider the relationship between the work performed by employees of a common carrier and the air carrier's mission, because section 181 encompasses "every pilot or other person who performs any work as the employee or subordinate official of such carrier or carriers. . . . "

Even if the Board were to assume arguendo that the "integrally related" test applies to the facts in this case, the Board would hold in concurrence with the recent decision in Federal Express Corp. v. California PUC, supra, at note 10, that the "trucking operations of Federal Express are integral to its operations as an air carrier." 936 F.2d at 1078. Employees working in the other positions sought by the UAW perform functions equally crucial to Federal Express' mission as an integrated air express delivery service. As the record demonstrates, without the functions performed by the employees at issue, Federal Express could not provide the on-time express delivery required of an air express delivery service.

The Board has employed the "integrally related" test when it has examined whether to apply the trucking exemption under §151 of the Act. 0/0 Truck Sales, 21 NMB at 269; Florida Express Carrier, Inc., 16 NMB 407 (1989). Specifically, the board has applied the "integrally related" test when it has considered trucking operations conducted by a subsidiary of a carrier or a company in the same corporate family with a carrier. In Florida Express, supra, the Board found Florida Express, a trucking company which is a wholly-owned subsidiary of Florida East Coast Railroad, to be a carrier subject to the Railway Labor Act. In O/O Truck Sales, supra, the Board found O/O Truck Sales, a trucking and fueling company which is a wholly-owned subsidiary of CSXI (which is commonly owned with CSXT), to be a carrier subject to the Railway Labor Act. In contrast, Federal Express directly employs truck drivers, couriers and all other employees sought by the UAW's petition.

C.

The UAW argues that the Board should apply the two-part test used by the Board in other factual settings for determining whether an employer and its employees are subject to the Railway Labor Act. See, for example, Miami Aircraft Support, 21 NMB 78 (1993); AMR Services, Corp., 18 NMB 348 (1991). The Board does not apply the two-part test where the company at issue is engaged in common carriage by air or rail. The Board applies the two-part test where the company in question is a separate corporate entity such as subsidiary or a derivative carrier which provides a service for another carrier. In those situations where the Board applies the two-part test, it determines: (1) whether the company at issue is directly or indirectly owned or controlled by a common carrier or carriers; and (2) whether the functions it performs are traditionally performed by employees of air or rail carriers. Under this test, both elements must be satisfied for a company to be subject to the Railway Labor Act. Federal Express is an admitted carrier and the employees at issue are employed directly by Federal Express. Accordingly, the two-part test does not apply to this proceeding.

Even if the two-part test were applicable, the employees at issue here would be covered by the Railway Labor Act. Federal Express, as a common carrier, has direct control over the positions sought by the UAW. In addition, the Board has found that virtually all of the work performed by employees sought by the UAW's petition is work traditionally performed by employees in the airline industry. For example: couriers, Air Cargo Transport, Inc., 15 NMB 202 (1988); Crew Transit, Inc., 10 NMB 64 (1982); truck drivers; Florida Express, Inc., 16 NMB 407 (1989); customer service agents; Trans World International Airlines, Inc., 6 NMB 703 (1979).

CONCLUSION

Based upon the entire record in this case and for all of the reasons stated above, the Board is of the opinion that Federal Express Corporation and all of its employees sought by the UAW's petition are subject to the Railway Labor Act. This finding may be cited as Federal Express Corporation, 23 NMB 32 (1995). The documents forwarded with your letter will be returned separately.

By direction of the National Mediation Board.

STEPHEN E. CRABLE,
Chief of Staff.

Mr. HOLLINGS. This decision is dated November 22, 1995. You don't have to read the entire decision. It is a very interesting thing, because back in 1991:

> . . . UAW amended its petition to exclude "ramp agents, ramp agent/feeders, handlers,

> senior handlers, heavyweight handlers, senior heavyweight handlers, checker sorters, senior checker/sorters, shuttle drivers, shuttle driver/handlers, office clerical employees, engineers, guards and supervisors as defined under the act.

So it was not any question about who all was to be covered because they had a chance to amend it. This is 5 years ago when this started. But let me read a couple of other points.

This is the National Mediation Board talking. It was a unanimous decision, never appealed and at the NLRB since last November. And in 50 years with 100 cases under the Railway Labor Act, the NLRB has yet to reverse it. And if he can show me—I was asking for the Senator or a House Member—that actually said, let's knock this express company reference out, I would jump off the Capitol dome. He can't find it.

It was an innocent mistake. It was after this finding of November 22, 1995, done in December 1995. So it was after the rules of the road that are now trying to be changed, and that is why we are trying to correct. That has been the most difficult thing. The Members really have not kept up with this at all.

But the NLRB requested the National Mediation Board's opinion. This is the customary process. I am learning a little bit of labor law. The NLRB initially requested the National Mediation Board's opinion as to whether FedEx is subject to the RLA on July 1, 1992. They held it up. However, on that date, the NLRB granted the UAW's request to reopen the record and to file with the NLRB.

While we hear that the poor workers have been trying to get their day in court, their lawyer is up there saying, "Wait a minute. Hold it up. Return it to the NLRB." The NLRB renewed its request on July 17, 1995—3 years. I said, "How in the world do you hold things up over there in 3 years?" They said, "I will tell you what happened, Senator. They have a wild one over there in this fellow Gould who is the chairman." And he was trying his dead level best to change the process of taking those under the Railway Labor Act to be determined by the National Mediation Board and have it determined by the National Labor Relations Board itself. He finally got outvoted. He tried for 3 years. He tried for whatever time he was there.

But that was the issue. I couldn't understand why they would hold it up, and why we have the Senator from Massachusetts crying about the poor workers are not having any of their rights, and they are trying to play by the rules. Come on.

Here you go. Let me read it to you. The NLRB renewed its request on July 17, 1995. The National Mediation Board received the record on July 31, 1995. The National Mediation Board received additional evidence and argument from FedEx and the UAW on August 17, 1995, and September 5, 1995.

This is the full unanimous decision of the National Mediation Board—November 22, 1995, for those who are over there struggling to get their day in court. Come on. They had 5 years to go after it. They can start again. I think it ought to be made clear because I want to read some of this to make sure that they all understand that we are not coming in here pulling the rug out from under employees. The Senator from Massachusetts says we are "pulling the rug out"—after 5 years with their lawyer and everything else of that kind.

Everyone should understand that labor is very, very virile and strong under the Railway Labor Act. In fact, 65 percent to 70 percent of employees under the Railway Labor Act are organized, whereas in the private sector under the NLRB, the National Labor Relations Board, and the National Labor Relations Act, only 11 percent.

So this isn't trying to get a protective situation. We are not "pulling the legislative rug out".

Let me just read a couple of parts in the conclusion part because it says:

> The limit on section 181's coverage is that the carriers must have continuing authority to supervise and direct the manner of rendition and employees' service, the carriers' tractor-trailer drivers, operations agents, and other employees sought by the UAW employed by Federal Express directly. As the record amply demonstrates, these employees, as part of the Federal Express delivery system, are supervised by Federal Express employees. The Board need not look further to find that all of Federal Express employees are subject to the Railway Labor Act.

The contention of the Senator from Massachusetts is that we have to get the language out of this bill because we in conference tried to change the rules of the road; that we tried to pull the rug out so that they wouldn't be covered by the Railway Labor Act. The truth of the matter is, the very case he refers to in Philadelphia after 5 years and a unanimous opinion found just what I have read. We are trying to clear up the inconsistency of the dropping of the designation, which is appropriate and should be done. They know it. Let me read further.

> In the Board's judgment, the analysis of the jurisdictional question should end here.

However, I want to read a further paragraph.

> The UAW argues that the employees it seeks to represent are not integrally related to Federal Express's air carrier functions and, therefore, are not subject to the Railway Labor Act.

Going further, answering that argument on the next page:

> Even if the Board were to assume arguendo that the integrally related test applies to the facts in this case, the Board would hold in concurrence with the recent decision in Federal Express Corporation v. California PUC . . . the trucking operations of Federal Express are integral to its operations as an air carrier. Employees working in the other positions sought by the UAW perform functions equally crucial to Federal Express's mission as an integrated air express delivery service.

Finally.

> . . . the Board is of the opinion that Federal Express Corporation and all of its employees sought by UAW's petition are subject to the Railway Labor Act. This finding may be cited as Federal Express Corporation, 23 NMB 32 (1995). The documents forwarded with your letter will be returned separately.
>
> By direction of the National Mediation Board, Stephen E. Crable, Chief of Staff; Rush O'Keefe, Esq.; Paul Jones, Esq.; William Josem, Esq.; Arthur Luby, Esq.

I have been asking for a Senator or a House Member who said that we shouldn't make this change, the mistake that was made. They can't find one. I will ask. Give me that UAW lawyer that has made the motion in the last 11 months before the National Labor Relations Board. The gentleman says here, "This is a matter that is currently in litigation." False—threw it back over there to the NLRB, and they are sitting on it like they sat on it for 3 years after UAW brought it. There is nothing you can do about it. You have the fellow Gould over there. He will squat. I can't get him up off his "whatever." But I can tell you now. It is not in any litigation at all. It is unanimously determined on the merits, after 5 years and 11 months later, with no motion, no appearance, no nothing—just sitting on it over there.

This is a matter that is currently in litigation even while we are here today. It is like Edward R. Morrow down in the South Pacific or something in World War II. The Senator from Massachusetts says: We ought to let the litigation move forward, but the action that is taken on the FAA bill has preempted effectively the litigation which is under consideration even as we meet here today. Come on. Come on. Wait a minute.

There ought to be some test of the truth in the facts here. When the people who wrote the provision, trying to do the honest thing, get accused of pulling rugs out and jamming, I will take that test. I will ask the colleagues to study these facts and to see whether the Senator from Massachusetts is jamming it or the Senator from South Carolina is jamming it and then let them make their vote.

It is crystal clear what is going on here. It is crystal clear. Everybody wanted to correct it. But labor told us, they said, "You are not going to do it. We are going to filibuster. We are going to veto it at the White House." I did remember that the Vice President was from Tennessee. I said, "I don't think that that is going to happen. No." And I said, "I don't think that they are going to filibuster." I think we can get 60 votes for the truth and facts.

Now we hear about the NLRB, referring to all of these cases like you cannot get a case up there. Hundreds and hundreds of cases here have been covered by the Railway Labor Act, and the technical correction does not change that status. It changes future proceedings, not the one the Senator is talking about that they can make another argument. They can make these arguments.

I ask unanimous consent to print in the RECORD this reference to all these cases.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL EXPRESS IS COVERED BY THE RAILWAY LABOR ACT. THE TECHNICAL CORRECTION DOES NOT CHANGE THAT STATUS.

Since commencing operations 23 years ago, Federal Express and its employees consistently have been determined by the federal courts, the National Mediation Board and the National Labor Relations Board to be subject to the RLA. *See e.g., Chicago Truck Driver, Helpers and Warehouse Workers Union v. National Mediation Board*, 670 F.2d 665 (7th Cir. 1982), *Chicago Truck Drivers, Helpers and Warehouse Workers Union v. National Labor Relations Board*, 599 F.2d 816 (7th Cir. 1979); *Adams v. Federal Express Corp.*, 547 F.2d 319 (6th Cir. 1976), *cert. denied*, 431 U.S. 915 (1977); *Federal Express Corp.*, 22 N.M.B. 57 (1995); *Federal Express Corp.*, 22 N.M.B. 157 (1995); *Federal Express*, 22 N.M.B. 215 (1995); *Federal Express Corp., 22 N.M.B. 279 (1995); Federal Express*, 20 N.M.B. 666 (1993); *Federal Express*, 20 N.M.B. 486 (1993); *Federal Express*, 20 N.M.B. 404 (1993); *Federal Express*, 20 N.M.B. 394 (1993); *Federal Express*, 20 N.M.B. 360 (1993); *Federal Express*, 20 N.M.B. 7 (1992); *Federal Express*, 20 N.M.B. 91 (1992); Federal Express Corp., 17 N.M.B. 24 (1989); *Federal Express*, 17 N.M.B. 5 (1989); *Federal Express Corp, and Flying Tiger Line, Inc.*, 16 N.M.B. 433 (1989); *Federal Express Corp., 6 N.M.B. 442 (1978); Federal Express*, N.L.R.B. Case No. 22-RC-6032 (1974); *Federal Express*, N.L.R.B. Case No. 1-CA-22,685 (1985); *Federal Express*, N.L.R.B. Case No. 1-CA-25084 (1987); *Federal Express, N.L.R.B. Case No. 10-CCA-17702 (1982); Federal Express Corp., N.L.R.B. Case No. 13-RC-14490 (1977); Federal Express, N.L.R.B. Case No. 13-CA-30194 (1991). The charges filed with Region 13 in Chicago, Case No. 13-CA-3019 and Region 1 in Boston, Case No. 1-CA-22,585 were withdrawn after we presented the above evidence of our jurisdictional status.*

The National Mediation Board (NMET) recently ruled on Federal Express RLA status by stating unequivocally that "Federal Express and all of its employees are subject to the Railway Labor Act." *Federal Express Corporation*, 23 N.M.B. 32 (1995).

The term "employer" under the National Labor Relations Act excludes "...any person subject to the Railway Labor Act:" 29 U.S.C. §152 (2). Excluded from the definition of "employee" under the National Labor Relations Act is"...any individual employed by an employer subject to the Railway Labor Act..." 29 U.S.C.§152 (3). The Railway Labor Act defines "carrier" as "... (including) every common carrier by air engaged in interstate or foreign commerce..."45 U.S.C. §151, First and §181. Federal Express is a common carrier by air engaged in interstate and foreign commerce, and is certificated pursuant to Section 401 of the Federal Aviation Act.

That interpretation of the statute consistently has been applied by the NMB. Section 201 of the RLA, 45 U.S.C. Section 181, provides that the Act "shall cover every common carrier by air engaged in interstate and foreign commerce . . . and every air pilot of *other person who performs any work as an employee or subordinated official of such carrier or carriers*, subject to its or their continuing authority to supervise and direct the manner of rendition of his service." (Emphasis added). In accordance with that legislative directive, anyone employed by an air carrier engaged in interstate or foreign commerce is covered by the RLA. As was explained in *REA Express, Inc.*, 4 N.M.B. 253, 269 (1965):

"It has been the Board's consistent position that the fact of employment by a "carrier" is determinative of the status of *all* that carrier's employees as subject to the Act. The effort to carve out or separate the so-called over-the-road drivers would be contrary to and do violence to a long line of decisions by this Board which embrace the policy of refraining from setting up a multiplicity of crafts or classes. As stated above, there is no question that this particular group are *employees* of the carrier."

The United States Court of Appeals for the District of Columbia Circuit noted in regard to the NMB's *Federal Express* case that "the NLRB had 'never' asserted jurisdiction over" (Federal Express'." *United Parcel Service, Inc.*, v. *National Labor Relations Board*. 92 F.3d 1221 (D.C. Cir. 1996). Federal Express has participated in five union representation elections conducted under the auspices of the National Mediation Board, the most recent in 1995, and presently is participating in a sixth RLA election.

The Ninth Circuit Court of Appeals in *Federal Express Corp.* v. *California Public Utilities Commission*, 936 F.2d 1075, 1978 (9th Cir. 1991), *cert. denied*, _____ U.S. _____, 119 LEd.2d 578 (1992) found:

"The trucking operations of Federal Express are integral to its operation as an air carrier. The trucking operations are not sonic separate business venture; they are part and parcel of the air delivery system. Every truck carries packages that are in interstate commerce by air. The use of the trucks depends on the conditions of air delivery. The timing of the trucks is meshed with the schedules of the planes. Federal Express owes some of its success to its effective use of trucking as part of its air carrier service."

That court also stated:

"Federal Express is exactly the kind of an expedited all-cargo service that Congress specified and the kind of integrated transportation system that was federally desired. Because it is an integrated system, it is a hybrid, an air carrier employing trucks. Those trucks do not destroy its status as an air carrier. They are an essential part of the all-cargo air service that Federal Express innovatively developed to meet the demands of an increasingly interlinked nation."

It clearly has been established that Federal Express is a carrier subject to the Railway Labor Act. Its employees are likewise subject to the Railway Labor Act. No court or agency has ever determined that Federal Express or any of its employees are subject to the National Labor Relations Act.

Mr. HOLLINGS. I thank the distinguished Chair.

Now, Mr. President, there was reference made to the CRS. I am just amazed. I thought they always had a pretty good record. They ought to give the fellow who works over there for the Congressional Research Service weekend leave. And the reason I say that, they have a guy named Vince Treacy, legislative attorney, and he was asked on September 27, just a few days ago, to give an opinion with respect to the coverage, the Railway Labor Act coverage of Federal Express as an express company. And he comes up totally in contradiction to all the laws and all the decisions, but more particularly he knows the request is made because we were trying to determine the intent of Congress: Was it as described by the Senator from Massachusetts, or an innocent mistake by my description?

Everybody agreed that there was a mistake made. We did not even know it was in there. And please, my gracious, instead of coming with the language itself in the act, he runs all around his elbow and refuses to put this in his three-page decision.

I read from the conference report of the ICC Termination Act of 1995 by Mr. SHUSTER on December 15, 1995. "The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of the employees and employers by the Railway Labor Act."

The distinguished chairman on the House side, Mr. SHUSTER, stated in the Chamber when this was debated a couple of days ago, that that was put in at the request of labor. We will show it to you in the RECORD. "The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees and employers by the Railway Labor Act."

Now we see who comes in in the middle of the game trying to change the rules of the road. We see now who is trying to pull rugs out from under people. And they are using every gimmick in the book. This fellow will be looking for a job if I have anything to do with it, I can tell you that, because I have an analysis here going down each one of the points in the document.

I did not want to take the time of the distinguished Senator from Arizona, but, for example, Mr. Treacy says: "If, at some future date, the NMB ruled that some Federal Express employees were employed in activities that were not integrally related to its operation as an air carrier, then those employees would count under the coverage of the NLRA as a matter of law."

False. False. They raised precisely that point in the case we are talking about, and we have the National Mediation Board and its decision. Heavens above. We could not be more on target. They never called us or asked us about the history of this particular thing.

From Treacy's legal opinion they are running around now to give some kind of color, or credibility to their position: 'Moreover, it appears unlikely that Federal Express would constitute an express company subject to title 49, as that term is used in the proposed amendment."

Where did you get that? He says later on here it could go either way. No one, including the author of this memo, disputes the fact that the REA was an express company. No one disputes that Federal Express was acquired and operated under certificates from REA. As the Interstate Commerce Commission stated in its decision transferring the certificates, and I quote, "The evidence establishes a public demand or need for the proposed continuation of express service as previously authorized under the acquired REA certificates." That is the ICC decision No. 66562.

Then he states in here: "The deletion of the term 'express company' from section 1 of the RLA does not appear to have been inadvertent or mistaken."

That is an astonishing conclusion, Mr. President, because it ignores the ICC Termination Act itself, the very sentence I read. The change to the RLA was through a conforming amendment to the ICC Termination Act which included the provision, and I quote, "The enactment of the ICC Termination Act shall neither expand nor contract coverage of employees and employers under the Railway Labor Act."

I could read on and on. I ask unanimous consent, Mr. President, that this review of the CRS paper that was gotten up quickly and certainly very, very, at best, carelessly, if not intentionally, just 4 or 5 days ago for this case, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESPONSE TO THE MEMO BY THE CONGRESSIONAL RESEARCH SERVICE

The September 27, 1996 memo by the Congressional Research Service [CRS] contains several inaccuracies which call into question the conclusions reached in the memo. For example:

Inaccurate statement: "If, at some future date, the NNB ruled(sic) that some Federal Express employees were employed in activities that were not integrally related to its operations as an air carrier, then those employees would come under the coverage of the NLRA as a matter of law."

Facts: The UAW raised precisely the same argument in the jurisdictional case involving Federal Express that recently was litigated. In response to that argument, the NMB held: ". . . the Board does not apply the 'integrally related' test to that Federal Express employees sought by the UAW. Where, as here, the company at issue is a common carrier by air, the Act's [RLA's] jurisdiction does not depend upon whether there is an integral relationship between its air carrier activities and the functions performed by the carrier's employees in question". *Federal Express Corporation*, 23 N.M.B. 32, 73–74 (Nov. 22, 1995).

Inaccurate statement: "Moreover, it appears unlikely that Federal Express would constitute an express company subject to Title 49, as that term is used in the proposed amendment."

Facts: No one, including the author of the CRS memo, disputes the fact that Railway Express Agency (REA) was an express company. Likewise, no one disputes that Federal Express acquired and has operated under the certificates acquired from REA. As the Interstate Commerce Commission stated in the decision transferring the certificates, "The evidence establishes a public demand or need for the proposed continuation of express service as previously authorized under the acquired REA certificates." *Interstate Commerce Commission Decision*. No. MC–66562 (Sub-No. 2347), June 13, 1983.

Incorrect statement: "* * * it appears logical and necessary to eliminate [coverage for express companies] from the RLA to preclude the ostensible coverage of nonexistent express companies".

Facts: To state that express companies are nonexistent under the RLA, or that it is unlikely that Federal Express constitutes an express company, simply ignores the facts. In a case addressing the jurisdictional status of REA employees, the National Mediation Board defined an express company as: "The express business has always been one of pick-up and consolidation of traffic, turning it over to common carriers by rail or air for transport, and delivery by the express company to consignee at destination. In more recent times, this has been supplemented by over-the-road handling of their own business without an intermediate form of transportation". *Railway Express Agency*, 4 N.M.B. 253, 269 (1965). The NMB defined an express company by describing precisely the service Federal Express provides.

Inaccurate statement: "The deletion of the term 'express company' from [S]ection 1 of the RLA does not appear to have been inadvertent or mistaken".

Facts: This rather astonishing conclusion ignores the ICC Termination Act itself. The change to the RLA was through a conforming amendment to the ICC Termination Act, which included the following provision: "The enactment of the ICC Termination Act of 1995 shall neither expand nor contract the coverage of employees and employers by the Railway Labor Act . . .". Public Law 104–88 (H.R. 2539), Sec. 10501(B).

Inaccurate statement: The memo suggests, consistent with organized labor's lobbying position, that it is more difficult for employees covered by the Railway Labor Act to organize. The memo states: "This [amendment] would require those [express company] employees to organize under the limited craft bargaining units permitted by the RLA, rather that under the wide range of appropriate units afforded by the NLRA.

Facts: About 11% of the private sector workforce covered by the NLRA is represented by labor unions for purposes of collective bargaining. Some 65–70% of employees covered by the RLA are represented by labor unions. Which law is more conducive to union organizing? As with most of the unsupported conclusions in the memo, the memo again ignores the facts.

Mr. HOLLINGS. Now, Mr. President, let me take the full responsibility because there is no trickery in this whatever. It was openly discussed. My colleagues on the House side as well on this side, all agree that it was an innocent mistake. I do not think you could have Members supporting our position against the powerful Senator from Massachusetts and the powerful labor movement which has made this issue if it were not the case.

That is why we included it at my behest, because I wanted to make sure just exactly, in the expression of the Senator from Massachusetts, we were not going to change the rules of the road in the middle of the game. I think that game in Philadelphia is over. But if he thinks it is continuing, then it is in the middle of the game, because this was done in the ICC Termination Act of December 15 after the rule of the road on November 22, 1995.

I am glad the distinguished Senator from Arizona referred to these employees. That saves me time. It saves the Members some time. We could go through the history of this particular company and labor relations and various talking points, and you could be more than persuaded now as I have been because I did not think we were going to have this great rhubarb come up.

But ever since they were organized, back in 1983, I guess it was—no, 1973, because here is a 1979 decision—Federal Express has been an express carrier, first under the decision back in 1979. In 1936 the Railway Labor Act was amended to include air carriers, which very few people realize had included air carriers, including the one who suggested that we drop the language about "express."

Without reading that decision, we move to the 1993 decision of the National Mediation Board and on down the list of the various decisions from time to time. We find out there has been a total consistency for a company that is extremely well operated, is extremely patriotic, it takes care of its employees.

I have been through its facilities. When I went up to Alaska many years ago, we got there early and somebody said you ought to go over here and watch that operation they have over at Anchorage while we wait for our ride, which I did. I never realized the technological advance that had been made by this old Marine—or young Marine, as I look upon him, Fred Smith.

Before they take off in Japan, they have already computerized information and forwarded it to Anchorage. At Anchorage they have various ways for the State Department, Interior Department, Wildlife Service, textiles—Customs, and they have all those things. They know the packages. They know where new shipments are coming through, where there may be some textile fraud, where there may be some drugs; issues involving the Justice Department, the DEA.

As everything is unloaded in a matter of a couple of hours there, this mammoth plane, it goes into all those sockets, runs down these wheels, all those people are at their stations and this is down into the inner part of America.

All I could say to myself, understanding this particular point being raised, that, if you had me running around the countryside trying to argue a different union here and another union over here, with certain little organizers here—I want to emphasize this—that experience, because the distinguished Senator from Massachusetts says they are primarily the little towns. This crowd, UAW, is well represented. They know how to organize folks.

They spent 5 years on this Philadelphia case that has long since been decided unanimously against them. Now comes, the Senator from Massachusetts depicting: It is an ongoing litigation matter, they have not had their chance, they are playing by the rules and HOLLINGS is pulling the rug out from under them.

Nothing could be further from the truth. I would not engage in such conduct. I take offense even having me referred to in that way. I do not have to get into some company over there in Tennessee. But I certainly do not have to stand by and, just because they have a powerful Senator and a powerful labor movement, see a good crowd get rolled.

I am not going to be rolled.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will just take a moment or two and then yield to my friend and colleague. The fact is, Mr. President, the Senator from South Carolina is still—still cannot show where the Federal Express is an express company under the Railway Labor Act. He cannot show it. It is not there. No court award has ever held Federal Express is an express company. The Federal Express has argued that time and time and time again.

The fact of the matter is, on the case he talks about, the National Labor Relations Board is still out there, it is still current. It is case 4RC17698—still current. He can say it is not current. It is current.

He can find fault with Mr. Gould. We have had the hearings on Mr. Gould that would show the way the National Labor Relations Board has acted since he has been up as being more expeditious, faster in terms of the considerations of various cases, and speeded up consideration in various regions more than any National Labor Relations Board of recent times. It has also seen a significant reduction in those terms.

I will just conclude at this point and say we can obfuscate this situation in any way that we might try. But the fact of the matter is, the part of Federal Express that flies is an airline. The part that is a truck, is a truck. What they want to do is take the trucking and put it in the airlines to make it more difficult for workers to be able to come together.

The fact of the matter is, UPS has airline designation under the Railroad Act, and has trucking designation under the National Labor Relations Act. The issue that is before the NLRA is exactly the same.

Sure, mediation has found Federal Express is an airline. The question is, whether the trucking should be considered under the National Labor Relations Act. They have found this division on UPS. They are their principal competitors. It does not take a lot of time to have people understand that is what the issue is. What is being attempted here is to say: Oh, no, we are not even going to let the National Labor Relations Board—we are going to effectively close that door down, cut off that case—which is active—and put them under the Railroad Act, which will make it much more difficult for them to be able to express their grievances.

That is common sense. People ought to understand. You have the post office, now, that is competing with air and trucking; you have UPS, air and trucking; and you have Federal Express, air and trucking. And you have the efforts, now, in terms of Federal Express, to vastly expand the trucking division. What their attempt is, now, is to get in with this special provision to effectively exclude themselves from what their other competitors are involved in. Then they will be much more successful in terms of the bottom line. That is what we are talking about and that is what is at issue.

I think it is a commonsense fact because that is what the real world is all about. That is the issue which this legislation is attempting to undermine, that decision by the National Labor Relations Act on that particular issue in question and why it continues to be so insidious.

I yield time as the Senator from Illinois would want.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I have great respect for my colleagues from Arizona and my colleague from South Carolina. Senator HOLLINGS in many ways has contributed significantly. He has talked more candidly about the revenue situation that the Federal Government faces than any other Member of this body and I am grateful to him for that.

He also is the one who educated me on the whole question of gross interest versus net interest. One of the little games that administrations of both parties play is they list net interest rather than gross interest so interest does not look so bad. FRITZ HOLLINGS is the person who educated me on that.

But I think on this issue he is wrong. I think there are three questions that we have to ask ourselves. When you ask those questions, then you have to come to the conclusion that we are making a mistake.

First of all, who benefits? The answer is—no one has questioned this—one corporation, Federal Express, benefits. No one else benefits by this.

Second, there is the question of litigation that is pending. My colleague, the Presiding Officer, sits on the Judiciary Committee. He has not been there too long yet, but he will become, over time, one of the most valued members of the Judiciary Committee and of this body. I have said that, not just in his presence, but to others. I can tell you that, almost always, it is wrong to pass legislation that interferes in litigation. It is just bad policy.

And third, the process is wrong. We are going through this and there is no question it is a major change, without any hearings. When the Congressional Research Service says, "The deletion of 'express company' from section 1 of the RLA does not appear to have been inadvertent or mistaken," my friend from South Carolina says they are wrong. I do not know who is right. But I would think the committee of jurisdiction ought to hold a hearing on this.

I also have great questions of whether we should interfere in a competitive situation.

Senator KENNEDY is correct when he says UPS is designated in two different ways, and Federal Express wants to be designated in only one way. Federal Express, as I understand it, has about 1,000 planes and 35,000 trucks. What they want to do is to be designated as an airline, including the 35,000 trucks.

Maybe that is what we should do. I doubt it, but maybe that is what we should do. I think we ought to at least hold a hearing on it.

I am also concerned, and I say this to my friend, the senior Senator from Arizona, Senator MCCAIN, who has been a leader, I think we have to honestly ask ourselves, why is Federal Express being given preferential treatment in this body now?

I think the honest answer is Federal Express has been very generous in their campaign contributions. I have to say, they have been good to PAUL SIMON. My guess is, if you check this out, you will see they have been good to every Member of this body. I am grateful to people who contribute, but I don't think they ought to set public policy because of those contributions. I think that is what is happening here.

We need to change the way we finance campaigns, and I commend my colleague, the senior Senator from Arizona, for being a leader in this area. The system distorts what happens here, and I think this is an example of that distortion.

They have good people, like George Tagg, who I think most of us know, just a very, very fine person. I think most of us frequently use Federal Express. I am not knocking the company. I say to the company leaders who, I am sure, are monitoring what is going on here right now, I think they are well on the way to winning a pyrrhic victory. I think they may well, as the Senator from South Carolina has suggested, get the 60 votes, but I think you will see that journalists, academicians and others are going to use this as an example of a special interest prevailing and the public interest not prevailing. Not to have a hearing on this fundamental question is simply wrong.

I hope that somehow a compromise might be worked out where a hearing would be agreed to and it would be agreed that the committee would act, not necessarily favorably, but the committee would act on it shortly after the first of the year.

This process is wrong. There is no question the underlying bill should pass, but I think we are doing a disservice to the Senate and to the Nation as we move ahead in this way.

Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself such time as I may consume. Let me, again, repeat my respect and affection for the Senator from Illinois, but in all due respect to the Senator from Illinois, if we are talking about campaign contributions here, I say to the Senator from Illinois, organized labor, the ones that are behind trying to kill the FAA reauthorization bill, has given a thousand times more—a thousand times more—in campaign contributions.

I would be glad to examine the campaign contribution reports to the Federal Election Commission as to who has been getting what money and how much has been given and compare this corporation, with what organized labor is doing.

I say to the Senator from Illinois, right now today, there is an unprecedented—without precedent—infusion of funds by organized labor unions into the congressional campaigns and the Senate campaigns, the likes of which I haven't seen in the 14 years I have been a Member of the Senate. I strongly suggest, before the Senator from Illinois suspects—suspects, as he said —that campaign contributions play a role here, that he look very carefully at the contributions by organized labor unions and the significant contributions that have been made by the individuals who are trying to knock out this legislative provision in the bill.

The Senator from Illinois makes a very serious charge about suspecting—about suspecting—campaign contributions. I will tell the Senator from Illinois, it is clear as to who has been making the campaign contributions. It's been organized labor, it's been an intensive effort.

The other Senator from Arizona and I know of over a million dollars—over a million dollars—that has been poured in by organized labor against one Congressman in the State of Arizona, a rural district, something like we have never seen before. We have never seen it in the history of our State.

So, look, I appreciate the efforts by the Senator from Illinois for campaign finance reform. I look forward to joining him and Senator Boren and others who have left the Senate who we need very badly in that effort, but to somehow think that Federal Express' campaign contributions have something to do with this legislation, when it pales in comparison with that of the campaign contributions and the phone banks and the organized labor leaders who show up and demonstrate in front of our colleague's every campaign appearance, I say to the Senator from Illinois, he has his priority skewed very badly.

Mr. SIMON. Will my colleague yield just for 30 seconds?

Mr. McCAIN. I will be glad to yield to the Senator from Illinois.

Mr. SIMON. What you say underscores the point, that the way we finance campaigns today taints the whole process, there is just no question about it. We can exchange charges, but we need to improve the system.

Mr. McCAIN. Mr. President, again, I repeat my great appreciation, my respect, and my affection for the Senator from Illinois. Nothing that I said should be construed as anything but a difference of view as to what role campaign finances and contributions may have played in this legislation, because there is no reason whatsoever for there to be any friction between myself and the Senator from Illinois, as he enters the last few days of a distinguished career of service to the people of Illinois and this body. I hope the Senator took my response in that vein as he leaves the floor.

Mr. President, let me just correct one thing. A drafting error in the Interstate Commerce Commission Termination Act of 1995 created an ambiguity regarding the express companies status under the Railway Labor Act. That is acknowledged by the people who drafted the legislation and the Senator from South Carolina who was involved at the time in the drafting of that legislation. That is what we are doing here, we are correcting a technical error.

One provision states the intent of Congress:

> The enactment of the ICC Termination Act of 1995 shall neither expand nor contract the coverage of employees and employers by the Railway Labor Act.

However, a second provision drops express carriers under the Railway Labor Act. This was clearly inadvertent and a contradiction to the stated intent of Congress.

Those are just facts. Mr. President, I yield 10 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Thank you, Mr. President, and I thank the Senator from Arizona.

Mr. President, I am not a member of the Commerce Committee. If we could choose our committees without the restrictions of reality, I would like to be a member of the Commerce Committee. I join in this debate, nonetheless, because of the history with the Commerce Committee.

I don't know how far back some of the current Members go, but I was a very, from my present standpoint, young lobbyist for the U.S. Department of Transportation in the first 2 years of the Nixon administration. We didn't call ourselves lobbyists. They don't call them lobbyists today. They call themselves "congressional liaison people" or, in my case, I was in charge of congressional relations.

But we were lobbyists, and in the spirit of full and fair disclosure, I will use that term. My assignment from then Secretary John Volpe, who had been Governor of the State of Massachusetts, was to convince the Congress to pass the Airport Airways Act and create the Airport Airways Trust Fund.

My predecessors at the Department, who had been Democrats under the Presidency of Lyndon Johnson, had tried to do the same thing and had been unsuccessful, for a variety of reasons. There were some in the administration who said we would be unsuccessful as well. Representing a Republican President to a Democratic Congress, it was not supposed to be the most harmonious kind of circumstance.

So I came up here in the Senate, obviously not on the floor, but up in the gallery, and in Senators' offices and, with my staff, worked with the then-chairman of the Commerce Committee, Senator Magnuson, and ultimately succeeded in getting strong bipartisan support for the Airport-Airways Act and the creation of the aviation trust fund.

We thought, naively it turns out, that by creating the trust fund we would produce stability in funding for the FAA and airport-airways so that there would never be any doubt of the flow of funds for people involved in keeping our national airways safe.

So it comes as a moment of nostalgia to me to come to the Senate now, some 25 years later, and find that the flow of funds out of the aviation trust fund that I had a small hand in creating have been interrupted, cut off, jeopardized by an attempt to filibuster in this body the bill that would provide those funds, and that the intent of Congress, in which I participated to see to it that there would never be any challenge to that funding, has been frustrated here.

I understand the Senator from Massachusetts has every right to do what he is doing. I have participated in filibusters myself when I felt the cause was just and the point was well worth making. But I find this more an attempt to play to the gallery, if I may, than to address the issue, because it has been virtually conceded on both sides that it is simply a matter of time before the process plays itself out. The bill will pass. The money will be available to keep the airport and airways trust fund funding going to the FAA. The arguments have all been repeated again and again and again.

I find that a little sad from that past history. I was hoping to be able to look back on my career and say that the one thing I did while I was at the Department of Transportation was help remove the airport-airways thing from this kind of disruption. Now I see that that is not possible.

I sit here, not as a member of the committee, and hear the debate going back and forth. "It was an innocent mistake." And, "It is a technical correction." "Oh, no. This is a major policy issue." Back and forth, back and forth, with voices being raised on both sides.

If I may, Mr. President, I am reminded of an experience in my even younger days, before I served in the Nixon administration, all the way back to my teenage years, the first experience I ever had listening to a debate in the Supreme Court.

This was a debate over the sentences that were given to the Rosenbergs back in the days when President Eisenhower was President. You say, what does that have to do with this? Absolutely nothing, except this one phrase sticks in my head.

In the course of that debate, one of the Supreme Court Justices asked one of the lawyers, "Who are you?" The lawyer was taken aback by this question, and gave his name. The Justice said, "No. I know what your name is. What is your standing? Who are you with respect to this case?" The man then said, "Well, I represent somebody who is next friend of the Rosenbergs, a man named Edelman. I am the lawyer for Mr. Edelman."

The Justice called for a law book. The debate went on for a bit, and the Justice interrupted the lawyer again and said, "Is that the same Edelman as in the case of California v. Edelman?" The lawyer was stunned that the Supreme Court Justice would have this in his mind, and he stumbled around and he said, "Yes, it is." At which point the Justice closed the law book with a look of some disgust and said, "A vagrancy case." "Oh, no," said the lawyer. "That was not a vagrancy case. That was a free speech case."

It was the wrong thing to say to a Supreme Court Justice, who reopened the book and said, reading, "California v. Edelman, a vagrancy case," at which point the lawyer compounded his mistake by saying, "Well, it may say that on the heading, but if you'll read the case, you'll see that it was a free speech case." Whereupon, the Justice leaned forward and said, "Let's ask Mr. Justice Clark. He wrote the opinion." And Mr. Justice Clark said, "It was a vagrancy case."

I remember that very clearly as a young teenager in my first experience with the Supreme Court. The reason I bring it up now is, I sit here as a Member of the Senate, not a member of the Commerce Committee, and hear this argument. "It is a technical fix." "No. It's not. It's a major policy question." And like the Justice, I would say, let us ask the man who wrote the opinion what it is.

The man who wrote the opinion, as I understand, in this case is the ranking member of the Commerce Committee, who says it is a technical fix. I heard him say so on the floor here. He says it is a technical correction. He is the ranking member of the committee from the minority party. The chairman agrees with him, the chairman from the majority party. I find that convincing, having heard the people who wrote the legislative words we are arguing about saying this is what it is.

I do not want to be in the position of that lawyer before the Supreme Court trying to say, "The man who wrote the opinion doesn't know what the opinion really says." "The man who wrote the provision doesn't really know what the provision really is."

So, Mr. President, I hope we can move forward quickly. I hope, having made the statements, having discharged our political responsibilities to the various people on both sides who have urged us to do this, we can move quickly. I hope we can move this afternoon to say, all right, we have made our position clear. We have said what it is we have to say. We have satisfied the constituents that come to us and plead for support here.

Now we have at stake the safety, the continuance, the future of the Nation's air system. Let us get on with it. Let us see to it that there is no challenge to the airport and airways safety and progress in this tremendously important area.

In my home State, we are trying to get ready for the Olympics in 2002. When the world comes to Utah in 2002, they are not going to come by ox cart the way they came the first time in the 1840's. They are going to come by air. When they come, the facilities have to be in place. The opportunity to get those facilities in place is being held up by our failure to provide this funding. I think that is a shame. I think we ought to move ahead.

Finally, I keep hearing all these things about how terrible Federal Express is. The most—I ask unanimous consent that I might be allowed the proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I hear how terrible Federal Express is. The only concrete statement really that I have heard is that Federal Express employees have gone for years without a pay increase. I realize that is a terrible thing. I have gone for years without a pay increase. Indeed, the whole time I have been in the Senate I have been denied a pay increase. I wish I had the salary I had before I came to the Senate when I took at least a 50 percent pay cut in basic pay, and more than that in bonus pay, in order to become a Senator.

I do not think that is a demonstration of prima facie that this company is antiworker, because if we accept that, then the Senate is clearly antiworker and we probably ought to do something about that, too.

So, Mr. President, I hope we could proceed with this and we could recognize that the positions have been staked out. The votes are where they are. I hope we will get on with it. I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take just a few moments. Mr. President, I am really somewhat startled by the fact that those of us in this body making about $130,000 a year are comparing ourselves with men and women making $30,000 a year and who have not gotten a pay raise for the last 7 years. We can make light of that fact, but it is not made light of for hard-working families that are trying to make ends meet and provide for their children and to meet responsibilities and pay a mortgage. I do not see how that kind of comparison really advances the argument. I do not believe it does.

Mr. President, I think it is a fair question and the Senator from Utah has raised it about this language. Is it, as I have suggested, Senator SIMON, Senator FEINGOLD, Senator HARKIN, Senator WELLSTONE, and others stated, that this was a carefully-crafted project in order to effectively diminish in a significant way the legitimate rights of men and women that are in this particular company, as Senator SIMON has pointed out; or was the Federal Express Co. deletion a matter that was decided by the conference committee—and the conference committee report actually bears the name of my friend and colleague from South Carolina.

I listened with interest to the Senator from Utah talking about going to the individuals that are the most familiar with this particular legislation. I have JIM OBERSTAR, the ranking Democrat on the House Transportation Infrastructure Committee and BILL LIPINSKI, the ranking Democrat on the House of Representatives Aviation Committee. This is what Mr. OBERSTAR says:

> The ICR staff itself recommended the elimination of the express carrier status. It was not an oversight. It is not something that someone forgot to do. It is not something that was neglected and drafted. It was not a drafting error, but it was done for good reason. The last express carrier went out of business in the mid-1970's. Federal Express purchased that carrier's operating certificates. The Surface Transportation Board, successor to the ICC, advises in writing Federal Express apparently never engaged in the operations authorized by these certificates. Subsequently, Federal Express obtained and operated new certificates.

Mr. President, here is Mr. OBERSTAR, who knows something about it. Then he continues along page 11463, September 27, 1996:

> We should not on the thin thread of a nonexistent operation of a dormant authority purchased and never used, lock this carrier into a statutorily established position within the meaning of the Railway Labor Act forever and ever. This is simply wrong.

Mr. President, Mr. OBERSTAR knows, as the ranking member, what he is talking about. This was not an oversight. This is the ranking member. Our friends say, "Look at what people who understood, the men of the committee who spent the time." That is fine, that is a fair enough test. That is Mr. OBERSTAR.

We have other Members in the House. Mr. DEFAZIO points out:

> Unfortunately, what we have here, done at the very last moment, is to put an extraneous matter voted on by neither committees of jurisdiction, voted on neither by the House nor the Senate, to benefit one very large multinational corporation who has generously filled many campaign coffers of Members in this House and the other body. This is not a technical correction.

He says it is not a technical correction.

> Do trucks run on rails? No. Well, we are going to classify Federal Express, for the purpose of this bill, as a rail carrier.

Mr. President, we could go through the members of the relevant committees. Both Mr. NADLER and Mr. DEFAZIO in the House are members of the Transportation Infrastructure Committee, these are members of the committee saying this, not just myself and Senator SIMON.

Now, the fact of the matter is, Mr. President, it is not just us who are saying this. We are also looking at the Congressional Research Service. I know their report is demeaned out here on the floor of the U.S. Senate but the Congressional Research Service is to guide the Members of the Congress, the American Law Division of the Congressional Research Service.

We asked them, is this just an oversight or was it purposely intended to be done—so that the Members would understand whether they should accept the fact that this is just an oversight, we never would have permitted it, and therefore we are remedying a situation that happened; or whether it was recognition that that language should have been dropped for the reasons that we mentioned earlier and that now suddenly putting this language back in has an entirely different meaning. I think hopefully we understand that now, as the Senator from Illinois and others have pointed out.

This is the CRS report, "The deletion of 'express' company"—those are the words—"does not appear to have been inadvertent or mistaken. To the contrary, the deletion appeared to be consistent with the statutory structure and the intent of Congress. Since the Railway Labor Act coverage has been triggered by Federal regulation of express companies, it appears logical and necessary to eliminate the cross-reference to title 49. Elimination of 'express' from the RLA appears to be a necessary step in harmonizing the Railway Labor Act with the title 49 of the code."

This is an independent judgment. You can say I do not like that particular lawyer, I do not like that individual. You can threaten those individuals, I suppose, and say we will hope that that person does not continue to work at CRS. But the fact of the matter is, that is the independent judgment and decision, one in which I agree.

Now, taking what the conclusion would be from the CRS. If the amendment were enacted "court decisions since that time have upheld NMB discretion in resolving representative disputes. On balance, the proposed amendment would appear to confuse, rather than clarify the question of Railway Labor Act coverage."

On the one hand it can be argued the amendment would have no effect, and it is very interesting for those that are supporting this legislation to say, "Look, it is not really going to have an effect," because they say it will not expand or contract the rights of the workers. Well, it is interesting that they are arguing that at this time. It also points on the other hand, it could be argued since neither Federal Express nor anyone was certified an express company subject to the title, it would follow that no employer would come under the coverage. Nonetheless, courts usually strive to give meaning to all enactments.

That is right. They are understanding and everyone is understanding what this is about. This is Federal Express, their understanding, to be able to read the legislative history and understand. There is one company that will benefit, and proponents have argued the amendment would simply put the term back in the Railway Labor Act and would in no way affect, and proponents argue that the amendment merely corrects an error in order to preserve the proponents saying it will expand the coverage to ground-based employees of a carrier whose jobs are not integral to air freight operations.

There it is, Mr. President, exactly. UPS, the flight aspects are considered to be under the carrier provisions. Those that drive the trucks are considered under UPS under the National Labor Relations Act. Federal Express flies, they ought to be under the Railway Labor Act. The truckers ought to be—a judgment ought to be made. All we are saying by the National Labor Relations Board, all we are saying, let them make the judgment, not preclude them, not preclude them from making a judgment. That decision is before the National Labor Relations Board. And it will certainly be argued, if this becomes law, that this is exactly what is intended, to expand for ground transportation. That is the way the Federal Express is moving and expanding dramatically. It will give them extraordinary advantage. Put this back in and we don't know what the results will be. We do know, I think, what will happen. Federal Express will have another weapon to turn its back on the legitimate rights of workers and workers' rights.

Finally, that is what this is all about—whether these workers and workers' rights are sufficiently legitimate that they are going to appeal to those that are working in a particular community, to be able to make a decision and say, look, we feel that we can protect our rights better by becoming a union, or whether they say we don't want to choose a union. All we are saying is let them make the local choice, let them make the decision. UPS drivers have made that decision. That issue is before the National Labor Relations Board. Why take it away from the National Labor Relations Board and undermine those rights and put it under the Railway Act, which virtually says to all of those workers, we know you had the rights under the National Labor Relations Act, like they did in UPS, to go ahead and see if you can try and form a union. Maybe you will, maybe you won't. But we are letting you make that local choice and decision. But under this legislation, we are effectively saying, no way, not for you in this Federal Express Co. You are not going to be able to do it. That is, in effect, what this is all about.

Finally, Mr. President, I mentioned before that we are all for the extension of the Aviation Act. I don't know whether our colleagues were here earlier. I would have offered the FAA conference report without this provision on the CR and had a 10-minute discussion. We would have voted on that and the House would have accepted it. We would be off on our way to be able to do that. But the decision was made not to do that. So we are at least in the position now where we have to follow this procedure. But we are strongly committed to support that particular provision. We think that it is important.

Mr. President, I yield the floor and withhold the balance of my time.

Mr. MCCAIN. I yield 5 minutes to the Senator from Utah.

Mr. BENNETT. I thank my friend from Arizona. I will not consume much time. The Senator from Massachusetts appropriately corrected me on any suggestion that there is a similarity between the salary of a Senator and the salary of some of these workers, and I accept that correction on his part. I meant not to make that comparison. I didn't think I had made that comparison. But if he felt that was made, it was appropriate for him to raise the issue.

I would like to revisit the issue of the pay increase, because I have now been given some additional information that I did not have when I spoke before. The charge has been made that Federal Express has not given a pay raise to its employees in 7 years. I am now told that the truth is somewhat different, and that all kinds of programs relating to pay have been initiated within the last 3 years. There is now an opportunity for an employee to get professional pay. There is an incentive pay plan. There are programs for merit increases. And there is a program for best-practice pay. So the company has put in place this series of 4 opportunities, making all employees eligible for a pay increase that could be as high as 10 percent annually.

I think it is important, in the spirit of full disclosure, as we go about this debate, that we not leave on the record unanswered the charge that Federal Express has not made any pay increases available to any of its employees for 7 years, and the implication, therefore, it is the duty of the U.S. Senate to somehow punish them for this kind of activity on their part, when in fact they have put in place programs that make pay increases available to their employees up to the level of 10 percent annually.

If I may, again, without suggesting in any way any comparability between the salary of a Senator and the salary of some of the employees we are talking about here, I do wish that Members of the Senate could look forward to any kind of cost-of-living increase and not have had their pay frozen for the entire time I have been here. Maybe my coming caused that. If that is the case, I suppose there are plenty that hope I leave. I would like to think that was coincidental.

Mr. President, I repeat again what I said before. I think everybody has said whatever they want to say on this issue. It is clear that one side wants to take the opportunity to attack Federal Express and, thereby, perhaps tilt things in one direction or another in a time of a union election, to pay off whatever political debts to the unions that are urging them to attack Federal Express. The other side has made it clear that we want to get on with the legislative process of providing funds for the FAA.

I see no reason to repeat all of these arguments. I see no reason to wait until next Thursday to get this resolved. Everybody knows how it comes out, as the Senator from Illinois indicated when he spoke. I hope that people who are in leadership positions, who can deal with these things and deal with the Senator from Massachusetts, can sit down and get this thing resolved so that we can have a vote on it, let the Senate work its will, having heard all of the arguments, and get the money that is so desperately needed into the hands of the people who are so importantly in charge of something as significant as our Nation's airlines and safety.

Mr. McCAIN. Mr. President, I yield myself such time as I may consume, and I will be brief.

Mr. President, let me remind my colleagues again, in the words of the distinguished Democratic leader, as he stated this just this morning:

> Question. So you've got to pass this bill?
> DASCHLE. We've got to pass this bill.

That is as simple as it is. I don't know exactly why the Senator from Massachusetts wants to drag out this procedure. But I do know this, Mr. President: We are now hearing from airport managers and workers, and even union members all over this country, who are asking why can't we move forward with our airport projects, why can't we begin the much needed repairs. We are even hearing from bureaucrats, who are saying, "We want to work, we want to move forward on aviation safety and security measures that are necessary to safeguard the flying public."

Why is it that we have to wait until Thursday for the bill to be completed and then sent over to the White House for signature? Why do we have to do that? I think that is a legitimate question, Mr. President.

On the subject of Federal Express, I don't know much about Federal Express, except that I see them everywhere. Members of my family, especially my wife, use that service quite a lot, along with a number of other organizations that deliver packages.

But I am not here to argue whether Federal Express is a good or bad corporation. In fact, I think that is a straw man, Mr. President. In fact, I think it is an evasion of what this debate is really all about. What this debate is about is whether there was a mistake or drafting error for which there needed to be made a technical correction in legislation that was passed in 1995, or whether there was not.

Now, the Senator from Massachusetts believes that had no relevance, that was not correct. He is entitled to that opinion, and I respect that opinion. I am not sure I see the point here in attacking a company and accusing them, and having a big poster board up there that says "anti-worker." What does that have to do with anything that we are really debating here?

What it really has to do with is a union agenda to attack a corporation. Again, they are free to do that, and the rules of the Senate, I am sure, certainly allow the Senator from Massachusetts to do that. But that is not really what the debate is about. The debate is about whether an error that was made in drafting and enacting legislation should be corrected or not. It is that simple. Whether Federal Express is the best corporation or company in the world, or the worst, has no bearing on it.

So, again, I am sure that the Senator from Massachusetts seems to be enjoying relating anecdotes about the anti-employee behavior of Federal Express; although, in my experience, most corporations that mistreat their employees are not successful. But maybe this is an exception to my general experience in that area.

I don't claim to be an expert. But I am not sure how we really gain anything by continuing to try to discover whether Federal Express is a good or bad corporation. The question here is: Are we going to allow the airport projects and aviation safety programs—the aviation safety and airport security programs—to move forward, which will happen on Thursday anyway now, or are we going to continue to delay? We have already passed our deadline for completing this matter by some 17 hours.

The Senator from Massachusetts professes and I accept his sincere commitment to the working men and women of America. I do not question that at all. But I do question why he wants to delay the inevitable until Thursday, or Friday, or next week costing these working men and women I don't know how much other income because I don't know what their salary is, but at least a week's worth, if not 10 days worth. In some families, that means a lot. That really does mean a lot. There are only 52 weeks in the year when you can work and we are now costing these families income by not passing this critical legislation.

Now the Senator from Massachusetts is going to deprive those working men and women. I have no idea how many tens of thousands of them would be working on $9 billion worth of airport projects. I don't know how many there are. But I know they are going to be out there suffering as will their families.

The Senator from Massachusetts continues to sort of blame this side that we didn't pass the bill. We passed the bill and finished conference on September 23, in plenty of time, Mr. President. The conference report could have been passed and sent to the White House days ago before October 1, and this critical funding would have continued.

Now we are getting emergency phone calls from all over America. They are calling saying, "What is the matter with you guys? What is the matter with you? You are hung up on some technical point here," and we are being deprived the ability to provide the critical aviation services to our citizens that they deserve. Frankly, I do not understand it.

I again urge the Senator from Massachusetts to allow us to move forward. We could have a vote on the conference this afternoon and pass it with 60 votes, or 51 if he would just let us have an up-or-down vote on the conference report. And we could be done with this. Instead the Senator from Massachusetts is choosing to drag this out for 3 more hours of debate tomorrow. And, very frankly, it is not clear to me what there is to debate more except to keep going over again and plowing over ground that has already been plowed, which by the way would not be a unique activity for this body. But at the same time there is a lot more at stake here than in the normal course of debate.

So again I want to urge the Senator from Massachusetts, take down your antiworker poster and let us talk about whether indeed this was a technical correction to a drafting error that needed to be made or not or whether the argument of the Senator from Massachusetts is correct that this is really a subject for the National Labor Relations Board. It may be. Let us try to convince our colleagues on the basis of whether that is, indeed, the case, or not.

I am willing and eager to engage the Senator from Massachusetts in open and honest debate on that issue. I am not eager to try to find out whether Federal Express is a good or a bad corporation because I do not think that is relevant to the issue and the question here. But I am afraid that is not going to be the case.

Finally, Mr. President, before I yield the floor, again this is an issue that must be resolved. It is going to be resolved. And we are not doing anything except penalizing working men and women all over America. We are jeopardizing the aviation safety of the American flying public. And we are not proceeding with the much needed modernization for our air traffic control system, and we are not moving forward in a myriad of ways that we critically must move forward with immediately.

Mr. President, I say with some self-serving comments that this has a huge bearing, and is an encompassing extremely important piece of legislation; the result of 2 years of work with the Secretary of Transportation, with the Administrator of the FAA, and with the Deputy Administrator of the FAA, Linda Daschle, who did such an outstanding job on this—an incredible job. Hundreds of hours were spent with Senator PRESSLER, the chairman of the full committee, Senator HOLLINGS the ranking member, Senator FORD, and me. I mean we have worked for literally 2 years on this very important legislation. And we had a couple of false starts I might remind my colleague from South Carolina. But we finally came up with legislation which really is important to the future of America.

Instead now we are hung up on what is fundamentally a difference of opinion as to whether a mistake was made in the drafting of legislation—and by the way, in view of those who were drafting the legislation, or whether Senator KENNEDY is correct, that this is a subject for the National Labor Relations Board.

It seems to me that we could pretty well ventilate that difference of opinion today and we could move forward with a vote on the bill today.

I again urge my colleague from Massachusetts to do that for the benefit of, if not the Members of the Senate who want to go home and campaign, the working men and women in America, tens of thousands of whom—if this debate drags out, I will have more specific statistics as to the incredible impact that this is having economically on America, not to mention the critical aviation safety and airport security reasons.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will just speak briefly at this time.

I listened to my friend from Arizona talking about workers that are affected. I am asking what about those workers that are working for Federal Express that are playing by the rules who tried to get together and have their own set of grievances? What about those workers who have their case before in adjudication at the present time? What about those workers? What about their families? They have been waiting for months and months for a decision to see if their rights are going to be protected, and with the passage of this legislation effectively we are undermining those. I don't hear from the Senator from Arizona any concern about those workers. I would have thought that he would have been concerned with them.

Mr. President, we have debated about whether this was a mistake or not. I will not get back into the fact that we have had now the number of Members—Mr. LIPINSKI, ranking member of House Aviation, Mr. OBERSTAR, ranking member of the House Transportation, Mr. DEFAZIO on the Transportation Committee, and others in the House, and the members of the committee, plus CRS, all indicated that it was not just a passing factor, but that it was to give very clearly one company an advantage over others and being a serious disadvantage to workers.

Mr. President, the Senator from Arizona reminds me of that young person who shot his parents and then came before the judge, and said, "I plead, give me mercy. I am an orphan." We said the other day on the continuing resolution that we would pass the conference report without the antiworker provisions, and he said, no, no. Where was all of his concern about the workers then? Where was all of his concern about what is going to happen out in these various airports then? Where was all of his concern about the importance of passing out legislation then?

Well, after that legislation was safely passed, it only took a little bit of time. And then he comes out here and says "Oh, we have to pass this legislation now."

Mr. President, we are quite prepared, if it is agreeable to Senator MCCAIN, to ask that we go to consideration of S. 2161, which is the FAA bill that is on the calendar now without the antiworker special interest Federal Express rider, and we are prepared to move ahead on that.

I get back time and time again from the Senator from Arizona: "We can't do that because we are going to go out. We are going to go out." The fact of the matter is the House adjourned in 1994, and it came back and passed GATT. There are other examples that I will put in the RECORD of where the House came back in, the most recent with the GATT. They came back in and passed virtually immediately on the action that was taken by the Senate. It is done, and it has been done and historically done.

We could do that this afternoon. But no, no, no, no, no. He refused to do that because they want to stick it to these workers; stick it to the workers, pass this provision in there to stick it to the workers. They are the interest. This is my interest in terms of—

Mr. MCCAIN. I ask for a ruling from the Chair——

Mr. KENNEDY. I have the floor, Mr. President. I ask for regular order.

Their interest is my interest. That is basically what this issue is about.

The PRESIDING OFFICER. The Senator will suspend.

The Senator from Arizona.

Mr. MCCAIN. Under the rules of the Senate, I do not believe the words of the Senator from Massachusetts, saying I want to stick it to the workers, is appropriate language for the Senate.

The PRESIDING OFFICER. The Senator will withhold.

The ruling of the Chair is that the language of the Senator from Massachusetts is not in violation of rule 19.

Mr. KENNEDY. I thank the Chair.

Mr. President, the issue of those workers—this is about Federal Express. They have rights. They have their interests. If they are against the workers and workers' rights, so be it. This is a free country. They can go within the context of the law. What we are basically talking about is the grievances that those workers have, who are trying to carry them forward, and we have legislation that would effectively undermine them.

I know the Senator from Utah is not on the floor. I hoped to just be able to clarify this position. As I understand, from 1984 to 1991, which is a period of 7 years, there was no pay increase; that in 1991, workers began to organize, and Federal Express gave workers a pay increase, and then another in 1993. In 1996, the company announced that there would be no further wage increases. That is my information. If that helps clarify the Senator's understanding of what I was trying to portray, that is fine.

Mr. President, this is an important issue. It is so easy to always find an excuse not to look out after working people. We heard from the Republicans month after month where they would not even permit the Senate of the United States to vote on an increase in the minimum wage. Month after month after month they said no. "Over my dead body," was what they said in the House of Representatives. "I will fight it with every sinew in my body"—an increase in the minimum wage to permit those Americans on the lowest rung of the economic ladder the ability to work and be out of poverty. No, they said. No, we have got other measures to consider in this Chamber. We are not going to permit that.

Then, finally, because of the American people's sense of fairness and decency, they had to relent in the Senate of the United States and the House of Representatives. Then they tried to cut it back. Then they tried to delay it in the conference. That is the record of the anti-worker leadership over the period of this last Congress.

The first thing they did was attack the Davis-Bacon Act. The average construction worker makes $27,500 a year, and that is too much for some on the other side; we are going to emasculate that. Second, we have got to cut back on the earned-income tax credit. Who benefits from that? Workers who make up to $28,000, $29,000 and their children. That is too much. We are going to cut back on those individuals.

The next thing we are going to do is make all of you pay more for your parents because we are going to cut back on the Medicare and give $245 billion of tax relief to the wealthiest individuals. We know what the record is of the Republican leadership over there.

I am not surprised at what the Senator from Arizona is saying now. All you have do is look at the record of this last Congress, and it has been anti-worker, anti-worker on a minimum wage, anti-worker on the earned-income tax credit, anti-worker on workers who are trying to get the Davis-Bacon provision so that those who have the skills ought to be able to get decent work, and cutbacks in education where the workers' children are going to school. Cut back on those programs. Cut back on the scholarship programs for those children who are going to college. To do what? Cut back on the Medicare, cut back on the Medicaid to give the tax breaks to the wealthy.

That has been the record. You do not have to listen to this Senator in October to make that out. The record is complete with the battles. So it is not a surprise to me when the Senator says we are concerned about workers, we are concerned about workers over here, and does not even mention those individuals who have very legitimate grievances and are being shortchanged by legislative action—shortchanged—and others who are going to be given some advantage, significant advantage, by statutory language.

This is not a question of oversight. All you have to do is read the record, read the unbiased analysis of those who observed the history of this particular provision. We know that. This is special legislation for a special company that has done what it could to frustrate workers from being able to proceed to pursue their legitimate grievances. That is what this is about.

That is what this is about. It is an issue we are fighting for, and it is an issue we are staying here another day for. For some, workers' rights are important. For some, the grievances of workers are important in this country, maybe not to others. Maybe not to others. But to some Senators, they are. They are worth fighting for. We will have that opportunity for the Senate to make a judgment on this on Thursday next at 10 a.m. We will then follow the rules of the Senate and abide by that decision. But until then, we are going to continue with everything that we can to make our case for justice and fairness for working families.

Mr. McCAIN addressed the Chair.

Mr. KENNEDY. I reserve the remainder of my time.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself 2 minutes.

I enjoy spirited debate in this Chamber. I enjoy an exchange of philosophy and ideas, and I learn from debate, especially with some of the more learned colleagues on the other side of the aisle. But I have to say, with all due respect to the President, I just grow weary, I grow weary when someone on the other side of the aisle says I want to stick it to workers, that I want to abandon old people.

That really has nothing to do with debate. That just has to do—even though the ruling of the Chair just was not in my favor, it is unnecessary, it is unwanted and, very frankly, I say to the Senator from Massachusetts, I am sorry that he has to lower the level of debate to impugning my character and motives for a position that I happen to take on this bill. I do not impugn the integrity, the motives of the Senator from Massachusetts. I believe that he has strongly held views. I believe that what is happening now is bad for workers of America, but I certainly do not blame the Senator from Massachusetts and, very frankly, I do not look forward to further debate with the Senator from Massachusetts because it is obvious that it cannot be debated on a level that I think is in keeping with the tradition of this distinguished body.

Mr. President, I would like to reserve 8 minutes for Senator HUTCHISON when she arrives in the Chamber. In the meantime, I would like to yield time, what time there is between then and 8 minutes left for Senator HUTCHISON, to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President. I do not know where to come in. I know we finally have beaten them when they start debating the minimum wage bill, no pay increase, anti-worker, Davis-Bacon, scholarships for students. It reminds me during the war boarding ships in the Navy, they said, "When in danger, when in doubt, run in circles, scream and shout." And so we now have to come to the floor of the Senate and talk about everything else but what is really at hand.

My distinguished colleague from Massachusetts thinks when he repeats something or says something, somehow that makes it true. He continually comes again and again and he says, well, the Senator from South Carolina cannot show that Federal Express is an express company under the Railway Labor Act. We filled the record. We will have go back to it again and again and again.

Since commencing operations 23 years ago, Federal Express and its employees consistently have been determined by the Federal courts, the National Mediation Board, and the National Labor Relations Board to be subject to the RLA. See Chicago Truck Driver, Helpers, Warehouse Workers Union v. National Mediation Board, 1982; Chicago Truck Drivers, Helpers and Warehouse workers v. NLRB in 1979; Adams v. Federal Express Corporation back in 1977; Federal Express Corporation, 22 N.M.B. 57 (1995); Federal Express Corporation, 22 N.M.B. 157, 1995; Federal Express Corporation, 20 N.M.B. 666 in 1993; Federal Express Corporation, 20 N.M.B. 486; Federal Express, 20 N.M.B. 404; Federal Express, 20 N.M.B. 394 in 1993; Federal Express, 20 N.M.B. 360 in 1993; Federal Express, 20 N.M.B. 7, 1992; Federal Express, 20 N.M.B. 91, 1992; Federal Express Corporation, 17 N.M.B. 24, 1989; Federal Express, 17 N.M.B. 5, 1989; Federal Express Corporation and Flying Tiger Line, 16 N.M.B. 433 in 1989; Federal Express Corporation, 6 N.M.B. 442, in 1978; Federal Express, Case No. 22–RC in 1974; Federal Express, NLRB case in 1985; Federal Express, NLRB case No. 1–CA 25084 in 1987; Federal Express, NLRB case in 1982; Federal Express NLRB case in 1982; another one, again, in 1977; 1991.

The National Mediation Board recently ruled—and this is a 1995 case—

on Federal Express' Railway Labor Act status by stating unequivocally that "Federal Express and all of its employees are subject to the Railway Labor Act." Federal Express Corporation, 23 N.M.B. 32 (1995).

I do not know how you make it more clear than that. You have that decision that said, in 1993, and I read, "Federal Express Corporation has been found to be a common carrier as defined by 45 U.S.C. 151."

Then I look at 45 U.S.C. 151, 1st, "The term 'carrier' includes any express company."

You read it to them; they don't want to listen. They just act like there is nobody else, they are here looking out for the workers, trying to make it an emotional thing, who is for the workers. I was around here for the workers when some of these were voting for NAFTA. We lost 400,000 jobs; the Mexicans lost 1 million jobs. We went from a $5 billion balance in trade, a surplus, to over an $18 billion deficit. I lost 10,000. I don't know how many this year. I know more than 10,000 by the middle of the summer. I lost 10,000 jobs down there.

GATT—I voted against GATT. I had to hold up the Senate and everything else of that kind, trying to make sense so we would not repeal 301. They kept on saying it was not repealed. Now they understand. The Japanese laugh at them. They say, "Let's go to the World Trade Organization, WTO." Find out what you get out of that group.

So, do not run around saying, "I am looking out for workers and helping workers, and you are antiworker."

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. WYDEN. Mr. President, I rise in support of the conference report on S. 1994, to reauthorize the programs of the FAA. For the safety and security of every Oregonian who flies and for our smaller airports this legislation is critical.

I want to commend the chairman of the committee, the chairman of the Aviation Subcommittee, and especially the distinguished ranking member of the Aviation Subcommittee, Senator FORD, for their hard work. The conference report includes several provisions I have worked on. In particular, I take pride in those that make safety paramount at the FAA, that require making airline safety information available to the public and that strengthen security at our airports.

I also want to thank the managers for their cooperation in incorporating my amendment on train whistles. This provision will stop the Government from imposing a one-size-fits-all approach on communities with railroad grade crossings. Without this provision, towns across this country, like Pendleton, OR, would have had train whistles blowing night and day. My amendment will assure that the Federal Railroad Administration works with the people in Pendleton and elsewhere to develop appropriate safety measures for their grade crossings.

When we began the process, this was a relatively modest reauthorization bill. No safety or security measures to speak of. Now, these concerns are at the forefront, where they belong.

With this bill, we go beyond all the talk about safety. With this bill, we take the first step ever toward making information on airline safety available to the public. Finally, the traveling public will be able to get basic safety information in plain English.

Everyone who flies should be able to make informed choices about the airlines they fly and the airports they use. This legislation will help consumers do that.

Today, travelers can get plenty of information from the airlines about whether their bags will get crushed or their flights will arrive on time. With this bill, travelers will no longer have to go through the legalistic torture of the Freedom of Information Act to get basic safety information. They'll be able to get it online, from the National Transportation Safety Board.

No one thought this would be easy. I have talked to people in all parts of the aviation community—the FAA, NTSB, airlines, labor, manufacturers, pilots, and consumer groups—about the best way to do this. While there are certainly differences over how to do it, everyone agrees that it should be done. And I agree with those in the industry who say that anything involving safety should not be part of competition. But by having uniform definitions, standards, and public access to this information, I believe we will move safety out of the shadows and into the sunshine.

Also of special interest are the provisions seeking to improve aviation security.

This conference report will require more comprehensive employment investigations, including criminal history records checks, for individuals who will screen airline passengers, baggage, and property. We remove the legislative straitjacket that has hamstrung the FAA's efforts to deploy security equipment in airports.

When we talk about a security system that will cost as much as one B-2 bomber, we can't expect the airlines to shoulder that burden alone.

The conference report puts the administration on top of airport safety and security functions. Right now, this task is undertaken almost exclusively by the air carriers. From now on, the FAA will be firmly in charge.

Another problem is the lax attitude we have toward some of the most critical players: Those who monitor the x-ray machines. What is the point of having $1 million machines if these workers are being paid minimum wage and lack any basic training? Americans should not expect a second-class attitude will produce first-class security.

The amendment will toughen up the attention paid to these critical workers.

There remains, however, one glaringly weak link in the security chain. It is that we don't even have an evaluation of the current status of security at our Nation's airports. We need a basic security baseline in order to establish goals and priorities. We need regular reports on whether the goals are being met. This is not rocket science. It is security 101. Although this is not included in the bill, I intend to work with the FAA on this in the coming months.

Finally, I want to note another very important provision for Oregon: Funding protection for smaller airports. These airports, such as Bandon and John Day and Klamath Falls, serve citizens in the more rural parts of my State. Without the funding formula in this bill, these smaller airports would suffer disproportionate cuts in grant funds when appropriations are tight. Unless I've missed something, there doesn't appear to be any extra airport improvement grant funding lying around.

Mr. President, there are many other important elements in this legislation. I want to conclude by again thanking the leaders of the Commerce Committee for their excellent work on a good aviation safety and security bill.

Mr. HOLLINGS. When does the time terminate? Right just before 5?

The PRESIDING OFFICER. There is 8 minutes remaining to the Senator from Arizona. He yielded those 8 minutes to the junior Senator from Texas, and 24 minutes remain to the Senator from Massachusetts.

Mr. HOLLINGS. I thank the Chair.

The PRESIDING OFFICER. The Chair, acting in his capacity as the Senator from Washington, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas has 8 minutes yielded by the Senator from Arizona.

Mrs. HUTCHISON. Mr. President, it is hard to imagine that we are really still here, talking about whether we are going to vote on an aviation security bill. We know that we must have this. We are trying to respond in a responsible way to the potential for terrorism in our airports. We are trying to make sure that the FAA has the tools that it needs for safety. Yet, we are being held up on a really technical point, not to mention taking people away from what they need to be doing right now with regard to the rest of this session. I do not understand it.

What we are talking about today is the most bipartisan solution to a real problem that we have in this Government, and that is the reauthorization of the FAA, which thousands of the traveling public depend on for the safety of our airline passengers, as well as the safety of our visitors to this country. We have the reauthorization before us, and it is October 1 and we are not able to move forward.

I would like to talk about a few of the things that are in this bill which we cannot do today because we are in the middle of some kind of filibuster, which really is meaningless because we are going to vote on this bill sometime before the end of this week. But here is what we are not able to do today because this bill has not been passed.

We are trying to get explosive detection devices certified by the FAA. There is $400 million in the continuing resolution that we passed last night, and it is for the technologies which are now available that we are not using in this country but that they are using in foreign countries for the detection of explosive devices that might be taken on an airplane.

These devices that could be certified, right now, today, if we could pass this bill, cannot be deployed without this provision. So we are losing valuable time in getting the best of the technology.

You may ask, "Gosh, we put our bags through screens right now at airports." That is true, we do. But those screens were made to stop hijackers. Those screens were made to detect guns and knives, but not explosive devices, and particularly not the high-level, sophisticated explosive devices that we know are now on the market. But detection devices are available for those devices. We can detect those explosives if we can deploy the equipment and get it certified by the FAA, which we cannot do right now because this bill is being debated on a technicality that was decided by Congresses in the past and which has been decided by this Congress, and it is just a matter of time before we get to what will be an overwhelmingly positive vote that will show that this Congress has decided this issue.

We would require background checks for baggage and passenger screeners. We believe it is prudent to have background checks on the contracted-out employees who are doing this screening. That is in this bill. The FAA would be able to audit the criminal records checks for tarmac-access employees. That is provided in this bill, if we can pass it.

We are going to have a study that will determine if we can have baggage-match reports on domestic flights. One of the things that is done on overseas flights is matching baggage that is checked with the passengers. I believe this is going to be feasible on our domestic flights, because I think the technology is there that will keep us from having the delays that the airlines have been concerned about. So we want to be able to assess that, and that is provided for in this bill. But it is being held up now with this debate over a nonissue so that we are not going to be able to immediately go forward to implement tests on baggage match, which may be one of the most important ways to make our airlines and our airports more safe.

We are also going to ask the FAA in this bill, when it is passed, to look at how we can improve security for mail, for cargo. It is important that the sense of the Senate in this bill which says we believe that cargo security can be enhanced be passed, because if we can enhance cargo security, that is one area that really is pervasive in our aviation system, and it is really the underbelly, to use a pun, of aviation security.

We would require, in this bill, an aviation security/FBI liaison in cities with high-risk airports to coordinate with the FAA. This bill says that we think there needs to be a person in every FBI office where there is a high-risk airport—any airport that has international service—that in every FBI office, there should be a liaison with the FAA and with the airport to make sure that there is coordination, where information is exchanged, where the FBI can look at what the FAA is doing or what the airlines are doing for security, to give their opinion about whether it is sufficient or whether it could be improved.

In fact, we would have a joint threat assessment by the FAA and the FBI, and they want that authorization. Both entities want to work together, and they want the authorization to do that. It makes sense.

So why aren't they doing that? Because we are discussing a labor issue that was decided years ago. The people of America probably don't understand that, and many of us on this floor don't understand that either.

We are talking about taking away the dual mandate of the FAA, which is promotion of the airlines and safety. That has always been a kind of a conflict that has had to be resolved from time to time, and we are taking promotion out, because the airlines do a good job of that.

When the FAA was created back in the old days, airlines were just beginning, and people had to be convinced that airlines were going to be safe. But now we see the safety record of airlines, and it is terrific. You are safer on an airplane than driving to the airport, and that is a fact. So now we are going to make safety the mandate of the FAA, and that is proper, because passengers want to make sure that they are safe.

I think of the families of the passengers on TWA Flight 800 who went to France this week. They are trying to put their lives back together. I think of what those families are thinking about, what their loved ones felt when they were thousands of feet above the ground and, through no fault of their own, their lives were taken from them, and they were helpless.

We want to make it as safe as possible for every traveling American, and this bill will do it. Mr. President, there is no reason to be holding this bill up on matters that have been decided by this Congress. There is no reason to hold this bill up over a technical labor issue that has been decided by this Congress. We have so many important safety issues in this bill that are being addressed. We should be responsible and get this bill out today so that we do not delay for 1 more day the deployment of the explosive detection devices that are ready to go on line and into our airports to provide the level of safety that our passengers require, expect, and are entitled to.

So, Mr. President, I hope that those who are holding up this bill, knowing that they will not succeed, but, nevertheless, imposing on their fellow colleagues to make some sort of point that is not being very well made and putting in jeopardy the safety of the flying public and people who go into airports by the hundreds of thousands in this country every day—we could be doing more, and we could be doing it right now. The FAA is waiting for this authorization. It is at hand. Why would we be delaying for the next 2 days when we could start the deployment today, this minute, of the explosive detection devices which are provided for in the continuing resolution that has already been signed by the President and all we need is the authorization to do it?

It is not responsible, and I call on my colleagues who are holding this bill up and ask them to be responsible and help us address these issues for the safety of Americans and our families and our loved ones.

Mr. PRESSLER. Mr. President, as chairman of the conference on H.R. 3539, the Federal Aviation Authorization Act of 1996, I rise in support of this critically important aviation safety and security legislation. Despite some unwarranted, partisan exchanges in the past few days—unwarranted because this is in no way a partisan issue—this is bipartisan legislation which enjoys strong support on both sides of the aisle. When we vote on final passage later this week, I believe this legislation quite deservedly will enjoy overwhelming support.

There are many Senators from both parties who had a hand in crafting this legislation. Today, I wish to express my personal thanks to some of my colleagues.

My good friend from Arizona, Senator MCCAIN, has been a driving force behind this legislation. As chairman of the Aviation Subcommittee, Senator MCCAIN set the lofty goal of meaningful reform of the FAA. Through Senator MCCAIN's tireless efforts, this legislation puts in place a mechanism to ensure the FAA is on firm footing to meet our aviation needs well into the new century. Senator MCCAIN's great vision in aviation policy can be seen throughout this conference report.

I also want to commend my good friend from Alaska, Senator STEVENS, who is really the unsung hero of this legislation. When we reached an impasse as to how best to address the question of long-term FAA financing reform, it was Senator STEVENS' thoughtful suggestion of an independent task force study that broke the deadlock. Those who have watched the debate on this conference report over the past week have seen firsthand Senator STEVENS' passion for aviation safety and improving the treatment of families of aviation disaster victims.

Let me also commend and thank my good friend from South Carolina, the ranking member of the Commerce Committee, Senator HOLLINGS, who provided important leadership on this conference report. Also, let me acknowledge the leadership of Senator FORD, the ranking member of the Aviation Subcommittee.

H.R. 3539 is a bipartisan, omnibus aviation safety and security bill. It reauthorizes the airport improvement program [AIP] and thereby ensures airports across the Nation will continue to receive Federal funding for safety-related repairs and other improvements. It reforms the FAA in a way which hopefully will reduce bureaucracy, increase responsiveness, and enhance the efficiency of that agency. The conference report also contains numerous provisions which will improve aviation safety, enhance aviation security and provide long overdue assistance to the families of victims of aviation disasters.

Mr. President, as I have said repeatedly in this body over the past few days, we have a responsibility to the American traveling public to pass this legislation before we adjourn. For instance, this legislation provides statutory authority to deploy explosive detection devices at our Nation's airports as recommended by the White House Commission on Aviation Safety and Security on which I serve. Even though yesterday the Congress approved funding to purchase these explosive detection devices, without passage of this conference report the Federal Government will not have statutory authority to deploy them. Such a scenario is completely unacceptable. The American public expects the level of security at our airports to be improved immediately. We must respond before the Senate adjourns.

Mr. President, I wish to speak for a few minutes about what this legislation means to my home State of South Dakota. In South Dakota, air service is critical to economic development. For example, the decision whether to open a new factory in a small city or where to locate a new business often turns on the availability of good air service. That was never more evident to me than when a company recently visited Rapid City, SD to consider relocating there. This move would create more than 100 new jobs. One of the very first questions they asked my staff concerned air service between Rapid City and a major hub airport. In South Dakota, air service and economic development go hand in hand.

Mr. President, this legislation is a great air service victory for South Dakota.

First, the legislation doubles the size of the Essential Air Service [EAS] program to $50 million. What does that mean? It means the cities of Brookings, Mitchell, and Yankton in my State will be ensured of a continued air service link to our national air service network. In addition to helping to protect existing EAS service in Brookings, Mitchell, and Yankton, I am hopeful that a $50 million EAS program will result in increased air service for these cities. A $50 million EAS Program is great news for the economy of South Dakota.

Second, the legislation ensures small airports such as those in South Dakota finally receive their full and fair share of AIP entitlement funds. Adequately maintained airports are critical to air service. They also are critical to air safety. Under the new AIP formula I helped develop in this conference report, South Dakota airports are big winners. For instance, AIP entitlement funds will increase at least $225,000 annually for the Sioux Falls Regional Airport, $170,000 for the Rapid City Airport, and $100,000 each for the Aberdeen, Regional Airport and the Pierre Regional Airport. Hopefully, improved airport facilities resulting from this formula adjustment will help stimulate increased air service in Sioux Falls, Rapid City, Aberdeen, and Pierre. Again, such a result would be great news for economic development in those cities and our State. The new formula ensures they receive their fair share of Federal dollars.

Mr. President, this conference report should have passed the Senate last week. Regrettably, a few Senators have been using procedural maneuvers to hold up this vitally important aviation safety and security legislation over one provision they find objectionable. During debate, I have listened to those Senators mischaracterize this provision as some type of conspiracy by the Republican leadership. That baseless assertion could not be further from the truth. As the distinguished ranking member of the Commerce Committee, Senator HOLLINGS forcefully pointed out during yesterday's debate, the provision in dispute is a provision that Senator HOLLINGS, a senior Democratic Member of this body, offered. Moreover, there is nothing partisan about the Hollings amendment. In fact, it was supported by all five Senate conferees including Senator HOLLINGS and Senator FORD, two of the most respected Democratic Members of this body.

Yesterday during debate on the Hollings amendment, I heard several Members of the group blocking this legislation make blanket statements that the Hollings amendment is not truly a technical correction. With all due respect to those Members, I authored the ICC Termination Act. I know what we intended to do in that legislation. Therefore, I can unequivocally say they are dead wrong. In the ICC legislation, the Senate never intended to strip Federal Express or any person of rights without the benefit of a hearing, debate or even discussion. That point is made crystal clear by section 10501 which reads "the enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of the employees and employers by the Railway Labor Act."

Mr. President, fairness dictates we correct that inadvertent error. That is precisely what the Hollings amendment does. It is exactly why I supported it in conference. It is why I continue to support it strongly.

This historic piece of aviation legislation reflects the outstanding work Congress does when it proceeds on a bipartisan basis. We should meet our responsibility to the American traveling public by passing it as soon as possible. Lets get the job done for the American public. I urge that the Senate immediately pass the conference report to accompany H.R. 3539.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Time yielded to the Senator from Arizona has expired. The clerk will call the roll and charge the time against the time remaining.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent to speak for 5 minutes or less as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE LIFE OF HOWARD S. WRIGHT

Mr. GORTON. Mr. President, I speak here this evening to express my sadness and deep regret at the death last Saturday of a friend and civic activist in the city of Seattle, Howard S. Wright. Mr. Wright can appropriately be called one of the great builders of modern Seattle. He was the head of a major construction firm for many years. His company was responsible for the building of the tallest of our structures, among many others, a set of buildings with the vision behind which led to much more beautiful development in downtown Seattle.

After leaving the construction business, he went into the allied profession, development, and there also was not only successful, but successful in a way that will leave a long-term and positive impact on the city he so loved.

While Howard Wright was magnificently successful as a businessman, he also gave at least as much as he received back to his community in the form of his activities in charitable foundations, such as the Seattle Foundation; to the arts, through the Seattle Opera Association and the Arts Commission; through sports, as one of the original owners of the Seattle Seahawks; and in the field of horse racing; to his schools, Lakeside and the University of Washington; and to other enterprises too numerous to mention.

Another great Seattle citizen, a friend of both Howard Wright's and of mine, Herman Sarkowsky, was quoted recently as saying that Howard Wright had "an insatiable appetite to learn everything about his city," to learn, Mr. President, and to do.

But, in addition to these objective statements about Howard Wright, I must add his own personal friendship to me and to all of my undertakings, his constant counsel and advice, and a sunny disposition, which never admitted that there was a task too great to be accomplished, that never admitted that there was not another friend to be made, another goal to be achieved.

Mr. Wright will be missed by his family, by his community, by all of the organizations to which he so unstintingly gave his time and his money, and by this U.S. Senator as a friend.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, Mr. President. What is the business before the Senate?

The PRESIDING OFFICER. The conference report on FAA.

Mr. DOMENICI. Is it appropriate for the Senator from New Mexico to ask unanimous consent for 5 minutes as in morning business?

The PRESIDING OFFICER. The Senator may seek unanimous consent.

Mr. DOMENICI. I also request unanimous consent that a legislative fellow in my office, a Mr. Larry Richardson be permitted on the floor?

The PRESIDING OFFICER. Without objection, it is so ordered.

ALLOCATION OF THE HIGHWAY TRUST FUND

Mr. DOMENICI. Mr. President, I seek the floor today just to make the record complete before the year ends with reference to what happened to the allocation of the highway trust fund or what is about to happen to it.

First, I want to put in the RECORD all of the States of the Union and the 1996 actual allocation, the percent and the dollar loss or gain from the 1996 allocation to the 1997 allocation. The minimum amount that States lost because of this new allocation is found in the last column of this chart. I ask unanimous consent that this chart be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMENICI. Mr. President, what I understand and what I think happened is that the administration, principally through the Secretary of the Treasury's office, made a major error in calculating the flow of money into the Highway Transportation Trust Fund, and that means that the Federal money for projects in States like mine of New Mexico will drop $20 million—I should say at least $20 million—from last year's $169 million that we received.

Actually, the reason I say "at least" is because we did increase the obligational authority. So actually a State like mine and a State like the one of the Senator presiding here in the Senate should probably have received more in the 1997 allocation than they did in 1996. So this chart is just saying, if we would have received the same overall obligational authority —that is the big pot of money to be distributed—our respective States should have gotten at least what they got in 1996. Instead, they are getting less.

Now, the first point, Congress in that year did not change the formula. The formula was a multiyear operational formula that told the administration, between the Secretary of the Treasury which reports the receipts of the gasoline tax, and the Secretary of Transportation, to allocate pursuant to that multiyear formula.

Now, something happened because, as a matter of fact, more money was taken in, the formula was not changed, and we get less money—substantially less money. Now, it is very interesting.

On the other hand, it is almost incomprehensible to the Senator from New Mexico because some States got huge amounts of new money. For instance, New York gets $111 million less than this minimum I have been describing that they probably should have received. I have told the Senate about New Mexico. Then, if we look down and say, well, what happened to California? Well, California gets $122 million more than they would have received if we would have had a 1996 allocation of the same amount of money in 1996, even though we got more going into this formula now. And, interestingly enough, the State of Texas—I do not know how this all happened, it is almost some kind of phenomenal event—apparently for no real reason, the State of Texas got a $182 million increase. The State of Massachusetts, a $73 million decrease.

Now, frankly, I believe this error should have been corrected by this administration. In fact, ten Senators sent a letter to the Secretary of Transportation well before any drop-dead date with reference to sending the money out, urging that the Secretary of Transportation correct the error. We sent that letter on September 20th.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 20, 1996.

Hon. FEDERICO PEÑA,
Secretary of Transportation, Department of Transportation, Washington, DC.

DEAR MR. SECRETARY: We are writing regarding the Department of Transportation's decision to use data from the Treasury Department that includes a $1.6 billion accounting error in the calculation of highway apportionments for fiscal years 1996 and 1997.

The Department of Transportation's decision to use the data without first correcting the error unfairly disadvantages our states. Therefore, we are requesting an explanation as to why the Department of Transportation has used this error in its apportionment formulas. At this point in time, it is still not clear why your Department has not been able to address this issue administratively.

Attached to this letter is a short list of questions which we hope will improve our understanding. The answers to these questions will be necessary to respond to inquires from our respective states. We also expect that the answers to these questions will help us to determine how a similar situation could be avoided in the future.

The states affected by this error will receive their apportionments on October 1, 1996. We, therefore, request a response to this letter by Wednesday, September 25. Thank you for your prompt attention to this matter.

Sincerely,
John H. Chafee, Pete V. Domenici, Max Baucus, Jeff Bingaman, Larry Pressler, Joe Biden, Tom Daschle, Alfonse D'Amato, Daniel P. Moynihan.

Mr. DOMENICI. We attached to it the fundamental questions to the Secretary of Transportation regarding this incorrect allocation, this lowering of some States and increasing of some States, without any change in the national formula, which is the law, and with an increase in the total amount we had to spend.

The error in the distribution of the 1997 funds to all States came about through an error of the Treasury Department in calculating the highway trust fund. Then we proceeded to ask several questions.

I also ask unanimous consent the questions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS REGARDING DOT DECISION TO IMPLEMENT HIGHWAY FORMULAS WITH $1.6 BILLION ACCOUNTING ERROR

(1) Given the significant implications of the accounting error, did the Department request an "official" correction that could be used in the apportionment formulas?

(2) To help gain an understanding of why the error could not be addressed administratively, please provide a copy of decision memos, legal opinions and other supporting materials and tables that led to the Department's decision to apportion funds based on incorrect data.

(3) Did the Department consult with the Office of Management and Budget (OMB) in making this decision? Did the 1997 budget baseline for the Department of Transportation assume that the error was corrected? Please describe any OMB policy guidance in this area.

(4) Does the Department have any recommendations to avoid a similar situation in the future?

Mr. DOMENICI. Interestingly enough, we have not heard from the Secretary of Transportation. This is an urgent request. They are in the middle of making final decisions which will cost my State a very big percentage of its highway trust fund, which will cost New York $111 million, which will cost States like New Jersey a very large amount of money.

Now, I am here because all I want is fairness. I cannot understand nor comprehend how the same old formula that is mandatory that they have to use, how it could turn out 1 year later to totally change what each State gets, when it has been applied for 4 consecutive years, and we could look at those averages, and nothing like this has happened.

Now, I have come to the Senate because I urge that the Secretary of Transportation fix this. I do not have any hopes that he will. In fact, I do not believe politically that they can. That does not make it right.

Can you imagine the Secretary of Transportation taking this money that I just described away from California, after they told them that is what they will get—even though it is wrong? Can you imagine the President saying, essentially, through his Transportation Secretary, to Texas that they should get what is the right number, instead of what is the wrong number—when they have already been telling them how much more they get? I could go on State by State.

I believe it should be fixed. I do not think the States which have been adversely effected by this should take this sitting down. We cannot fix this. That is the prerogative of the House of Representatives. They did not want to fix it. That does not mean it is right, nor does that add any strength to the fact that they are wrong. That does not make their numbers right because Congress did not take action in the waning days. That is obvious, as a matter of law that that is not the case.

Frankly, I hope the States that have been denied their fair proportion under errors in calculations by the Secretary of the Treasury, that were then forwarded to Transportation and apparently are about to be acted upon, that does not make those right. I believe States should take a look at it. They ought to look and see what their rights of action are.

This is a very, very, big mistake. For some States, it will never be corrected. I cannot tell New Mexico—we are a small State; $20 million is a small amount of money, big percentage, one of the highest percentage of reductions. The State of Rhode Island got a small amount but a big reduction. The State of Montana, small amount of money, but a big reduction—I cannot tell them come January, February, March, "We will fix this and give you the money you lost by the error."

I do not think I can promise that, for probably by then it will require we put a whole bunch of new money in the trust fund or that we allocate some extra money because, what about the States that think they can rely upon what the Federal Government has told them they will get. I submit they ought not be relying on it. I hope they have people keeping tab up here because I do not think they can rely on that money because I do not think it is theirs. I think it was erroneously allocated through a misapplication of a formula that is clear and precise and applied either the wrong numbers, wrong receipts—and they had plenty of time to fix it in the executive branch of Government.

Mr. President, while we are closing down tonight, I hope the Secretary of the Treasury's people that are watching, as they probably do from time to time, understand this may not be over with. I am urging States to do something about it themselves. I think they might look at whether they have a cause of action against the Federal Government. I am urging they take a look as to whether they can even get an injunction against the U.S. Government for misallocating this money and ask it be held up long enough for them to seek justice within the court system. That is just my thought. That is nobody else's. I do not hold anybody to it.

I tell you, this error is over $1 billion. That means, erroneously, States have been denied over $1 billion, and it has been funneled to other States, of the formula that they should have applied, was voted on up or down, and prevailed with a handsome majority when that formula was put in. I happen to know about that. I was not on the committee but I think I know how the formula came about. In fact, I know how the formula came about 5 years before that. It is very similar.

The point of it is, the formula has not been changed, the dollars to be distributed are higher, and 28 States get less. Now, that just does not jibe. It just does not make for good sense. Something is awry, amiss, gone wrong, and I hope it gets fixed. I hope the Secretary of Transportation takes a look. It has taken them about 10 days to answer the letter. That is pretty unusual. It has taken 5 days to answer a phone call where I asked him about this, and he will get back to me.

We will see tomorrow, 1 day before we go out, if we get something from them.

TECHNICAL ASSISTANCE—U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION: COMPARISON OF ESTIMATED FISCAL YEAR 1997 OBLIGATION LIMITATION

[In thousands of dollars]

State	Fiscal year 1996 actual	Conference	Percent	Dollar loss/gain
Alabama	270,610	329,746	22	59,136
Alaska	203,994	182,075	−11	(21,919)
Arizona	196,433	244,013	24	47,580
Arkansas	175,359	205,117	17	29,758
California	1,406,489	1,528,545	9	122,056
Colorado	199,342	198,171	−1	(1,171)
Connecticut	353,689	316,202	−11	(37,487)
Delaware	77,484	69,282	−11	(8,202)
District of Columbia	78,920	73,582	−7	(5,338)
Florida	598,880	711,991	19	113,111
Georgia	403,493	526,148	30	122,655
Hawaii	121,729	108,983	−10	(12,746)
Idaho	105,691	98,510	−7	(7,181)
Illinois	660,503	589,620	−11	(70,883)
Indiana	341,554	390,495	14	48,941
Iowa	197,960	177,316	−10	(20,644)
Kansas	205,052	183,204	−11	(21,848)
Kentucky	225,745	286,319	27	60,574
Louisiana	235,699	265,287	13	29,588
Maine	91,559	84,182	−8	(7,377)

TECHNICAL ASSISTANCE—U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION: COMPARISON OF ESTIMATED FISCAL YEAR 1997 OBLIGATION LIMITATION—Continued

[In thousands of dollars]

State	Fiscal year 1996 actual	Conference	Percent	Dollar loss/gain
Maryland	265,587	262,322	−1	(3,265)
Massachusetts	690,634	617,531	−11	(73,103)
Michigan	467,061	491,589	5	24,528
Minnesota	252,289	219,855	−13	(32,434)
Mississippi	183,481	203,112	11	19,631
Missouri	356,657	402,267	13	45,610
Montana	154,849	133,659	−14	(21,190)
Nebraska	139,084	124,262	−11	(14,822)
Nevada	104,575	105,029	0	454
New Hampshire	85,554	76,434	−11	(9,120)
New Jersey	478,929	434,884	−9	(44,045)
New Mexico	169,082	149,360	−12	(19,722)
New York	1,044,890	933,790	−11	(111,100)
North Carolina	399,218	446,693	12	47,475
North Dakota	102,064	91,086	−11	(10,978)
Ohio	594,508	575,591	−3	(18,917)
Oklahoma	227,795	258,883	14	31,088
Oregon	202,782	204,437	1	1,655
Pennsylvania	660,889	671,171	2	10,282
Rhode Island	85,850	71,582	−17	(14,268)
South Carolina	211,129	263,985	25	52,856
South Dakota	111,380	99,417	−11	(11,963)
Tennessee	325,654	371,667	14	46,013
Texas	984,970	1,167,763	19	182,793
Utah	125,684	121,489	−3	(4,195)
Vermont	78,511	70,155	−11	(8,356)
Virginia	341,432	393,580	15	52,148
Washington	324,150	291,059	−10	(33,091)
West Virginia	158,810	141,509	−11	(17,301)
Wisconsin	291,760	296,896	2	5,136
Wyoming	111,281	99,388	−11	(11,893)
Puerto Rico	76,122	73,648	−3	(2,474)
Subtotal	15,956,846	16,432,881		
Administration	529,843	521,119		
Federal lands	416,000	426,000		
Reserve	647,311	620,000		
Total	17,550,000	18,000,000		

Estimated apportionments provided by HPP–21.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

THE 1997 OMNIBUS APPROPRIATIONS BILL

Mr. KERREY. Mr. President, although I am thoroughly disappointed in the process we endured to reach agreement on the fiscal year 1997 omnibus appropriations bill, H.R. 4278—I am pleased with the content of the bill. It is a huge package, so I am sure we will not know its full impact until weeks—possibly months—into this fiscal year. It would be difficult to put a package like this together without there being some disappointment in the final product. However, as a member of the Appropriations Committee, I worked hard to see that many programs that are important to Nebraskans and this Nation were addressed.

Let me highlight some of these programs.

COMMERCE-JUSTICE-STATE

I have long supported the National Telecommunication Administration's Telecommunications and Information Infrastructure Assistance Program. Last year I led the effort on the floor to include $21.5 million for TIIAP and I'm pleased to see that amount in fiscal year 1997 funding. This is especially important when considering the Senate Commerce-Justice-State Subcommittee began the process with zero funding for this important program. People sometimes ask why we need this program when there is so much going on in the telecommunications industry. We need it to help our rural areas share fully in the promise of networking and telecommunications. We need it to help our nonprofit sector participate. We need it to encourage the imaginative and sometime high-risk demonstrations of what can be done with the technology.

We have included $174.5 million for the Juvenile Justice and Delinquency Prevention Program and $560 million for the Byrne Memorial Grant Program which is important and insightful. If we can stop juveniles from turning to crime, I believe we have a chance at decreasing the need for courthouses, incarceration, and prison construction. The potential benefit is well worth the investment.

INTERIOR

I am pleased to see that the bill includes funding for one of my top priorities, Back to the River. This project is a collaborative effort to create a recreational, ecological, and cultural corridor along the Missouri River in the Omaha/Council Bluffs region. The project encompasses 64 river miles and has been ongoing for the last 2 years. It has the support of several public and private agencies. The Back to the River project will benefit Nebraska and the Nation by providing habitat restoration, floodplain management, recreation and river access, economic benefits, cultural resources and environmental education. The National Park Service and Fish and Wildlife Service have both been involved in this project.

The omnibus bill funds the National Endowment for the Humanities at the current level, which is higher than either the House or Senate number in the original Interior appropriations bill. NEH programs provide vital support to scholarship, education, and public programs in history, literature, and other aspects of the humanities. Support for our State humanities councils is particularly important because it is these generally small offices in each State that expand access to the humanities and that allows for a focus on local history, local literature, and local culture. They serve the very important function of helping us understand who and what we are.

The bill also funds the National Endowment for the Arts at its current level. NEA programs support our many performing arts' companies throughout the United States and our museums and also help fund the State arts councils.

In both instances I wish we had been able to provide additional funding but there will be an opportunity to revisit these programs next year.

LABOR-HHS

I am pleased about the increase in funding over the House and Senate levels for educational technology. I share some of the conferees' concerns over the educational technology program and believe that increased efforts must be undertaken to insure that technology advances learning and curriculum goals and that we understand how technology contributes to improved student performance. Over the years, we have come to understand that students' learning patterns may vary widely; technology offers us the opportunity to consider and to respond to the various ways in which an individual learns.

Of vital importance to Nebraska is the Impact Aid Program. Our commitment to militarily impacted and Native American districts is a Federal obligation; in fact, by shirking our responsibility to these districts, we create yet another unfunded Federal mandate. For fiscal year 1997, we were able to increase funding by $37 million over fiscal year 1996 to $730 million for Impact Aid districts, including additional funding for our heavily impacted, section F districts, such as Bellevue.

Equally important, this year's appropriations bill includes increased funding for the title I and Safe and Drug-Free Schools programs, both of which have proven to be successful programs here in Nebraska for the benefit of our students. Title I for disadvantaged students receives a $470 million increase over fiscal year 1996 which brings the total for fiscal year 1997 to $7.7 billion. This will enable us to serve nearly a half million more children. Safe and Drug Free Schools—a program for which I have heard many accolades from Nebraska educators and administrators—receives an additional $90 million over 1996 funding, for a total of $556 million.

Increasingly, concern exists among both students and their parents regarding escalating college costs. We are providing increased funding which will allow 3.8 million students to receive aid while also increasing the maximum award level to $2,700, a $230 increase. For fiscal year 1997, a total of $7.6 billion will be available for student financial assistance—$1.3 billion above the previous year's appropriations.

Job training efforts will also benefit from increased funding levels. I am especially pleased to see Summer Youth Employment and Training funded at $871 million. This program provides vital funding for youth summer jobs.

I am also pleased to see that the Health Careers Opportunity Program was funded at $26.8 million—an increase of nearly $3 million over fiscal year 1996. This award goes to medical schools and other medical professional training programs that recruit and train minority and disadvantaged students.

TREASURY-POSTAL

We were able to include funding, which the House had rescinded, for the National Archives for an on-line, interactive data base available via the World Wide Web. It provides unprecedented access to the National Archives' vast holdings. The National Archives holds a rich and priceless resource that, until now, has had limited access for a relatively small number of people. I feel strongly that information held by government at all levels should become more accessible and usable by the average American citizen. The treasures maintained by the National Archives should be accessible to all Americans—not just researchers who reside near College Park, MD, or those individuals who can afford a trip to Washington, DC or those who are fortunate to have a Federal archives facility located in their State.

The increase of methamphetamine use in the Midwest is a serious problem. I am pleased to see that this bill includes $8 million to designate the Midwest States of Nebraska, Iowa, Missouri, South Dakota, and Kansas as a high-intensity drug trafficking area [HIDTA]. This designation will provide added law enforcement resources to these Midwest States and will allow law enforcement officials in these States to conduct a coordinated tracking and enforcement effort.

Mr. President, let me restate my disappointment in the process that accompanied this spending bill. I firmly believe that every program and project that is funded with taxpayer dollars deserves the full scrutiny of all Americans, and should not be conducted in back-room negotiations. Two of the bills included in this package—those funding the Departments of Labor, Health and Human Services and Education and the Departments of Commerce, Justice and State—were never considered on the Senate floor. Further, funding legislation for the Department of the Treasury and the Postal Service as well as the Department of Interior were partially considered, but never finished.

Indeed, Members of this body—from both sides of the aisle—were denied the opportunity to offer pertinent, important amendments to these funding bills or to be heard simply because the process of debate and discussion was brought to an abrupt end and replaced with back-room negotiations. Mr. President, this is not the way policy should be made.

Last year we needed to pass several continuing resolutions—temporary funding measures—before we finally came to an agreement on spending levels for fiscal year 1996. We did not finish our appropriations work until April of this year. And that came after having to shut the Government down three times, which resulted in the additional expenditure of taxpayer dollars.

When faced with explaining why the Government spends hard-earned taxpayer dollars on any program or project, I believe that it must be able to pass the coffee shop test. That is to say, it must be defendable in a coffee shop in Fremont, North Platte, or O'Neill, NE, or any small town in the United States. After all it is their money we are spending. So at the very least, we as elected officials owe it to the people we represent to openly debate the merits of Government spending on the Senate floor.

I thought the Republican leadership had learned the lesson last year that getting our work done as legislators and representatives was the most important matter—not individual or political glory. And while this year we are not in the same situation of having a temporary funding measure—and a Government shutdown has been avoided—things are not that much different. I truly believe the American people have been shortchanged again.

Yes, I am glad the task is complete. And I am pleased, for the most part, with what I know is included in this funding legislation. But, Mr. President, I am concerned that the process—and perhaps this institution—has been slightly diminished. Diminished because the appearance and the reality is that our duty as legislators—and the interests of the American people—took a backseat to the interests of campaigning for reelection. During a time when we face an increasingly skeptical electorate, we can ill afford to continue this trend.

OMNIBUS CONSOLIDATED APPROPRIATIONS BILL

Mrs. FRAHM. Mr. President, I want to take just a moment to explain my vote in opposition to the omnibus consolidated appropriations bill. To me, the title of this bill goes a long way in explaining why I am skeptical about its content. When Congress delivers an omnibus spending bill, taxpayers should grab for their wallet. I wish to commend the tremendous effort of Chairman HATFIELD to bring together a bill that would satisfy the priorities of all of those involved. Indeed the chairman has been extremely generous to my State of Kansas. But I must protest a process and a final product that abdicates Congress' responsibilities to unselected officials who have no constitutional role in the power of the purse; a role relegated by Constitution solely to the Congress. I am speaking of President Clinton's Chief of Staff who sat in, with veto power over the deliberations of the house and Senate conferees.

I am at a loss to explain why those who maintain such an abiding commitment to reforming Congress and to cutting wasteful spending have cast their vote in support for this bill. If nothing else this bill represents business as usual. It is 16 pounds, 2,000 pages, and has no accompanying report, making it impossible to determine exactly where the money is going. Eight billion to jump start the war on drugs is just one example. What does that mean? To what programs will that large sum be directed? It sounds like a positive move, but it has no accountability. We shouldn't be making political statements of that magnitude with the taxpayers' money. As I have noted, this bill represents a total abdication of our constitutional responsibility. In short, it is a cop-out in our responsibility to the taxpayer.

I do not favor another Government shutdown. As Lieutenant Governor and secretary of administration with responsibility for the State employees of my State of Kansas, we were forced to furlough workers from their jobs, through no fault of their own because the President wanted to make political hay. Sadly, it was the Congress that received the blame. It seems that in Washington, if you lose the battle of the spin control, good policy and good Government don't matter. So cowed by the specter of another Government shutdown are Members of Congress that the political courage to get our job done, to make the tough calls and to provide a responsible spending package evaporated with the hint of misdirected public ire. Spin has once again won over responsible policy.

Senator after Senator has come to this Chamber to express their concern over the process that cobbled this bill together. The pork and largess included have been decried. But I don't see much willingness to confront the problem and fix it. That is what troubles me. This is not a good bill and Members know it. They have said so. I am saying so.

When I came to the U.S. Senate I pledged to the people of Kansas that I was prepared to make the tough calls. From my first vote, a vote to balance the budget and get the country's financial house in order, I have been committed to that pledge. So it is in keeping with my pledge that I cast my vote against this bill.

TRIBUTE TO SENATOR KASSEBAUM

Mr. PELL. Mr. President, I have had the honor and privilege of serving with Senator KASSEBAUM on both the Committee on Foreign Relations and the Committee on Labor and Human Resources and, I must say, that service together has always been, for me, a pleasure.

Senator KASSEBAUM has served on the Labor Committee from the 101st through the 104th Congress. In the 101st and the 102d she served as the ranking member of the Subcommittee on Education, Arts, and Humanities. During that period, we worked most closely and successfully together on matters such as the reauthorization of the Carl Perkins Vocational Education Act in 1990, Library Services and Construction in 1990, and the Higher Education Act in 1992. We worked in the strong bipartisan fashion that has traditionally been the hallmark of the subcommittee.

In the 103d Congress Senator KASSEBAUM became the ranking member of the full Labor Committee, and we continued to work closely together on such important matters as Goals 2000 and the reauthorization of the Elementary and Secondary Education Act in 1994.

Most recently, I have been proud to work with her in her present capacity as chairman of the Labor Committee in this, the 104th Congress. Her Workforce Development Act provided a much-needed overhaul and consolidation of our job training programs, and it also contained a series of very strong and positive vocational and adult education provisions. I supported the legislation both in committee and on the Senate floor, and regret very much that the Senate bill did not prevail.

Similarly, Mr. President, we served together since the 97th Congress on the Committee on Foreign Relations. There, to my enormous regret, the tradition of bipartisanship is not quite as well entrenched, but partisan conflicts were never caused by Senator KASSEBAUM. She always conducted herself in the most rational, informed and moderate fashion.

I would add that, in her years on the committee, she developed a remarkable expertise regarding the continent and the countries of Africa and an accompanying—and admirable—dedication to the often neglected peoples of that continent. During those years she traveled often to Africa, came to know its geography, and developed relationships with its political and business leaders. I think it is fair to say that she was unrivaled as the Senate's expert on Africa and African issues.

In the years we have worked together on both committees, I can say without question that Nancy KASSEBAUM has always been thoughtful, considerate, and gracious. I can also say that she is tenacious and determined. But most of all, she brings all of those traits together in the most marvelous way. I know that I am not alone in this assessment. Everyone in this Chamber knows that is the way it is with this gentlewoman from Kansas.

While I also will not be here next year, I know for sure that this body will not be the same without her principled and sensible approach to public policy. She will be sorely missed.

TRIBUTE TO SENATOR PRYOR

Mr. PELL. Mr. President, the departure of our dear friend the junior senator from Arkansas [Mr. PRYOR] from the Senate will leave a void that will be hard to fill. His special qualities of modesty and quiet accomplishment are all too rare. I have always greatly appreciated his decency and courtesy and his true sense of compassion. He epitomizes the sense of comity and civility which to my mind should pervade the body politic.

I wish for the sake of the Senate and the Nation that Senator PRYOR could stay longer. But he leaves now with the fullest possible measure of respect and affection of his colleagues. I wish all the best for DAVID and Barbara Pryor in the years ahead, and want them to know that they will always have my warmest friendship and admiration.

TRIBUTE TO SENATOR NUNN

Mr. PELL. Mr. President, we who have the privilege of serving in this body soon find that we may not always be in agreement with friends and colleagues for whom we have high regard.

The senior Senator from Georgia (Mr. NUNN) is such a colleague. I have always found him to be a man of singular ability, rectitude and decency. He came here as a youthful successor to a legendary predecessor, Senator Richard B. Russell, and quickly established himself as a serious and studious Member who could and did thoroughly master the intricacies of national defense policy.

Senator NUNN's term of service coincided with the last two decades of the cold war, and he leaves his mark as one of the architects of U.S. defense policy during that trying epoch. I sometimes found myself in disagreement with his emphasis on large defense budgets, since I was primarily committed to the cause of arms control and restraint in the nuclear arms race. History seems to have demonstrated that it took a balance of the two views we represented to assure our national survival.

Senator NUNN and I not only shared a common preoccupation with the major international issues of the time, but we brought to the task one very basic common thread of experience which may have colored our responses, and that was the fact that we were among the few members of the Senate who had served in the U.S. Coast Guard. I served as an enlisted man on convoy duty in the North Atlantic in World War II and SAM NUNN enlisted as a seaman some 20 years later when the world faced other stresses.

SAM NUNN leaves the Senate at a relatively early age with a solid record of accomplishment. I wish him well in the years ahead.

TRIBUTE TO SENATOR HATFIELD

Mr. PELL. Mr. President, as my own time in the Senate draws to a close, I find myself reflecting on those people and events that I will remember always.

A man who holds a unique place in my regard and that of many others in the Senate is the senior Senator from Oregon (Mr. HATFIELD). He came to the Senate in 1967, 6 years after I did, and he has become a Senator known for his intelligence, acuity, grace, and for love of his State and country.

The State of Oregon has a fine heritage. Mr. HATFIELD has a number of distinguished predecessors. A fellow Oregonian, Senator Wayne Morse, voted in 1964 against the Gulf of Tonkin Resolution that provided the congressional blessing for what later became the Vietnam War.

MARK HATFIELD was not in the Senate at that time. He was then Governor of Oregon. But in 1965 MARK HATFIELD cast the only vote at the National Governor's Conference in opposition to a resolution supporting President Johnson's Vietnam war policy.

He has taken other principled and unpopular positions over time. In 1981 he joined with my friend, the senior senator from Massachusetts (Mr. KENNEDY) in spearheading the Senate campaign for a nuclear freeze.

He has been a constant advocate of restraint in the nuclear arms race, limits on defense spending, an end to nuclear testing and a code of conduct in international arms transfers.

Some of Senator HATFIELD's efforts such as the Nuclear Freeze in the 1980's or the effort in the last several years to enact the code of conduct on arms transfers have not come to fruition. Other endeavors, such as his effort to bring about a comprehensive test ban have been smashing successes. It was Senator HATFIELD's own initiative in 1992 as ranking minority member of the Committee on Appropriations that led to the U.S. moratorium on nuclear testing and led to the eventual ending of testing by all the nuclear powers and the completion this summer of a Comprehensive Test Ban Treaty.

Like John the Baptist, MARK HATFIELD has often been a voice crying in the wilderness. It is not however a role in life he has regretted. He has felt obligated to speak his convictions and to let his judgments be known throughout his Senate career.

Mr. President, as a naval lieutenant (j.g.) in the Navy, MARK HATFIELD commanded landing craft in some of the bloodiest battles World War II in the Pacific. He was one of the first military officers to enter Hiroshima after the atomic blast destroyed that city in 1945. I was in the North Atlantic in Coast Guard escort duty during World War II, and I know some of the emotions MARK HATFIELD's experiences must have stirred in him and the feelings that remain after. I can tell you that, if you have seen combat, it is quite possible for you to become zealous in your desire to find solutions other than war and other than military buildups to the problems you face. Among other things, having seen combat, you do not want to capriciously subject your children or anyone else's children or loved ones, to the horrors of war.

The needless and pointless sacrifices of some conflicts, such as Vietnam, weighs heavily if you are in the position of participating in important national decisions, as MARK HATFIELD has been.

Senator HATFIELD has spoken to us all on the floor with great eloquence over time about the value of arms control and of the importance of peace to all Americans. In 1990, he told the Senate:

> Peace is not the town in Pennsylvania which last year was forced to cancel its high school graduation because officials believed that a group of students planned to commit suicide at the ceremony. And peace is not here in Washington—where after leading the Nation in murders last year, children are beginning to show the same psychological trauma as children in Belfast, Northern Ireland.
>
> Can we really believe that the decisions we have made—and are making—do not have a direct relationship to the violence which plagues our Nation?
>
> I suggest that we consider changing the motto on our coins. Mr. President, It now reads: In God We Trust—but by blindly pursuing the nuclear arms race, by putting the destruction of life over the preservation of life, we have foresaken our trust in God. We have shaken our fist at God—as E.B. White once put it, we have stolen God's stuff. Our motto ought to be: In Bombs We Trust. That is our national ethic—that is the example we are setting—here, on this floor.

In a time when too many opinions are formed on the basis of the latest polling results, it is good to have among us a Senator like MARK HATFIELD who moves unswervingly ahead toward what he perceives on the basis of his intelligence and experience to be the best course for the Nation and to continue the avid pursuit of what he sees as truly best for all of the people of America.

In his 30 years in the Senate MARK HATFIELD has tried time and again to do what is right. He has been willing to live with defeat, but he has been steadfast in his willingness to try and try again, so long as a chance at victory is in sight.

Mr. President, I am sure that the voters of Oregon, of Rhode Island, and of other States will do their best to make good choices in the next election. We will be replaced by people with different skills and capabilities, and many of them will have distinguished careers here in the Senate. There will not be another MARK HATFIELD, however. The nation should be thankful that it has been blessed with Senator HATFIELD's service.

TRIBUTE TO SENATOR SIMON

Mr. PELL. Mr. President, I first met the senior Senator from Illinois [Mr. SIMON] some 40 years ago in Moscow when we found ourselves sitting next to each other at the Bolshoi Ballet. Little did we ever think that our paths would intertwine so closely in the years that were to follow.

After PAUL came to the House of Representatives in 1974, we found ourselves in close collaboration in advancing the cause of education. We worked together on a myriad of education issues when he was chairman of the House Subcommittee on Postsecondary Education. When he came to the Senate more than a decade ago, he joined me on the Education Subcommittee and we have worked even more closely together on education issues since.

There is no Member of either House whose opinion on education issues I respect more. PAUL SIMON is the person we turn to for guidance on the subjects of literacy and adult education. His is the counsel I have valued most in higher education, on issues such as TRIO, institutional aid, international education, graduate education, foreign language instruction, and student aid. Even when we disagreed, as we did on direct loans, I listened to what PAUL SIMON said, and I have had a deep and abiding respect for his advocacy of that cause. While I have normally deferred to PAUL on library issues, I must candidly admit that the opinion of Jean, PAUL's wonderfully talented wife, carried equal weight on those matters.

During PAUL's first term in the Senate, our paths were to become further intertwined when he became a member of the Foreign Relations Committee. During his 8 years as a member of the committee he brought to its work the energy, creativity, and intellectual capacity which are his hallmarks. Much of that time he was chairman of the Subcommittee on Africa and he was tireless and eloquent in urging the committee's attention to the plight of that often neglected continent.

PAUL SIMON is very much an internationalist and he made important contributions in such areas as human rights, arms control, and foreign assistance. I deeply appreciate having him as an ally in the efforts to reinvigorate the Arms Control and Disarmament Administration and to restrain the proliferation of weapons of mass destruction. He was a true stalwart.

Finally, Mr. President, he brought his passion for the teaching of foreign languages to the field of foreign policy. He consistently pressed the State Department to broaden its foreign language capabilities and every State Department nominee knew that, during a nomination hearing, Senator SIMON was likely to grill him or her on how fluent they were in the language of the country to which they had been assigned. Alas, too often Senator SIMON learned that the fluency was minimal, but he never ceased to press the Department to improve.

Throughout the period we have worked together, I have never failed to be impressed by the depth of PAUL's knowledge, the quiet deliberation with which he pursued his goals, the strength of his convictions, and perhaps most important, the wisdom of his counsel. I can think of no more decent and dedicated public servant.

OMNIBUS APPROPRIATIONS

Mr. FAIRCLOTH. Mr. President, yesterday, I was 1 of only 15 Senators to vote against the omnibus spending bill.

Mr. President, I deplore the process by which this bill was created.

Mr. President, when the Republicans took over the Congress—the Democrats were spending about $503 billion on domestic programs. Last year, after holding firm on principle we cut that to $488 billion. Now that number is back up to $503 billion.

Because we already have a $5 trillion debt, the billions in new spending represent a new 30-year obligation for our citizens. This is an obligation that we cannot afford.

Next year, we will have to cut $10 billion to get back on track and keep our commitments under the 1997 budget resolution. The budget resolution was the blueprint by which we would achieve a balanced budget in 7 years by the year 2002. We have already changed the plan and this is just year one.

There were supposed to be offsets to this new spending. But they were phony offsets.

The so-called refinancing of the savings insurance fund for the S&L problems is really coming from the banking industry. That money is to be used in a separate fund in case of future S&L failures. But the Congress has decided that we should use it to offset more spending.

We cut the defense budget further. Yet, the defense budget, in real dollars, has been cut in half since 1984.

While the President says on the campaign trail that he is not a liberal his aides were back here in Washington forcing us to spend more money on more liberal programs, cutting defense, and using accounting gimmicks to justify all of this.

This kind of game has gone on for too long, and it has to stop.

If we care so much for the children, why don't we leave them a country that is less in debt, not more in debt.

The wasteful spending that is littered throughout this bill is truly astounding. More foreign aid spending. Over $200 million for the United Nations, a bloated, wasteful bureaucracy. Over $200 million for the Advance Technology Program in the Commerce Department—this program has principally been known as the prince of corporate pork—serving Fortune 500 companies.

This is $40 million more for D.C. schools, even though they spend $9,000 per student, more than any other city in the United States.

And, $196 million for Howard University in the District of Columbia, $4 billion more for the Department of Education, $82 million for the National Endowment of the Arts, $1.6 million for the Kennedy Center, money for a new defense program called Security at International Sporting Events, $9 million for 100 percent guaranteed international housing loans, $1.9 million for supervision of the Teamsters election, $27 million for debt restructuring with Latin America countries, $19 million for the International Fund for Ireland, $5 million for the victims of Chernobyl, and the creation of a new Middle East Development Bank in which we authorize over $1 billion to be spent.

Mr. President, can we really afford this kind of spending. If we can't stop it where is it going to stop. This is the reason why I voted against this bill.

Now, Mr. President, I am grateful for the funding for Hurricane Fran in my State. This money will be helpful to that State, but my concern was that in order to vote for that funding—so much waste was attached to the bill—that on balance North Carolinians would be worse off for it.

Mr. President, finally, I am disappointed with the results of the illegal immigration bill.

Once again, the President campaigns like a moderate, but those are not the policies he advocates in Washington.

How can we stop illegal immigration if we continue to provide benefits to those that come here illegally.

The President has essentially forced ever school district in this country to educate, at taxpayers expense, children of parents who are in this country illegally. What kind of respect for the law does this demonstrate.

Mr. President, this Congress has made great progress on many issues. We fell just one vote short of getting a constitutional amendment to balance the budget. We made great strides in cutting spending. But in the wee hours of the morning this weekend, we had to give the President what he wanted or else he, not us, would have shut the Government down.

This is a shame, but next year the process will start again, and we have to be dedicated to reducing this debt on the American people by reducing the kinds of waste that we approved yesterday.

Thank you Mr. President, I yield the floor.

FAREWELL TO RETIRING COLLEAGUES

JIM EXON

Mr. HATCH. Mr. President, it has been a real pleasure serving with JIM EXON in the Senate. I have always admired his independence, dedication to his fellow Nebraskans, and his sense of humor.

As a small businessman, he brought an important perspective to our consideration of legislation; and as a former Governor, he never forgot about the important role of State governments.

On matters ranging from the budget to agriculture, in the minority or in the majority, he demonstrated amazing technical expertise as well as skillful and fair handling of debate.

I will miss Senator EXON and wish him the best in all his future plans.

NANCY KASSEBAUM

I want to congratulate our colleague from Kansas, NANCY KASSEBAUM, for her adroit and amicable leadership of the Senate Labor and Human Resources Committee.

As one who has "been there, done that," I can say with authority that she has led the committee expertly and fairly; and she surely deserves our commendation for delivering landmark health insurance reform legislation as well as so many other important measures in public health and education. And, no matter what side of a contentious labor issue one happens to be on, every Senator should admire the courage with which Senator KASSEBAUM tackled issues in labor and employment policy.

I know that NANCY is devoted to her family, and I can well appreciate that her future occupation is reported to be that of grandmother. It may be the only calling higher than leading public policy in some of the key and most pressing domestic and foreign policy issues. But, perhaps she will be training the next generation of Landons to follow her example of distinguished public service.

CLAIBORNE PELL

The Senate will indeed be a very different place as we say goodbye to our third most senior Member, the senior Senator from Rhode Island, CLAIBORNE PELL. Senator PELL has served the State of Rhode Island and our country extraordinarily well for over 35 years.

While Senator PELL has put his indelible mark on foreign policy as a long-time chairman and ranking member of the Foreign Relations Committee, it was through our common membership on the Labor and Human Resources Committee that I know him best.

Senator PELL will long be remembered for helping millions of young people achieve success by making a college education more accessible through the grant program which bears his name. He has helped more people gain access to the arts and cultural enrichment programs by sponsoring the law establishing the National Endowments for the Arts and Humanities.

It is hard to name a single education initiative that he has not been instrumental in enacting.

And, I might add, Mr. President, that Senator PELL's unfailing sense of civility and decorum, his insistence on fair debate, and his staunch adherence to agreements honorably entered into were without a doubt a major reason that so many education initiatives were not only enacted into law, but were enacted with strong bipartisan support.

I join my colleagues in expressing all best wishes to Senator PELL and his family.

MARK HATFIELD

The Senator from Oregon has brought a level of service and integrity to the Senate, this country, and his State that can be compared to few.

As chairman and ranking member of the Appropriations Committee, he has at once one of the most powerful positions in Congress and one of the most thankless. On the one hand, he has used his prerogatives to advance public policy, not personal gain; on the other hand, he has tirelessly struggled to fairly and effectively reduce Federal spending. Senator HATFIELD has always been able to rise above the pull and tug of competing interests to craft bipartisan and fair appropriations bills.

I will remember Senator HATFIELD for many things—his intelligence, his spirit, his character, his willingness to put aside partisan politics to achieve essential goals, and, of course, his friendship.

Despite our common objectives on a number of important issues, such as balancing the budget, abortion, and balanced land use policy, we have not agreed on every matter. But, what I will remember is the deep personal conviction that Senator HATFIELD brought to all that he did.

It is a sad day for us to lose his experience, knowledge, and character in this body. He will be sorely missed by me, the Senate, the State of Oregon, and, I believe, the country as a whole.

PAUL SIMON

Mr. President, it was my pleasure to participate in the "bow tie" tribute to the retiring senior senator from Illinois, PAUL SIMON. I want to thank him for his 12 years of contributions to the Labor Committee, which overlapped with my tenure as chairman and ranking member, as well as his decade of service on the Judiciary Committee.

Senator SIMON was, among other things, a champion of literacy programs to assist individuals and families achieve their full potential. PAUL SIMON knew that learning and personal fulfillment comes from walking through open doors—doors that exist in the written word. Without the key to unlock the door, people can become prisoners not just to welfare, but also to an extremely small universe of possibilities. I, for one, will remember Senator SIMON's tireless advocacy of literacy efforts—a passion he held in common with our former First Lady, Barbara Bush.

But, I will also remember the political courage and dedication PAUL SIMON demonstrated in our fight to pass a balanced budget amendment to the Constitution. As a believer in a strong central government, it would have been easy for Senator SIMON to ignore the problem of growing national debt. But he did not. I have rarely seen a Senator work harder on a piece of legislation.

Senator SIMON is going to pursue one of his first loves—teaching—at Southern Illinois University. His students' gain is the Senate's loss.

HANK BROWN

The election of HANK BROWN in 1990 was a great day for Colorado and for the Senate. The West had in HANK BROWN an energetic and diligent voice for balance and common sense.

No Senator was ever able to put anything past him—he was always prepared. He was always an articulate and forceful advocate for his position and always amicable in his approach.

HOWELL HEFLIN

Mr. President, it is hard to imagine the Judiciary Committee convening in the 105th Congress without the Judge. The discerning chairman and ranking member of the Courts Subcommittee, Senator HEFLIN has been a vigilant defender of the third branch of our Government.

As a former jurist, he has approached the committee's work with temperance and a strong respect for the Constitution. His deliberative nature is demonstrated by the fact that often no one on either side of an issue knew how Senator HEFLIN would vote.

Once again, I want to extend my appreciation to him for his hard work toward passage of the flag protection amendment. We could not have come as close as we did without his enthusiastic support.

BILL COHEN

Mr. President, I wish to honor the service of one of this body's most respected members, the senior Senator from Maine, Senator WILLIAM COHEN. I regret that our youthful colleague has decided not to run again. He has served the people of Maine well, and I believe they were prepared to reelect him for his fourth term in November. Our colleague has chosen, instead, to engage his substantial talents in other pursuits, pursuits I am sure will serve his home State and this country.

Those who study the careers of the Members of the Senate will know that Senator COHEN has demonstrated an analytical mind, a determination to the search for solutions, an intolerance for negativity, a commitment to civility in government, and an appreciation for public service in its best sense.

I had the pleasure of working with the senior Senator from Maine on a number of committees, including the Judiciary Committee. As chairman of the Intelligence Committee, it was always very clear that he took his responsibilities extremely seriously. He was a master of detail; and, for his work, the intelligence community owes him a great debt.

We know the Senator has spoken in the past several months about the difficulties of the current political climate, and the challenges of seemingly intractable budget issues. What is admirable about Senator COHEN is that he never became a naysayer of government: Senator COHEN believes that members are elected to government to find solutions, not to denounce the institutions they serve. Senator COHEN believes in good government, because Senator COHEN practiced good government.

This is the type of attitude that serves not only the best interests of government, but presents the most positive aspect of government to an increasingly disillusioned public. Senator COHEN embodies this character, and by doing so upheld the dignity of the U.S. Senate.

Senator COHEN has a long professional life before him. I know he will continue to serve the people of Maine while promoting free trade with that great State and the nations of Asia. By doing so, he will continue to promote the positive-sum solutions that he will be known for finding while serving this body. And, perhaps if we are lucky, there will also be another book or two from the Senate's most celebrated author.

BENNETT JOHNSTON

Mr. President, I rise to pay tribute to my good friend from Louisiana, J. BENNETT JOHNSTON, who will retire once the curtain is drawn on the 104th Congress.

Senator JOHNSTON has proven to be a stabilizing and reasonable voice on the many critical issues that have come before the Senate Energy and Natural Resources Committee, where he has served for 24 years, 16 of them in a leadership capacity as either chairman or ranking member. Every piece of legislation or proposal that has been considered by that committee during this time has reflected his knowledge on energy matters and represented his fine and exemplary legislative skills.

For example, he was a primary factor in the dismantling of the price control structure of petroleum during the 1980's. This case alone shows the commonsense approach he has undertaken over the years to address our Nation's energy policies. In addition, he has shown very progressive leadership and insight on regulatory matters involving the Federal Energy Regulatory Commission.

We Utahns owe Senator JOHNSTON a debt of gratitude for his understanding and attention to energy and natural resource issues critical to our State, including the Central Utah Project, grazing and mining reforms, Payments-In-

Lieu-of-Taxes, and our school trust lands. While BENNETT may not have hailed from the West, we have appreciated his sensitivity to Federal initiatives that particularly affect the West.

Throughout his tenure on the Energy and Natural Resources Committee, he has always said that if a State's two Senators supported a specific proposal that affected their State, he would not stand in the way to its becoming law. Despite his possible differences with these proposals, he has remained true to this principle. This was most apparent during our recent debate on a Utah BLM wilderness proposal, during which he helped craft release language that was more acceptable to many of our colleagues. In the end, he supported our bill when it came to the Senate floor. One of the best things that can be said about a departing Senator is that he was true to his word, and BENNETT JOHNSTON always was.

Mr. President, BENNETT JOHNSTON has been reasonable and diligent; he has been a servant of the environment and a protector of our natural resources. There is no doubt that he will be missed.

ALAN SIMPSON

Mr. President, what can I say about AL SIMPSON, my good friend and colleague from Wyoming? He is a genuine original.

Not only have we worked together over the years on issues pertaining to the West, but we have served together on the Judiciary and Finance Committees. I am pleased that, literally in AL's final hours as a Member of the Senate, the illegal immigration bill was finally passed. AL SIMPSON has many achievements to his credit, but I believe he will be most remembered for his strong commitment to preserving the integrity of America's borders. He worked tirelessly on this legislation, and we are going to miss his expertise on these issues.

On a personal level, we are all going to miss AL's sense of humor. I have often wished I could be as fast with a quip as AL SIMPSON. Since AL is also headed off to academia, I can only imagine the waiting list to get into his classes.

DAVID PRYOR

Mr. President, I would be remiss if I did not stand before the Senate to say a few words of tribute to my good friend and colleague from Arkansas, DAVID PRYOR.

This body has been fortunate to have had the capable wisdom of DAVID PRYOR, and I have had the pleasant experience of working closely with him, particularly since my joining the Finance Committee during the 102d Congress.

As is the usual order of business around here, Senator PRYOR and I sat on different sides of many difficult issues. But, on many other occasions we saw eye to eye and worked together to find the right solutions.

Just this year, it was my privilege to join DAVID in sponsoring three important pieces of tax legislation that I know he is proud of—the Pension Simplification Act of 1995, the S Corporation Act of 1995, and the Taxpayer Bill of Rights II. Through the tireless efforts of DAVID PRYOR, these important measures were finally enacted into law.

In every instance he was a gentleman. In the majority or in the minority, DAVID PRYOR has earned the admiration of every Senator in the Senate.

Mr. President, DAVID PRYOR will be missed. His gentle southern kindness and his honesty have earned him the respect of every member of this body. As he moves on to other pursuits, I wish him and his wife Barbara the very best.

BILL BRADLEY

Mr. President, as the 104th Congress draws to a close, I would like to express my best wishes to Senator BILL BRADLEY of New Jersey.

There are few people who can be all-stars in two professions. BILL BRADLEY is one of them. After an illustrious career in the National Basketball Association, he has spent three terms in the Senate. In both occupations, BILL BRADLEY has touched millions of lives through his great example of leadership, hard work, intelligence, team work, and integrity.

Senator BRADLEY has made an impact on each of the committees on which he served over the past 18 years—but none more so than on the Finance Committee, where we have served together for the past 5 years. Although we have not always agreed on issues of national tax, trade, and health care policy, BILL BRADLEY has earned my respect for his dedication to taxpayer fairness, a better and simpler tax code, and his tireless efforts to reduce the budget deficit.

As BILL BRADLEY moves on to the next phase of his already diversified public life, I wish him all the best.

SAM NUNN

Mr. President, all Americans who value a strong national defense will sorely miss the Senator from Georgia. His encyclopedic knowledge of defense issues has contributed not only to a much more efficient use of defense resources, but also greater accountability among defense contractors.

I also believe that Senator NUNN has the distinction, along with Senator THURMOND, of being the best friend our uniformed men and women ever had. SAM NUNN knows that our Armed Forces are the backbone of our defense. Without them, our technology and armaments are useless.

SAM NUNN has been instrumental in defining U.S. defense policy for the post-cold-war era. He leaves us with a blueprint on which we can build our national security strategy for the next decade and beyond. It is a well-conceived theory with a strong practical dimension. His thinking has the power of reasonable prediction of what lies ahead as well as of a clear grasp of the lessons of history.

Senator NUNN has been a thoughtful, hard-working legislator—a great example of what a Senator should be.

I wish him well in whatever his future plans may include.

SHEILA FRAHM

Mr. President, we have not had a chance to know well the new junior Senator from Kansas, but I would be remiss if I did not say to my colleagues how much I admire the way in which Senator FRAHM has jumped into the whirl of the Senate. She took over the seat of one of the giants of the Senate. She has had to become conversant on myriad topics that were already well in play before she got here. She has had to make some tough voting choices. Yet, she did not shrink from any of this.

I want to wish her well and hope she will continue serving her fellow Kansans in other ways.

ENVIRONMENTAL ACCOMPLISHMENTS OF THE 104TH CONGRESS

Mr. KEMPTHORNE. Mr. President, for the past 2 years, our critics have accused Republicans of rolling back environmental standards. Just suggest that an environmental law can be improved, and the critics quickly label you as "anti-environment." When we look back on this Congress, though, I believe that the newly enacted safe drinking water law stands as the true testament to what we're all about. It's not just empty rhetoric; it's real reform that improves the environment, protects public health and reduces unnecessary costs so that all Americans can enjoy clean, safe, and affordable drinking water.

To our critics, I would like to offer three comments.

First, Republicans are committed to protecting and improving our environment. We demonstrated this commitment throughout the Safe Drinking Water Act. We directed the Environmental Protection Agency to target those contaminants that are actually present in drinking water and are found to present a real health risk to humans. We authorized, for the first time, $1 billion annually for a State revolving loan fund so that local communities can construct and upgrade their treatment systems. We provided, also for the first time, tens of millions of dollars for important research on the health effects of contaminants, like cryptosporidium; and we created a new voluntary source water partnership program to encourage communities and landowners to work together to prevent contamination of drinking water before it occurs.

Second, Republicans are committed to making our environmental laws work better. Certainly, our current framework of environmental laws has gone a long way toward addressing the major environmental problems of the 1970's and 1980's, but the problems have evolved and our laws need to evolve with them. Our laws must be more flexible to address the multitude of situations that States and communities face every day. We must work with our partners in State and local governments, not against them. And we must provide more incentives to achieve environmental excellence—more carrots and fewer sticks.

The Safe Drinking Water Act proves that these principles can indeed make our laws better for the environment and reduce unnecessary costs. The Congressional Budget Office reviewed our legislation and confirmed that it "would change the Federal drinking water program in ways that would lower the costs to public water systems of complying with existing and future requirements. On balance, CBO estimates that the bill would likely result in significant net savings to State and local governments."

In signing the Safe Drinking Water Act, President Clinton called the new law, "a model for responsible reinvention of regulations," that "will provide the American people with much greater protection for the drinking water on which we all rely every day of our lives." He's right; and it was a Republican initiative.

And, finally, I would like to emphasize that Republicans are committed to working with our colleagues on the other side of the aisle on the responsible reform of our environmental laws. The environment is not a partisan issue. Our environment is our lifeline and, if we are to preserve it for our children and their children, we must work together. The Safe Drinking Water Act was written with the advice of many public health experts, State and local government officials, and water providers. Republicans and Democrats alike were instrumental in the crafting of all of its provisions. And ultimately, it had the support of every Member of the Senate, virtually every Member of the House of Representatives, the administration, the regulated community and the public. To my mind, that's the model for future environmental legislation.

As this Session and this Congress winds to a close over the next few days, we should pause to look back. We have much to be proud of. Among other things, we reauthorized and significantly improved a major environmental law, the Safe Drinking Water Act. But, looking forward, we have much work yet to do.

Many of you know that I have been working hard this past year on legislation to reauthorize the Endangered Species Act. I had hoped to complete our work on that legislation this year as well, but political and practical obstacles got in the way. So, while we were able to make significant progress this year in resolving many of the problems underlying the Endangered Species Act, final resolution will have to wait until next year and the new Congress. I believe, though, that our efforts this year will pave the way for a bill next year.

There is no single environmental law that is in greater need of fundamental reform now than the Endangered Species Act. More than any other law, the Endangered Species Act truly pits humans against their environment. Loggers in the Pacific Northwest fear that they will lose their jobs—and many have—because of the spotted owl; farmers in Idaho fear that they won't be able to water their crops because of the salmon; and communities in Texas fear that they will lose their sole drinking water supply because of a salamander.

And all to no end. Since it was first passed, the Endangered Species Act has failed to recover a single species to the point that it could be removed from the list of threatened or endangered species. The fact is, we're spending millions of dollars now, putting communities at risk all in the name of protecting endangered species, but we have no clear policy, priorities, game plan, or even ability to measure results. We need to do better—both for the species and for our fellow Americans.

So, when we come back next January, I will pick up where we left off and introduce comprehensive legislation to significantly improve the Endangered Species Act.

It's time that the Endangered Species Act actually saved species from extinction. It's time that the Endangered Species Act treated property owners fairly and with consideration. It's time that the Endangered Species Act minimized the social and economic impacts on the lives of citizens. And it's time that the Endangered Species Act provided incentives to conserve rare and unique species. I believe that we can draft legislation that accomplishes those goals.

Over the next few months, I plan to continue negotiations with my colleagues on the Environment and Public Works Committee, Senators CHAFEE, BAUCUS, and REID, other Senators, and the administration. I will work with them, officials of State and local governments, the regulated community, and others to achieve meaningful Endangered Species Act reform. But, let me emphasize that it must be real reform.

We must ensure that decisions made under the Endangered Species Act are based on good science. All too frequently, species are listed and restrictions imposed on landowners as a result of junk science or no science. That must change.

We must streamline the consultation process under section 7. In just one case in Idaho, for example, a simple bridge was held up for over a year while the National Marine Fisheries Service reviewed a proposed construction plan that had already been approved by four State and Federal agencies. The bridge ended up costing over four times as much as the original approved design because of the National Marine and Fisheries Service. That must change.

We must strengthen the recovery planning process so that the emphasis is not just on listing a species, but also on bringing it back from the brink of extinction. We all agree that recovering species is the primary purpose of the Endangered Species Act, but the Fish and Wildlife Service has only developed recovery plans for about half of the species listed under the Endangered Species Act, and many of those plans are inadequate or have never been implemented. We must establish rigorous standards for recovery plans and require that they be implemented.

We must provide incentives for private landowners to help conserve endangered and rare species. Authorizing low effect conservation plans and multiple species conservation plans is just one way that we can encourage small and large landowners to voluntarily preserve habitat and take other measures to protect species.

And finally, we must be willing to commit more public resources to the cause of protecting endangered species and be creative in our search for funding sources. The Endangered Species Act benefits us all; its costs must not be borne only by a few.

Our job over the next few months and next year won't be easy. These are difficult and emotional issues. But the stakes are too high—the survival of our native wildlife—for us not to succeed.

I look forward to working with my colleagues and the administration to making the Endangered Species Act really work.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Environment and Public Works.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE OPERATION OF THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT—MESSAGE FROM THE PRESIDENT—PM 175

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

I hereby submit the Second Report to the Congress on the Operation of the Caribbean Basin Economic Recovery Act. This report is prepared pursuant to the requirements of section 214 of the Caribbean Basin Economic Recovery Expansion Act of 1990 (19 U.S.C. 2702(f)).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 1, 1996*.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 2161. A bill reauthorizing programs for the Federal Aviation Administration, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4202. A communication from the Acting Administrator of the General Services Administration, transmitting, a draft of proposed legislation entitled "The Pennsylvania Avenue Development Corporation Authorities Correction Act of 1996"; to the Committee on Appropriations.

EC-4203. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida," (FV96-905-1) received on September 27, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4204. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Technical Amendments to the Soybean Promotion and Research Order and Rules and Regulations," received on September 27, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-677. A resolution adopted by the Mayor and City Council of North Wildwood, County of Cape May, New Jersey, relative to the Energy and Water Development Appropriations bill; to the Committee on Appropriations.

POM-678. A resolution adopted by the American Bar Association relative to a multilateral agreement on investment; to the Committee on Foreign Relation.

POM-679. A resolution adopted by the American Bar Association relative to implementation of waiting rooms for children in every appropriate courthouse; to the Committee on Foreign Relation.

POM-680. A resolution adopted by the American Bar Association relative to a recommendation for Violence Against Women Act; to the Committee on the Judiciary.

POM-681. A resolution adopted by the American Bar Association relative to the economic exploitation of persons under 18; to the Committee on Foreign Relation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance:

Report to accompany the bill (H.R. 3815) to make technical corrections and miscellaneous amendments to trade laws (Rept. No. 104-393).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1277. A bill to provide equitable relief for the generic drug industry, and for other purposes (Rept. No. 104-394).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (H.R. 3198) to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes (Rept. No. 104-395).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. PRESSLER. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably one nomination list in the Coast Guard, which was printed in full in the CONGRESSIONAL RECORD on September 27, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that this nomination lie at the Secretary's desk for the information of Senators

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of September 27, 1996, at the end of the Senate proceedings.)

The following Regular officers of the United States Coast Guard for promotion to the grade of lieutenant commander:

Brian C. Conroy
Ronald J. Magoon
Arlyn R. Madsen, Jr.
Chris J. Thorton
Keith F. Christensen
Douglas W. Anderson
Timothy J. Custer
Nathalie Dreyfus
Scott A. Kitchen
Kurt A. Clason
Jack W. Niemiec
Gregory W. Martin
Rhonda F. Gadsden
Nona M. Smith
Glen B. Freeman
William H. Rypka
Robert C. Lafean
Gerald F. Shatinsky
Thomas J. Curley III
Steven M. Hadley
Jerome R. Crooks, Jr.
John F. Eaton, Jr.
Charles A. Howard
David H. Dolloff
Mark A. Hernandez
Stephen E. Maxwell
Robert E. Ashton
David W. Lunt
Abraham L. Boughner
William J. Milne
Glenn F. Grahl, Jr.
Gregory W. Blandford
Anne L. Burkhardt
Douglas C. Lowe
Thomas M. Miele
Eddie Jackson III
Anthony T. Furst
Matthew T. Bell, Jr.
Duane R. Smith
Marc D. Stegman
Kevin K. Kleckner
William G. Hishon
James A. Mayors
Larry A. Ramirez
Wyman W. Briggs
Benjamine A. Evans
Gwyn R. Johnson
Tracy L. Slack
Geoffrey L. Rowe
Thomas C. Hasting, Jr.
John M. Shouey
William H. Oliver II
Edward R. Watkins
Talmadge Seaman
William S. Strong
Mark E. Matta
Richard C. Johnson
Janis E. Nagy
James O. Fitton
Salvatore G. Palmeri, Jr.
Terry D. Converse
Mark D. Rizzo
Mark C. Riley
Spencer L. Wood
Eric A. Gustafson
Ricardo Rodriquez
Christopher E. Austin
Randall A. Perkins III
Richard R. Jackson, Jr.
Timothy B. O'Neal
Pete V. Ortiz, Jr.
Robert P. Monarch
Paul D. Lang
Edward J. Hansen, Jr.
Donald J. Marinello
Paul E. Franklin
Charles A. Milhollin
Steven A. Seiberling
Dennis D. Dickson
Scottie R. Womack
Thomothy R. Scoggins
Ronald H. Nelson
Gene W. Adgate
Henry M. Hudson, Jr.
Barry J. West
Frank D. Gardner
Jeffrey W. Jessee
Ralph Malcolm, Jr.
George E. Eldredge
Donald N. Myers
Scott E. Douglass
Richard A. Paglialonga
John K. Little
James E. Hawthorne, Jr.
Samuel Walker VII
Jay A. Allen
Robert R. Dubois
Gordon A. Loebl
Robert J. Hennessy
Gary T. Croot
Thomas E. Crabbs
Samuel L. Hart
Steven D. Stilleke
Webster D. Balding
John S. Kenyon
Christopher N. Hogan
Douglas J. Conde
Thomas D. Combs III
William R. Clark
Beverly A. Havlik
Donna A. Kuebler
Thomas H. Farris, Jr.
Timothy A. Frazier
Timothy E. Karges
Rocky S. Lee
David Self
Randy C. Talley
John D. Gallagher
Robert M. Camillucci
Robert G. Garrott
Christopher B. Adair
Gregory W. Johnson
Eric C. Jones
Scot A. Memmott
John R. Lussier
Gregory P. Hitchen
Melvin W. Bouboulis
Richard W. Sanders
Melissa Bert
Jason B. Johnson
Anita K. Abbott
Raymond W. Pulver
Verne B. Gifford
Stuart M. Merrill
Scott N. Decker
Joseph E. Vorbach
Peter W. Gautier
Kevin E. Lunday
Matthew T. Ruckert
Brian R. Bezio
Christopher M. Smith
Christine L. MacMillian
Anthony J. Vogt
Joanna M. Nunan
James A. Cullinan
Joseph Segalla
Donald R. Scopel
John J. Plunkett
Gwen L. Keenan
Christopher M. Rodriguez
Richare J. Raksnis
Patrick P. O'Shaughnessy
Marc A. Gray
Anthony Popiel
Graham S. Stowe
Matthew L. Murtha
Christopher P. Calhoun
James M. Cash
Kyle G. Anderson
Dwight T. Mathers
Jonathan P. Milkey
Pauline F. Cook
Matthew J. Szigety
Robert J. Tarantino
Russel C. Laboda
John E. Harding
Andew P. Kimos
Craig S. Swirbliss
John T. Davis
John J. Arenstam
Anthony R. Gentilella
John M. Fitzgerald
John G. Turner

Kirk D. Johnson
Ramoncito R. Mariano
David R. Bird
Leigh A. Archbold
William B. Brewer
Dana G. Doherty
William G. Kelly

The following Reserve officers of the United States Coast Guard for promotion to the grade of Lieutenant Commander:

Monica L. Lombardi
Michael E. Tousley
Laticia J. Argenti
Thomas F. Lennon
Sloan A. Tyler
Donald A. LaChance II
Karen E. Lloyd

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2183. A bill to make technical corrections to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; considered and passed.

By Mr. LAUTENBERG:

S. 2184. A bill to require the Commissioner of the Food and Drug Administration to issue regulations limiting the advertising of cigarettes and smokeless tobacco over the Internet, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN:

S. 2185. A bill to improve Federal environmental policy by providing incentives for State and local growth management and land use programs, and for other purposes; to the Committee on Environment and Public Works..

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2186. A bill to provide access to health care insurance coverage for children; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 307. A resolution electing Gary Lee Sisco of Tennessee as Secretary of the Senate; considered and agreed to.

S. Res. 308. A resolution notifying the President of the United States of the election of Gary Lee Sisco of Tennessee as Secretary of the Senate; considered and agreed to.

S. Res. 309. A resolution notifying the House of Representatives of the election of Gary Lee Sisco of Tennessee as Secretary of the Senate; considered and agreed to.

By Mr. LOTT (for himself, Mr. DASCHLE, and Mr. NICKLES):

S. Res. 310. A resolution commending Kelly D. Johnston for his service to the U.S. Senate; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 2184. A bill to require the Commissioner of the Food and Drug Administration to issue regulations limiting the advertising of cigarettes and smokeless tobacco over the Internet, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE TOBACCO-FREE CHILDREN'S INTERNET ACT OF 1996

• Mr. LAUTENBERG. Mr. President, I introduce the Tobacco-Free Children's Internet Act of 1996, a bill to protect children from the health hazards of tobacco by extending to the Internet existing limitations on tobacco advertisements.

Mr. President, countless studies have demonstrated the persuasive effect that tobacco advertising has on minors. This advertising encourages young people to smoke, which in turn leads to more lung cancer, more heart disease, and more death. As a result, the Food and Drug Administration has now decided to limit tobacco advertising in publications with a significant readership under age 18 to black-and-white text only. This is a significant, positive step, and should substantially reduce the effectiveness of such advertising in appealing to children.

Mr. President, the Internet provides unprecedented access to information to persons of all ages. I believe that the widespread use of the Internet should be encouraged. However, certain material, such as tobacco advertising, is not appropriate for children. In addition to the eye-catching images common in tobacco print advertisements and billboards, cigarette and smokeless tobacco ads on the Internet have one feature exclusive to this medium—they can be interactive.

The indiscriminate bombardment of advertisements on the Internet is also troubling if tobacco ads on this medium are not subject to FDA regulations. To view certain ads, a child need only sign onto an Internet provider. If an online provider decides to use a tobacco advertisement for one of its so-called banner ads, there is no doubt that children will see it. Similarly, a child browsing the World Wide Web for a research project on camels could end up viewing over 300 web pages about or mentioning Joe Camel merely by typing camel on an Internet search program.

I therefore believe restrictions on tobacco advertising should be extended to the Internet. Minors comprise a large percentage of Internet users in our country and this number is increasing. Although this is a welcome indication that our youth has access to information that may not be available at their local library or at their school, I am concerned that minors may be especially affected by interactive tobacco ads.

Mr. President, I understand that the FDA was reluctant to extend their advertising restrictions to the Internet in their last rulemaking because they believed tobacco companies had not yet exploited this medium. It is true that the majority of tobacco ads currently on the Internet are posted by foreigners; however, I am confident that this situation will not last. The Internet is a veritable wild West to the tobacco industry seeking to hook children.

It is my hope that, in addition to applying applicable tobacco regulations to the Internet, the FDA, perhaps in conjunction with the Federal Trade Commission, will develop an effective means of implementing the Surgeon General's warning to Internet advertisements.

Mr. President, I ask unanimous consent that a copy of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tobacco-Free Children's Internet Act of 1966".

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) CHILD.—The term "child" means an individual who has not attained the age of 18.

(2) CIGARETTE.—The term "cigarette" means any roll of tobacco wrapped in—

(A) paper or any substance not containing tobacco; or

(B) tobacco if, because of its appearance, type, packaging, or labeling, the roll wrapped in tobacco is likely to be offered to, or purchased by, consumers as a cigarette.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Food and Drug Administration.

(4) INTERNET; INTERACTIVE COMPUTER SERVICE.—The terms "Internet" and "interactive computer service" have the meaning given those terms in section 230(e) of the communications Act of 1934.

(5) SMOKELESS TOBACCO.—The term "smokeless tobacco" means any cut, ground, powdered, or leaf tobacco that, because of its appearance, type, packaging, or labeling is likely to be offered to, or purchased by, consumers as a tobacco product to be placed in the oral or nasal cavity.

SEC. 2. REGULATIONS.

As soon as practicable after the date of enactment of this Act, the Commissioner shall issue regulations limiting the advertising of cigarettes and smokeless tobacco over the Internet or other interactive computer service within the United States in a manner consistent with the regulations issued by the Commissioner on August 28, 1996, at 61 Fed. Reg. 44396 et seq.•

By Mr. WYDEN:

S. 2185. A bill to improve Federal environmental policy by providing incentives for State and local growth management and land use programs, and for other purposes; to the Committee on Environment and Public Works.

THE LOCAL GROWTH MANAGEMENT INCENTIVES ACT

• Mr. WYDEN. Mr. President, there has been considerable discussion in this Congress about assaults on our environment. But up until now, a serious, stealth assault that threatens our environment, our citizens' health, and quality of life has been essentially ignored.

The threat I am referring to arises not from action that this Congress has taken. Rather, it comes from decades of Federal inaction in the face of haphazard development activities that are slowly degrading the landscape of our states and our communities.

Mr. President, what I am referring to is the wholesale strip malling of America.

If this trend continues unchecked, it will imperil our Nation's productive lands and natural resources, while turning the landscape into an unbroken expanse of suburban sprawl.

This pattern of sprawling, uncontrolled development is in many instances promoted by the Federal Government. Despite the major impacts many Federal programs have on growth and land use, the Federal Government has largely turned a blind eye to the visual blight these programs spawn, let alone the environmental, health and economic impacts of unmanaged growth and development.

Besides turning our landscapes into eyesores, unmanaged growth contributes to traffic congestion that snarls our highways, creating both additional stresses for commuters and additional exhaust emissions that degrade the quality of our air.

Uncontrolled development not only hurts our citizens where they live and breathe, it also hits them in their wallets. Several studies have come out that show the costs of sprawling growth are significantly higher than more compact, managed growth patterns. These studies show that taxpayers can save billions of dollars in public facility capital construction and operation and maintenance costs by opting for growth management.

Time and time again, I'm asked at town meetings what I can do at the Federal level to help manage growth in my home State of Oregon, so our State doesn't get overrun by suburban sprawl.

The answer, Mr. President, is not to create a new Federal program that will embroil the Federal Government in land use decisions that have historically been State and local issues. Rather, what we should do is create incentives to encourage and build on the State and local growth management efforts already underway.

For example, Oregon's pioneering Land Use Act builds environmental and resource protections into the State's growth management and development strategies. But our State gets no credit for this innovative program from the Federal Government.

As a result, Federal development projects in Oregon have to undergo Federal reviews that in many cases duplicate the process under State law. That's bureaucratic overkill.

Oregon and other States that have similar programs should be recognized by the Federal Government both when new Federal development projects are undertaken in these States and when new Federal requirements are imposed.

Today, I am introducing the Local Growth Management Incentives Act. This legislation will give Oregon and other States and localities with good growth management programs the credit they deserve.

Under this legislation, States that have good growth management programs will get several incentives.

First, the legislation directs Federal agencies to take steps to eliminate duplication of studies, environmental assessments, planning and other activities to the extent these actions have already been undertaken under a State or local growth management plan.

Because the State of Oregon and many cities in our State have environmentally protective growth management programs, development projects in our State frequently have to go through layers of duplicative environmental reviews—first at the local level, and then at the State level, and then again at the Federal level. In some cases, virtually identical environmental analyses are required by the different levels of government, each according to different sets of regulations.

Let me cite several examples affecting the Port of Portland in Portland, OR:

The Port of Portland's proposed development of additional marine terminals at Hayden Island in the Columbia River has already undergone extensive reviews and analysis by the city of Portland and by our State agencies. But in order for this project to proceed to the actual development stage, it still must undergo still another round of reviews by two Federal agencies—the Army Corps of Engineers and the National Marine Fisheries Service. The port estimates that if it could just eliminate the duplicative requirements, two or more years of unnecessary delay could be avoided for this project .

The port's efforts to identify better ways of handling materials dredged from around its docks and piers and from the Willamette River navigation channel is subject to two virtually identical, essentially independent environmental analyses, one by the State of Oregon and another by the Corps of Engineers. Avoiding duplication by allowing the Corps of Engineers to rely upon the State analysis could save considerable money for both the port and the Corps and expedite this project.

The port is currently planning further development and expansion at the Portland International Airport, the port's marine terminals, and several port-owned general aviation airports, all of which contain wetland areas. These activities could be facilitated, without diminishing environmental protections, if the State of Oregon's extensive process for addressing the environmental impacts associated with wetlands could be relied upon by the appropriate Federal agencies.

Under my legislation, Federal agencies would have to incorporate, as part of the reviews they require, any relevant reviews and analyses already conducted under State and local programs. This would save the project sponsors considerable time and expense compared to starting the Federal reviews essentially from scratch.

The net effect of this provision is that Federal development projects reviewed and approved under good State and local programs can avoid redundant Federal reviews that increase costs and cause delays with no environmental benefits. If environmental safeguards are already in place under State law, these protections should be recognized when it comes time to develop federally supported projects in the State.

Second, States and localities with good growth management programs will be eligible for extensions of up to 1 year to comply with new Federal requirements, when this additional time is needed to integrate a new Federal requirement with the State or local growth management program. However, additional time would not be provided if an extension of time would adversely affect public health or the environment.

This incentive recognizes that good growth management programs offer a more comprehensive and more long-term approach to protecting our environment than many of the specific requirements imposed by Federal environmental programs. At the same time, coordinating Federal requirements with State and local programs is hard work, as two leading growth management experts point out in their recent book "Land Use in America." For this reason, we should give those States and localities that are undertaking this difficult, but ultimately rewarding effort the extra time they need to do it right.

The same amount of additional time granted to the State or locality would also be provided to any private party in that jurisdiction who is subject to a compliance deadline under the new Federal requirement, unless this would adversely affect public health or the environment. While States and localities are working to meld their programs with Federal requirements, private parties should not be subject to double jeopardy by having to comply first with a Federal requirement and then subsequently with a different requirement after the State or locality modifies its program to meet the new Federal mandate.

Third, Federal agencies conducting development projects and other activities affecting growth must ensure that their activities are consistent with States' and localities' growth management programs. This provision, which is modeled on a similar consistency requirement in the Coastal Zone Management Act, empowers States and localities by giving them the ability to affect Federal activities that could undermine State and local efforts to manage growth locally.

Fourth, my legislation amends the Intermodal Surface Transportation Efficiency Act [ISTEA] to give priority for discretionary spending under ISTEA to any State or locality that has a growth management program that meets the eligibility criteria set out in the bill. Giving States and localities with good growth management programs priority for ISTEA funding will not only provide a financial incentive to establish these programs, it will also help reduce Federal, State, and local transportation costs and even help reduce air pollution from motor vehicles.

The legislation I am introducing is the beginning and not the end of a process. It is my hope that the Local Growth Management Incentives Act will begin a discussion on what the Federal Government should be doing to address the impacts Federal actions have on growth and land use. In the next Congress, I will be looking for additional incentives to offer States and localities so they will develop their own programs to manage growth.

In summary, I think there is an appropriate role for the Federal Government to help States and localities to manage growth so we have smart growth, instead of either uncontrolled sprawl or NIMBY [Not In My Back Yard] efforts to block any kind of growth. I am introducing my legislation today in an effort to jumpstart a dialog on how the Federal Government can promote well-managed, sustainable growth that will best serve our environment, our citizens' health and, our Nation's economic well-being in the 21st century.●

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2186. A bill to provide access to health care insurance coverage for children; to the Committee on Labor and Human Resources.

THE HEALTHY CHILDREN FAMILY ASSISTANCE HEALTH INSURANCE ACT

Mr. KERRY. Mr. President, I am proud to introduce legislation today, joined by my friend, colleague, and esteemed senior Senator, TED KENNEDY, to help ensure that the 10 million uninsured children in this country get the health care they need and their parents get the peace of mind they deserve.

Mr. President, the fact is that most of these 10 million uninsured children have parents who work—90 percent of these uninsured children have parents who work, according to the General Accounting Office [GAO]. And three out of five of these children have parents who work fulltime during the entire year.

Unfortunately, the problem of uninsured children is getting worse, not better—each year, more than 1 million additional children lose private insurance. No parent should have to choose between medicine for a sick child and food for the family. The thought of a mother and father, working hard to make ends meet, waking up in the middle of the night with a child in pain, and waiting to see if the pain passes because they cannot afford to go to the hospital, is a stark image of a national tragedy. Mr. President, American children without health care are alone in the world—we are the only Western industrialized nation that does not provide health care for every child.

I am proposing today with Senator KENNEDY a voluntary subsidy program to help working families to purchase private health insurance for their children. Only families with incomes too high to qualify for Medicaid would be eligible to receive these vouchers. Participation in the voucher program would be voluntary. The premium subsidy would be provided on a sliding scale with families earning 185 percent or less of the poverty line receiving the full subsidy; the subsidy would phase down so that families earning more than 300 percent of the poverty line would not receive a subsidy. Cost-sharing would be limited but everyone would pay something. The proposal includes a comprehensive benefits package with a full range of the essential services needed by children. The total cost of the plan is $24 billion over 5 years and is paid for by a combination of cuts in corporate welfare and a tobacco tax increase. Although it is apparent there is no chance the plan will be enacted this year, with Congress now in its final hour before adjourning prior to the election, we are introducing it as a bill today because we want to place this issue prominently on the national agenda during the next few months preceding convening of the 105th Congress.

Mr. President, I want to discuss 2 of the 10 million compelling reasons to provide basic health insurance to children who are not covered now.

One of the first reasons is a 13-year-old student in Lynn, MA, named Costa Billias. He played football at Breed Junior High and loved the game, but said, "For the past 2 years I gave my best to football, but my mom explained that we were not insured and if I got hurt we would lose our house and everything we own to pay the hospital." He quit the team, but he cannot quit life. If he gets hurt doing something else, his family still stands to lose everything. In addition, I think it is wrong that Costa Billias is being denied the opportunity to play football again.

One more of the 10 million reasons we must pass this bill is the Pierce family. Jim and Sylvia Pierce were married in 1980 and live in Everett, MA. Jim was a plumber and they had three children, Leonard, Brianna, and Alyssa. In October 1993, Sylvia was pregnant with her fourth child when Jim was tragically killed on his way home from the store. In that one horrible minute her life changed forever. She not only lost her husband, but, pregnant and alone, she lost her health insurance as well. Her survivor's benefits made her income too high to qualify for long-term Medicaid, and too low to pay the $400 a month it would take to extend her husband's health plan. Sylvia said, "I've always taken good care of my children. I feed them well; I take them to the doctors immediately when they need it. All of a sudden I couldn't do that anymore.

Mr. President, in addition to the moral imperative, the scientific evidence is overwhelming that lack of health coverage is bad for children, delaying medical care or making it impossible to get. A recent study in JAMA [the Journal of the American Medical Association] found that children with health coverage gaps were more likely to lack a continuing and regular source of health care—even when factors such as family income, chronic illness, and family mobility were factored out. Numerous studies by university researchers and by government agencies show that the uninsured are less likely to receive preventive care (such as immunizations for children), more likely to go to emergency rooms for their care, more likely to be hospitalized for conditions that could have been avoided with proper preventive care, and more likely to have longer hospital stays than individuals with health insurance coverage.

Mr. President, every hour we wait to take this step, another 114 children lose private health insurance. Every 30 seconds we wait, another child loses private health insurance. America's children cannot wait any longer. Families without insurance are forced to pay the full cost of medical services—an impossible burden for struggling families, one that often takes a back seat to putting food on the table and a roof over the children's heads.

Mr. President, this plan is an important, incremental step toward guaranteeing health coverage for all Americans. I urge my colleagues to support it.

Mr. KENNEDY. Mr. President, it is an honor to join Senator JOHN KERRY in introducing this visionary and practical program. Senator KERRY has been a consistent leader in the Senate in fighting for children, for health care, and for working families. This initiative sets a benchmark for the next Congress and the American people. It is a proposal that is a reflection of true family values.

Every American child deserves a healthy start in life, but too many don't receive it. Seventeen industrialized countries do better at preventing infant mortality than we do. A quarter of American children do not receive basic childhood vaccines. Every day, 636 babies are born to mothers who receive inadequate prenatal care, 56 babies die before they are a month old, and 110 babies die before they are a year old.

Access to affordable health care is one of the greatest problems children face. Ten-and-a-half million children under the age of 19 have no health insurance—one in every seven American children. If it were not for the expansions of Medicaid over the past 5 years, the number would be seven million higher. Under Republican proposals to cut Medicaid, four million children would lose their coverage. Employer-based insurance coverage is eroding. Too many pregnant women—more than 400,000 a year—are uninsured, and lack access to critical prenatal care.

Almost all uninsured children are members of working families. Their parents work hard—40 hours a week, 52 weeks a year. But all their hard work does not buy their children the protection they deserve. Every family should have the right to health security for their children. No parents should fear that the loss of a job or their employer's failure to provide coverage will put their children out of reach of the health care they need.

Health insurance coverage for every child is a needed step in the fight to guarantee health care for every family. The cost is affordable. The benefits are great. The opportunities for bipartisanship are substantial.

The legislation we are introducing today is a simple, practical proposal. It imposes no new government mandates on the States or the private sector. It does not substitute for family responsibility. It fosters it, instead, by assuring that every family has the help it needs to purchase affordable health insurance for their children.

Our plan will establish no massive new Federal bureaucracy. Basic guidelines and financing would come from the Federal Government, but the plan would be implemented and administered by States.

The program will make a major difference in the lives of millions of families, but its basic principles are not novel or untested. Fourteen States already have similar programs in place and running. Earlier their year, for example, Massachusetts enacted a program very similar to our proposal.

Under our plan, the Federal Government will assist all families with incomes under 300 percent of poverty to purchase health insurance for their children, if they do not already receive coverage under an existing public program. Families with incomes under 185 percent of poverty will receive a full subsidy. Families with incomes between 185 percent of and 300 percent of poverty will receive assistance on a sliding scale. Between 80 and 90 percent of all uninsured children live in families with incomes below 300 percent of poverty. Even uninsured families with higher incomes might buy coverage for their children if policies designed for children were available. Families with income under 150 percent of poverty will also receive assistance with the cost of copayments and deductibles. Similar assistance will be provided to uninsured pregnant women.

The program will be administered by States under Federal guidelines. In general, States will contract with private insurance companies to offer children's coverage to any family that wants it. Lower income families will receive assistance with the cost of coverage, but coverage will be available to all families at all income levels. Basic rules will guarantee that coverage is adequate and tailored to the special needs of children, especially the need for comprehensive preventive care.

This plan does not guarantee that every child will have insurance coverage, but it gives the opportunity to every family to cover their children at a cost the family can probably afford. It will be a giant step toward the day when every member of every American family has true health security.

The cost of a similar program has been estimated at $24 billion over 5 years. We propose to finance our plan by a combination of tobacco tax increases and closing corporate tax loopholes. The Nation currently spends close to $1 trillion per year on health care. The additional cost of this proposal is substantial, but it is a needed step toward healthier lives for millions of American children and peace of mind for their parents.

In this Congress, we made substantial progress toward improving the health care system. We turned back extreme proposals to slash Medicare and Medicaid. Working together in a bipartisan way, we were able to pass the Kassebaum-Kennedy Health Insurance Reform Act, take a significant first step toward mental health parity, and protect mothers and infants from premature discharge from the hospital. Every Democratic and Republican health plan in the previous Congress endorsed the idea of subsidizing private insurance coverage for children. This proposal should be a bipartisan health priority for the next Congress. I believe it is an idea whose time has finally come.

ADDITIONAL COSPONSORS

S. 1178

At the request of Mr. CHAFEE, the name of the Senator from Kansas [Mrs. FRAHM] was added as a cosponsor of S. 1178, a bill to amend title XVIII of the Social Security Act to provide for coverage of colorectal screening under part B of the Medicare Program.

S. 1385

At the request of Mr. BREAUX, the name of the Senator from Kansas [Mrs. FRAHM] was added as a cosponsor of S. 1385, a bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under part B of the Medicare Program.

S. 2030

At the request of Mr. LOTT, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 2030, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles, and for other purposes.

SENATE CONCURRENT RESOLUTION 73

At the request of Mr. D'AMATO, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Michigan [Mr. ABRAHAM], the Senator from Nevada [Mr. REID], the Senator from Florida [Mr. GRAHAM], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of Senate Concurrent Resolution 73, a concurrent resolution concerning the return of or compensation for wrongly confiscated foreign properties in formerly Communist countries and by certain foreign financial institutions.

SENATE RESOLUTION 307—ELECTING THE SECRETARY OF THE SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 307

Resolved, That Gary Lee Sisco of Tennessee be and he is hereby elected Secretary of the Senate.

SENATE RESOLUTION 308—A NOTIFICATION TO THE PRESIDENT OF THE UNITED STATES

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 308

Resolved, That the President of the United States be notified of the election of Gary Lee Sisco of Tennessee as Secretary of the Senate.

SENATE RESOLUTION 309—A NOTIFICATION TO THE HOUSE OF REPRESENTATIVES

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 309

Resolved, That the House of Representatives be notified of the election of Gary Lee Sisco of Tennessee as Secretary of the Senate.

SENATE RESOLUTION 310—COMMENDING KELLY D. JOHNSTON FOR HIS SERVICE TO THE UNITED STATES SENATE

Mr. LOTT (for himself, Mr. DASCHLE, and Mr. NICKLES) submitted the following resolution; which was considered and agreed to:

S. RES. 310

Whereas Kelly D. Johnston faithfully served the Senate of the United States as Secretary of the Senate during the 104th Congress, and discharged the duties and responsibilities of that office with unfailing dedication and a high degree of efficiency; and

Whereas, as an elected officer of the Senate and as an employee of the Senate and the House of Representatives, Kelly D. Johnston has upheld the high standards and traditions of the United States Congress, from his service on the staff of the House of Representatives from the 96th through the 101st Congress and then on the staff of the Senate from the 102nd through the 104th Congress; and

Whereas, through his exceptional service and professional integrity as an officer and employee of the Senate of the United States, Kelly D. Johnston has earned the high esteem, confidence and trust of his associates and the Members of the Senate:

Now, therefore, be it

Resolved, That the Senate recognizes the notable contributions of Kelly D. Johnston to the Senate and to his country and expresses to him its appreciation and gratitude for faithful and outstanding service.

AMENDMENTS SUBMITTED

THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996 AMENDMENT ACT

DASCHLE AMENDMENT NO. 5424

Mr. MURKOWSKI (for Mr. DASCHLE) proposed an amendment to the bill (S. 2183) to make technical corrections to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF NORTHERN GREAT PLAINS RURAL DEVELOPMENT COMMISSION.

Section 11 of the Northern Great Plains Rural Development Act (Public Law 103-318; 7 U.S.C. 2661 note) is amended by striking "the earlier" and all the follows through the period at the end and inserting "September 30, 1997.".

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 1, 1996, at 9:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

(At the request of Mr. LOTT, the following statement was ordered to be printed in the RECORD.)

TRIBUTE TO SENATOR HANK BROWN

• Mr. CAMPBELL. Mr. President, I thank the leadership for submitting this statement for the RECORD on my behalf during my absence from the Senate due to an accident. Were I able to be on the Senate floor today, I would make a few brief comments about the distinguished senior Senator from Colorado, my colleague and friend, Senator HANK BROWN. As he departs this Chamber after the adjournment of the 104th Congress, his service and contributions to this body, both as a person and a legislator, will leave an indelible impression upon us all.

I believe that anyone who knows Senator HANK BROWN shares my belief that he possesses a great passion for public service and has committed a good part of his professional career to providing the people of Colorado with distinguished and honorable service.

As we reflect on his career, it is apparent that HANK BROWN's leadership abilities were evident at a very early age, and he has built on each successive milestone to achieve great acclaim for himself and for the people of Colorado.

HANK was born in Denver, CO, on February 12, 1940. He received his bachelors degree and law degree from the University of Colorado in 1960 and 1969, respectively. His leadership skills were exemplified as he served as student body president while completing his undergraduate studies. Adding to his collegiate achievements was his ability to also compete and earn a letter as a member of the University of Colorado wrestling team.

HANK served our country as a lieutenant in the U.S. Navy during the Vietnam war. His leadership abilities earned him several decorations—an Air Medal with two gold stars, a Vietnam Service medal, a National defense medal, and a Naval Unit Citation. He also served in the Colorado State Senate from 1972 to 1976, where he was the assistant majority leader for 2 years. In 1973, he was named "Outstanding Young Man of Colorado."

HANK came to Washington in 1980 where he served five terms in the House of Representatives. Following his achievements while representing the people of Colorado's Fourth Congressional District, HANK BROWN was elected to the U.S. Senate in 1990.

His service in the Congress has had many memorable highlights—from creating a wild and scenic designation for the Cache LaPoudre River and working to expand the Rocky Mountain National Park, to playing a pivotal role in pushing through a monumental Colorado wilderness bill. In addition, he has been a vocal advocate in the private property rights movement and has been instrumental in efforts to find innovative legislative solutions while working to achieve a balanced budget.

HANK has also been an outstanding leader on military, foreign policy and trade issues. His efforts to resolve the dispute with Pakistan over certain weapons transfers is certainly a notable highlight. His efforts to forge a compromise between Congress and the administration will greatly serve our national interests as well as those of India and Pakistan.

As the 104th Congress adjourns for the year, we will remember the contribution and leadership that HANK has exhibited throughout his career. I believe each of my colleagues shares my sentiments that we will miss HANK.

As the junior Senator from Colorado, I believe HANK has been a true friend to the people of Colorado and an outstanding legislator who consistently strived to do what was best for our Nation. My friendship with HANK has always transcended political affiliation. He and I were friends when I was a member of the Democratic Party, and that friendship has grown since I've been a Republican. Such an enduring friendship is a rare gift, one I value deeply. HANK and I also have shared many experiences. Both of our wives are teachers. We both raised families in Colorado while serving in Congress.

Let me offer one example of the depth of my friendship with HANK BROWN. He and his wife Nan, once let me keep my horse in their yard at their home in Colorado while I was attending the Greeley Independence Stampede celebration.

Mr. President, I won't give you the graphic details, but suffice it to say, there were a few less flowers and a more fertile environment in that back yard the following morning.

Anybody who has seen the Senators' vehicles parked outside of the Capitol can see that HANK has remained fiscally conservative. HANK's old red pickup is just as famous or should I say infamous, among the Colorado delegation. On days that I'm forced to drive four wheels, both HANK's and my staff debate who drives the worst vehicle between HANK and his old red pickup and me and my old white coupe. With all due respect to my departing colleague, I think you win that contest hands down HANK.

Mr. President, let me close on a serious note. HANK BROWN's presence and wisdom will be sorely missed in this body when the next Congress convenes early next year. I join my colleagues in congratulating and commending him for his public service and wish him and his family well as he moves on.•

SUCCESS OF THE 1996 OLYMPIC AND PARALYMPIC GAMES

• Mr. NUNN. Mr. President, I would like to take this opportunity to recognize the success of the 1996 Centennial Olympic games and the Paralympic games which were held this summer in Atlanta.

The statement made by many that the Centennial games in Atlanta were the greatest ever was right on the mark. The athletes and the spectators who attended the events understand better than anyone the extraordinary success of the 1996 Olympics. In the face of pressures that defy imagination, ACOG staff and volunteers staged an Olympics of breathtaking grandeur and dignity. Our law enforcement and military personnel put together a security force that was unprecedented in its commitment, performance, and cooperation.

I have talked to countless people who attended both the Centennial games and the Paralympic games, and I have talked to numerous individual members of the International Olympic Committee. There was universal praise of the extraordinary job that was done in Atlanta and elsewhere in dealing with events that were unprecedented in their size and scope.

All in all, more than 10,000 athletes and 2 million spectators from around the world participated in the Olympics. In comparison, the Atlanta Olympic games were twice the size of the 1984 Los Angeles Olympics in terms of the number of participants and spectators, and larger than the Los Angeles and Barcelona games combined. More spectators attended women's events at the Centennial games than attended all events in Los Angeles. In addition, Atlanta hosted athletes from 197 countries around the globe. That is an additional 57 countries above the 140 who participated in the 1984 Games. To give my colleagues a point of reference, particularly for the football fans among them, the Atlanta Olympic games were the equivalent of one city hosting six Super Bowl games each day for 17 days straight. So it was a Super Bowl times six, each day for 17 days. That was quite an undertaking.

While much praise should be given to the many workers who contributed to the success of these Games, I would be remiss if I failed to mention some of the athletes who gave it their all in these Games. Who can forget the South African marathon runner, Josiah Thugwane, the first black South African to win a Gold Medal for the unified team of South Africa? Or Naim Suleymanoglu, endeared to all as "Pocket Hercules," who stunned the world by lifting over his head nearly triple his weight?

I will always remember watching Michael Johnson sprint across the finish line. Among America's special heroes was young Kerri Strug, who as you may recall, injured herself on the vault but continued valiantly to make a second leap to help ensure a team gold medal for the U.S. women's gymnastics team. I could spend all day recounting the many heroic and inspirational accomplishments from the Olympic games, but the story from Atlanta did not end there.

Just 12 days after the conclusion of the 1996 summer Olympics, another sporting event of great magnitude occurred in Atlanta. The Paralympic games hosted more than 3,500 athletes from 119 nations, competing in 19 different sports. While not as large as the Centennial games, this was the largest gathering of people with disabilities ever assembled anywhere in the world. Certainly it was every bit as large as the Centennial games in terms of the spirit, heart, and courage of those who competed.

I have been honored to work for a number of years in assisting the Atlanta Paralympic Organizing Committee in preparation for the Paralympics. I consider the opportunity I had to support these games to be one of the highlights of my Senate career. I also had the pleasure of being a spectator at many of the Paralympic events, and I know that the level of skill and achievement shown by these athletes was truly outstanding by any standard.

The opening ceremonies offered a glimpse of what was to come, as a sold-out crowd of over 64,000 spectators watched 36-year-old American mountain-climber Mark Wellman light the Paralympic Torch by pulling himself hand over hand up the 98-foot tower carrying the torch between his legs. Mark was paralyzed from the waist down after a 50-foot fall while mountain climbing 14 years ago. He was soon followed by Hou Bin of China who set a world record in the high jump on the first day of the track and field competition by clearing 1.92 meters, approximately 6 feet, 3 inches. For those of you unfamiliar with Hou Bin, he has only one leg, but that did not stop him from winning the hearts of spectators from around the world as he went on in an attempt to break his own record. While he was ultimately unsuccessful, you would not have known that from the roar of the crowd.

Yet, another stunning performance was that of Troy Sachs who led the Australian men's wheelchair basketball team to victory by scoring a Paralympic record-breaking 42 points. I rank it among the finest basketball performances I have ever seen. Leading the American Paralympic team was Tony Volpentest who set a new world record in the 100 meter dash, running a time of 11.36 seconds—that is 1.52 seconds shy of Donovan Bailey's record in the Olympics.

Mr. President, I also want to take this time to recognize and honor all of the many people who dedicated their time and efforts. This effort brought together literally hundreds of Federal, State, local, and civic leaders, as well as thousands of volunteers. The Atlanta volunteers were certainly the best in history. They were simply amazing, and the games could not have been held without them. Unfortunately, time prohibits me from mentioning all of the people who were truly instrumental in putting on the games, but I would like to recognize a few of them.

ATLANTA COMMITTEE FOR THE OLYMPIC GAMES

When Billy Payne originally submitted his proposal to bring the Olympic games to Atlanta, many people did not take him seriously; but just ask them now. He is perhaps the best example of what Atlanta has to offer in terms of leadership and vision. His partner, former Atlanta mayor, Congressman, and Ambassador Andy Young, provided the key element of diplomacy needed to convince the International Olympic Committee to choose Atlanta. I should also thank A.D. Frazier, who did an outstanding job, as well as the entire team at ACOG.

ATLANTA PARALYMPIC ORGANIZING COMMITTEE

My special thanks go to the Atlanta Paralympic Organizing Committee, led by its president, Andy Fleming. Andy had perhaps the most difficult challenge of all in leading the effort to stage the Paralympic games. Faced with the disadvantage of lesser name recognition and financial resources, the Paralympic Organizing Committee put on a world class event which truly met the high standards set by the Olympic games. Andy was assisted by the able leadership, service, and great dedication of Harald Hansen, chairman of First Union National Bank of Georgia, and David Simmons, chief operating officer for the Paralympic games.

DOD SUPPORT

The 1996 Centennial Olympic and the Paralympic games were successful in large part due to the tremendous support of the Department of Defense. Without the assistance of the Department of Defense, working in concert with State and local public safety officials, the Olympics and Paralympics could not have been held. Not surprisingly, these events were too big for any single municipal or State government to ensure safety and security without appropriate help from the Federal Government.

Those who won the selection of Atlanta as the Olympic venue understood at the beginning that they would be responsible for providing the cost of putting on the Games, and they raised about $1.5 billion to do so. They could not, however, guarantee the security of all the athletes and the millions of visitors from all over the world. In the era of modern terrorism, safety for an event of this type simply cannot be guaranteed without help from the Federal Government. I hope the Congress will keep this in mind as our friends in Utah prepare for the 2002 winter Olympic games.

Billy Payne expressed his appreciation for the Department of Defense support this way:

> Thanks to the support of the Department of Defense and the soldiers, sailors, and airmen who served in Atlanta during the 1996 Summer Olympic Games, the safety of the public and the athletes was assured. DoD and its military forces provided the safety net and back-up law enforcement needed when confronted with securing the largest peacetime event in history.
>
> From the explosive ordnance teams to the military police units to communications specialists, DoD personnel performed critical missions. Working in conjunction with law enforcement, DoD personnel helped secure the village where the athletes of 197 nations were housed. On the night of the tragic bombing in Centennial Olympic Park, DoD personnel in the downtown area remained calm and at their posts, reinforcing the public's perception that security authorities were fully prepared to deal with the situation. The ability of military personnel to increase their shifts and immediately provide more manpower to the streets was a clear signal to the Olympic family and spectators that America was prepared for all contingencies.
>
> All who came to the Games in Atlanta are indebted to the Department of Defense for the professional and dedicated effort of the troops who were part of the Summer Olympics. These men and women showed the world, once again, that the soldiers, sailors, and airmen of the United States military are the finest in the world.

In 1992, Congress first appropriated funds to the Department of Defense for security and logistical support for the 1996 Olympic and Paralympic games. Since that time, a multitude of DoD personnel have aggressively worked to ensure the success and security of this significant public event. The impact of DOD support to the 1996 summer Olympics is difficult to summarize in a short time. More than 13,000 active duty, Reserve, and National Guard personnel were committed in support of the Games in Atlanta and in the other competition cities. These military members came from 45 states and territories and provided support to security operations at 44 Olympic sites.

Of the men and women who came to Atlanta, over 9,000 National Guard personnel provided support in the form of roving and fixed perimeter security, command post support, route security, and vehicular inspection. More than 1,000 active duty soldiers, sailors, airmen, and Marines were entrusted with the important responsibility of transporting athletes and law enforcement personnel to the secured villages and venues. These drivers successfully negotiated the crowded streets of Atlanta more than 650 times each day. DOD provided 33 helicopters, and military aviators flew 300 missions in support of the law enforcement security operations. DOD provided critical equipment to more than 60 Federal, State, and local law enforcement agencies and organizing committees. DOD bomb disposal experts responded to 450 calls on suspect items; and DOD, the FBI, and our health officials prepared for any kind of chemical or biological attack. A force of more than 1,300 personnel, from all services, was required to provide base camp support for the DOD personnel supporting the Olympic games.

When the tragic explosion in Centennial Park occurred, National Guard and uniformed military personnel were on the scene immediately, and their calmness and discipline were absolutely indispensable in the first few critical moments. Within 24 hours, military personnel were able to double their security forces at select critical locations. DOD also provided critical transportation support for almost 500 additional State personnel who were activated in response to the bombing to supplement state law enforcement resources. The Federal law enforcement training center depended on DOD for transportation, housing, meals, and other support for more than 900 personnel they committed to the post-bombing security operations when no other source was available.

Let me pause here for a moment to again express my sympathy for the family of Mrs. Alice Hawthorne, who died during this tragic event. Her death has sent a powerful message throughout our Nation and the world about the horror of acts of senseless violence and terrorism. However, we must never forget that this tragedy in the context of the Olympics pales beside the unspeakable personal loss and grief that have befallen her family.

In addition to supporting the Olympic games, DOD extended assistance to the 1996 Paralympic games. Over 990 active duty and National Guard personnel supplied transportation, medical, linguistic, logistical, and communications support to 17 venues in the Atlanta area. Our soldiers took great pride in participating in a project that assisted athletes of such astounding and great courage. Members of our military sadly are no strangers to the impact of injury or illness that some define as incapacitating. But the Paralympic athletes proved by their own performance and their tremendous courage that the definition of incapacitated needs reexamination by our society.

I want to thank in particular Secretary of Defense Bill Perry, Secretary of the Army Togo West, Assistant Secretary Mike Walker, General John Tilleli, and his assistant General Bob Hicks for their outstanding leadership and support in assisting the Olympics and Paralympics. In addition to DOD personnel, I would like to thank the Attorney General Janet Reno, the Deputy Attorney General Jamie Gorelick, FBI Director Louis Freeh, Atlanta Director of the FBI Woody Johnson, and Gil Childers for all their hard work. Let me also recognize all the administration staff from the DOD and the Federal law enforcement agencies whom I have not named here for all of their hard work.

Finally let me thank President Clinton and Vice President GORE, particularly Vice President GORE, whose direct personal involvement from the beginning was vital in keeping the Federal involvement in the games focused and effective. All of us in Georgia are grateful for their support.

STATE AND LOCAL OFFICIALS

It goes without saying that State and local support was crucial in putting on these games. The State of Georgia spent more than $72 million on Olympic security alone, including the salaries of law officers who were assigned to full-time Olympic security duties. Not counting State prison guards, some 73 percent of all State of Georgia employees who have law enforcement credentials were assigned to the Olympics. These figures obviously do not include fire and emergency medical personnel.

Governor Zell Miller led the effort to ensure that the State of Georgia contributed the appropriate resources to help construct the various venues, roads, and buildings necessary for the games. Gary MCCONNELL, chief of staff of the State Olympic Law Enforcement Command, Georgia Adjutant General William Bland, Director Buddy Nix of the GBI, Colonel Sid Miles of the Georgia State Patrol and Department of Public Safety, and Atlanta chief of police Beverly Harvard led the State and local security effort. Our National Guard units from Georgia and other States under the leadership of General Bland were superb. Special thanks should also go to Atlanta Mayor Bill Campbell, members of the Atlanta city council, and the Fulton County Commissioners whose leadership was instrumental in preparing Atlanta to host the games.

In addition, I want to thank all the Georgia health officials who were involved in preparing for the Olympics and Paralympics and insuring the well being of the spectators and participants. They are often overlooked, but their contributions are every bit as critical.

I would also like to thank my fellow colleagues in the Congress who helped with the Olympics and Paralympics, especially my fellow colleagues from the Georgia delegation. Most noteworthy, of course, were Congressman LEWIS, Speaker GINGRICH, and Senator COVERDELL. Finally, I would like to thank my staff on the Senate Armed Services Committee and my personal staff for their assistance to me in working on these games.

Mr. President, I wish I could personally thank everyone who was involved in preparing for these great games. This was literally a historic event. I am proud to have been a part of these games, and I am thankful for the opportunity. •

THE CHORUS GETS LARGER AND LOUDER ON THE YEAR 2000 COMPUTER PROBLEM

• Mr. MOYNIHAN. Mr. President, last Wednesday, September 25, I introduced S. 2131, a bill to establish a bipartisan National Commission on the Year 2000 Computer Problem. In a statement as ominous as the problem itself, I summarized the fears of the computer and information technology experts on this problem. Their voices, as yet largely unheard by Congress and the administration, are multiplying. On Monday, September 16, 1996, in the publication New Technology Week, Mark Crawford wrote about the lack of preventive action with regard to the Year 2000 Computer Problem and about new factors concerning the timeliness and costliness of this critical issue.

Previously, I informed my Senate colleagues that the cost of this problem had been estimated in the tens of billions. This article cites a recent industry report that tabulated the cost in the hundreds of billions. Crawford writes: "The magnitude of the problem is reflected in estimates of the repair bill: $300 billion for the United States and $300 billion for the rest of the world."

Until now, I had informed my fellow Senators that we had until December 1999 to address this problem. Mr. Crawford writes that we have even less time. He quotes Mr. Larry Olson, deputy secretary for information technology for the State of Pennsylvania, who argues that businesses and governments will have to fix their computer codes by the end of 1998—not 1999: "Pennsylvania's Olson figures that States, Federal agencies, and companies must fix their problems by the end of 1998 in order to have adequate time to run systems and identify any catastrophic glitches." So, not only are the cost estimates rising, but the date by which we must address this problem has moved up as well.

We must act expeditiously.

I ask that the article which appeared in New Technology Week on September 16, 1996, entitled "The Year 2000 Software Fix Unlikely To Beat Clock" by Mark Crawford, be printed in the RECORD.

The article follows:

[From the New Technology Week, Sept. 16, 1996]

YEAR 2000 SOFTWARE FIX UNLIKELY TO BEAT CLOCK

(By Mark Crawford)

The challenge that business, state and local government, and federal agencies face in changing millions of lines of code by the year 2000—so that computer record systems continue to function accurately in the new millennium—is getting bigger by the day.

According to experts testifying September 10 before a joint hearing held by subcommittees of the House's Science Committee and Government Reform & Oversight Committee, neither industry nor government agencies will be able to make all the required fixes before the clock strikes midnight on December 31, 1999. The magnitude of the problem is reflected in estimates of the repair bill: $300 billion for the United States and $300 billion for rest of the world (NTW, Dec. 12, 1995, p. 1).

At risk is the integrity of many services and functions that are taken for granted—the management of payroll services, retirement programs, medical and health insurance, traffic systems, information databases. The fix: Expand from two digits to four digits the date fields used in computer programs to designate the year. Without this modification, many computer programs, especially older software, will register "00" when 2000 arrives.

Left unchecked, the consequences will range from minor inconvenience to devastation for some record systems and management programs, according to industry and government analysts. The problem is equally daunting for companies, many of which are only now beginning to understand it, according to Larry Olson, deputy secretary for Information Technology for the state of Pennsylvania.

Olson's state has started an aggressive outreach program aimed at prodding companies located there to attack the problem. And large national companies also are moving expeditiously on the matter, particularly in the securities industry, where it's essential to maintain date-critical information on stock trades, retirement accounts, and other financial transactions.

Despite the potential for havoc, industry and government agencies have been moving slowly to address the problem. And now both legislators and computer industry officials fear there could be serious—not to mention costly—problems created.

Why? Daniel Houlihan, first vice president of the National Association of State Information Resource Executives (NASIRE), noted that there has been little direction from Washington on the matter. "There is no leadership on a uniform solution across the states," said Houlihan.

That criticism is not hard for Rep. Stephen Horn (R-Calif.), chairman of the Subcommittee on Government Management, Information, and Technology, to accept. In July he disclosed results of a survey conducted by his panel that showed few federal agencies to be moving aggressively on the issue (see chart, bottom).

Most of the government's large agencies were graded D or F on their level of preparation to address the Year 2000 problem. The Department of Defense got a C and the Nuclear Regulatory Agency a B, while the Social Security Administration was one of four agencies out of a total of 24 surveyed to get an A. Said Horn of the state of readiness in the federal government: "There were very few As, Bs, and Cs. There were a lot of Ds and Fs."

It's not likely that federal agencies, state governments, or businesses will be able to make all the computer program changes needed by 2000, said Houlihan. Government agencies and companies alike, he stressed, should focus on "identifying critical programs that will be affected and get those changes done first."

Indeed, Pennsylvania's Olson figures that states, federal agencies, and companies must fix their problems by the end of 1998 in order to have adequate time to run systems and identify any catastrophic glitches.

Only in the last year or so have industry and government begun to attack the problem with any intensity to understand the full scope of the records that must be modified. "I am afraid that some of the folks don't recognize that they have a problem," said Rep. John Tanner (D-Tenn.).

Harris Miller, president of the Information Technology Association of America (ITAA), said his organization is doing all it can to make industry aware of the Year 2000 problem and to get top management moving on it. But, Miller noted, some executives have been slow to recognize the scope of the problem and make it a top priority in their organization. Said Miller: "They need to wake up, look in the mirror, go to the office, and start asking some questions."

At the state government level, said NASIRE's Houlihan, who also is director of the data processing oversight commission for Indiana, there is now a high level of recognition of the problem. But states are moving at different speeds to address it, he said.

Survey data, he said, show that 75 percent of the states are still in the planning stage, with just 25 percent actually moving to implement system changes. At this point, Houlihan said, state projections for finishing software program modifications range from 1997 to December 1999. The size of the problem varies from state to state—ranging from 300,000 lines of code to 97 million lines.

What states that are moving aggressively to tackle the Year 2000 program, such as Pennsylvania, fear is that the federal government at this late juncture may step in with rules and standards that could slow their efforts—or, worse yet, cause them to modify program changes that have already been made.

NASIRE's Houlihan said that what states do want is a quick determination by federal agencies on the level of funding that might be provided to assist state governments and localities in fixing information systems that support or interact with federal programs.

The costs of modifying date fields in computer programs is daunting at a macro level. The estimate of $600 billion worldwide is based on an estimate of $1 for each line of code that must be changed. Most of that dollar is used not in making the change, but in conducting subsequent tests to make sure that affected programs continue to function properly.

Just what it will cost companies and governments to bring their software programs into compliance is expected to vary widely, depending on how old the programs are and whether all the underlying source code is available. Pennsylvania estimates that repairing the date fields in its payroll system will involve changing 10,000 lines of code at a cost of $7,500.

While getting a fix on the accuracy of cost estimates is hard at this time, ITAA's Miller warned that there is certain to be upward pressure on costs—because of a shortage of qualified programmers. Miller said that ITAA, in fact, is concerned that industry and government demand will be so great that fly-by-night companies could spring up and create nightmares for unsuspecting firms.

To ward off this problem, ITAA is launching a certification program that will help companies and government agencies select firms that have the required capabilities to make software modifications.

YEAR 2000 AGENCY PREPAREDNESS

	Grades
International Aid	A
Personnel (OPM)	A
Small Business	A
Social Security	A
Education	B
Nuclear Regulatory	B
State	B
Defense	C
Treasury	C
Science Foundation	C
Agriculture	D
Commerce	D
Environmental Protection	D
General Services	D
Health and Human Services	D
Housing (HUD)	D
Interior	D
Justice	D
NASA	D
Veterans Affairs	D
FEMA	F
Labor	F
Energy	F
Transportation	F•

ATOMIC VETERANS

• Mr. WELLSTONE. Mr. President, I rise to announce my intention to introduce in the 105th Congress a companion bill to the provisions of H.R. 4173 which was introduced last week by Congressman Lane Evans, who is an exceptionally dedicated and effective advocate for all veterans, including atomic veterans. This important legislation would grant atomic veterans the presumption of service-connection for eight additional illnesses: Bone cancer; colon cancer; nonmalignant thyroid nodular disease; parathyroid cancer; ovarian cancer; brain and central nervous system tumors; unexplained bone marrow failure; and meningioma. Were this bill to be enacted, it would ensure that atomic veterans receive compensation for six diseases for which Marshall Islanders now automatically receive compensation under the Marshall Islands Nuclear Claims Tribunal Act and two diseases the VA accepts as radiogenic but does not deem to be presumptively service-connected.

I am convinced that enactment of the provisions of H.R. 4173 would help to rectify an injustice or, to put it more accurately, a series of injustices inflicted by our Government over the past 50 years on atomic veterans who served our country bravely, unquestioningly, and with great dedication.

If there's any doubt about the need to expand the list of presumptive diseases, it should have been dispelled by the final report of the President's Advisory Committee on Human Radiation Experiments which was issued almost a year ago. The report's recommendations echoed many of the complaints that atomic veterans have had for years about the almost insuperable obstacles they face when seeking approval of their claims for VA compensation. The report urged an interagency working group to work "in conjunction with Congress"—I repeat in conjunction with Congress—to promptly address the concerns expressed by atomic veterans. Among these concerns cited by the committee are several that I've long believed need to be urgently addressed, including:

The list of presumptive diseases for which atomic veterans automatically receive VA compensation is incomplete and inadequate.

The standard of proof for atomic veterans without a presumptive disease can't be met and are inappropriate given the incompleteness of exposure records retained by the Government.

Time and money spent on contractors and consultants in administering the claims program, particularly the dose reconstructions required for most atomic vets filing claims with the VA, would be better spent on directly aiding veterans.

With regard to the last two concerns, it is important to note that the Advisory Committee found that the Government didn't create or maintain adequate records regarding the exposure, identity, and test locale of all participants. This finding casts serious doubt on the ability of the Government to come up with accurate dose reconstructions on which the approval of claims for VA compensation of many atomic veterans depend.

In sum, there's no doubt that the report of the President's Advisory Committee strongly buttresses the case for expanding the list of radiogenic diseases for which atomic veterans must receive the presumption of service-connection and, therefore, for enacting the provision of H.R. 4173 in the next Congress.

Mr. President, for almost 3 years I've been deeply moved by the plight of our atomic veterans and their families, and frankly dismayed and angered when I have learned of the many injustices they've experienced over the past 50 years. My mentors on this issue have been Minnesota atomic veterans, particularly veterans of the U.S Army's 216th Chemical Service Company who participated in "Operation Tumbler Snapper," a series of eight atmospheric nuclear tests in Nevada in 1952. They are an extraordinary group of Americans who despite their many trials and tribulations have not lost faith in this country and believe and hope they will one day receive the recognition and compensation that is due them.

Mr. President, since January 1994, I have had numerous meetings and contacts with the men of the "Forgotten 216th" and their families. Since their problems typify those of other atomic veterans nationwide, permit me to tell you about veterans of the U.S. Army's 216th Chemical Service Company and about why they now term themselves the "Forgotten 216th."

When the men of "The Forgotten 216th," about 50 percent of whom were Minnesotans, participated in "Operation Tumbler Snapper," they believed their Government's assurances that it would protect them against any harm, but now are convinced they were used as guinea pigs with no concern shown for their safety. Many were sent to measure fallout at or near ground zero immediately after a nuclear bomb blast, encountering radiation so high that their geiger counters literally went off the scale while they inhaled and ingested radioactive particles. They were given little or no protection, sometimes even lacking film badges to measure their exposure to radiation and were not informed of the dangers they faced. Moreover, they were sworn to secrecy about their participation in nuclear tests, sometimes denied access to their own service health records, and provided with no medical follow-up to ensure that they had not suffered adverse health effects as a consequence of their exposure to radiation. Many members of the 216th have already died, often of cancer, some as long as 20 years ago. It should be obvious to all why these men now refer to themselves as "the Forgotten 216th."

For 50 years, atomic veterans have been one of America's most neglected groups of veterans. For almost 40 years there were no provisions in Federal law specifically providing veterans compensation or health care for service-connected radiogenic diseases. Even now, with laws on the books covering radiogenic diseases on both a presumptive and nonpresumptive basis, the rate of VA approval of atomic veterans' claims is abysmally low.

Mr. President, in this connection, permit me to quote from the testimony of Mr. Joseph Violante of the Disabled American Veterans before a House subcommittee on April 30, 1996:

> The DAV believes that a great injustice has been done to America's Atomic veterans and their survivors. . . . Only 10 percent of those atomic veterans who seek compensation for . . . disabilities are granted service connected benefits, although the VA cautions that "it cannot be inferred from this number that service-connection was necessarily granted on the basis of radiation exposure." . . . As of April 1, 1996, VA statistics show that there have been a total of 18,515 radiation [claim] cases. Service connection has been granted, as of April 1, in 1,886 cases. . . . Statistics current as of December 1, 1995, demonstrate that of the total number of cases in which atomic veterans have been granted service-connection, 463 involve the granting of presumptive service connection. . . .

To sum up, if we were to exclude the 463 veterans who were granted presumptive service connection, atomic veterans had an incredibly low claims approval rate of less than 8 percent. And of this low percentage, an indeterminate percentage may have had their claims granted for diseases unrelated to radiation exposure. Moreover, in the roughly 7-year period following the 1988 enactment of a law granting atomic veterans service connection on a presumptive basis for certain radiogenic disease to a degree of 10 percent disability or more, only 463 claims of presumptive diseases have been improved. By any standard, the VA's record of approving veterans' claims based on disabilities linked to radiogenic diseases is a sorry one.

Mr. President, permit me to quote further from the eloquent and persuasive testimony of Mr. Violante:

> It cannot be overemphasized that radiation claims are wrongfully denied because of inaccurate reconstructed dose estimates used as the basis for the determination that the estimated minimal level of exposure experienced by the atomic veteran was insufficient to cause the cancer or other disease ravishing the atomic veteran's body. The reality is that atomic veterans are fighting a losing battle, not only with the disease or diseases that have taken away their good health, but with the very government that put them in harm's way. . . . Why are only 15 diseases given a rebuttable presumption of service connection for atomic veterans while Marshall Islanders receive an irrebuttable presumption for 25 medical conditions [now 27 conditions]? Why does our government continue to put the needs of its veterans behind those of other groups, such as the Marshall Islanders? . . . Congress should consider making all the recognized "radiogenic diseases" and any other disease, illness or disability that others, such as the Marshall Islanders are being compensated for, diseases for which presumptive service connection is granted.

I couldn't agree more with the DAV's cogent analysis and this is one of the reasons I'm determined to ensure that atomic veterans are granted service-connected compensation for all radiogenic diseases.

The cover of every copy of the Atomic Veteran's Newsletter, the publication of the National Association of Atomic Veterans, contains the simple but eloquent statement: "the atomic veteran seeks no special favor . . . simply justice."

Mr. President, I urge my colleagues from both sides of the aisle to join me in supporting the valiant and long struggle of atomic veterans for justice by strongly backing the bill that I plan to introduce next year and in fighting for its enactment.

I dedicate this statement to the members and families of "The Forgotten 216th" who have educated me about the plight of atomic veterans and whose courage and perseverance I shall always admire.

I ask that excerpts of the statement of Mr. Joseph Violante of the Disabled American Veterans before the Subcommittee on Compensation, Insurance and Memorial Affairs, House Committee on Veterans' Affairs, April 30, 1996, be printed in the RECORD.

The excerpts follow:

STATEMENT OF JOSEPH A. VIOLANTE

Mister Chairman and Members of the Subcommittee:

On behalf of the more than one million members of the Disabled American Veterans (DAV) and its auxiliary, I wish to thank you for this opportunity to present DAV's views on the controversy surrounding access to Department of Veterans Affairs (VA) medical treatment and VA disability compensation for veterans exposed to ionizing radiation, referred to hereinafter as "atomic veterans."

At the outset, Mr. Chairman, we wish to thank you, Ranking Democratic Member Representative Evans, and the members of this subcommittee for scheduling today's oversight hearing regarding the problems experienced by atomic veterans with respect to access to VA health care and disability compensation. Clearly, action taken by this subcommittee will materially affect the lives of America's citizen/soldiers who were placed in harm's way by our government for the sole purpose of obtaining first-hand evidence about the effects of exposure to ionizing radiation.

As my testimony will show, some atomic veterans have not received adequate health care treatment for the ailments believed to be associated with radiation exposure. Nor have the vast majority of atomic veterans been compensated for their residual disabilities. The remedial legislation passed by Congress over the years has not had the desired effects and must be revisited in order to provide meaningful health care and disability compensation for this group of veterans.

As you know, Mr. Chairman, the issue of ionizing radiation and its potential adverse health effects have been present for more than 50 years. Atomic veterans and their loved one have been patiently waiting for answers from the scientific and medical communities, as well as responses to their concerns from Congress and the VA. Unfortunately, all too often those answers were not forthcoming. Nor does it appear that definitive answers will ever be known. For each study done concluding one point, another study surfaces to discount the findings of the prior report. Thus, the debate rages, with no apparent end in sight.

Before I get into the specifics of VA health care for atomic veterans, let me state that atomic veterans experience the same frustrations as all other veterans who attempt to access the VA health care system—a system inadequate to meet veterans' medical needs and their demand for services. The crisis in VA health care results from years of inadequate funding and a "patchwork" approach to addressing the health care needs of veterans. In addition, atomic veterans believe that their particular medical needs are not being adequately met because the physicians who examine them, for the most part, do not have expertise in the harmful effects produced in body tissue by exposure to ionizing radiation to properly diagnose their illnesses and injuries. In fact, some atomic veterans honestly believe that these physicians are "intent on not encouraging radiation claims and, therefore, play down the medical problems" of atomic veterans.

Generally speaking, receiving disability compensation from the VA is another frustrating aspect of the ionizing radiation debate. All too many radiation claims are denied due to the unanswered questions from the scientific and medical communities, the apparent failure of dose reconstruction methods to adequately reflect the true extent of radiation exposure experienced by atomic veterans, and the inability to obtain meaningful adjudication of radiation claims. All too often, atomic veterans, their dependents and survivors are denied compensation from our government for the residual illness, disease, or death allegedly associated with exposure to ionizing radiation while others, such as the Marshall Islanders, receive compensation from the United States Government for the same disability(ies).

Before getting to the specifics of my testimony regarding access to VA health care and the payment of disability compensation for atomic veterans, I would note for the record that the DAV membership, present at our National Convention in Las Vegas, Nevada in July 1995, adopted a resolution in support of a military medal to recognize and honor the courage, sacrifice and devotion to duty of those veterans exposed to ionizing radiation during military service. This is but a small step towards recognizing the honorable service of these brave men and women, and we call upon the members of this subcommittee to support such legislation.

I also call your attention to another resolution passed by the delegates at our last National Convention in Las Vegas, Nevada, noting the inaccuracy of dose reconstruction estimates provided by the Defense Nuclear Agency (DNA) and calling for the condemnation of this action by DNA as well as urging the VA to undertake a review of the accuracy of dose reconstruction estimates by DNA. Your kind attention to this matter would be greatly appreciated.

At the very least, our government needs to take immediate action on these two items.

CONTROVERSY SURROUNDING POTENTIAL HEALTH EFFECTS OF EXPOSURE TO IONIZING RADIATION

Radiation exposure may be external or internal. External radiation exposure occurs when the radiation source is outside the body. External exposure can come from standing in a cloud of radioactive gas, swimming in water that has radioactive material in it, or x-rays. Internal radiation exposure occurs when radioactive material is taken into the body by such means as eating, breathing, drinking, or through cuts or breaks in the skin. Both external and internal radiation exposure can directly harm internal organs, cells, and tissues.

After radioactive material is taken into the body, some of it may enter the bloodstream. This blood then flows through various organs and tissues in the body, providing them with material necessary for their functioning. The body does not distinguish between radioactive and nonradioactive materials. Sometimes, radioactive substances concentrate primarily in one organ of the body and that organ, therefore, receives a larger dose of radioactive substance than do other organs. Other times, the radiation substance is distributed throughout the body. The dose received by different parts of the body depends on a number of factors, including whether the radiation substance dissolves easily in the blood, the type and energy of the radioactive material, the amount of radioactivity present, and its distribution in the body.

The radioactive substance, once taken into the body, will continue to give off radiation until either it has decayed or is eliminated from the body through normal metabolism. The rate of decay depends on the radioactive substance's half-life—the time required for a radioactive substance to lose one-half of its activity by radioactive decay. Half-lives for different radioactive substances vary from hours to thousands of years. Plutonium, for example, has a half-life of 24,100 years.

For obvious reasons, researchers know more about the effects of high-dose radiation on the immune system than about low-dose radiation exposure. High-dose radiation is defined as any exposure above fifty rad to the whole body. A rad is the unit of radiation dose used to measure the amount of energy a body absorbs from ionizing radiation. Information on the effects of high-dose radiation exposure comes from studies of Japanese atomic bomb victims, radiation accidents, such as the accident at Chernobyl, and studies of Marshall Islanders exposed to radiation fallout from nuclear tests in the 1950s.

Less is known about low-dose exposure—less than fifty rads to the whole body—and its effect on the immune system because of the delayed period of time between the incident of exposure and the development of the disease. The late effects may show up months, years, or even decades after the exposure. . . .

Many mistrust the agency established to care for them—the VA—because it is part of the government, a government they perceive as covering up the true facts about the extent of their exposure and the adverse health effects associated with the exposure. While Congress has enacted a number of laws to provide atomic veterans with priority access to VA health care and VA disability compensation for their illnesses, diseases, and disabilities due to exposure to ionizing radiation, very few atomic veterans are able to access the VA health care system and receive adequate care and treatment. Even fewer atomic veterans and their survivors are able to establish entitlement to VA disability compensation benefits. . . .

VA DISABILITY COMPENSATION BENEFITS

Prior to the enactment of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, Pub. L. No. 98-542, 98 stat. 2725 (1984) ("the Act"), the authority for 38 C.F.R. §3.311 (formerly 38 C.F.R. §3.311b), there was no legal limitation to establishing service connection for residuals of ionizing radiation exposure. Service connection for a disability is generally established when a veteran's present condition can be reasonably related to an injury or disease which is shown to be incurred coincident with service. *See* 38 C.F.R. §3.303(a). Determination of service connection is based on a broad and liberal interpretation of the law consistent with the facts in each individual case. *Id.* It has long been the VA's policy that any condition which can be attributed to service shall be granted direct service connection, no matter how long after service the condition first became manifest. *See* 38 C.F.R. §3.303(d). However, because of the difficulty in proving causation in ionizing radiation cases, and the significantly small number of claims which had been allowed. Congress, in 1984, recognized that, statistically, there was enough of an association between some diseases and radiation exposure to establish them as "radiogenic." Congress responded by enacting remedial legislation, the Act, whereby a veteran suffering from a "radiogenic disease," was not required to submit evidence of causation. . . .

The stated purpose of the 1984 Act is "to ensure that [VA] disability compensation is provided to veterans who were exposed during service . . . to ionizing radiation . . . for all disabilities arising after service that are connected, based on sound scientific and medical evidence, to such service. . . ." The Act, §3. Congress's findings included: There is scientific and medical uncertainty regarding the long-term adverse health effects of exposure to ionizing radiation. *Id.* §2(2). Due to the long latency period involved, radiation claims present adjudicatory issues which are significantly different from issues generally presented. *Id.* §2(12). "It has always been the policy of the [VA] and is the policy of the United States, with respect to individual claims for service connection . . . that when, after consideration of all evidence and material of record, there is an approximate balance of positive and negative evidence . . . the benefit of the doubt in resolving each such issue shall be given to the claimant. *Id.* §2(13).

Presently, the VA recognizes 20 diseases as "radiogenic diseases"—a disease that may be induced by ionizing radiation—under §3.311. These "radiogenic diseases" include leukemia, other than chronic lymphocytic leukemia; breast cancer; lung cancer; bone cancer; liver cancer; skin cancer; esophageal cancer; stomach cancer; colon cancer; pancreatic cancer; kidney cancer; urinary bladder cancer; salivary gland cancer; multiple myeloma; posterior subcapsular cataracts; non-malignant thyroid nodular disease; ovarian cancer; parathyroid adenoma; and tumors of the brain and central nervous system.

Pursuant to the provisions of 38 C.F.R. §3.311, an atomic veteran diagnosed with a recognized "radiogenic disease" can have his or her claim for direct service connection for residuals of exposure to ionizing radiation adjudicated by the VA, notwithstanding the fact that the atomic veteran does not have any medical evidence to establish a cause and effect relationship between his exposure to ionizing radiation and his diagnosed "radiogenic disease." Otherwise, (based on a recent court decision discussed *infra*) an atomic veteran who believes that his or her disability, not found on the list of "radiogenic diseases," may have his or her claim for service connection on a direct basis adjudicated by the VA providing the atomic veteran has medical evidence to support the claim. Once the atomic veteran has demonstrated that he or she suffers from a "radiogenic disease" or provides medical evidence of a cause and effect relationship between his or her disability and exposure to ionizing radiation, the VA, pursuant to §3.311 must obtain a dose estimate as to the range of doses to which the atomic veteran may have been exposed. Final review of direct service connection claims based on exposure to ionizing radiation is conducted by the Under Secretary for Benefits, who may obtain and consider any opinion of the Under Secretary for Health in reaching his determination whether the atomic veteran's disease resulted from radiation exposure in service.

Mr. chairman, although §3.311 was passed by Congress in 1984 as remedial legislation, designed to assist atomic veterans and their survivors in obtaining compensation for illnesses, diseases, disabilities, and death due to exposure to ionizing radiation, this legislation has benefited very few atomic veterans or their survivors. Until recently, the VA considered the list of "radiogenic diseases" as an exclusive list thereby refusing to consider any claims for direct service connection for residuals of radiation exposure if the atomic veteran or his or her survivors could not demonstrate that the atomic veteran suffered from a listed "radiogenic disease," regardless of the evidence submitted in support of the claim. The VA's practice of adjudicating only those claims where the atomic veteran suffered from a recognized "radiogenic disease" was overturned by the United States Court of Appeals for the Federal Circuit on September 1, 1994, in *Combee vs. Brown*, 34 F.3d 1039, 1045 (Fed.Cir. 1994).

Once an atomic veteran seeking direct service connection for residuals of exposure to ionizing radiation has established that he or she suffers from a recognized "radiogenic disease" or have provided the VA with medical evidence of a cause and effect relationship, the burden of proof then shifts to the VA for consideration of the case on the merits. It is at this point that atomic veterans face their greatest obstacle in establishing their entitlement to service connection. Dose estimates and dose reconstruction data for the various radiation tests are handled by the Defense Nuclear Agency.

In more cases than not, no actual individual exposure record is available for the atomic veteran, and reconstructed dose estimates routinely fail to provide an accurate estimation of the level of radiation exposure experienced by the atomic veteran. Film badges, not issued to all participants in nuclear tests, did not provide a complete measure of radiation exposure, since they were not capable of recording inhaled, ingested, or neutron doses, or often shielded during the detonation, and were worn for only limited periods during and after each nuclear detonation.

Many atomic veterans who participated in the nuclear tests in the Pacific report visiting these islands a short time after the test detonation and eating locally grown fruits and swimming in the lagoons. Atomic veterans who participated in the Nevada test sites report being covered in fallout dust which was either brushed off of them by hand or with brooms. Many report being transported to mess halls shortly after walking through "ground zero" and not being able to properly clean themselves before eating. These factors are extremely important in determining a proper reconstructed dose estimate; however, it does not appear that the participant's comments are used to further the analysis with regards to the dose reconstruction estimate. Without accurate reconstructed dose estimates, atomic veterans and their survivors find it virtually impossible to obtain the benefits they seek.

All too often, reconstructed dose estimates show that the overwhelming majority of participants were supposedly exposed to one rem or less of external doses of ionizing radiation. It is extremely difficult to believe, based on the statements made by participants, that their total exposure was so minimal. The DAV believes that a great injustice has been done to America's atomic veterans and their survivors. As will be discussed later, only ten percent of those atomic veterans who seek compensation for their residual disabilities are granted service-connected benefits, although the VA cautions that "[i]t cannot be inferred from this number that service connection was necessarily granted on the basis of radiation exposure." In other words, although the atomic veteran claimed residual disability as a result of his exposure to ionizing radiation, the claim could have been allowed under general principles establishing service connection such as the disease or illness was evidenced in the service medical records, etc. . . .

Adjudication of radiation claims pursuant to 38 C.F.R. 3.311 have been a total failure.

With almost 95% of atomic veterans failing to establish service connection for their illness, disease, or disability, the remedial legislation passed in 1984 has not provided atomic veterans with meaningful consideration of their claims. The present statistical data showing an extremely high denial rate has changed very little since 1984 when former Senator Cranston expressed the need for this remedial legislation.

In May 1988, aware that something more was needed, Congress passed Pub. L. No. 100–321, §2(a), 102 Stat. 485, which grants service connection on a presumptive basis for certain diseases becoming manifest in an atomic veteran to a degree of 10% or more. Currently, the list of presumptive diseases, a total of 15 in all, include: leukemia, other than chronic lymphocytic leukemia; thyroid cancer, breast cancer; cancer of the pharynx; esophageal cancer; stomach cancer; cancer of the small intestine; pancreatic cancer; multiple myeloma; lymphomas, except Hodgkin's disease; bile duct cancer; gall bladder cancer, primary liver cancer, except if cirrhosis or hepatitis B is indicated; salivary gland cancer; and urinary tract cancer. While 20 diseases are recognized as "radiogenic diseases" pursuant to 38 C.F.R. §3.311, only 15 diseases are presumed to be service-connected as a result of exposure to ionizing radiation. Yet, pursuant to the Marshall Islands Nuclear Claims Tribunal Act, 25 separate medical conditions are irrebuttably presumed to be the result of radiation exposure and Marshall Islanders are compensated for these disabilities. It is difficult to understand the lack of consistency in these lists. Why are only 15 diseases given a rebuttable presumption of service connection for atomic veterans while Marshall Islanders receive an irrebuttable presumption for 25 medical conditions? Further, at the very least, why are not all 20 "radiogenic diseases" presumed to be service-connected as a result of ionizing radiation exposure pursuant to 38 U.S.C. 1112(c)? Why does our government continue to put the needs of its veterans behind those of other groups, such as the Marshall Islanders? America's veterans should always be considered a special and unique group for having served their nation with honor. . . .

Congress should consider making all the recognized "radiogenic diseases," and any other disease, illness, or disability that others, such as the Marshall Islanders, are being compensated for, with those diseases for which presumptive service connection is granted. The Marshall Islanders have an irrebuttable presumption, at the very least, America's atomic veterans should receive a rebuttable presumption for all diseases, illnesses or disabilities for which others are compensated.

The DAV commends this subcommittee for it's recent, favorable action on adding bronchiolo-alveolar carcinoma, a form of lung cancer, to the list of diseases presumed to be service-connected for veterans exposed to ionizing radiation. As stated above, however, all recognized "radiogenic diseases" including lung cancer should be added to the list of diseases presumed to be service-connected. . . .

In closing, I would like to refer to a phrase which appears on the Atomic Veterans' Newsletter, published by the National Association of Atomic Veterans, Inc. that states: "The atomic veteran seeks no special favor . . . simply justice." This justice is long overdue. DAV encourages this subcommittee to do everything necessary to ensure that this group of forgotten veterans—atomic veterans—receive meaningful justice from our government.

This concludes my statement. I would be happy to answer any questions you may have.●

THE OMNIBUS APPROPRIATIONS BILL

● Mr. KERRY. Mr. President, even in an age of spin control, when it is often difficult to wade through the rhetoric to find the truth, it is possible to determine the true measure of a government. That measure can be found quite revealingly in the budget. For it is in the budget that the priorities become clear. It is in the budget that the rhetorical claims can be separated from the real claims. In Elizabethan England, as the old saw tells us, the proof may have been in the pudding. But in modern day America, the proof of an administration's or a political party's claims is in its budget proposals.

We have just come through two exceptionally challenging years. The Republican Party, led by Speaker of the House NEWT GINGRICH and then-Senate majority leader and now Presidential nominee Bob Dole, sought to upend government—to eliminate or slash service after service upon which Americans depend. The effect of their efforts, had they been successful, would have been to heap on the rich and the powerful in this Nation even greater riches and power. Those additional riches and power would have come at the expense of working Americans, at the expense of the environment which we have been laboring for decades to clean up, at the expense of those who need health care, at the expense of children and young people seeking quality education, at the expense of those who have been victimized by crime, drug abuse, and domestic violence, at the expense of America's future.

The Republican Party correctly identified the importance of gaining control of our Nation's fiscal household, but then threw wisdom and prudence to the wind, and concluded that the only legitimate objective was to slash Federal spending, regardless of how or where, regardless of the harm that would be caused to our Nation and its people as a result of those actions. Paradoxically, the only large category of discretionary spending Republicans excepted from their frenzied assault was that for armies and weapons, despite the fact that the cold war ended over 5 years ago, and that, for the first time in 50 years, we have no superpower adversary.

The budget the Republicans brought forward last year dramatized this extremist philosophy. It portrayed a singular absence of vision, confirming that the Republican party neither understood nor subscribed to the concept of investment in the future by our Government on behalf of this Nation's citizens.

The Democrats in the Senate and the House, led by President Clinton, rejected this extreme agenda. We did not shy from the fierce conflict the Republicans promised if anyone dared challenge their zealous actions to demolish vital services.

After nearly a year of pitched battle over the 1996 budget—that resulted in several Government shutdowns—it became clear even to the Republicans that the American people did not support their objectives or their approach. A budget finally was enacted halfway through the fiscal year that came much closer to reflecting the principles and priorities Democrats had consistently said the American people supported.

But while the Republicans acknowledged tactical defeat, they had not yet learned the lesson. Once again, in the form of the 1997 budget, they showed their true colors. Once again, they launched forth in pursuit of an extremist agenda to cut education funding, cut job training, cut health care, cut law enforcement assistance, cut assistance to small businesses, cut programs to help American companies more effectively compete with foreign firms.

Again, the Clinton administration and congressional Democrats met them head-on. Today we have reached the end of this second budget campaign of the 104th Congress. Once again, because the congressional Democrats more accurately reflected the values and views of the American people, the Republicans' budget has been repudiated in large measure. This time, in fact, the battle has been won with far less bloodshed and in far less time. The Republicans, knowing they did not have the support of the majority of the Nation, and knowing the elections are only weeks away, ran up the white flag almost as soon as the battle was really joined.

Mr. President, the American people are the winners. The future of our Nation is the winner. I am relieved and heartened to see that our democratic process has operated in such a way as to earn our faith and confidence.

With the leadership of President Clinton and his administration, we have taken a devastating Republican budget and transformed it into one that manages to pass the basic test of responsibility. I commend the President and the Vice President for their courage and resolve. I commend White House Chief of Staff Panetta and his staff, the Office of Management and Budget, and others from the Administration who were involved. Also deserving of praise are Senate Democratic Leader TOM DASCHLE and his staff, Appropriations Committee ranking Democrat ROBERT BYRD and his staff, and the subcommittee ranking members and their staffs.

While none of us has ever seen a budget that is identical to the one he or she would have proposed, the budget that emerged from the negotiations in the wee hours of this past Saturday morning is one that I can support. It is true that the portions that address our Government's domestic services generally are preferable to the portion that addresses defense; the defense portion provides more funding than we need in the post-cold-war era to ensure our national security. We have pressing domestic needs to which this surplus defense funding would be more beneficially targeted. And some of this excess funding beyond the Defense Department's request should be used to further reduce the deficit, a vital objective.

Not only for this reason—but significantly for this reason—this legislation could be better; it could be stronger; it could be fairer. But it passes the threshold test. With many reservations, I voted for it because it is better than anything we've seen in the past 2 years; it is better than we were afraid we would see this year; and it protects and in some cases enhances some vital services for the American people. In some cases the best that can be said for it is that it preserves important services through another year so that we may return to attempt to allocate sufficient resources to them next year. But that was enough to secure my vote.

I would like to mention several of the bill's components that are of particular importance to Massachusetts and the Nation.

PARKS AND INTERIOR

I am proud of the rich historical heritage of my State of Massachusetts and I am pleased to support funding for many of the State's historic sites in the continuing resolution for fiscal year 1997.

The first historic site, established in 1938, the Salem National Historic Site, represents a slice of Massachusetts life from the 17th through the 19th centuries, when Salem traded with the East Indies and throughout the world, opening new markets for exports and importing treasures from far away. The site includes 18th- and 19th-century wharves, the Custom House, the West India Goods Store, and the 17th-century Narbonne-Hale house, where local craftsmen worked. In June 1994, the new regional visitors center opened after a $4.7 million Federal investment. The operational funding increase of $341,000, plus five additional personnel, will ensure that the regional visitors center, which offers information about cultural and natural resources throughout Essex County, remains open year-round. These increased funds will help the site to accommodate the growing number of visitors to the park, which has grown by at least 30 percent since 1990, and exceeded 1 million in 1992.

The site is also completing construction of the sailing vessel *Friendship*, an exhibit dedicated to the master craftsmen shipbuilders of the 18th century. This funding will also go toward operating the Salem site. With its authentic replica of the historic *Friendship* nearly completed, it offers an educational opportunity for children and their families that can be a model for similar parks in the State.

I am also pleased, Mr. President, that funds have been approved for continued maintenance, protection, and development of the Lowell National Historic Site, and to continue the 17-year efforts of the Lowell Historic Preservation Commission. The operating increase of $404,000 is required to continue operations in the park that commemorates the birthplace of the American Industrial Revolution. Located in downtown Lowell, the park includes the Boott Cotton Mills Museum, "mill girl" boarding houses, and the Suffolk Mill turbine, and offers guided tours depicting how the transition was made from farming to industry, the history of immigrants and labor in Lowell, and the development of industrial technology. Although the economy in Lowell has not been strong in the past few years, the tourist industry has been a staple of the city's livelihood. The National Park Service conducts tours that take visitors around the city, via canals, trolleys, and walking tours. With the addition of professional baseball and hockey teams, there are now more reasons than ever to visit Lowell, and its historic preservation efforts will reflect the renewed interest in the city.

To many of us, classic American poetry and Henry Wadsworth Longfellow are synonymous. His home, a national historic site, will justifiably receive an operating increase of $112,000. Longfellow lived in this residence for nearly 50 years while teaching at Harvard. This house was also General George Washington's headquarters during the siege of Boston in 1775. In addition, the Longfellow National Historic Site manages one of the largest and most important fine arts collections in the National Park Service. Unfortunately, recent cutbacks in funding have forced the Park Service to close its door for 6 months a year, thus ending public tours and student programs from November to May. Countless historic books and textile exhibits have deteriorated. Moreover, the vast majority of the archives remain uncatalogued and inaccessible to researchers. This operating increase will enable the Longfellow House to provide critical security and management for the museum collections contained in this monument to America's struggle for independence and rich cultural history.

Mr. President, I am pleased this continuing resolution contains $301,000 for continued maintenance, protection and security of the Cape Cod National Seashore. This increased funding for park operations and maintenance will be used to improve park security, caretaking, and fire protection at the newest section of the Cape Cod Seashore, the decommissioned North Truro Air Force Station that was annexed in 1986. This request was supported by the Cape Cod Commission, many residents, and organizations on the Cape. Over 5 million visitors and vacationers annually visit the Cape Cod National Seashore, a park on the outer beaches of Cape Cod, extending 40 miles from Chatham to Provincetown. The park is made up of oceans, beaches, dunes, woodlands, freshwater ponds and marshes. It is home to a vibrant ecosystem of plants and animals. The area is also home to numerous historical structures, including Marconi's wireless station.

I am also very pleased that this omnibus package includes nearly $1 million for the Blackstone River Valley National Heritage Corridor including $324,000 to support the important ongoing efforts of the Corridor Commission and $460,000 for development and construction projects in the Blackstone River Valley. With the passage last week of legislation to expand the boundaries of the Blackstone Corridor, the corridor size will increase by 60 percent, with approximately 150,000 new acres including two national historic landmarks. These funds are needed to develop resource inventories, interpretive programs, and protection strategies for the five communities newly included in the corridor, including Worcester, MA.

Established in 1986, the Blackstone Valley National Heritage Corridor, encompassing 400,000 acres, is the largest national park in the North Atlantic Region of the National Park Service. It contains over 10,000 historic structures, and is significant for its 18th and 19th century industrial production systems of mill villages, farms, and transportation that illustrate America's transition from an agricultural to an industrial Nation. It also includes acres of farms and pastures and beautiful riverside scenery. The Blackstone Corridor is unique in the National Park Service because it is predominantly funded and maintained with local resources, encouraging a public-private partnership that has become a model for other parks, using Federal seed money to encourage local preservation and revitalize the economy.

I applaud the inclusion of additional funds for land acquisition in the Mashpee National Wildlife Refuge. A transfer of $750,000 from another defunct Fish and Wildlife Service project was recently made to Mashpee. While my request for $1.582 million for the acquisition, which was originally included in the fiscal year 1997 appropriations bill passed by the Senate, was not fully funded in the conference report, I am pleased that two-thirds of our request was included in this legislation to secure this important natural resource.

Mr. President, with regard to one other Parks and Interior component of this legislation that directly impacts my State of Massachusetts, I support the increased funding it contains for the John F. Kennedy National Historic Site. Although the site attracts 15,000 visitors during its brief open season—one-third of which are visiting from abroad and who consider the birthplace their primary destination—recent funding shortages have forced the JFK National Historic Site to eliminate school programs, and significantly reduced the number of tours that can be accommodated. The funding increase of $57,000 will allow the hiring of one permanent park ranger and three seasonal park rangers to give tours, conduct school programs, and provide information services. The additional resources will allow the site to remain open for at least 9 months per year.

Interior Subcommittee and full Appropriations Committee Ranking Democrat ROBERT C. BYRD, Subcommittee Chairman SLADE GORTON, and their staffs have done a commendable job in addressing all the needs for funding within the constraints that have been imposed on them. I thank them for their help.

FISH AND OCEANS

Mr. President, I am pleased to support the Commerce, Justice, State, and Judiciary appropriations provisions in this continuing resolution and I want to especially commend the ranking member of the Commerce, Justice, State and Judiciary subcommittee, Senator HOLLINGS, for his work on this portion of the bill. The Appropriations Committee faced the daunting task of fairly distributing funding to a broad array of important programs, many of which are critical to our economy, our personal security, our marine environment, and international relations within a budget framework of extremely limited resources. While there are always some disappointments about specific programs and projects, I believe this portion of the bill is a balanced measure of significant benefit.

As the ranking member of the Commerce Committee's Subcommittee on Oceans and Fisheries, I am pleased that this measure provides funding increases to some key marine and coastal programs and at least assures the continuation of others.

The importance of a healthy environment to the citizens of this nation and to those living in the Commonwealth of Massachusetts is reflected in the bill's provision of $1.85 billion for NOAA. NOAA is one of the Federal Government's premiere scientific research agencies, with responsibility for the stewardship of our living marine resources, operation of our National Weather Service and its environmental satellite system, management of our National Marine Sanctuaries, the coordination of activities impacting the coastal zone, and the integration of a cooperative research program with universities through the Nation.

Of special interest to many citizens of Massachusetts are programs which help to protect and conserve valuable natural resources along our coastline. Just a few of the programs of national importance which are funded include the Coastal Zone Management Program, the National Marine Sanctuary Program, the National Undersea Research Program, the Coastal Ocean Program, and the National Sea Grant Program. Working in concert with each other, and with other Federal, State and local programs, these NOAA programs constitute part of the front line in defending the natural beauty and biologic diversity of our coastal resources. We all have come to recognize the important cultural and economic benefits of marine-related industries and recreational activities and I believe that strong support for these program will help to ensure that these benefits will be passed along to future generations.

Of great importance to me and to my fishing constituents is the continued funding for the research programs targeted on the New England groundfish disaster. The Gulf of Maine Groundfish Survey, New England Stock Depletion Studies and Management of Georges Bank projects provide funding for scientists in the National Marine Fisheries Service [NMFS] to more carefully examine the causes of the groundfish fishery collapse and to identify ways to rebuild and manage these stocks so they return to healthy levels. This continued support is needed for the scientific and assessment efforts that form the basis for the difficult management decisions necessary to preserve fisheries while considering the needs of those whose livelihoods depend on fishing or on commerce in fish and fish products.

Massachusetts will also benefit from additional resources provided to NMFS. These programs include right whale research, the New England Fishery Management Council, Marine Mammal Protection Act implementation, habitat conservation, and fisheries enforcement. Additionally, the funding provided for Atlantic salmon, the Atlantic Migratory Pelagics Observer Program, and the aquaculture programs will continue valuable programs which provide both direct and indirect benefits to citizens of the Commonwealth. The health of living marine resources along the coast of the Commonwealth continues to be of great concern to my constituents, and I echo their sentiment both personally and as their representative in the U.S. Senate.

Whales are one of the great symbols of the ocean and are closely associated with Massachusetts. Funding for North Atlantic right whale research is of critical importance this year. The North Atlantic right whale is the most endangered of all mammals, with approximately 350 remaining in the world. Unfortunately, this year alone, seven right whales have died as a result of being hit by ships and other unknown causes. The funds provided in this bill will help to advance our knowledge of right whale behavior and habitat requirements and hopefully lead toward measures which will avoid the unacceptable level of mortalities experienced this year.

The Saltonstall-Kennedy fisheries grants programs is another important program for our Nation's coastal regions, providing funding for research to enhance fish stocks, develop new markets for underutilized fish species, and assess new fishing gear technologies. Often, Saltonstall-Kennedy grants are the only source of funds available to assist the fishing industry in its effort to adapt and diversify.

I am also pleased to see continued funding for the Coastal Zone Management [CZM] Program, particularly the funding for State grants. Just this past spring we reauthorized the Coastal Zone Management Act. The CZM program is a highly successful voluntary State-Federal partnership to protect, develop, restore, and enhance our coast for present and future generations. The program has proven to be very effective in enhancing coastal economies while minimizing the impacts of the increasing pressures of growing populations, environmental degradation, and conflicting uses of our fragile and finite coastal area.

NOAA's Coastal Ocean Program [COP] is a Nationwide science program conducting important interdisciplinary research on oceanographic problems, including ecosystem research on Georges Bank. The COP provides one focal point through which NOAA integrates and coordinates its research activities with other Federal, State, and academic programs. Through its comprehensive, proactive approach, the COP offers policy makers the best information available, providing them with the balanced perspective needed to promote economic growth while maintaining a healthy and sustainable environment.

I would like to commend the committee for its continuing support for the Sea Grant Program. This is a Program that builds bridges between Government and academia, as well as between research laboratories and groups in need of reliable information. It serves as a successful model for multidisciplinary research directed at scientific advancement and economic development by funding regional research, promoting technology, and enhancing public education and outreach services for the Nation's coastal resources.

I am also pleased to see continued funding for the Global Climate Change

Program. This Program seeks to develop a clearer picture of the relative roles of various greenhouse gases in causing global warming. The NOAA Program is an important part of the overall U.S. interagency effort to improve the science that is needed to make critical decisions about the future of our planet.

Another ocean Program very important to my State is the National Marine Sanctuary Program. Stellwagen Bank National Marine Sanctuary off the coast of Massachusetts is an excellent example of Federal activity that produces both environmental protection and economic enhancement. This marine mammal feeding area is popular with whale watchers and fishermen, and protection of the bank has received wide support—not only among my constituents but Nationwide. The funding provided in the CR will help to maintain this important national program, especially Stellwagen Bank.

Another program which is receiving well-deserved funding is the National Undersea Research Program [NURP]. This program consists of six centers where regional undersea research activities are conducted. Its funding also will cover the NURP share of the operating expenses for the ALVIN, the deep submersible research vessel based at the Woods Hole Oceanographic Institute.

The Fishing Vessel Obligation Guarantee Program is also administered by NOAA and was established to provide loan guarantees to the commercial fishing industry. The program was recently expanded to include aquaculture facilities, making the program the single most important financing vehicle for this rapidly expanding industry.

On global environmental issues, I have worked actively for an Antarctic Environmental Protocol, including the Convention on the Conservation of Antarctic Marine Living Resources [CCAMLR]. Additionally, the President soon will sign the Antarctic Science, Tourism, and Conservation Act, which I authored, which will implement the International Antarctica Treaty. Data provided by NOAA's Antarctic Marine Living Resources [AMLR] Program are critical to CCAMLR's implementation and I am very pleased that $1.2 million has been provided to ensure the continuation of this critical work.

I compliment my good friend and colleague, Senator HOLLINGS, for his leadership in these oceans issues which he has successfully championed for years. It is my pleasure to serve with him on the Commerce Committee, where he served as chairman until 1995.

BOSTON HARBOR—CLEAN WATER

Mr. President, recently the Congress passed and the President signed into law the VA-HUD and independent agencies appropriations bill for fiscal year 1997. During Senate consideration of that bill, I expressed my deep concern that the Republicans refused to meet the President's requested funding level for a critical environmental protection measure, the project to clean up Boston Harbor. While the President held firm in his support for $100 million for Boston Harbor for 1997 as Senator KENNEDY and I urged him to do, by a party line vote the Republican conferees forced a funding reduction to just $40 million.

However, the story did not end there. I continued to work closely with Senator KENNEDY in supporting the President's efforts to secure more funding for Boston Harbor. I wrote and spoke to the President, his Chief of Staff, Leon Panetta, and others in the administration many times over the past few weeks, urging them to increase funding for this environmental cleanup effort.

Therefore, I am very pleased and very appreciative that the President and congressional Democrats were victorious in their attempts to secure more funding for Boston Harbor in this omnibus budget package. It contains an additional $35 million for Boston Harbor, raising the fiscal year 1995 funding level to $75 million. The residents of Massachusetts and the ratepayers of the Boston metropolitan area are well served by this action.

ECONOMIC DEVELOPMENT

I am extremely pleased to have secured another key provision for Massachusetts in this bill—language that will permit financing to go forward to revitalize the Fore River Shipyard in Quincy, MA. This provision was originally sought by Senator KENNEDY and me in the Commerce/State/Justice appropriation bill for fiscal year 1997, and was later modified by Majority Leader LOTT, who sought, not inappropriately in my view, to toughen up the language. In the case of the Quincy project, this language alteration will place a greater responsibility on the Commonwealth of Massachusetts to help underwrite the necessary financing. I am satisfied that the new language leaves enough discretion to the Maritime Administration so that a suitable arrangement can be reached that is both affordable and acceptable to the Commonwealth. This is a matter on which I, Senator KENNEDY, and Representative STUDDS have been working for over a year.

Specifically, section 1139 establishes the basis for the Secretary of Transportation to assist certain shipyards, including the yard at Quincy, by facilitating the extension of Federal loan guarantees for the reactivation and modernization of those yards and the construction of vessels by the yards. Significantly, this section has been carefully drafted to provide several layers of protection to the Federal taxpayer, and to ensure the State where a yard is located shoulders a degree of the financial burden of revitalizing the yard, and also a portion of the financial risk. For example, subsection (d) requires the State or a State-chartered agency where the yard is located to deposit into the Federal treasury the amount of funds needed to cover the percentage of the risk factor cost required by the Federal Credit Reform Act, and provides for the reversion of the funds to the State if no obligation needs to be paid from the deposited funds. I fully expect that the percentage of the risk factor under this subsection will never exceed 12 percent for the Quincy project. It appears to me that a deposit from the State of 12 percent will be more than adequate to fulfill the requirements associated with the risk of default for a project of this nature.

This provision is significant to my State because the Quincy Shipyard project is the first of its kind. It is the first project to revitalize an inoperative shipyard and put it back into production as a State-of-the-art facility that will employ up to 2,000 workers in good jobs. This makes sense, because the proposal to revitalize the Quincy Shipyard will turn it into a shipyard on the cutting edge of technology and one which will produce vessels that will be in demand in the international marketplace for years—double-hulled oil tankers to carry petroleum safely around the world. The Federal Government's investment in the Quincy Shipyard will be repaid many times over through the jobs that will be created, and through the renewed position of American maritime leadership that the project will help us attain. Now that Congress has done its part, it is incumbent upon the Commonwealth, the city of Quincy, the Massachusetts Heavy Industries Corp., and the Maritime Administration to bring the project to reality.

I must note with disappointment that, despite the stalwart support of administration and Senate Democratic negotiators, House Republicans insisted on cutting the cap on the permissible guarantee for any one project from $100 million to $50 million. This would have constrained the project in Quincy. Fortunately, however, with identical legislation moving on a separate track, which now has been sent to the President for signature, we have overcome that last-minute partial hurdle.

I am pleased that the continuing resolution contains language expressing the support of House and Senate appropriators for Massachusetts Biomedical Research Institute [MBRI] and other biomedical research and innovation centers throughout the country that have received past financial support from the Department of Commerce. This language is specifically intended to continue the Federal Government's support for one institution in particular—MBRI. MBRI is familiar to some of my colleagues from other States because it has been a model for several biomedical research programs elsewhere in the country. Designed by the business and academic community of Worcester, MA, to nurture the transfer of biomedical technology from the laboratory into new business start-ups and the growth of those start-ups into job-creating businesses offering cutting-edge medical products, since its inception in 1986, MBRI has spawned 20 new firms in the biomedical industries—firms that now employ over 2200 people.

I am proud that Democratic majorities in the Senate wisely chose to fund MBRI. I regret, however, that the new Republican majority again this year, as it did last year, has refused to fund MBRI directly. This year, it chose instead to instruct the Commerce Department to "provide support for * * * initiatives previously supported by [the Department] to * * * increase small business global competitiveness in biotechnology." Nonetheless, using this language, I will continue to work closely with the administration to maintain MBRI's vital services.

I am also pleased that the continuing resolution contains a provision with the effect of making the University of Massachusetts at Dartmouth a full member of the National Textile Center University Consortium, and directing the Department of Commerce to provide financial support to the University of Massachusetts at Dartmouth to sustain its activities as a member of the National Textile Center. This will help to ensure that the University of Massachusetts at Dartmouth can meet the research needs of Massachusetts textile companies and help revitalize textile manufacturing in Massachusetts.

Over 30,000 people living in Massachusetts work in the textile industry. The 1,000 textile companies located within Massachusetts are mostly small-to-midsized companies whose unique research needs have been well served by the University of Massachusetts at Dartmouth. I am confident that the research activities at Dartmouth will be greatly enhanced by the designation of the University as a full member of the National Textile Center University Consortium.

I must, however, express my disappointment that the Republicans who control the Congress chose to provide for the inclusion of the University of Massachusetts at Dartmouth in the National Textile Center through a "direction" to the Department of Commerce, rather than through the express language which Senator KENNEDY and I had asked be included in the Commerce/State/Justice Appropriations Committee report. I am fully confident the Department of Commerce will provide to the University of Massachusetts at Dartmouth the full $500,000 that is contained in the Senate Commerce/State/Justice Appropriations Committee Report.

I am disappointed that, once again, Congress decided to severely underfund the Advanced Technology Program, or ATP, at the Department of Commerce. The continuing resolution funds ATP at a level of $225 million. While this is a welcome increase from the level contained in the Senate Commerce/State/Justice bill, this amount is significantly less than the President's budget request of $350 million.

ATP provides matching funds for high-risk, enabling technologies with commercial potential. To date, ATP has had a significant impact upon the development and successful marketing of new technologies by businesses in Massachusetts and across the Nation. More than 40 Massachusetts organizations have participated in 27 ATP projects. In Massachusetts alone, ATP has produced over $110 million in public-private partnership funding to enhance Massachusetts businesses that are on the cusp of technological innovation. Furthermore, the impact of this program is one in which all Americans can take pride. ATP generates a return to the economy of $6 for every dollar of program funding.

AMTRAK

I am pleased that Congress has decided to increase funding for Amtrak over the amount that was approved in the Transportation appropriations bill recently sent to the President for signature. This will permit the Massachusetts portion of the Lake Shore Limited to continue to operate for an additional 6 months. The Lake Shore Limited crosses Massachusetts from east to west with stops in Pittsfield, Springfield, Worcester, Framingham and Boston. Saving this train is especially important to the residents of the Berkshires and Western Massachusetts who depend on the Lake Shore Limited as their sole source of intercity passenger rail service. I strongly opposed Amtrak's decision to eliminate this service when the cuts were announced in August. We must now confront the more serious challenge of finding a permanent solution to preserve Amtrak service throughout Massachusetts. I intend to work diligently with Amtrak, the State, and congressional appropriators in the next Congress to ensure that the Lake Shore Limited can continue its present level of service.

I am also pleased that the omnibus bill increases funding for Amtrak's Northeast Corridor Improvement Project, or NECIP, by $60 million over the amount that was approved in the transportation appropriations bill. The funds will finance much need track maintenance and upgrades, and the electrification of the Northeast Corridor. This additional funding will greatly facilitate achievement of NECIP's goal to provide reliable, high-speed rail transport service between Washington, DC, and Boston, with the objective of achieving 3-hour service between Boston and New York.

SMALL BUSINESS

I am pleased that the Small Business Programs Improvement Act of 1996, which is included in the omnibus appropriations bill, includes legislation that I introduced earlier this year to end discrimination by the Federal Government against small business and also includes an amendment I sponsored that will provide fishermen access to SBA's disaster assistance program when fishing is prohibited because of a commercial fishery failure or a fishery resource failure.

Last year, Congress passed the Small Business Lending Enhancement Act of 1995 which lowered the maximum guarantee rate for SBA's section 7(a) guaranteed loan program. The legislation also lowered the guarantee rate from 90 percent to either 75 or 80 percent depending on differing circumstances, for SBA's Export Working Capital Program, which guarantees loans made by banks and other lenders who use loans to produce goods and services to export. However, financing for business loans through the Export-Import bank are still guaranteed at 90 percent.

My legislation that is as part of the omnibus bill restores the 90 percent guarantee for the Export Working Capital Program to assure that small businesses do not lose export opportunities just because they cannot get financing from banks. This change will have a minimal impact on SBA's credit subsidy rate and overall lending authority. However, it is crucial to small business exporters who need better access to financing. At a time when exports are a key component of continued economic growth, increasing the SBA guarantee will increase the amount of small business exports—which in turn will create jobs in Massachusetts and across the Nation.

This legislation also includes an amendment which will provide fishermen access to disaster assistance under section 7(b)(2) of the Small Business Act's disaster assistance program if fishing is prohibited because of ocean conditions or a commercial fishery failure. Most fishermen are individual small business owners and consequently are very susceptible to severe economic loss or even economic failure in the event of fishery closures or declines. Fishing is a capital intensive industry composed primarily of individually owned fishing vessels. These small businesses are financially incapable of enduring even a short term fisheries closure.

This amendment allows the Administrator of the SBA, after the Secretary of Commerce has declared a commercial fishery failure or a commercial fishery disaster, to provide fishermen access to disaster assistance. I know how important it will be to helping maintain the commercial fishing heritage in Massachusetts, and it is for that reason I believed it was essential to include such a provision in this legislation.

The decline in the groundfish stocks off the coast of Massachusetts, and the subsequent Federal restrictions on fishing in Georges Bank, have resulted in significant economic hardship for Massachusetts fishermen. These problems in the fishing industry have driven many fishermen to the brink of economic demise. In many cases, having taken loans to purchase their fishing vessels, fishermen confronting a fishery collapse have lost their homes which they commonly use as collateral for their vessel loans.

I believe that we need to continue to implement fishery conservation and rebuilding measures or the Massachusetts fishing industry will cease to exist. I believe the interim financial support the SBA can offer through disaster assistance will play an important role in keeping commercial fishing alive in Massachusetts and all Coastal States that from time to time experience the economic devastation associated with a fisheries natural disaster.

This bill also improves and expands the Small Business Investment Company Program which is crucial to the growth of small business and our economy. Small businesses need access to capital, and SBIC's have invested $12 billion in over 75,000 small businesses and have helped to create one million new jobs. This bill increases the level of private capital needed to obtain an SBIC license from SBA, requires experienced and qualified management for all SBIC's, requires diversification between investors and the management team and increases fees paid by SBICs which will reduce the credit subsidy rate.

I want to thank Small Business Committee Democratic Ranking Member Senator BUMPERS and his staff, especially John Ball, for their assistance with this portion of the omnibus bill. I also would like to acknowledge the assistance of Chairman KIT BOND and his staff.

LAW ENFORCEMENT

Mr. President, this bill includes funding for a number of important anti-crime programs. I am encouraged that it contains language originally offered by Senator LAUTENBERG which will keep anyone who has been convicted of a domestic violence crime from owning a gun. I co-sponsored his legislation because simple common sense dictates that guns absolutely must be forbidden for those who abuse their spouses.

The Local Law Enforcement Block Grants Program provides funds to local communities to use as they deem necessary to reduce crime and enhance public safety. This allows localities to address community-specific crime problems using solutions that they have developed with added resources and flexibility. Due to Democrats' efforts, $523 million is contained in this legislation, $20 million more than provided by the Republicans.

I am proud of the role I was able to play in passing the Community Oriented Policing Services [COPS] Program in the 1994 crime bill. This program was developed to deploy 100,000 new police officers on the streets of our Nation by the year 2000. This bill continues the commitment to that program with funding of $1.4 billion.

Both the block grants and the COPS funding have been widely and effectively used in Massachusetts communities, and crime statistics as well as local observation show that they are working to reduce crime. It is vital that they be continued.

EDUCATION

Mr. President, I am heartened that, despite the best efforts by some of my colleagues on the other side of the aisle, it has been possible to include at least a minimally adequate level of funding in this bill for many key programs designed to aid this Nation's children. Democrats successfully fought to add money to the bills produced by House Republicans and the Senate Appropriations Committee. Unfortunately, the amounts still are not what this Nation ought to be providing for most of these programs and I urge Congress next year to provide sufficient resources to ensure that a floor of decency and hope is provided for all children.

Head Start provides comprehensive development services for low-income children and families, emphasizing cognitive and language development, physical and mental health, and parent involvement to enable each child to develop and function at his or her highest potential. I support full funding for this prevention program because it is cost effective—for the price of a single space in a juvenile detention facility, we can provide a full-day, full-year Head Start experience for five young people. Children that participate in Head Start are more likely to graduate from high school, earn more, and commit fewer juvenile crimes. That is why I supported the President's 1997 request of $3.98 billion and am glad that due to Democrats' efforts, we will approve that amount, which is $381 million more than the amount originally approved by the Republicans.

The Summer Youth Jobs Program offers work experience, supportive services, and academic enrichment to economically disadvantaged youth, ages 14 to 21. This important program addresses the severe problems facing out-of-school youth in communities with high poverty and unemployment. Cities and towns in Massachusetts depend on it, and I am glad it will be funded at $871 million, the President's request—an amount that is $246 million more than provided by the Republicans.

HEALTH/HUMAN SERVICES/EMPLOYMENT

The National Institutes of Health [NIH] is the world's leading biomedical research institution. Our investment in NIH's research saves lives and reduces health care costs while creating jobs and economic growth in a global economy. In recent years, this research has produced major advances in the treatment of cancer, heart disease, diabetes, and mental illness that have helped thousands of American families. NIH supports over 50,000 scientists at 1,700 universities and research institutes across the United States. I am glad that funding for NIH is increased by $819 million over fiscal year 1996, a 6.5-percent increase, bringing fiscal year 1997 funding to $12.7 billion, which is $332.6 million more than provided by the Republicans.

The Maternal and Child Health Block Grant provides funds to States to meet a broad range of enhanced, wrap-around health services, including personal health services; general population-wide health services, such as screening; family support services; and integrated systems of care. About 16 million women, infants, children, adolescents and children with special health care needs will be served in 1997. Due to Democrats' efforts, $681 million is approved, which is $2.9 million more than provided by the Republicans.

The Substance Abuse Block Grant provides funds on a formular basis to States to support alcohol and drug abuse prevention, treatment, and rehabilitation services. Due to Democrats' efforts, this program will receive $1.3 billion, which is $125 million more than provided by the Republicans.

The Low-Income Home Energy Assistance Program [LIHEAP] provides assistance to States to help low-income households meet the costs of home energy. It is crucial to New England States including Massachusetts. States have great flexibility in how they provide assistance, which may include direct payments to individuals and vendors and direct provision of fuel. In this legislation, LIHEAP is funded at the President's request level of $1.3 billion and includes $300 million in fiscal year 1996 advanced emergency funds. Due to Democrats' efforts, we were able to save this program from the House Republicans who eliminated it in their Labor-HHS appropriations bill.

Mr. President, I am disappointed that this legislation does not include any funding for the Homeless Veterans Reintegration Program [HVRP], which has been authorized for fiscal year 1997 by both the Senate and House Veterans Committees at $10 million. HVRP is a successful job placement program that has put 13,000 homeless veterans back to work. A sizeable proportion of homeless people in this country are veterans; this should not be the case. The HVRP Program helps veterans on public assistance become productive, taxpaying citizens. It is so successful because HVRP provides grants to community-based groups that employ flexible and innovative approaches to help homeless veterans reenter the work force.

Furthermore, HVRP is cost-effective. It is estimated that it only costs $1,200 per person placed in a job, which is equal to the cost of unemployment for 1 month. HVRP succeeds in breaking the cycle of poverty and homelessness by giving people the ability to work their way out. Instead of giving handouts, this program gives veterans the tools, skills, and training they need to be productive members of society. As a veteran of the Vietnam war, I believe that we owe this type of service, among others, to the men and women who so honorably served our country.

In my home State of Massachusetts, the New England Shelter for Homeless Veterans has helped over 6,600 veterans since opening its doors in 1990, and housed within the shelter is the Vietnam Veterans Workshop, which is one of the community-based organizations that provides job training and work placement. The program has trained over 1,600 veterans, 72 percent of which are working citizens today. In the absence of earmarked appropriations for the coming year, I hope that the Departments of Housing and Urban Development and Labor will find some discretionary money to fund this important program.

Mr. President, I am pleased that the Labor-HHS title in the bill continues the Democrats' strong commitment to combat the AIDS epidemic. After 12 years of inaction and ignorance by Republican administrations, this country has moved decisively into a new era in the fight against HIV-disease. Working with President Clinton, Health and Human Services Secretary Donna Shalala, and the director of national AIDS policy, Patsy Fleming, the Democrats in Congress have pushed for increases in the Ryan White CARE Act of more than $200 million over last year's level. We have nearly tripled the money going to States and cities affected by the AIDS epidemic through the previously underfunded Ryan White Program, and we have renewed our pledge to the States that the Federal Government will take seriously the critical AIDS Drug Assistance Program. In calling for these increases, I was pleased to work with the AIDS Action Committee in Boston and other groups across the Commonwealth of Massachusetts who serve on the front lines of the epidemic as care and service providers.

Caring for those already infected with HIV is only one piece of a comprehensive national response to the AIDS epidemic. In this legislation, we are finally providing enough funding to the Centers for Disease Control to undertake a serious campaign to prevent new infections. Democrats on both ends of Pennsylvania Avenue urged the appropriators to increase funding for the CDC's AIDS prevention programs by nearly $33 million over last year's level to bring it to $617 million for fiscal year 97. And we are providing a substantial increase to the National Institutes of Health for our top biomedical researchers to redouble their efforts to find a cure for this dread disease. We cannot set our sights lower than finding a cure to AIDS. To that end, in this bill, we are committing nearly $1.5 billion to NIH research and retaining the Office of AIDS Research.

Mr. President, these funding levels are the clearest signal of the Democrats' commitment to fight a war on AIDS—and not a war on people with AIDS that characterized the Government's response during the 1980's and early 1990's.

FOREIGN RELATIONS AND AID

Turning to the foreign aid components of this bill, I think it is important to note that the overall funding is $500 million less than what the administration requested. This decrease will result in programmatic cuts nearly across the board, resulting ultimately in the decreased ability of the United States to address global issues such as famine, child nutrition, sustainable development and the environment. With respect to the last of those, I am deeply concerned that the bill provides only $35 million for the Global Environment Facility. This is $65 million below the President's request.

I am pleased that the omnibus bill incorporates the Humanitarian Aid Corridor Act which I cosponsored. This provision reaffirms the United States' commitment to the safe arrival of all U.S. humanitarian aid. It also provides $95 million in aid to Armenia, an increase of $10 million from the fiscal year 1996 level.

The bill also retains a provision, which I strongly supported, taken from the Senate-passed foreign aid bill, that would establish a new exchange program focused on legal reform in Vietnam. I would note that the Senate voted to retain funding for this program by a vote of 56 to 43. This program is in our long term interest; it is a means of bringing Vietnam into the larger international community while imparting our own values and norms, particularly in the economic arena.

As one who has cosponsored all of Senator LEAHY's bills on landmines, I am pleased that there is a $10 million earmark for demining in this bill and a $5 million earmark for assistance to the victims of landmines. There are over 100 million active, deadly landmines in 60 different countries around the world, killing and maiming approximately 26,000 people per year. Most victims are innocent children. These earmarks indicate the broad bipartisan support in Congress for devoting resources to clearing landmines, recognizing the integral role that demining plays not only in saving the lives of innocent civilians, but also in the rebuilding of communities.

Mr. President, by far the most egregious part of this bill that pertains to foreign aid is its treatment of international family planning programs. I am saddened and at the same time outraged that the House Republicans, in an undisguised way, tried to do as much damage as possible to population assistance. Their actions are mean spirited, punitive, and short-sighted.

This bill provides that no fiscal year 1997 funds can be used for population assistance until July 1, 1997—a full 9 months after the fiscal year begins. Beginning in July, the program will be funded at a rate of 8 percent of the annual appropriation each month. Mr. President, this is ludicrous. No other program in this entire appropriations bill is crippled in this way, and the unwillingness of the House Republicans to accept the Senate's position on family planning programs is disgraceful.

Mr. President, their tactics are simply illogical. By severing funds for family planning programs the Republicans are taking away the one tool that allows women in impoverished countries to choose not to have an abortion. Family planning does not mean abortion—it means quite the opposite. Those who continue to equate the two should take a minute to look at the facts. Statistics, across the board, show that when women have access to family planning programs, the incidence of abortion decreases. Those who continue to equate the two should also read the laws. Federal law prohibits the United States from funding abortions abroad. The U.S. Agency for International Development has strictly abided by that law. For the House Republicans to slash funding for international family planning programs on the premise that they do not want U.S. tax dollars funding abortions can only be described as illogical and wholly unwarranted.

By denying people access to family planning worldwide by slashing funding for those programs, there will be millions more unintended pregnancies every year, close to a million infant deaths, tens of thousands of deaths among women and—let me emphasize to colleagues who oppose permitting women to choose abortions in the case of unwanted pregnancies—over one million more abortions.

These programs provide 17 million families worldwide the opportunity to responsibly plan their families and space their children. They offer a greater chance for safe childbirth and healthy children, and avoid adding to the population problem that affects all of us.

I am unwavering in my conviction that international family planning programs are in America's best interest.

Funding for these programs is an investment in our future and an investment that will save the lives of thousands of women and infants. I will continue to fight for what is moral. The House majority needs to start acting responsibly on an issue that will affect generations to come.

On matters pertaining to foreign policy, the bill offers mixed news. It provides $892 million for contributions assessed on the United States as a result of its membership obligations to the United Nations and other international organizations. While this figure is an improvement over the levels in the House-passed bill and the Senate-reported bill, it is still $110 million less than the administration's adjusted request. This means that the administration will lack the funds to pay arrearages and that we will fall into greater debt at the United Nations. I strongly believe that we must press the United Nations to make administrative, financial, and management reforms, but continued failure to pay our contributions will only serve to undercut our ability to achieve those reforms. The bill provides a somewhat more reasonable level for peacekeeping, $352.4 million, but, it, too, falls short of the administration's adjusted request of $377 million.

With respect to funding for international exchanges, the bill provides only $185 million. In the last 2 years, the Republican Congress has succeeded in cutting funds dramatically for exchange programs. I believe that this is a mistake. Exchanges, particularly the Fulbright program and other academic exchanges, are one of our most effective instruments of foreign policy.

I am pleased that at the end of the day, House and Senate negotiators agreed to provide the President with his adjusted request of $41.5 million for the Arms Control and Disarmament Agency. The challenges in the area of arms control and nonproliferation are increasing, not decreasing in the more complicated world that pertains after the breakup of the former Soviet Union. To make deep cuts in the ACDA budget, as was contemplated by the Senate appropriators, would have seriously undermined our national security interests.

DEFENSE

Providing a sufficient national defense is one of the bedrock responsibilities of our Government to its people. I stand behind no Member of this institution in my commitment to an adequate defense. But I do not believe a gold-plated defense serves our Nation's interests, and I know without doubt that the tax dollars we spend for weapons and armies beyond those our armed services chiefs believe are necessary result in shortchanging our people in other vital ways, both now and in the future.

Despite a number of component decisions that appear to me to be carefully considered and justified, the defense and national security portion of this omnibus bill demonstrates the inability of this Republican-controlled Congress to make tough choices when it comes to defense. While the budget negotiators used approximately $1 billion in defense spending to offset antiterrorism efforts funded in this bill, the bill still contains $9.3 billion more than the Pentagon's budget request. Illustrative of the flawed decisions that contributed to this distressing overrun is the Ballistic Missile Defense Program. Certainly one is not vulnerable to the charge of failing to prepare for a ballistic missile threat by supporting the Pentagon's and administration's request for $2.9 billion for their BMD effort. Indeed, I strongly support the vigorous research and development effort to enhance our technical capabilities to spot, track, intercept, and destroy intercontinental ballistic missiles and their warheads, and I have been a consistent supporter of programs to develop and field theater ballistic missiles.

Unfortunately, the Republicans cannot recognize when they have had enough of a good thing. They insisted on spending an additional $885 million for ballistic missile defense.

The absence of the spending discipline with respect to defense and national security that the Republicans adamantly insist be directed toward domestic Government services is the cause of this legislation's single greatest flaw—an unsupported and unsupportably high aggregate appropriation for defense.

CONCLUSION

In summary, Mr. President, the negotiators labored mightily. Thanks to the fortitude of President Clinton, his Chief of Staff, and other administration negotiators, and Democratic congressional leaders and appropriators, this product passes the smell test, and manages to pass muster. I voted for it, disappointed that it fails in so many ways to provide what I believe our Nation should be providing, but cognizant that it could have been far worse. That definitely is not the measure to which I believe we should aspire. But in the final days of the 104th Congress, I believe it is the best anyone could have expected. As we look to November, we also look with great hopes to the 105th Congress and the opportunity it will afford to come to terms again with the way in which our budget reflects our national priorities and values. I hope we will do better next time.●

DRS. JOHN AND WINONA VERNBERG

● Mr. HOLLINGS. Mr. President, South Carolina has been dealt a double blow by the retirement of two leaders who have dedicated their professional lives to the public good. Drs. John and Winona Vernberg have been the University of South Carolina's power couple in the areas of public health, science, and the environment.

This beautiful couple has been together for nearly 50 years and has been serving the public just as long. They met in the Navy Hospital Corps at the end of World War II, and embarked on stellar careers in academia afterwards at Duke University and then at the University of South Carolina. John became a Guggenheim Fellow, both won Fulbright-Hayes Fellows, both won the Russell Award for Research in Science and Engineering, both received the William S. Proctor Prize for Scientific Achievement, and Winona was named Woman of the Year in 1980 by the University of South Carolina.

While their academic work has been top notch, they have not confined their activities to the classroom or laboratory. Winona became dean of the School of Public Health at U.S.C. in 1978, and within a year it was accredited. She has made that school an active, leading institution. It has 10 times the staff and 30 times as many students as when she took over. It has taken on the environmental health questions of our times in an interdisciplinary way and with an eye to the future. More recently, the university has recognized her management skills and longstanding contributions to the institution by naming her acting provost.

While Winona has been dean of the School of Public Health, John has been dean of the School of the Environment and head of the Baruch Institute at the University. We in South Carolina have a treasure in the coastal ecosystem, and John and Winona have worked in concert to understand it, to teach others, and to protect it. Diverse research within the Baruch Institute's 17,000-acre coastal preserve has ranged from studies of ocean tides, to tracking sea turtle nesting sites, to collecting data on the effects of Hurricane Hugo on the ecosystem. For John's part in these and other efforts, he has been named South Carolina Conservationist of the Year by South Carolina Wildlife and was honored with the Waddell Lifetime Achievement Award by Friends of the Coast. John and Winona often publish joint research projects, and Winona's environmental leadership was recognized through the Water Conservationist of the Year award by the South Carolina Wildlife Federation.

Mr. President, the Vernbergs are a couple we will continue to admire and cherish in South Carolina, and we will watch for their continued accomplishments as professors emeritus at the university. The institutions they have led and built up will continue to be a force for the good in our State and the Nation. I commend their work to my colleagues interested in public health and the environment, and wish the

Vernberg family my best in the years ahead.•

COAST GUARD AUTHORIZATION ACT FOR 1996

• Mr. WYDEN. Mr. President, passage of a Coast Guard reauthorization bill is a matter of vital importance to Oregon, particularly to smaller communities on the Oregon coast. A strong Coast Guard presence is essential to safeguard the lives of fishermen, recreational boaters, and all others who venture out into the frigid Northwest waters.

Because of the cold temperature of Pacific Northwest waters, a delay in Coast Guard response time by even a few minutes could mean a matter of life and death to capsized boaters. For that reason, I worked with a bipartisan group of coastal State Senators to ensure Coast Guard stations would not be closed unless there are strong safeguards in place to ensure maritime safety will not be diminished.

Specifically, under section 309 of the conference report, the Secretary of Transportation is prohibited from closing any Coast Guard multimission small boat station unless the Secretary determines that closure of a station will not diminish maritime safety in the area of the station, taking into account water temperature and other local conditions.

This section also provides an opportunity for affected communities to have a voice in any decision on a proposed station closure. The Secretary must provide an opportunity for public comment and hold public meetings before closing any small boat station.

The Coast Guard stations in Oregon covered by section 309 are: Coos Bay, Depoe Bay, Siuslaw River, Tillamook Bay, Chetco River, Yaquina Bay, and Umpqua River.

Section 309 also contains a provision I authored to ensure that all small boat stations will have available at least one vessel capable of performing ocean rescues. This provision was included to address a situation that arose last summer when the Rogue River Sardet station near Gold Beach was assigned a 20-foot vessel that was useless for performing ocean rescues. Under my provision, all small boat stations, including seasonally operated facilities like the Rogue River Sardet, will be guaranteed to have at least one vessel capable of performing ocean rescues.

By including these provisions in the conference report, we are giving the Coast Guard the tools needed to protect our citizens' lives and enhancing safety in the waters off Oregon's coast.•

IN RECOGNITION OF MARIAN McPARTLAND'S "PIANO JAZZ"

• Mr. HOLLINGS. Mr. President, I rise today to recognize Marian McPartland's Piano Jazz, produced by the South Carolina Educational Radio Network. This Peabody Award-winning show has earned recognition for its educational value and importance in promoting and preserving a distinctly American art form—jazz.

Piano Jazz is National Public Radio's [NPR] longest running music series and airs on over 250 NPR member stations nationwide. The series was conceived in 1979 by the South Carolina Educational Radio Network. South Carolina Educational Radio took a considerable risk by launching one of the first station-based, locally produced public radio programs to air across America.

The risk paid off. Serving South Carolinians for 17 years, the program is a showcase for many of jazz's greatest performances and artists, including Bobby Short, Mary Lou Williams, Dizzy Gillespie and Wynton Marsalis, and has helped launch the careers of some lesser known musicians as well.

The programs are hosted by Marian McPartland who blends informal but information packed conversation with improvisational performances. McPartland has been honored by special performances of Piano Jazz at the Lincoln Center's Avery Fisher Hall. In 1986, she also was inducted into the International Association of Jazz Educators Hall of Fame.

The program has been recognized with many major awards for broadcasting excellence, including the Peabody, Gabriel, Armstrong, Ohio State and several New York International Radio Festival awards. In fact, the show's recordings are so valuable that both the Library of Congress and the Rogers & Hammerstein Archive of Recorded Sound of the New York Public Library at Lincoln Center are preserving complete collections of the series.

I hope this innovative and award-winning show is able to continue serving its broad and varied audience which includes older, established jazz aficionados, as well as listeners 25 years old and under. From senior citizens to seniors in high school, this program provides the best of South Carolina Educational Radio network. Piano Jazz has been such a success because of the public's longstanding support. I hope the public continues in this support so the show remains strong and prosperous.

In recognition of Piano Jazz, I ask my colleagues to join me in paying tribute to Marian McPartland, Henry Cauthen, president and founder of the South Carolina Educational Radio Network, and Shari Hutchison, the program's producer, for this tremendous and valuable cultural jewel.•

CHEMICAL WEAPONS CONVENTION

• Mr. KYL. Mr. President, on September 12, Secretary of State Warren Christopher personally asked the Senate majority leader to withdraw the Chemical Weapons Convention [CWC] from consideration by the Senate. The majority leader had scheduled a vote on the treaty on that day. Obviously the administration did not believe the Senate would ratify the agreement. As a result, we were not able to have the public debate that, I believe, would have shown why the treaty was in such trouble. Since the treaty could be resubmitted for consideration by the Senate, I believe it is important to submit for the RECORD a sampling of articles, editorials, and opinion editorials which outline the basis for the case against the CWC.

The material follows:

[From the New York Times, Sept. 13, 1996]

A TREATY THAT DESERVED TO DIE

(By Jon Kyl)

An extraordinary thing happened in the Senate yesterday. The proponents of the Chemical Weapons Convention surprisingly pulled the plug on their effort to obtain immediate Senate approval of the treaty's ratification.

Last June, the advocates thought this treaty was all but ratified. They had won a commitment for it to be brought up for a vote in the last few weeks before the November elections. They assumed, not unreasonably, that the treaty would be seen as a motherhood and apple-pie proposition—aiming as it does to ban these horrible weapons worldwide.

By any political analysis, this calculation should have been right. But substantive analysis of the treaty's flaws proved to be more powerful than superficial political considerations.

That such serious deliberation could occur reflects great credit on both the treaty's proponents and its opponents. In particular, its champions largely refrained from portraying themselves as the champions of the abolition of these weapons and casting the other side as "pro-poison gas."

The opponents, however, made clear that they too are in favor of the elimination of chemical weapons, including the American stockpile. By law, the destruction will take place with or without this convention. But they fear that under present circumstances the treaty will not accomplish its purpose and that it will do more harm than good.

First, the convention will not include many dangerous chemical-weapons states, notably Iraq, North Korea, Libya and Syria, which will not become parties. Worse yet, American intelligence could not reliably detect militarily significant cheating in countries like Iran, Cuba, China and Russia that are likely to became parties to the treaty.

Second, the convention would impose significant costs on the American taxpayer and new, substantial burdens on industries. It would, moreover, actually aggravate the current, serious problem of chemical weapons proliferation. This is true for several reasons.

The treaty prohibits restrictions on trade in chemicals among its parties. It even requires them to transfer chemical technologies to other treaty members. In other words, if the United States and Iran were to ratify the convention, Teheran would have a powerful claim, under the treaty's Article XI, against American-led trade restrictions in the chemical field.

This arrangement repeats the mistake made in the Nuclear Nonproliferation Treaty—the so-called Atoms for Peace initiative—under which ostensibly peaceful technology is provided to nations determined to divert it to proscribed military purposes.

The treaty would also create a false sense of security, probably increasing the dangers from these weapons. And it will harm arms control and international law to enter into a convention that everyone knows is going to be unverifiable and ineffective. For all these reasons, the United States is better off having no treaty than a seriously defective one.

This critique was sufficiently compelling that a number of leading proponents acknowledged the serious flaws. Although these advocates nonetheless content that the treaty was still worth having, more than a third of the Senate concluded that the convention was, at best, deeply flawed. At worst, it would exacerbate the problem it was trying to fix.

As a result, the treaty's proponents realized that they were going to lose. Let us hope that the serious discussions we have had leading up to that decision will lead to bipartisan support for constructive, sensible arms control approaches for dealing with this scourge in the future.

[From the Washington Times, Sept. 12, 1996]

REJECT THE CWC

Opposition is mounting to the Chemical Weapons Convention (CWC), which the Senate is expected to vote on today. While most people—terrorists and lunatic dictators excepted—regard chemical weapons with abhorrence and indeed would like to see them banished from the face of the earth, the unfortunate fact is that the CWC will do little to inhibit their production and use by those who are sufficiently unscrupulous. What will happen instead is that law-abiding American businesses, both those who manufacture chemicals and those who merely use them, will be subjected to an intrusive, expensive and possibly unconstitutional international regulatory regime.

For anyone interested in what the reporting procedures will look like for users of chemicals covered under CWC—and that includes companies from Starbucks to Revlon—the chart on the opposite page should give an indication. Some might find that it bears a more than passing resemblance to the chart depicting Hillary Clinton's health care reform plan in all its infinite variety.

An estimated 3,000 to 8,000 U.S. companies will be affected by the CWC. That means they will be subject to warrantless inspections with only 48 hours notice for an international U.N.-style bureaucracy. Those most likely to be affected are users of what the treaty calls Discrete Organic Chemicals (DOCs). That includes not just the members of the Chemical Manufacturers Association, but also companies in such industries as automotive, food processing, biotech, distillers, brewers, electronics, soap and detergents, perfume—even manufacturers of ball point pens! While it may seem a little far-fetched that international inspectors might descend on the Bic factory forthwith, the burden of reporting the use of chemicals will be severe. And this from the administration that calls for "smaller, less intrusive government."

And, of course, inspections, when they do occur, will be golden opportunities for countries that engage in industrial espionage against the United States—just as they will be for those eager to learn because they harbor the notion of developing their own chemical weapons industry. (Remember the Iraqi scientist who boasted to representatives of the International Atomic Energy Agency how the Iraqis had gained invaluable information on nuclear technology this way?)

Senators who plan to vote to ratify the treaty must ask themselves whether they are ready to impose this kind of burden on domestic companies for the sake of an elusive and unrealistic goal. The list of distinguished experts in the fields of defense and foreign policy who have denounced the CWC as ineffectual, unverifiable and certainly not global, since numerous outlaw nations like Libya and Iraq will not sigh, ought to give serious pause. A letter dated Sept. 9 to Senate Majority Leader Trent Lott, urging him to "reject ratification of the CWC unless and until it is made genuinely global, effective and verifiable," is signed among many others by former Secretary of Defense Dick Cheney, former National Security Advisor William Clark, former Secretary of State Alexander Haig, former Secretary of Energy James Herrington, former U.N. Ambassador Jeane Kirkpatrick, former Attorney General Edwin Meese III, former Secretary of Defense Donald Rumsfeld and former Secretary of Defense Casper Weinberger. Weigh that list against the Clinton administration, and it really shouldn't be a difficult decision.

[From the Washington Post, Sept. 12, 1996]

CHEMICAL WEAPONS FRAUD

(By Lally Weymouth)

If the Clinton administration succeeds in persuading the Senate to ratify the Chemical Weapons Convention, the mere fact of a new treaty will not help the United States combat the spread of this weapon of mass destruction. Indeed, this particular treaty may do the reverse: Some of the treaty's opponents argue convincingly that it would actually increase the trade in chemical agents with military application. Certainly, it would facilitate the establishment of an unnecessary international regulatory agency with unlimited police powers over thousands of U.S. companies that produce chemicals that could be used to make weapons.

Sen. Jon Kyl (R-Ariz.) agrees with the majority staff of the Senate Committee on Foreign Relations: Of course a verifiable treaty that achieved real reductions in chemical weapons would serve U.S. national security interests. But, argues Kyl, this treaty isn't verifiable. Nor would it reduce the chemical arsenals in countries U.S. officials deem most likely to use such war tools against America and its allies: Libya, Syria, North Korea and Iraq. Not surprisingly, these rogue states have refused to sign on to the regime.

In fact, not one country of concern to the United States on the chemical weapons front has ratified this convention: not the People's Republic of China, Iran, Cuba or even Russia, which has signed but not ratified and is said to possess one of the most sophisticated chemical arsenals in the world.

When President Bush signed the chemical weapons treaty, he did so with the understanding that Moscow would implement a 1990 U.S.-Russian bilateral agreement that called for both countries to destroy their chemical weapons stockpiles. Thus far, however, Moscow has refused to implement this accord, thus undermining the larger international convention.

One of the treaty's most dangerous features is that it undercuts the work of the Australia Group, a collection of Western countries that have an informal agreement banning the transfer of potentially dangerous dual-use chemicals to non-members. If ratified, the convention will end restrictions on trade in deadly chemicals and chemical technology. Treaty-signers, in fact, will have a right to demand both the chemicals and the relevant technical information they need from other signatories, who will have an obligation to fulfill the requests.

This raises the issue of dual-use chemicals—those that, while intended for peaceful use, can be used to make weapons. If Cuba and Iran sign and then ratify the convention, they can break out of the embargoes on chemicals the United States has imposed on them.

Treaty proponents argue that the convention would enable the United States to gather intelligence on other countries' chemical weapons programs. But Sen. Kyl calls such benefits "marginal" and says, "It's not worth the price."

If the treaty is ratified, moreover, the United States will have to pick up a considerable part of the setup costs of a massive new international regulatory body in the Hague. This superagency would be empowered to subject U.S. businesses to routine or "challenge" inspections of sites that allegedly might contain chemical weaponry or its key ingredients.

A challenge inspection would be undertaken merely upon the request of a member. The CWC gives any ratifier the right to ask for an arbitrary inspection of a private facility—anytime, anywhere; the ratifier merely has to allege that deadly chemicals might be on the premises. The treaty requires that "the inspected . . . party shall be under the obligation to allow the greatest degree of access." According to the implementing legislation for CWC, it would be "unlawful for any person to fail or refuse to permit entry or inspection.

The inspection teams that will enter U.S. plants if this convention is ratified could have representatives from states such as France and Japan, for example, that practice industrial espionage. Ironically, Washington also will have to foot some of the bills for these inspections, which experts believe may violate the constitutional rights of U.S. companies and citizens.

Lt. Gen. James A. Williams, a former director of the Defense Intelligence Agency, has written to Majority Leader Trent Lott warning that "the opportunity for unfettered access to virtually every industrial facility in this country, not merely the pharmaceutical and chemical plants, would make most foreign intelligence organizations very happy."

American companies also would have to provide continuing, time consuming reports. While arms control officials told the Senate Foreign Relations Committee that at least 3,000 U.S. firms that use, process or consume chemicals would have to make so-called "data declarations" under CWC, the majority staff of the committee contends that as many as 8,000 companies—firms that manufacture anything from dyes to pigments to insecticides—could be forced to contend with this burdensome load of paperwork.

Negotiations on the treaty began under President Reagan; the accord was seen then as a verifiable, global ban on chemical weapons. As time passed, the purposes changed. Arms control experts concluded that constitutional rights clashed with the need to verify. There would have to be a compromise. The balance that was struck, according to Kyl, adversely affects the United States: While the convention doesn't catch and punish many countries that have secret chemical weapons programs, it ends up imposing heavy costs and constitutional burdens on the United States.

[From the Washington Post, Sept. 12, 1996]

PEACE THROUGH PAPER

(By Charles Krauthammer)

The Senate is about to vote on ratification of the Chemical Weapons Convention. Senate Democrats maneuvered—by threatening to filibuster the defense authorization bill—to have the vote just before the election. The timing fits the political strategy. And the strategy is emotional black-mail: Who is going to vote against a treaty whose lofty goal is to eradicate chemical weapons from the face of the earth?

Who? Every senator should. The goal is indeed lofty, but the treaty that purports to bring it about is a fraud.

The fatal problem with the chemical weapons treaty is that it is unverifiable. Sure, it has elaborate inspection procedures. And an even more elaborate U.N. bureaucracy to oversee them. No treaty is complete without that nowadays. As a result, the treaty will be perfectly able to detect the development of chemical weapons by free, open governments (like ours) that have never used and have no intention of using chemical weapons. (Indeed, the United States now is actively destroying its Cold War stockpile.)

And the treaty will be perfectly useless at preventing development of chemical weapons by closed societies such as Iran, Iraq (which in 1988 blatantly violated the current treaty banning the *use* of chemical weapons), Libya, Syria and North Korea. These are precisely the places where chemical weapons are being made today for potential use against the United States or its allies.

How can anyone seriously defend this treaty as verifiable when, even as the Senate votes, Iraq—subject to a far more intrusive inspection regime than anything contemplated under the CWC—nonetheless is going ahead with its chemical (and nuclear and biological) weapons programs right under our noses? When North Korea, signatory and subject to all the fancy inspection provisions of the Nuclear Nonproliferation Treaty, went blithely ahead and with impunity made nuclear bombs?

And these are violations by countries that had submitted to intrusive international inspection. Yet we already know that Libya, North Korea and Syria have not agreed to sign the CWC and thus will be subject to no chemical weapons inspection at all! Not to worry. The treaty will definitively banish the threat of chemical attack by Australia.

All arms control treaties have problems with verification. But with chemical weapons, the problem is inherently insoluble. Consider the (nuclear) START treaties with Russia: hard to verify, but at least they involve fixed numbers of large objects—missiles—with no other use and not that hard to find. Chemical weapons, on the other hand, involve small quantities of everyday stuff that is impossible to find.

How small? The sarin nerve gas use for the Tokyo subway attack was manufactured by the Aum Supreme Truth cult in a single room.

How everyday? As Jeane Kirkpatrick and Dick Cheney and many others pointed out in a letter to the Senate majority leader opposing the CWC, the treaty does not even prohibit the two chemical agents that were employed to such catastrophic effect in World War I and that are the backbone of Iran's current chemical arsenal—phosgene and hydrogen cyanide. Why? Because they are too widely used for commercial purposes.

All right, you say (and many senators up for reelection are privately thinking): So the CWC is useless. What harm can it do? The harm it—like all panaceas—does is induce a false sense of security.

Treaties are not feel-good devices. They are not expressions of hope. They are means of advancing peace by putting real constraints on the countries that pose threats.

Syria has put chemical weapons on the tips of its Scud missiles. Iraq is rebuilding its arsenal. Libya is constructing the largest underground chemical weapons plant on the planet. And what are we doing? Passing a treaty that will allow international agents to inspect up to 8,000 American businesses, searching and seizing without warrant.

The logic is more than comical. It is dangerous. The chemical weapons treaty is part of a larger administration scheme to build a new post-Cold War structure of peace through the proliferation of paper. Yesterday, a test ban treaty. Today, chemical weapons. Tomorrow, a biological weapons convention and strengthening the ban on anti-ballistic missiles.

The conceit of this administration is that it is following in the footsteps of Truman and Marshall in the 1940s, building a structure of peace after victory in a great war. In fact, they are following in the footsteps of Harding and Coolidge, who spent the 1920s squandering the gains of World War I on the false assurances of naval disarmament treaties and such exercises in high-mindedness as the Kellogg-Briand Pact.

The Clinton administration calls the chemical weapons treaty "the most ambitious arms control regime ever negotiated." Its ambition is matched only by that of the Kellogg-Briand Pact, also an American brainchild, also promulgated to great international applause. (Frank Kellogg, Coolidge's secretary of state, won the Nobel Peace Prize for it.) All parties to that piece of paper pledged the renunciation of war forever. The year was 1928. Germany and Japan were signatories.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 104-36

Mr. DOMENICI. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention on International Maritime Organization, Treaty Document No. 104-36, transmitted to the Senate by the President on October 1, 1996; and I ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to accept, amendments to the Convention on the International Maritime Organization, signed at Geneva, March 6, 1948 (the IMO Convention). The amendments were adopted on November 7, 1991, and November 4, 1993, by the Assembly of the International Maritime Organization (IMO) at its seventeenth and eighteenth sessions. I also transmit, for the information of the Senate, the report of the Department of State describing the amendments, their purpose and effect.

The United States is the world's largest user of international shipping. These amendments strengthen the International Maritime Organization's capability to facilitate international maritime traffic to carry out its activities in developing strong maritime safety and environmental protection standards and regulations. The IMO's policies and maritime standards largely reflect our own. The United States pays less than 5 percent of the assessed contributions to the IMO.

The 1991 amendments institutionalize the Facilitation Committee as one of the IMO's standing committees. The Facilitation Committee was created to streamline the procedures for the arrival, stay and departure of ships, cargo and persons in international ports. This committee effectively contributes to greater efficiencies and profits for the U.S. maritime sector, while assisting U.S. law enforcement agencies' efforts to combat narcotics trafficking and the threat of maritime terrorism.

The 1993 amendments increase the size of the IMO governing Council from 32 to 40 members. The United States has always been a member of the IMO governing Council. Increasing the Council from 32 to 40 Member States will ensure a more adequate representation of the interests of the more than 150 Member States in vital IMO maritime safety and environment protection efforts worldwide.

The 1991 amendments institutionalize the Facilitation Committee as one of the IMO's main committees. The 1993 amendments increase the size of the Council from 32 to 40 members, thereby affording a broader representation of the increased membership in the IMO's continuing administrative body.

Support for these amendments will contribute to the demonstrated interest of the United States in facilitating cooperation among maritime nations. To that end, I urge that the Senate give early and favorable consideration to these amendments and give its advice and consent to their acceptance.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 1, 1996.*

ORDERS FOR WEDNESDAY, OCTOBER 2, 1996

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Wednesday, October 2; further, immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business until the hour of 2 p.m., during which Senators may speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, following morning business, I ask unanimous consent that the Senate resume consideration of the conference report to accompany H.R. 3539, the FAA authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. Mr. President, under a previous order, there will be 3 hours of debate equally divided on the FAA authorization bill conference report tomorrow. The Senate may also turn to consideration of any other items cleared for action, including the possibility of considering the Presidio parks bill conference report. Therefore, there is a possibility of votes during tomorrow's session. Senators are also reminded that under the previous order, there will be a cloture vote on the FAA authorization conference report at 10 a.m. on Thursday. All Senators are urged to be in attendance for that important vote Thursday morning.

ADJOURNMENT UNTIL 12 NOON TOMORROW

The PRESIDING OFFICER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 6:01 p.m., adjourned until Wednesday, October 2, 1996, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 1, 1996:

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

JUDITH M. ESPINOSA, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM OF 4 YEARS. (NEW POSITION)

HOUSE OF REPRESENTATIVES—*Tuesday, October 1, 1996*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. WALKER].

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of the 100th Psalm:

Be joyful in the Lord, all you lands. Serve the Lord with gladness and come before His presence with a song.

Know this: The Lord Himself is God; He Himself has made us, and we are His; we are His people and the sheep of His pasture.

Enter His gates with thanksgiving; go into His courts with praise; give thanks to Him and call upon His name.

For the Lord is good; His mercy is everlasting; and His faithfulness endures from age to age. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. MONTGOMERY]) come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
October 1, 1996.

Hon. NEWT GINGRICH,
The Speaker,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Monday, September 30, 1996 at 7:10 p.m.:

That the Senate agreed to conference report H.R. 3610.

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Monday, September 30, 1996: H.R. 3610, making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the special order of the gentleman from Wisconsin, [Mr. SENSENBRENNER].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DISPENSING WITH CALL OF PRIVATE CALENDAR

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FAREWELL TO CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes.

Mr. CLINGER. Mr. Speaker, as the 104th Congress winds to a close, and along with it my tenure in this body, I am delighted to have this opportunity, this unexpected opportunity, to take a moment to say thank you, thank you to all of the dedicated men and women who have served me and the constituents of my district in Pennsylvania so well, and members of my personal staff, both current and former staff members, but most especially to those who have been with me from the beginning; that is, from January 3, 1979.

They include Nancy Scott. They say there is no such thing as an indispensable person. Nancy Scott was indispensable to me throughout my entire tenure. She was the absolute office manager par excellence in my Washington office, along with Becky Mills in my district office in State College, as well as Rosemarie Massa in my Warren office. My gratitude also to Susan Gurekovich in the State College office, who has run my military academy selection board for 18 years.

They are the 18-year veterans, but there are others. My AA, Ed Feddeman; LA's Allison Beltz and Jill Hershey; press secretary Chris Krese; and so many others who have made my life so much easier and the lives of so many of my constituents so much better.

It has also been a great honor and extraordinary experience, I must say mostly pleasurable experience, to serve as chairman of the Government Reform and Oversight Committee, and I also want to salute the superb cadre of professionals I have had the honor of being associated with on that committee.

First and foremost, my long time friend, Jim Clarke, who came to Washington with me in 1979 and has served in almost every capacity on the personal staff, from go-fer, to administrative assistant, and now as the highly respected Chief of Staff of the Government Reform and Oversight Committee. He has performed in every one of those capacities with consummate skill and ability.

But so many others deserve commendation. Eddie Amorosi, who is an alumni of my personal office as well, who became a first class media expert on the committee; Monty Tripp, our line item veto guru; Kristine Simmons, our unfunded mandates expert; Ellen BROWN, without whom procurement reform, dramatic procurement reform, would never have happened; Jane Cobb and Diann Howland, who helped

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

produce significant reports on such things as the looming decennial census and a critique of this administration's management reform.

My thanks also to Kevin Sabo for his wise and helpful advice as Chief Counsel, and to Barbara Olson and Barbara Comstock and the entire investigative team for their very careful, tenacious, very tenacious work, in conducting the numerous investigations that we have undertaken as a committee. And to all of the unnamed others who helped make our committee among the most productive, if not the most productive of the entire Congress, thank you from the bottom of my heart.

Finally, my greatest thanks to my wife Judy, who has put up with the unpredictability and the general chaos of life in Congress with few complaints and enormous good humor for the past 18 years. I have had a great ride, and I have enjoyed almost all of it.

As I have said, as someone said, I am humble enough to know I have made mistakes, but vain enough to have forgotten what they are. I also know whatever success I have had, I owe to all of the people, named and unnamed, past and present, who I have thanked today.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. CLINGER. I am delighted to yield to my classmate and good friend, the chairman of the Committee on Rules, JERRY SOLOMON.

Mr. SOLOMON. I just want to the say to the gentleman from Pennsylvania that we certainly are going to miss you, BILL. You and I came here together 18 years ago, 2 years after the speaker pro tem in the Chair there, BOB WALKER, and the two of you coming from Pennsylvania have been great Members of this body.

But I just wanted to say a few words about you, because you and I, I think we started out, I was a member of the Committee on Transportation and Infrastructure back 18 years ago, went on that committee with you, and did not last long. They pulled me off and put me on some other committees. But you did such a magnificent job on the Transportation Committee.

But more than that, in the last 2 years, you certainly have established just an impeccable record as chairman of the Government Oversight Committee. That is not an easy committee. You had many difficult subjects to deal with.

There are those of us that have admired you for a long time, but in the last 2 years, that admiration has just escalated. Your demeanor and the way you handle yourself is so appreciated by all of us.

I just wanted to take this opportunity to wish you the best, you and your wife and your family when you leave us. I hope you do not go too far away, because we want to lean on you for your old sage advice, even though you might not be here in the Chamber with us.

Mr. CLINGER. I thank you very, very much, JERRY.

[The following bill (H.R. 4236) was omitted from the RECORD of Saturday, September 28, 1996, at page 25784—Part II.]

H.R. 4236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Omnibus Parks and Public Lands Management Act of 1996".

Sec. 1. Short title and table of contents.

DIVISION I

TITLE I—THE PRESIDIO OF SAN FRANCISCO

Sec. 101. Findings.
Sec. 102. Authority and responsibility of the Secretary of the Interior.
Sec. 103. Establishment of the Presidio Trust.
Sec. 104. Duties and authorities of the Trust.
Sec. 105. Limitations on funding.
Sec. 106. General Accounting Office study.

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

Sec. 201. Yucca House National Monument boundary adjustment.
Sec. 202. Zion National Park boundary adjustment.
Sec. 203. Pictured Rocks National Lakeshore boundary adjustment.
Sec. 204. Independence National Historical Park boundary adjustment.
Sec. 205. Craters of the Moon National Monument boundary adjustment.
Sec. 206. Hagerman Fossil Beds National Monument boundary adjustment.
Sec. 207. Wupatki National Monument boundary adjustment.
Sec. 208. Walnut Canyon National Monument boundary modification.
Sec. 209. Butte County, California land conveyance.
Sec. 210. Taos Pueblo land transfer.
Sec. 211. Colonial National Historical Park.
Sec. 212. Cuprum, Idaho relief.
Sec. 214. Relinquishment of interest.
Sec. 215. Modoc National Forest.
Sec. 216. Conveyance to City of Sumpter, Oregon.
Sec. 217. Cumberland Gap National Historical Park.
Sec. 220. Alpine School District.
Sec. 221. Merced Irrigation District land exchange.
Sec. 222. Father Aull site transfer.
Sec. 223. Coastal Barrier Resources System.
Sec. 224. Conveyance to Del Norte County Unified School District.

TITLE III—EXCHANGES

Sec. 301. Targhee National Forest land exchange.
Sec. 302. Anaktuvuk Pass land exchange.
Sec. 303. Alaska Peninsula subsurface consolidation.
Sec. 304. Snowbasin Land Exchange Act.
Sec. 305. Arkansas and Oklahoma land exchange.
Sec. 306. Big Thicket National Preserve.
Sec. 307. Lost Creek land exchange.
Sec. 308. Cleveland National Forest land exchange.
Sec. 309. Sand Hollow land exchange.
Sec. 310. Bureau of Land Management authorization for fiscal years 1997 through 2002.
Sec. 311. Kenai Natives Association land exchange.

TITLE IV—RIVERS AND TRAILS

Sec. 402. Rio Puerco watershed.
Sec. 403. Old Spanish Trail.
Sec. 404. Great Western Scenic Trail.
Sec. 405. Hanford Reach Preservation.
Sec. 406. Lamprey Wild and Scenic River.
Sec. 407. West Virginia National Rivers Amendments of 1996.
Sec. 408. Technical amendment to the Wild and Scenic Rivers Act.
Sec. 409. Protection of North St. Vrain Creek, Colorado.

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

Sec. 501. The Selma to Montgomery National Historic Trail.
Sec. 502. Vancouver National Historic Reserve.
Sec. 503. Extension of Kaloko-Honokohau Advisory Commission.
Sec. 504. Amendment to Boston National Historic Park Act.
Sec. 505. Women's Rights National Historical Park.
Sec. 506. Black Patriots Memorial Extension.
Sec. 507. Historically black colleges and universities historic building restoration and preservation.
Sec. 508. Memorial to Martin Luther King, Jr.
Sec. 509. Advisory Council on Historic Preservation reauthorization.
Sec. 510. Great Falls Historic District, New Jersey.
Sec. 511. New Bedford National Historic Landmark District.
Sec. 512. Nicodemus National Historic Site.
Sec. 513. Unalaska.
Sec. 514. Japanese American Patriotism Memorial.
Sec. 515. Manzanar National Historic Site.
Sec. 516. Recognition and designation of the AIDS Memorial Grove as national memorial.

TITLE VI—CIVIL AND REVOLUTIONARY WAR SITES

Sec. 601. United States Civil War Center.
Sec. 602. Corinth, Mississippi, Battlefield Act.
Sec. 604. Revolutionary War and War of 1812 Historic Preservation Study.
Sec. 605. American battlefield protection program.
Sec. 606. Chickamauga and Chattanooga National Military Parks.
Sec. 607. Shenandoah Valley battlefields.
Sec. 608. Washita Battlefield.

TITLE VII—FEES

Sec. 701. Ski area permit rental charge.
Sec. 702. Delaware water gap.
Sec. 704. Glacier Bay National Park.

TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS

Sec. 801. Limitation on park buildings.
Sec. 802. Appropriations for transportation of children.
Sec. 803. Feral burros and horses.
Sec. 804. Authorities of the Secretary of the Interior relating to museums.
Sec. 805. Volunteers in parks increase.
Sec. 806. Carl Garner Federal Lands Cleanup Day.

Sec. 807. Fort Pulaski National Monument, Georgia.
Sec. 808. Laura C. Hudson Visitor Center.
Sec. 809. Robert J. Lagomarsino Visitor Center.
Sec. 810. Expenditure of funds outside authorized boundary of Rocky Mountain National Park.
Sec. 811. Dayton aviation.
Sec. 812. Prohibition on certain transfers of national forest lands.
Sec. 813. Grand Lake Cemetery.
Sec. 814. National Park Service administrative reform.
Sec. 815. William B. Smullin Visitor Center.
Sec. 816. Calumet Ecological Park.
Sec. 817. Acquisition of certain property on Santa Cruz Island.
Sec. 818. National Park Agreements.

TITLE IX—HERITAGE AREAS

Sec. 901. Blackstone River Valley National Heritage Corridor.
Sec. 902. Illinois and Michigan Canal National Heritage Corridor.

TITLE X—MISCELLANEOUS

Subtitle A—Tallgrass Prairie National Preserve

Sec. 1001. Short title.
Sec. 1002. Findings and purposes.
Sec. 1003. Definitions.
Sec. 1004. Establishment of Tallgrass Prairie National Preserve.
Sec. 1005. Administration of National Preserve.
Sec. 1006. Limited authority to acquire.
Sec. 1007. Advisory Committee.
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Subtitle B—Sterling Forest

Sec. 1011. Palisades Interstate Park Commission.

Subtitle C—Additional Provisions

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Sec. 1022. Bisti/De-Na-Zin Wilderness expansion and fossil forest protection.
Sec. 1023. Opal Creek Wilderness and Scenic Recreation Area.
Sec. 1024. Upper Klamath Basin ecological restoration projects.
Sec. 1025. Deschutes Basin ecosystem restoration projects.
Sec. 1026. Bull Run protection.
Sec. 1027. Oregon Islands Wilderness, additions.
Sec. 1028. Umpqua River land exchange study: policy and direction.
Sec. 1029. Boston Harbor Islands Recreation Area.
Sec. 1030. Natchez National Historical Park.
Sec. 1031. Substitution of timber for canceled timber sale.
Sec. 1032. Rural electric and telephone facilities.
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Sec. 603. Definitions.
Sec. 604. South Carolina National Heritage Corridor.
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TITLE VII—AMERICA'S AGRICULTURAL HERITAGE PARTNERSHIP

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DIVISION I

TITLE I—THE PRESIDIO OF SAN FRANCISCO

SEC. 101. FINDINGS.

The Congress finds that—

(1) the Presidio, located amidst the incomparable scenic splendor of the Golden Gate, is one of America's great natural and historic sites;

(2) the Presidio is the oldest continuously operated military post in the Nation dating from 1776, and was designated a National Historic Landmark in 1962;

(3) preservation of the cultural and historic integrity of the Presidio for public use recognizes its significant role in the history of the United States;

(4) the Presidio, in its entirety, is a part of the Golden Gate National Recreation Area, in accordance with Public Law 92-589;

(5) as part of the Golden Gate National Recreation Area, the Presidio's significant natural, historic, scenic, cultural, and recreational resources must be managed in a manner which is consistent with sound principles of land use planning and management, and which protects the Presidio from development and uses which would destroy the scenic beauty and historic and natural character of the area and cultural and recreational resources;

(6) removal and/or replacement of some structures within the Presidio must be considered as a management option in the administration of the Presidio; and

(7) the Presidio will be managed through an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources.

SEC. 102. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF THE INTERIOR.

(a) INTERIM AUTHORITY.—The Secretary of the Interior (hereinafter in this title referred to as the "Secretary") is authorized to manage leases in existence on the date of this Act for properties under the administrative jurisdiction of the Secretary and located at the Presidio. Upon the expiration of any such lease, the Secretary may extend such lease for a period terminating not later than 6 months after the first meeting of the Presidio Trust. The Secretary may not enter into any new leases for property at the Presidio to be transferred to the Presidio Trust under this title, however, the Secretary is authorized to enter into agreements for use and occupancy of the Presidio properties which are assignable to the Trust and are terminable with 30 days notice. Prior to the transfer of administrative jurisdiction over any property to the Presidio Trust, and notwithstanding section 1341 of title 31 of the United States Code, the proceeds from any such lease shall be retained by the Secretary and such proceeds shall be available, without further appropriation, for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. The Secretary may adjust the rental charge on any such lease for any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to properties and infrastructure within the Presidio.

(b) PUBLIC INFORMATION AND INTERPRETATION.—The Secretary shall be responsible, in cooperation with the Presidio Trust, for providing public interpretive services, visitor orientation and educational programs on all lands within the Presidio.

(c) OTHER.—Those lands and facilities within the Presidio that are not transferred to the administrative jurisdiction of the Presidio Trust shall continue to be managed by the Secretary. The Secretary and the Presidio Trust shall cooperate to ensure adequate public access to all portions of the Presidio. Any infrastructure and building improvement projects that were funded prior to the enactment of this Act shall be completed by the National Park Service.

(d) PARK SERVICE EMPLOYEES.—(1) Any career employee of the National Park Service, employed at the Presidio at the time of the transfer of lands and facilities to the Presidio Trust, shall not be separated from the Service by reason of such transfer, unless such employee is employed by the Trust, other than on detail. Notwithstanding section 3503 of title 5, United States Code, the Trust shall have sole discretion over whether to hire any such employee or request a detail of such employee.

(2) Any career employee of the National Park Service employed at the Presidio on the date of enactment of this title shall be given priority placement for any available position within the National Park System notwithstanding any priority reemployment lists, directives, rules, regulations or other orders from the Department of the Interior, the Office of Management and Budget, or other Federal agencies.

SEC. 103. ESTABLISHMENT OF THE PRESIDIO TRUST.

(a) ESTABLISHMENT.—There is established a wholly owned government corporation to be known as the Presidio Trust (hereinafter in this title referred to as the "Trust").

(b) TRANSFER.—(1) Within 60 days after receipt of a request from the Trust for the transfer of any parcel within the area depicted as Area B on the map entitled "Presidio Trust Number 1", dated December 7, 1995, the Secretary shall transfer such parcel to the administrative jurisdiction of the Trust. Within 1 year after the first meeting of the Board of Directors of the Trust, the Secretary shall transfer to the Trust administrative jurisdiction over all remaining parcels within Area B. Such map shall be on file and available for public inspection in the offices of the Trust and in the offices of the National Park Service, Department of the Interior. The Trust and the Secretary may jointly make technical and clerical revisions in the boundary depicted on such map. The Secretary shall retain jurisdiction over those portions of the building identified as number 102 as the Secretary deems essential for use as a visitor center. The Building shall be named the "William Penn Mott Visitor Center". Any parcel of land, the jurisdiction over which is transferred pursuant to this subsection, shall remain within the boundary of the Golden Gate National Recreation Area. With the consent of the Secretary, the Trust may at any time transfer to the administrative jurisdiction of the Secretary any other properties within the Presidio which are surplus to the needs of the Trust and which serve essential purposes of the Golden Gate National Recreation Area. The Trust is encouraged to transfer to the administrative jurisdiction of the Secretary open space areas which have high public use potential and are contiguous to other lands administrated by the Secretary.

(2) Within 60 days after the first meeting of the Board of Directors of the Trust, the Trust and the Secretary shall determine cooperatively which records, equipment, and other personal property are deemed to be necessary for the immediate administration of the properties to be transferred, and the Secretary shall immediately transfer such personal property to the Trust. Within 1 year after the first meeting of the Board of Directors of the Trust, the Trust and the Secretary shall determine cooperatively what, if any, additional records, equipment, and other personal property used by the Secretary in the administration of the properties to be transferred should be transferred to the Trust.

(3) The Secretary shall transfer, with the transfer of administrative jurisdiction over any property, the unobligated balance of all funds appropriated to the Secretary, all leases, concessions, licenses, permits, and other agreements affecting such property.

(4) At the request of the Trust, the Secretary shall provide funds to the Trust for preparation of the program required under section 104(c) of this title, hiring of initial staff and other activities deemed by the Trust as essential to the establishment of the Trust prior to the transfer of properties to the Trust.

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers and management of the Trust shall be vested in a Board of Directors (hereinafter referred to as the "Board") consisting of the following 7 members:

(A) The Secretary of the Interior or the Secretary's designee.

(B) 6 individuals, who are not employees of the Federal Government, appointed by the President, who shall possess extensive knowledge and experience in one or more of the fields of city planning, finance, real estate development, and resource conservation. At least one of these individuals shall be a veteran of the Armed Services. At least 3 of these individuals shall reside in the San Francisco Bay Area. The President shall make the appointments referred to in this subparagraph within 90 days after the enactment of this Act and shall ensure that the fields of city planning, finance, real estate development, and resource conservation are adequately represented. Upon establishment of the Trust, the Chairman of the Board of Directors of the Trust shall meet with the Chairman of the Energy and Natural Resources Committee of the United States Senate and the Chairman of the Resources Committee of the United States House of Representatives.

(2) TERMS.—Members of the Board appointed under paragraph (1)(B) shall each serve for a term of 4 years, except that of the members first appointed, 3 shall serve for a term of 2 years. Any vacancy in the Board shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of the term for which his or her predecessor was appointed. No appointed member may serve more than 8 years in consecutive terms.

(3) QUORUM.—Four members of the Board shall constitute a quorum for the conduct of business by the Board.

(4) ORGANIZATION AND COMPENSATION.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the authorized activities of the Trust. Board members shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Trust.

(5) LIABILITY OF DIRECTORS.—Members of the Board of Directors shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act and the Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(6) MEETINGS.—The Board shall meet at least three times per year in San Francisco and at least two of those meetings shall be open to the public. Upon a majority vote, the Board may close any other meetings to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues. The Board may establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues through the Golden Gate National Recreation Area Advisory Commission.

(7) STAFF.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates.

(8) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(9) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of California, and its political subdivisions, including the City and County of San Francisco.

(10) GOVERNMENT CORPORATION.—(A) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(B) At the end of each calendar year, the Trust shall submit to the Committee on Energy and Natural Resources of the United

States Senate and the Committee on Resources of the House of Representatives a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes in general terms the Trust's goals for the current fiscal year.

SEC. 104. DUTIES AND AUTHORITIES OF THE TRUST.

(a) OVERALL REQUIREMENTS OF THE TRUST.—The Trust shall manage the leasing, maintenance, rehabilitation, repair and improvement of property within the Presidio under its administrative jurisdiction using the authorities provided in this section, which shall be exercised in accordance with the purposes set forth in section 1 of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes", approved October 27, 1972 (Public Law 92-589; 86 Stat. 1299; 16 U.S.C. 460bb), and in accordance with the general objectives of the General Management Plan (hereinafter referred to as the "management plan") approved for the Presidio.

(b) AUTHORITIES.—The Trust may participate in the development of programs and activities at the properties transferred to the Trust, except that the Trust shall have the authority to negotiate and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including, without limitation, entities of Federal, State and local governments as are necessary and appropriate to carry out its authorized activities. Any such agreement may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b). The Trust shall establish procedures for lease agreements and other agreements for use and occupancy of Presidio facilities, including a requirement that in entering into such agreements the Trust shall obtain reasonable competition. The Trust may not dispose of or convey fee title to any real property transferred to it under this title. Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust, with the exception of laws and regulations related to Federal government contracts governing working conditions and wage rates, including the provisions of sections 276a–276a-6 of title 40, United States Code (Davis-Bacon Act), and any civil rights provisions otherwise applicable thereto. The Trust, in consultation with the Administrator of Federal Procurement Policy, shall establish and promulgate procedures applicable to the Trust's procurement of goods and services including, but not limited to, the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

(c) MANAGEMENT PROGRAM.—The Trust shall develop a comprehensive program for management of those lands and facilities within the Presidio which are transferred to the administrative jurisdiction of the Trust. Such program shall be designed to reduce expenditures by the National Park Service and increase revenues to the Federal Government to the maximum extent possible. In carrying out this program, the Trust shall be treated as a successor in interest to the National Park Service with respect to compliance with the National Environmental Policy Act and other environmental compliance statutes. Such program shall consist of—

(1) demolition of structures which in the opinion of the Trust, cannot be cost-effectively rehabilitated, and which are identified in the management plan for demolition,

(2) evaluation for possible demolition or replacement those buildings identified as categories 2 through 5 in the Presidio of San Francisco Historic Landmark District Historic American Buildings Survey Report, dated 1985,

(3) new construction limited to replacement of existing structures of similar size in existing areas of development, and

(4) examination of a full range of reasonable options for carrying out routine administrative and facility management programs. The Trust shall consult with the Secretary in the preparation of this program.

(d) FINANCIAL AUTHORITIES.—To augment or encourage the use of non-Federal funds to finance capital improvements on Presidio properties transferred to its jurisdiction, the Trust, in addition to its other authorities, shall have the following authorities subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.):

(1) The authority to guarantee any lender against loss of principal or interest on any loan: *Provided, That*—

(A) the terms of the guarantee are approved by the Secretary of the Treasury;

(B) adequate subsidy budget authority is provided in advance in appropriations Acts; and

(C) such guarantees are structured so as to minimize potential cost to the Federal Government. No loan guarantee under this title shall cover more than 75 percent of the unpaid balance of the loan. The Trust may collect a fee sufficient to cover its costs in connection with each loan guaranteed under this title. The authority to enter into any such loan guarantee agreement shall expire at the end of 15 years after the date of enactment of this title.

(2) The authority, subject to appropriations, to make loans to the occupants of property managed by the Trust for the preservation, restoration, maintenance, or repair of such property.

(3) The authority to issue obligations to the Secretary of the Treasury, but only if the Secretary of the Treasury agrees to purchase such obligations after determining that the projects to be funded from the proceeds thereof are credit worthy and that a repayment schedule is established and only to the extent authorized in advance in appropriations acts. The Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such notes or obligations acquired by the Secretary of the Treasury under this subsection. Obligations issued under this subparagraph shall be in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury, and shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. No funds appropriated to the Trust may be used for repayment of principal or interest on, or redemption of, obligations issued under this paragraph.

(4) The aggregate amount of obligations issued under this subsection which are outstanding at any one time may not exceed $50,000,000.

(e) DONATIONS.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purpose of carrying out its duties. The Trust is encouraged to maintain a liaison with the Golden Gate National Park Association.

(f) PUBLIC AGENCY.—The Trust shall be deemed to be a public agency for purposes of entering into joint exercise of powers agreements pursuant to California government code section 6500 and related provisions of that Code.

(g) PROCEEDS.—Notwithstanding section 1341 of title 31 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its administrative jurisdiction. The Secretary of the Treasury shall invest excess moneys of the Trust in public debt securities which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United Stats of comparable maturity.

(h) SUITS.—The Trust may sue and be sued in its own name to the same extent as the Federal Government. Litigation arising out of the activities of the Trust shall be conducted by the Attorney General; except that the Trust may retain private attorneys to provide advice and counsel. The District Court for the Northern District of California shall have exclusive jurisdiction over any suit filed against the Trust.

(i) MEMORANDUM OF AGREEMENT.—The Trust shall enter into a Memorandum of Agreement with the Secretary, acting through the Chief of the United States Park Police, for the conduct of law enforcement activities and services within those portions of the Presidio transferred to the administrative jurisdiction of the Trust.

(j) BYLAWS, RULES, AND REGULATIONS.—The Trust may adopt, amend, repeal, and enforce bylaws, rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised. The Trust is authorized, in consultation with the Secretary, to adopt and to enforce those rules and regulations that are applicable to the Golden Gate National Recreation Area and that may be necessary and appropriate to carry out its duties and responsibilities under this title. The Trust shall give notice of the adoption of such rules and regulations by publication in the Federal Register.

(k) DIRECT NEGOTIATIONS.—For the purpose of compliance with applicable laws and regulations concerning properties transferred to the Trust by the Secretary, the Trust shall negotiate directly with regulatory authorities.

(l) INSURANCE.—The Trust shall require that all leaseholders and contractors procure proper insurance against any loss in connection with properties under lease or contract, or the authorized activities granted in such lease or contract, as is reasonable and customary.

(m) BUILDING CODE COMPLIANCE.—The Trust shall bring all properties under its administrative jurisdiction into compliance with Federal building codes and regulations appropriate to use and occupancy within 10 years after the enactment of this title to the extent practicable.

(n) LEASING.—In managing and leasing the properties transferred to it, the Trust shall consider the extent to which prospective tenants contribute to the implementation of the General Management Plan for the Presidio and to the reduction of cost to the Federal Government. The Trust shall give priority to the following categories of tenants: Tenants that enhance the financial viability of the Presidio and tenants that facilitate the cost-effective preservation of historic buildings through their reuse of such buildings.

(o) REVERSION.—If, at the expiration of 15 years, the Trust has not accomplished the goals and objectives of the plan required in section 105(b) of this title, then all property under the administrative jurisdiction of the Trust pursuant to section 103(b) of this title shall be transferred to the Administrator of the General Services Administration to be disposed of in accordance with the procedures outlined in the Defense Authorization Act of 1990 (104 Stat. 1809), and any real property so transferred shall be deleted from the boundary of the Golden Gate National Recreation Area. In the event of such transfer, the terms and conditions of all agreements and loans regarding such lands and facilities entered into by the Trust shall be binding on any successor in interest.

SEC. 105. LIMITATIONS ON FUNDING.

(a)(1) From amounts made available to the Secretary for the operation of areas within the Golden Gate National Recreation Area, not more than $25,000,000 shall be available to carry out this title in each fiscal year after the enactment of this title until the plan is submitted under subsection (b). Such sums shall remain available until expended.

(2) After the plan required in subsection (b) is submitted, and for each of the 14 fiscal years thereafter, there are authorized to be appropriated to the Trust not more than the amounts specified in such plan. Such sums shall remain available until expended. Of such sums, not more than $3,000,000 annually shall be available through the Trust for law enforcement activities and services to be provided by the United States Park Police at the Presidio in accordance with section 104(h) of this title.

(b) Within 1 year after the first meeting of the Board of Directors of the Trust, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing federally appropriated funding that will achieve, at a minimum, self-sufficiency for the Trust within 15 complete fiscal years after such meeting of the Trust. No further funds shall be authorized for the Trust 15 years after the first meeting of the Board of Directors of the Trust.

(c) The Administrator of the General Services Administration shall provide necessary assistance, including detailees as necessary, to the Trust in the formulation and submission of the annual budget request for the administration, operation, and maintenance of the Presidio.

SEC. 106. GENERAL ACCOUNTING OFFICE STUDY.

(a) Three years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives. The study shall include, but shall not be limited to, details of how the Trust is meeting its obligations under this title.

(b) In consultation with the Trust, the General Accounting Office shall develop an interim schedule and plan to reduce and replace the Federal appropriations to the extent practicable for interpretive services conducted by the National Park Service, and law enforcement activities and services, fire and public safety programs conducted by the Trust.

(c) Seven years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct a comprehensive study of the activities of the Trust, including the Trust's progress in meeting its obligations under this title, taking into consideration the results of the study described in subsection (a) and the implementation of plan and schedule required in subsection (b). The General Accounting Office shall report the results of the study, including any adjustments to the plan and schedule, to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives.

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

SEC. 201. YUCCA HOUSE NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of Yucca House National Monument are revised to include the approximately 24.27 acres of land generally depicted on the map entitled "Boundary—Yucca House National Monument, Colorado", numbered 318/80,001–B, and dated February 1990.

(b) MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(c) ACQUISITION.—

(1) IN GENERAL.—Within the lands described in subsection (a), the Secretary of the Interior may acquire lands and interests in lands by donation.

(2) The Secretary of the Interior may pay administrative costs arising out of any donation described in paragraph (1) with appropriated funds.

SEC. 202. ZION NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) ACQUISITION AND BOUNDARY CHANGE.—The Secretary of the Interior is authorized to acquire by exchange approximately 5.48 acres located in the SW¼ of Section 28, Township 41 South, Range 10 West, Salt Lake Base and Meridian. In exchange therefor the Secretary is authorized to convey all right, title, and interest of the United States in and to approximately 5.51 acres in Lot 2 of Section 5, Township 41 South, Range 11 West, both parcels of land being in Washington County, Utah. Upon completion of such exchange, the Secretary is authorized to revise the boundary of Zion National Park to add the 5.48 acres in section 28 to the park and to exclude the 5.51 acres in section 5 from the park. Land added to the park shall be administered as part of the park in accordance with the laws and regulations applicable thereto.

(b) EXPIRATION.—The authority granted by this section shall expire 2 years after the date of the enactment of this Act.

SEC. 203. PICTURED ROCKS NATIONAL LAKESHORE BOUNDARY ADJUSTMENT.

The boundary of Pictured Rocks National Lakeshore is hereby modified as depicted on the map entitled "Area Proposed for Addition to Pictured Rocks National Lakeshore", numbered 625–80,043A, and dated July 1992.

SEC. 204. INDEPENDENCE NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

The administrative boundary between Independence National Historical Park and the United States Customs House along the Moravian Street Walkway in Philadelphia, Pennsylvania, is hereby modified as generally depicted on the drawing entitled "Exhibit 1, Independence National Historical Park, Boundary Adjustment", and dated May 1987, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary of the Interior is authorized to accept and transfer jurisdiction over property in accord with such administrative boundary, as modified by this section.

SEC. 205. CRATERS OF THE MOON NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) BOUNDARY REVISION.—The boundary of Craters of the Moon National Monument, Idaho, is revised to add approximately 210 acres and to delete approximately 315 acres as generally depicted on the map entitled "Craters of the Moon National Monument, Idaho, Proposed 1987 Boundary Adjustment", numbered 131–80,008, and dated October 1987, which map shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

(b) ADMINISTRATION AND ACQUISITION.—Federal lands and interests therein deleted from the boundary of the national monument by this section shall be administered by the Secretary of the Interior through the Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and Federal lands and interests therein added to the national monument by this section shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto. The Secretary is authorized to acquire private lands and interests therein within the boundary of the national monument by donation, purchase with donated or appropriated funds, or exchange, and when acquired they shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto.

SEC. 206. HAGERMAN FOSSIL BEDS NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

Section 302 of the Arizona-Idaho Conservation Act of 1988 (102 Stat. 4576) is amended by adding the following new subsection after subsection (c):

"(d) To further the purposes of the monument, the Secretary is also authorized to acquire from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange not to exceed 65 acres outside the boundary depicted on the map referred to in section 301 and develop and operate thereon research, information, interpretive, and administrative facilities. Lands acquired and facilities developed pursuant to this subsection shall be administered by the Secretary as part of the monument. The boundary of the monument shall be modified to include the lands added under this subsection as a noncontiguous parcel.".

SEC. 207. WUPATKI NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

The boundaries of the Wupatki National Monument, Arizona, are hereby revised to include the lands and interests in lands within the area generally depicted as "Proposed Addition 168.89 Acres" on the map entitled "Boundary—Wupatki and Sunset Crater National Monuments, Arizona", numbered 322–80,021, and dated April 1989. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Subject to valid existing rights, Federal lands and interests therein within the area added to the monument by this section are hereby transferred without monetary consideration or reimbursement to the administrative jurisdiction of the National Park Service, to be administered as part of the monument in accordance with the laws and regulations applicable thereto.

SEC. 208. WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION.

(a) PURPOSE.—The purpose of this section is to modify the boundaries of the Walnut Canyon National Monument (hereafter in this section referred to as the "national monument") to improve management of the national monument and associated resources.

(b) BOUNDARY MODIFICATION.—Effective on the date of enactment of this Act, the boundaries of the national monument shall be modified as depicted on the map entitled "Boundary Proposal—Walnut Canyon National Monument, Coconino County, Arizona", numbered 360/80,010, and dated September 1994. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior. The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to make technical and clerical corrections to such map.

(c) ACQUISITION AND TRANSFER OF PROPERTY.—The Secretary of the Interior is authorized to acquire lands and interest in lands within the national monument, by donation, purchase with donated or appropriated funds, or exchange. Federal property within the boundaries of the national monument (as modified by this section) is hereby transferred to the administrative jurisdiction of the Secretary of the Interior for management as part of the national monument. Federal property excluded from the monument pursuant to the boundary modification under subsection (b) is hereby transferred to the administrative jurisdiction of the Secretary of Agriculture to be managed as a part of the Coconino National Forest.

(d) ADMINISTRATION.—The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national monument in accordance with this title and the provisions of law generally applicable to units of the National Park Service, including "An Act to establish a National Park Service, and for other purposes" approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 209. BUTTE COUNTY, CALIFORNIA LAND CONVEYANCE.

(a) PURPOSE.—It is the purpose of this section to authorize and direct the Secretary of Agriculture to convey, without consideration, certain lands in Butte County, California, to persons claiming to have been deprived of title to such lands.

(b) DEFINITIONS.—For the purpose of this section:

(1) The term "affected lands" means those Federal lands located in the Plumas National Forest in Butte County, California, in sections 11, 12, 13, and 14, township 21 north, range 5 East, Mount Diablo Meridian, as described by the dependent resurvey by the Bureau of Land Management conducted in 1992, and subsequent Forest Service land line location surveys, including all adjoining parcels where the property line as identified by the 1992 BLM dependent resurvey and National Forest boundary lines before such dependent resurvey are not coincident.

(2) The term "claimant" means an owner of real property in Butte County, California, whose real property adjoins Plumas National Forest lands described in paragraph (1), who claims to have been deprived by the United States of title to property as a result of previous erroneous surveys.

(3) The term "Secretary" means the Secretary of Agriculture.

(c) CONVEYANCE OF LANDS.—Notwithstanding any other provision of law, the Secretary is authorized and directed to convey, without consideration, all right, title, and interest of the United States in and to affected lands as described in subsection (b)(1), to any claimant or claimants, upon proper application from such claimant or claimants, as provided in subsection (d).

(d) NOTIFICATION.—Not later than 2 years after the date of enactment of this Act, claimants shall notify the Secretary, through the Forest Supervisor of the Plumas National Forest, in writing of their claim to affected lands. Such claim shall be accompanied by—

(1) a description of the affected lands claimed;

(2) information relating to the claim of ownership of such lands; and

(3) such other information as the Secretary may require.

(e) ISSUANCE OF DEED.—(1) Upon a determination by the Secretary that issuance of a deed for affected lands is consistent with the purpose and requirements of this section, the Secretary shall issue a quit claim deed to such claimant for the parcel to be conveyed.

(2) Prior to the issuance of any such deed as provided in paragraph (1), the Secretary shall ensure that—

(A) the parcel or parcels to be conveyed have been surveyed in accordance with the Memorandum of Understanding between the Forest Service and the Bureau of Land Management, dated November 11, 1989;

(B) all new property lines established by such surveys have been monumented and marked; and

(C) all terms and conditions necessary to protect third party and Government Rights-of-Way or other interests are included in the deed.

(3) The Federal Government shall be responsible for all surveys and property line markings necessary to implement this subsection.

(f) NOTIFICATION TO BLM.—The Secretary shall submit to the Secretary of the Interior an authenticated copy of each deed issued pursuant to this section no later than 30 days after the date such deed is issued.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out the purposes of this section.

SEC. 210. TAOS PUEBLO LAND TRANSFER.

(a) TRANSFER.—The parcel of land described in subsection (b) is hereby transferred without consideration to the Secretary of the Interior to be held in trust for the Pueblo de Taos. Such parcel shall be a part of the Pueblo de Taos Reservation and shall be managed in accordance with section 4 of the Act of May 31, 1933 (48 Stat. 108) (as amended, including as amended by Public Law 91-550 (84 Stat. 1437)).

(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is the land that is generally depicted on the map entitled "Lands transferred to the Pueblo of Taos—proposed" and dated September 1994, comprises 764.33 acres, and is situated within sections 25, 26, 35, and 36, Township 27 North, Range 14 East, New Mexico Principal Meridian, within the Wheeler Peak Wilderness, Carson National Forest, Taos County, New Mexico.

(c) CONFORMING BOUNDARY ADJUSTMENTS.—The boundaries of the Carson National Forest and the Wheeler Peak Wilderness are hereby adjusted to reflect the transfer made by subsection (a).

(d) RESOLUTION OF OUTSTANDING CLAIMS.—The Congress finds and declares that, as a result of the enactment of this section, the Taos Pueblo has no unresolved equitable or legal claims against the United States on the lands to be held in trust and to become part of the Pueblo de Taos Reservation under this section.

SEC. 211. COLONIAL NATIONAL HISTORICAL PARK.

(a) TRANSFER AND RIGHTS-OF-WAY.—The Secretary of the Interior (hereinafter in this section referred to as the "Secretary") is authorized to transfer, without reimbursement, to York County, Virginia, that portion of the existing sewage disposal system, including related improvements and structures, owned by the United States and located within the Colonial National Historical Park, together with such rights-of-way as are determined by the Secretary to be necessary to maintain and operate such system.

(b) REPAIR AND REHABILITATION OF SYSTEM.—The Secretary is authorized to enter into a cooperative agreement with York County, Virginia, under which the Secretary will pay a portion, not to exceed $110,000, of the costs of repair and rehabilitation of the sewage disposal system referred to in subsection (a).

(c) FEES AND CHARGES.—In consideration for the rights-of-way granted under subsection (a), and in recognition of the National Park Service's contribution authorized under subsection (b), the cooperative agreement under subsection (b) shall provide for a reduction in, or the elimination of, the amounts charged to the National Park Service for its sewage disposal. The cooperative agreement shall also provide for minimizing the impact of the sewage disposal system on the park and its resources. Such system may not be enlarged or substantially altered without National Park Service concurrence.

(d) INCLUSION OF LAND IN COLONIAL NATIONAL HISTORICAL PARK.—Notwithstanding the provisions of the Act of June 28, 1938 (52 Stat. 1208; 16 U.S.C. 81b et seq.), limiting the average width of the Colonial Parkway, the Secretary of the Interior is authorized to include within the boundaries of Colonial National Historical Park and to acquire by donation, exchange, or purchase with donated or appropriated funds the lands or interests in lands (with or without improvements) within the areas depicted on the map dated August 1993, numbered 333/80031A, and entitled "Page Landing Addition to Colonial National Historical Park". Such map shall be on file and available for inspection in the offices of the National Park Service at Colonial National Historical Park and in Washington, District of Columbia.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 212. CUPRUM, IDAHO RELIEF.

(a) FINDINGS.—The Congress finds and declares that:

(1) In 1899, the citizens of Cuprum, Idaho, commissioned E.S. Hesse to conduct a survey describing these lands occupied by their community. The purpose of this survey was

to provide a basis for the application for a townsite patent.

(2) In 1909, the Cuprum Townsite patent (Number 52817) was granted, based on an aliquot parts description which was intended to circumscribe the Hesse survey.

(3) Since the day of the patent, the Hesse survey has been used continuously by the community of Cuprum and by Adams Country, Idaho, as the official townsite plat and basis for conveyance of title within the townsite.

(4) Recent boundary surveys conducted by the United States Department of Agriculture, Forest Service, and the United States Department of the Interior, Bureau of Land Management, discovered inconsistencies between the official aliquot parts description of the patented Cuprum Townsite and the Hesse survey. Many lots along the south and east boundaries of the townsite are now known to extend onto National Forest System lands outside the townsite.

(5) It is the determination of Congress that the original intent of the Cuprum Townsite application was to include all the lands described by the Hesse survey.

(b) Purpose.—It is the purpose of this section to amend the 1909 Cuprum Townsite patent to include those additional lands described by the Hesse survey in addition to other lands necessary to provide an administratively acceptable boundary to the National Forest System.

(c) Amendment of Patent.—The 1909 Cuprum Townsite patent is hereby amended to include parcels 1 and 2, identified on the plat, marked as "Township 20 North, Range 3 West, Boise Meridian, Idaho, Section 10: Proposed Patent Adjustment Cuprum Townsite, Idaho" prepared by Payette N.F.—Land Survey Unit, drawn and approved by Tom Betzold, Forest Land Surveyor, on April 25, 1995. Such additional lands are hereby conveyed to the original patentee, Pitts Ellis, trustee, and Probate Judge of Washington County, Idaho, or any successors or assigns in interest in accordance with State law. The Secretary of Agriculture may correct clerical and typographical errors in such plat.

(d) Survey.—The Federal Government shall survey the Federal property lines and mark and post the boundaries necessary to implement this section.

SEC. 214. RELINQUISHMENT OF INTEREST.

(a) In General.—The United States relinquishes all right, title, and interest that the United States may have in land that—

(1) was subject to a right-of-way that was granted to the predecessor of the Chicago and Northwestern Transportation Company under the Act entitled "An Act granting to railroads the right of way through the public lands of the United States", approved March 3, 1875 (43 U.S.C. 934 et seq.), which right-of-way the Company has conveyed to the city of Douglas, Wyoming; and

(2) is located within the boundaries of the city limits of the city of Douglas, Wyoming, or between the right-of-way of Interstate 25 and the city limits of the city of Douglas, Wyoming,

as determined by the Secretary of the Interior in consultation with the appropriate officials of the city of Douglas, Wyoming.

(b) Conveyance.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall file for recordation in the real property records of Converse County, Wyoming, a deed or other appropriate form of instrument conveying to the city of Douglas, Wyoming, all right, title, and interest in the land described in subsection (a).

(c) Conveyance of Certain Property to the Big Horn County School District Number 1, Wyoming.—The Secretary of the Interior shall convey, by quit claim deed, to the Big Horn County School District Number 1, Wyoming, all right, title, and interest of the United States in and to the following described lands in Big Horn County, Wyoming: Lots 19–24 of Block 22, all within the town of Frannie, Wyoming, in the S½NW¼NW¼ and N½SW¼NW¼ of section 31 of T. 58N., R. 97 W., Big Horn County.

SEC. 215. MODOC NATIONAL FOREST.

(a) In General.—The boundary of the Modoc National Forest is hereby modified to include and encompass 760 acres, more or less, on the following described lands: Mount Diablo Meridian, Lassen County, California, T. 38 N., R. 10 E., sec. 5, SE¼NW¼, E½SW¼; sec. 8, E½NE¼, NE¼NW¼, NE¼SE¼; sec. 16, W½; sec. 25, Lots 13, 14 and 15 (S½SW¼, SW¼SE¼); T. 37 N., R. 11 E., sec. 20, NW¼SE¼.

(b) Rule for Land and Water Conservation Fund.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9), the boundary of the Modoc National Forest, as modified by this title, shall be considered to be the boundary of that National Forest as of January 1, 1965.

SEC. 216. CONVEYANCE TO CITY OF SUMPTER, OREGON.

(a) Conveyance Required.—The Secretary of Agriculture shall convey, without consideration, to the city of Sumpter, Oregon (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property of approximately 1.43 acres consisting of all of block 8 of the REVISED PLAN OF SUMPTER TOWNSITE in the City, as shown in plat recorded March 6, 1897, in Plat Book 3, page 26; including the alley running through such block, vacated by Ordinance No. 1966–3, recorded December 14, 1966, in Deed 66–50–014.

(b) Additional Description of Property.—The real property to be conveyed under subsection (a) consists of the same property that was deeded to the United States in the following deeds:

(1) Warranty Deed from Sumpter Power & Water Company to the United States of America dated October 12, 1949, and recorded in Vol. 152, page 170 of Baker County records on December 22, 1949.

(2) Warranty Deed from Mrs. Alice Windle to the United States of America dated October 11, 1949, and recorded in Vol. 152, page 168 of Baker County records on December 22, 1949.

(3) Warranty Deed from Alice L. Windle Charles and James M. Charles to the United States of America dated August 8, 1962, and recorded in Book 172, page 1331 on August 27, 1962.

(c) Condition of Conveyance.—The conveyance under subsection (a) shall be subject to the condition that the City use the conveyed property only for public purposes, such as a city park, information center, or interpretive area.

(d) Release.—Upon making the conveyance required by subsection (a), the United States is relieved from liability for any and all claims arising from the presence of materials on the conveyed property.

(e) Reversionary Interest.—If the Secretary of Agriculture determines that the real property conveyed under subsection (a) is not being used in accordance with the condition specified in subsection (c) or that the City has initiated proceedings to sell, lease, exchange, or otherwise dispose of all or a portion of the property, then, at the option of the Secretary, the United States shall have a right of reentry with regard to the property, with title thereto revesting in the United States.

(f) Authorized Sale of Property.—Notwithstanding subsections (c) and (e), the Secretary of Agriculture may authorize the City to dispose of the real property conveyed under subsection (a) if the proceeds from such disposal are at least equal to the fair market value of the property and are paid to the United States. The Secretary shall deposit amounts received under this subsection into the special fund in the Treasury into which funds are deposited pursuant to the Act of December 4, 1967 (16 U.S.C. 484a), commonly known as the Sisk Act. The disposal of the conveyed property under this subsection shall be subject to such terms and conditions as the Secretary may prescribe.

(g) Additional Terms and Conditions.—The Secretary of Agriculture may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 217. CUMBERLAND GAP NATIONAL HISTORICAL PARK.

(a) Authority.—Notwithstanding the Act of June 11, 1940 (16 U.S.C. 261 et seq.), the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange not to exceed 10 acres of land or interests in land, which shall consist of those necessary lands for the establishment of trailheads to be located at White Rocks and Chadwell Gap.

(b) Administration.—Lands and interests in lands acquired pursuant to subsection (a) shall be added to and administered as part of Cumberland Gap National Historical Park.

SEC. 220. ALPINE SCHOOL DISTRICT.

(a) Conveyance Required.—(1) The Secretary of Agriculture shall convey, without consideration, to the Alpine Elementary School District 7 of the State of Arizona (in this section referred to as the "School District"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 30 acres located in the Apache National Forest, Apache County, Arizona, and further delineated as follows: North ½ of Northeast ¼ of Southeast ¼ of section 14, Township 5 North, Range 30 East, Gila and Salt River meridian, and North ½ of South ½ of Northeast ¼ of Southeast ¼ of such section.

(2) The exact acreage and legal description of the real property to be conveyed under paragraph (1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the School District.

(b) Condition of Conveyance.—The conveyance made under subsection (a) shall be subject to the condition that the School District use the conveyed property for public school facilities and related public school recreational purposes.

(c) Right of Reentry.—The United States shall retain a right of reentry in the property to be conveyed. If the Secretary determines that the conveyed property is not being used in accordance with the condition in subsection (b), the United States shall have the right to reenter the conveyed property without consideration.

(d) Encumbrances.—The conveyance made under subsection (a) shall be subject to all encumbrances on the property existing as of the date of the enactment of this Act.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 221. MERCED IRRIGATION DISTRICT LAND EXCHANGE.

(a) CONVEYANCE.—(1) The Secretary of the Interior may convey the Federal lands described in subsection (d)(1) in exchange for the non-Federal lands described in subsection (d)(2), in accordance with the provisions of this Act.

(b) APPLICABILITY OF OTHER PROVISIONS OF LAW.—The land exchange required in this section shall be carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) and in accordance with other applicable laws.

(c) ACCEPTABILITY OF TITLE AND MANNER OF CONVEYANCE.—The Secretary of the Interior shall not carry out an exchange described in subsection (a) unless the title to the non-Federal lands to be conveyed to the United States, and the form and procedures of conveyance, are acceptable to the Secretary.

(d) LANDS TO BE EXCHANGED.—

(1) FEDERAL LANDS TO BE EXCHANGED.—The Federal lands referred to in this section to be exchanged consist of approximately 179.4 acres in Mariposa County, California as generally depicted on the map entitled "Merced Irrigation District Exchange—Proposed, Federal Land", dated March 15, 1995, more particularly described as follows:

T. 3 S., R. 15 E., MDM (Mount Diablo Meridian): sec. 35, SW¼SE¼, containing approximately 40 acres.

T. 4 S., R. 15 E., MDM (Mount Diablo Meridian):

Sec. 14: E½SE¼SE¼, containing approximately 20 acres.

Sec. 23: NE¼SE¼, containing approximately 40 acres.

T. 5 S., R. 15 E., MDM (Mount Diablo Meridian):

Sec. 2: Lot 1, containing approximately 57.9 acres.

Sec. 3: Lots 7 thru 15, containing approximately 21.5 acres.

(2) NON-FEDERAL LANDS TO BE EXCHANGED.—The non-Federal lands referred to in this section to be exchanged consist of approximately 160 acres in Mariposa County, California as generally depicted on the map entitled "Merced Irrigation District Exchange—Proposed, Non-Federal Land", dated March 15, 1995, more particularly described as T. 4 S., R17E MDM (Mount Diablo Meridian): sec. 2, SE¼.

(3) MAPS.—The maps referred to in this subsection shall be on file and available for inspection in the office of the Director of the Bureau of Land Management.

(4) PARTIAL REVOCATION OF WITHDRAWALS.—The Executive order of December 31, 1912, creating Powersite Reserve No. 328, and the withdrawal of Federal lands for Power Project No. 2179, filed February 21, 1963, in accordance with section 24 of the Federal Power Act are hereby revoked insofar as they affect the Federal lands described in paragraph (1). Any patent issued on such Federal lands shall not be subject to section 24 of said Act.

SEC. 222. FATHER AULL SITE TRANSFER.

(a) SHORT TITLE.—This section may be cited as the "Father Aull Site Transfer Act of 1996".

(b) CONVEYANCE OF PROPERTY.—Subject to valid existing rights, all right, title and interest of the United States in and to the land (including improvements on the land), consisting of approximately 43.06 acres, located approximately 10 miles east of Silver City, New Mexico, and described as follows: T. 17 S., R. 12 W., Section 30: Lot 13, and Section 31: Lot 27 (as generally depicted on the map dated July 1995) is hereby conveyed by operation of law to St. Vincent DePaul Parish in Silver City, New Mexico, without consideration.

(c) RELEASE.—Upon the conveyance of any land or interest in land identified in this section to St. Vincent DePaul Parish, St. Vincent DePaul Parish shall assume any liability for any claim relating to the land or interest in the land arising after the date of the conveyance.

(d) MAP.—The map referred to in this section shall be on file and available for public inspection in—

(1) the State of New Mexico Office of the Bureau of Land Management, Santa Fe, New Mexico; and

(2) the Las Cruces District Office of the Bureau of Land Management, Las Cruces, New Mexico.

SEC. 223. COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the maps described in subsection (b) as are necessary to ensure that depictions of areas on those maps are consistent with the depictions of areas appearing on the maps entitled "Amendments to Coastal Barrier Resources System", dated November 1, 1995, and June 1, 1996, and on file with the Secretary.

(b) MAPS DESCRIBED.—The maps described in this subsection are maps that—

(1) are included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990; and

(2) relate to the following units of the Coastal Barrier Resources System: P05, P05A, P10, P11, P11A, P18, P25, P32, and P32P.

SEC. 224. CONVEYANCE TO DEL NORTE COUNTY UNIFIED SCHOOL DISTRICT.

(a) CONVEYANCE.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall convey to the Del Norte County Unified School District of Del Norte County, California, in accordance with this section, all right, title, and interest of the United States in and to the property described in subsection (b).

(b) PROPERTY DESCRIPTION.—The property referred to in subsection (a) is that portion of Township 17 North, Range 2 East, Humboldt Meridian in Del Norte County, California, which is further described as follows:

Beginning at Angle Point No. 3 of Tract 41 as resurveyed by the Bureau of Land Management under survey Group No. 1013, approved August 13, 1990, and shown on the official plat thereof;

thence on the line between Angle Points No. 3 and No. 4 of Tract 41, North 89 degrees, 24 minutes, 20 seconds East, a distance of 345.44 feet to Angle Point No. 4 of Tract 41;

thence on the line between Angle Points No. 4 and No. 5 of Tract 41, South 00 degrees, 01 minutes, 20 seconds East, a distance of 517.15 feet;

thence West, a distance of 135.79 feet;

thence North 88 degrees, 23 minutes, 01 seconds West, a distance of 61.00 feet;

thence North 39 degrees, 58 minutes, 18 seconds West, a distance of 231.37 feet to the East line of Section 21, Township 17 North, Range 2 East;

thence along the East line of Section 21, North 00 degrees, 02 minutes, 20 seconds West, a distance of 334.53 feet to the point of beginning.

(c) CONSIDERATION.—The conveyance provided for in subsection (a) shall be without consideration except as required by this section.

(d) CONDITIONS OF CONVEYANCE.—The conveyance provided for in subsection (a) shall be subject to the following conditions:

(1) Del Norte County shall be provided, for no consideration, an easement for County Road No. 318 which crosses the Northeast corner of the property conveyed.

(2) The Pacific Power and Light Company shall be provided, for no consideration, an easement for utility equipment as necessary to maintain the level of service provided by the utility equipment on the property as of the date of the conveyance.

(3) The United States shall be provided, for no consideration, an easement to provide access to the United States property that is south of the property conveyed.

(e) LIMITATIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) is subject to the following limitations:

(1) ENCUMBRANCES.—Such conveyance shall be subject to all encumbrances on the land existing as of the date of enactment of this Act.

(2) RE-ENTRY RIGHT.—The United States shall retain a right of re-entry in the land described for conveyance in subsection (b). If the Secretary determines that the conveyed property is not being used for public educational or related recreational purposes, the United States shall have a right to re-renter the property conveyed therein without consideration.

(f) ADDITIONAL TERMS AND CONDITIONS.—The conveyance provided for in subsection (a) shall be subject to such additional terms and conditions as the Secretary of Agriculture and the Del Norte County Unified School District agree are necessary to protect the interests of the United States.

TITLE III—EXCHANGES

SEC. 301. TARGHEE NATIONAL FOREST LAND EXCHANGE.

(a) CONVEYANCE.—Notwithstanding the requirements in the Act entitled "An Act to Consolidate National Forest Lands", approved March 20, 1922 (16 U.S.C. 485), and section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) that Federal and non-Federal lands exchanged for each other must be located within the same State, the Secretary of Agriculture may convey the Federal lands described in subsection (d) in exchange for the non-Federal lands described in subsection (e) in accordance with the provisions of this section.

(b) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Except as otherwise provided in this section, the land exchange authorized by this section shall be made under the existing authorities of the Secretary.

(c) ACCEPTABILITY OF TITLE AND MANNER OF CONVEYANCE.—The Secretary shall not carry out the exchange described in subsection (a) unless the title to the non-Federal lands to be conveyed to the United States, and the form and procedures of conveyance, are acceptable to the Secretary.

(d) FEDERAL LANDS.—The Federal lands referred to in this section are located in the Targhee National Forest in Idaho, are generally depicted on the map entitled "Targhee Exchange, Idaho-Wyoming—Proposed, Federal Land", dated September 1994, and are known as the North Fork Tract.

(e) NON-FEDERAL LANDS.—The non-Federal lands referred to in this section are located in the Targhee National Forest in Wyoming, are generally depicted on the map entitled

"Non-Federal land, Targhee Exchange, Idaho-Wyoming—Proposed", dated September 1994, and are known as the Squirrel Meadows Tract.

(f) MAPS.—The maps referred to in subsections (d) and (e) shall be on file and available for inspection in the office of the Targhee National Forest in Idaho and in the office of the Chief of the Forest Service.

(g) EQUALIZATION OF VALUES.—Prior to the exchange authorized by this section, the values of the Federal and non-Federal lands to be so exchanged shall be established by appraisals of fair market value that shall be subject to approval by the Secretary. The values either shall be equal or shall be equalized using the following methods:

(1) ADJUSTMENT OF LANDS.—

(A) PORTION OF FEDERAL LANDS.—If the Federal lands are greater in value than the non-Federal lands, the Secretary shall reduce the acreage of the Federal lands until the values of the Federal lands closely approximate the values of the non-Federal lands.

(B) ADDITIONAL FEDERALLY OWNED LANDS.—If the non-Federal lands are greater in value than the Federal lands, the Secretary may convey additional federally owned lands within the Targhee National Forest up to an amount necessary to equalize the values of the non-Federal lands and the lands to be transferred out of Federal ownership. However, such additional federally owned lands shall be limited to those meeting the criteria for land exchanges specified in the Targhee National Forest Land and Resource Management Plan.

(2) PAYMENT OF MONEY.—The values may be equalized by the payment of money as provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716 (b)).

(h) DEFINITIONS.—For purpose of this section:

(1) The term "Federal lands" means the Federal lands described in subsection (d).

(2) The term "non-Federal lands" means the non-Federal lands described in subsection (e).

(3) The term "Secretary" means the Secretary of Agriculture.

SEC. 302. ANAKTUVUK PASS LAND EXCHANGE.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Alaska National Interest Lands Conservation Act (94 Stat. 2371), enacted on December 2, 1980, established Gates of the Arctic National Park and Preserve and Gates of the Arctic Wilderness. The village of Anaktuvuk Pass, located in the highlands of the central Brooks Range, is virtually surrounded by these national park and wilderness lands and is the only Native village located within the boundary of a National Park System unit in Alaska.

(2) Unlike most other Alaskan Native communities, the village of Anaktuvuk Pass is not located on a major river, lake, or coastline that can be used as a means of access. The residents of Anaktuvuk Pass have relied increasingly on snow machines in winter and all-terrain vehicles in summer as their primary means of access to pursue caribou and other subsistence resources.

(3) In a 1983 land exchange agreement, linear easements were reserved by the Inupiat Eskimo people for use of all-terrain vehicles across certain national park lands, mostly along stream and river banks. These linear easements proved unsatisfactory, because they provided inadequate access to subsistence resources while causing excessive environmental impact from concentrated use.

(4) The National Park Service and the Nunamiut Corporation initiated discussions in 1985 to address concerns over the use of all-terrain vehicles on park and wilderness land. These discussions resulted in an agreement, originally executed in 1992 and thereafter amended in 1993 and 1994, among the National Park Service, Nunamiut Corporation, the City of Anaktuvuk Pass, and Arctic Slope Regional Corporation. Full effectuation of this agreement, as amended, by its terms requires ratification by the Congress.

(b) RATIFICATION OF AGREEMENT.—

(1) RATIFICATION.—

(A) IN GENERAL.—The terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Donation, Exchange of Lands and Interests in Lands and Wilderness Redesignation Agreement Among Arctic Slope Regional Corporation, Nunamiut Corporation, City of Anaktuvuk Pass and the United States of America" (hereinafter referred to in this section as "the Agreement"), executed by the parties on December 17, 1992, as amended, are hereby incorporated in this title, are ratified and confirmed, and set forth the obligations and commitments of the United States, Arctic Slope Regional Corporation, Nunamiut Corporation and the City of Anaktuvuk Pass, as a matter of Federal law.

(B) LAND ACQUISITION.—Lands acquired by the United States pursuant to the Agreement shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") as part of Gates of the Arctic National Park and Preserve, subject to the laws and regulations applicable thereto.

(2) MAPS.—The maps set forth as Exhibits C1, C2, and D through I to the Agreement depict the lands subject to the conveyances, retention of surface access rights, access easements and all-terrain vehicle easements. These lands are depicted in greater detail on a map entitled "Land Exchange Actions, Proposed Anaktuvuk Pass Land Exchange and Wilderness Redesignation, Gates of the Arctic National Park and Preserve", Map No. 185/80,039, dated April 1994, and on file at the Alaska Regional Office of the National Park Service and the offices of Gates of the Arctic National Park and Preserve in Fairbanks, Alaska. Written legal descriptions of these lands shall be prepared and made available in the above offices. In case of any discrepancies, Map No. 185/80,039 shall be controlling.

(c) NATIONAL PARK SYSTEM WILDERNESS.—

(1) GATES OF THE ARCTIC WILDERNESS.—

(A) REDESIGNATION.—Section 701(2) of the Alaska National Interest Lands Conservation Act (94 Stat. 2371, 2417) establishing the Gates of the Arctic Wilderness is hereby amended with the addition of approximately 56,825 acres as wilderness and the rescission of approximately 73,993 acres as wilderness, thus revising the Gates of the Arctic Wilderness to approximately 7,034,832 acres.

(B) MAP.—The lands redesignated by subparagraph (A) are depicted on a map entitled "Wilderness Actions, Proposed Anaktuvuk Pass Land Exchange and Wilderness Redesignation, Gates of the Arctic National Park and Preserve", Map No. 185/80,040, dated April 1994, and on file at the Alaska Regional Office of the National Park Service and the office of Gates of the Arctic National Park and Preserve in Fairbanks, Alaska.

(2) NOATAK NATIONAL PRESERVE.—Section 201(8)(a) of the Alaska National Interest Land Conservation Act (94 Stat. 2380) is amended by—

(A) striking "approximately six million four hundred and sixty thousand acres" and inserting in lieu thereof "approximately 6,477,168 acres"; and

(B) inserting "and the map entitled "Noatak National Preserve and Noatak Wilderness Addition" dated September 1994" after "July 1980".

(3) NOATAK WILDERNESS.—Section 701(7) of the Alaska National Interest Lands Conservation Act (94 Stat. 2417) is amended by striking "approximately five million eight hundred thousand acres" and inserting in lieu thereof "approximately 5,817,168 acres".

(d) CONFORMANCE WITH OTHER LAW.—

(1) ALASKA NATIVE CLAIMS SETTLEMENT ACT.—All of the lands, or interests therein, conveyed to and received by Arctic Slope Regional Corporation or Nunamiut Corporation pursuant to the Agreement shall be deemed conveyed and received pursuant to exchanges under section 22(f) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, 1621(f)). All of the lands or interests in lands conveyed pursuant to the Agreement shall be conveyed subject to valid existing rights.

(2) ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.—Except to the extent specifically set forth in this section or the Agreement, nothing in this section or in the Agreement shall be construed to enlarge or diminish the rights, privileges, or obligations of any person, including specifically the preference for subsistence uses and access to subsistence resources provided under the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

SEC. 303. ALASKA PENINSULA SUBSURFACE CONSOLIDATION.

(a) DEFINITIONS.—As used in this section:

(1) AGENCY.—The term agency—

(A) means any instrumentality of the United States, and any Government corporation (as defined in section 9101(1) of title 31, United States Code); and

(B) includes any element of an agency.

(2) ALASKA NATIVE CORPORATION.—The term "Alaska Native Corporation" has the same meaning as is provided for "Native Corporation" in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(3) FEDERAL LANDS OR INTEREST THEREIN.—The term "Federal lands or interests therein" means any lands or properties owned by the United States (A) which are administered by the Secretary, or (B) which are subject to a lease to third parties, or (C) which have been made available to the Secretary for exchange under this section through the concurrence of the director of the agency administering such lands or properties: *Provided however*, That excluded from such lands shall be those lands which are within an existing conservation system unit as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4)), and those lands the mineral interest for which are currently under mineral lease.

(4) KONIAG.—The term "Koniag" means Koniag, Incorporated, which is a regional Corporation.

(5) REGIONAL CORPORATION.—The term "Regional Corporation" has the same meaning as is provided in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)).

(6) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of the Interior.

(7) SELECTION RIGHTS.—The term "selection rights" means those rights granted to

Koniag, and confirmed as valid selections (within Koniag's entitlement) pursuant to subsections (a) and (b) of section 12, and section 14(h)(8), of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613(h)(8)), to receive title to the oil and gas rights and other interests in the subsurface estate of the approximately 275,000 acres of public lands in the State of Alaska identified as "Koniag Selections" on the map entitled "Koniag Interest Lands, Alaska Peninsula", dated May 1989.

(b) VALUATION OF KONIAG SELECTION RIGHTS.—

(1) IN GENERAL.—Pursuant to paragraph (2) of this subsection, the Secretary shall value the Selection Rights which Koniag possesses within the boundaries of Aniakchak National Monument and Preserve, Alaska Peninsula National Wildlife Refuge, and Becharof National Wildlife Refuge.

(2) VALUE.—

(A) IN GENERAL.—The value of the selection rights shall be equal to the fair market value of—

(i) the oil and gas interests in the lands or interests in lands that are the subject of the selection rights; and

(ii) in the case of the lands or interests in lands for which Koniag is to receive the entire subsurface estate, the subsurface estate of the lands or interests in lands that are the subject of the selection rights.

(B) APPRAISAL.—

(i) SELECTION OF APPRAISER.—

(I) IN GENERAL.—Not later than 90 days after the date of enactment of this section the Secretary and Koniag shall meet to select a qualified appraiser to conduct an appraisal of the selection rights. Subject to subclause (II), the appraiser shall be selected by the mutual agreement of the Secretary and Koniag.

(II) FAILURE TO AGREE.—If the Secretary and Koniag fail to agree on an appraiser by the date that is 60 days after the date of the initial meeting referred to in subclause (I), the Secretary and Koniag shall, by the date that is not later than 90 days after the date of the initial meeting, each designate an appraiser who is qualified to perform the appraisal. The 2 appraisers so identified shall select a third qualified appraiser who shall perform the appraisal.

(ii) STANDARDS AND METHODOLOGY.—The appraisal shall be conducted in conformity with the standards of the Appraisal Foundation (as defined in section 1121(9) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(9)).

(iii) SUBMISSION OF APPRAISAL REPORT.—Not later than 180 days after the selection of an appraiser pursuant to clause (i), the appraiser shall submit to the Secretary and to Koniag a written appraisal report specifying the value of the selection rights and the methodology used to arrive at the value.

(C) DETERMINATION OF VALUE.—

(i) DETERMINATION BY THE SECRETARY.—Not later than 60 days after the date of the receipt of the appraisal report under subparagraph (B)(iii), the Secretary shall determine the value of the selection rights and shall notify Koniag of the determination.

(ii) ALTERNATIVE DETERMINATION OF VALUE.—

(I) IN GENERAL.—Subject to subclause (II), if Koniag does not agree with the value determined by the Secretary under clause (i), the procedures specified in section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716 (d)) shall be used to establish the value.

(II) AVERAGE VALUE LIMITATION.—The average value per acre of the selection rights shall not be less than the value utilizing the risk adjusted discount cash flow methodology, but in no event may exceed $300.

(c) KONIAG ACCOUNT.—

(1) IN GENERAL.—(A) The Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein which are in the State of Alaska for the Selection Rights.

(B) If the value of the Federal property to be exchanged is less than the value of the Selection Rights established in subsection (b), and if such Federal property to be exchanged is not generating receipts to the Federal Government in excess of $1,000,000 per year, then the Secretary may exchange the Federal property for that portion of the Selection Rights having a value equal to that of the Federal property. The remaining selection rights shall remain available for additional exchanges.

(C) For the purposes of any exchange to be consummated under this section, if less than all the selection rights are being exchanged, then the value of the selection rights being exchanged shall be equal to the number of acres of selection rights being exchanged multiplied by a fraction, the numerator of which is the value of all the selection rights as determined pursuant to subsection (b) hereof and the denominator of which is the total number of acres of selection rights.

(2) ADDITIONAL EXCHANGES.—If, after 10 years from the date of the enactment of this section, the Secretary was unable to conclude such exchanges as may be required to acquire all of the selection rights, he shall conclude exchanges for the remaining selection rights for such Federal property as may be identified by Koniag, which property is available for transfer to the administrative jurisdiction of the Secretary under any provision of law and which property, at the time of the proposed transfer to Koniag is not generating receipts to the Federal Government in excess of $1,000,000 per year. The Secretary shall keep Koniag advised in a timely manner as to which properties may be available for such transfer. Upon receipt of such identification by Koniag, the Secretary shall request in a timely manner the transfer of such identified property to the administrative jurisdiction of the Department of the Interior. Such property shall not be subject to the geographic limitations of section 206(b) of the Federal Land Policy and Management Act and may be retained by the Secretary solely for purposes of transferring it to Koniag to complete the exchange. Should the value of the property so identified by Koniag be in excess of the value of the remaining selection rights, then Koniag shall have the option of (A) declining to proceed with the exchange and identifying other property, or (B) paying the difference in value between the property rights.

(3) REVENUES.—Any property received by Koniag in an exchange entered into pursuant to paragraph (1) or (2) shall be deemed to be an interest in the subsurface for purposes of section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.): *Provided however*, That should Koniag make a payment to equalize the value in any such exchange, then Koniag will be deemed to hold an undivided interest in the property equal in value to such payment which interest shall not be subject to the provisions of section 7(i) of that Act.

(d) AUTHORITY TO APPOINT AND REMOVE TRUSTEE.—In establishing a Settlement Trust under section 39 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629c), Koniag may delegate, in whole or in part, the authority granted to Koniag under subsection (b)(2) of such section to any entity that Koniag may select without affecting the status of the trust as a Settlement Trust under such section.

SEC. 304. SNOWBASIN LAND EXCHANGE ACT.

(a) PURPOSE AND INTENT.—The purpose of this section is to authorize and direct the Secretary to exchange 1,320 acres of federally-owned land within the Cache National Forest in the State of Utah for lands of approximately equal value owned by the Sun Valley Company. It is the intent of Congress that this exchange be completed without delay within the period specified by subsection (d).

(b) DEFINITIONS.—As used in this section:

(1) The term "Sun Valley Company" means the Sun Valley Company, a division of Sinclair Oil Corporation, a Wyoming Corporation, or its successors or assigns.

(2) The term "Secretary" means the Secretary of Agriculture.

(c) EXCHANGE.—

(1) FEDERAL SELECTED LANDS.—(A) Not later than 45 days after the final determination of value of the Federal selected lands, the Secretary shall, subject to this section, transfer all right, title, and interest of the United States in and to the lands referred to in subparagraph (B) to the Sun Valley Company.

(B) The lands referred to in subparagraph (A) are certain lands within the Cache National Forest in the State of Utah comprising 1,320 acres, more or less, as generally depicted on the map entitled "Snowbasin Land Exchange—Proposed" and dated October 1995.

(2) NON-FEDERAL OFFERED LANDS.—Upon transfer of the Federal selected lands under paragraph (1), and in exchange for those lands, the Sun Valley Company shall simultaneously convey to the Secretary all right, title and interest of the Sun Valley Company in and to so much of the following offered lands which have been previously identified by the United States Forest Service as desirable by the United States, or which are identified pursuant to subparagraph (E) prior to the transfer of lands under paragraph (1), as are of approximate equal value to the Federal selected lands:

(A) Certain lands located within the exterior boundaries of the Cache National Forest in Weber County, Utah, which comprise approximately 640 acres and are generally depicted on a map entitled "Lightning Ridge Offered Lands", dated October 1995.

(B) Certain lands located within the Cache National Forest in Weber County, Utah, which comprise approximately 635 acres and are generally depicted on a map entitled "Wheeler Creek Watershed Offered Lands—Section 2" dated October 1995.

(C) Certain lands located within the exterior boundaries of the Cache National Forest in Weber County, Utah, and lying immediately adjacent to the outskirts of the City of Ogden, Utah, which comprise approximately 800 acres and are generally depicted on a map entitled "Taylor Canyon Offered Lands", dated October 1995.

(D) Certain lands located within the exterior boundaries of the Cache National Forest in Weber County, Utah, which comprise approximately 2,040 acres and are generally depicted on a map entitled "North Fork Ogden River—Devil's Gate Valley", dated October 1995.

(E) Such additional offered lands in the State of Utah as may be necessary to make the values of the lands exchanged pursuant to this section approximately equal, and which are acceptable to the Secretary.

(3) SUBSTITUTION OF OFFERED LANDS.—If one or more of the precise offered land parcels identified in subparagraphs (A) through (D) of paragraph (2) is unable to be conveyed to the United States due to appraisal or other reasons, or if the Secretary and the Sun Valley Company mutually agree and the Secretary determines that an alternative offered land package would better serve long term public needs and objectives, the Sun Valley Company may simultaneously convey to the United States alternative offered lands in the State of Utah acceptable to the Secretary in lieu of any or all of the lands identified in subparagraphs (A) through (D) of paragraph (2).

(4) VALUATION AND APPRAISALS.—(A) Values of the lands to be exchanged pursuant to this section shall be equal as determined by the Secretary utilizing nationally recognized appraisal standards and in accordance with section 206 of the Federal Land Policy and Management Act of 1976. The appraisal reports shall be written to Federal standards as defined in the Uniform Appraisal Standards for Federal Land Acquisitions. If, due to size, location, or use of lands exchanged under this section, the values are not exactly equal, they shall be equalized by the payment of cash equalization money to the Secretary or the Sun Valley Company as appropriate in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)). In order to expedite the consummation of the exchange directed by this section, the Sun Valley Company shall arrange and pay for appraisals of the offered and selected lands by a qualified appraiser with experience in appraising similar properties and who is mutually acceptable to the Sun Valley Company and the Secretary. The appraisal of the Federal selected lands shall be completed and submitted to the Secretary for technical review and approval no later than 120 days after the date of enactment of this Act, and the Secretary shall make a determination of value not later than 30 days after receipt of the appraisal. In the event the Secretary and the Sun Valley Company are unable to agree to the appraised value of a certain tract or tracts of land, the appraisal, appraisals, or appraisal issues in dispute and a final determination of value shall be resolved through a process of bargaining or submission to arbitration in accordance with section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)).

(B) In order to expedite the appraisal of the Federal selected lands, such appraisal shall—

(i) value the land in its unimproved state, as a single entity for its highest and best use as if in private ownership and as of the date of enactment of this Act;

(ii) consider the Federal lands as an independent property as though in the private marketplace and suitable for development to its highest and best use;

(iii) consider in the appraisal any encumbrance on the title anticipated to be in the conveyance to Sun Valley Company and reflect its effect on the fair market value of the property; and

(iv) not reflect any enhancement in value to the Federal selected lands based on the existence of private lands owned by the Sun Valley Company in the vicinity of the Snowbasin Ski Resort, and shall assume that private lands owned by the Sun Valley Company are not available for use in conjunction with the Federal selected lands.

(d) GENERAL PROVISIONS RELATING TO THE EXCHANGE.—

(1) IN GENERAL.—The exchange authorized by this section shall be subject to the following terms and conditions:

(A) RESERVED RIGHTS-OF-WAY.—In any deed issued pursuant to subsection (c)(1), the Secretary shall reserve in the United States a right of reasonable access across the conveyed property for public access and for administrative purposes of the United States necessary to manage adjacent federally-owned lands. The terms of such reservation shall be prescribed by the Secretary within 30 days after the date of the enactment of this Act.

(B) RIGHT OF RESCISSION.—This section shall not be binding on either the United States or the Sun Valley Company if, within 30 days after the final determination of value of the Federal selected lands, the Sun Valley Company submits to the Secretary a duly authorized and executed resolution of the Company stating its intention not to enter into the exchange authorized by this section.

(2) WITHDRAWAL.—Subject to valid existing rights, effective on the date of enactment of this Act, the Federal selected lands described in subsection (c)(1) and all National Forest System lands currently under special use permit to the Sun Valley Company at the Snowbasin Ski Resort are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws) and from disposition under all laws pertaining to mineral and geothermal leasing.

(3) DEED.—The conveyance of the offered lands to the United States under this section shall be by general warranty or other deed acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

(4) STATUS OF LANDS.—Upon acceptance of title by the Secretary, the land conveyed to the United States pursuant to this section shall become part of the Wasatch or Cache National Forests as appropriate, and the boundaries of such National Forests shall be adjusted to encompass such lands. Once conveyed, such lands shall be managed in accordance with the Act of March 1, 1911, as amended (commonly known as the "Weeks Act"), and in accordance with the other laws, rules and regulations applicable to National Forest System lands. This paragraph does not limit the Secretary's authority to adjust the boundaries pursuant to section 11 of the Act of March 1, 1911 ("Weeks Act"). For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Wasatch and Cache National Forests, as adjusted by this section, shall be considered to be boundaries of the forests as of January 1, 1965.

(e) PHASE FACILITY CONSTRUCTION AND OPERATION.—

(1) PHASE I FACILITY FINDING AND REVIEW.—(A) The Congress has reviewed the Snowbasin Ski Area Master Development Plan dated October 1995 (hereinafter in this subsection referred to as the "Master Plan"). On the basis of such review, and review of previously completed environmental and other resource studies for the Snowbasin Ski Area, Congress hereby finds that the "Phase I" facilities referred to in the Master Plan to be located on National Forest System land after consummation of the land exchange directed by this section are limited in size and scope, are reasonable and necessary to accommodate the 2002 Olympics, and in some cases are required to provide for the safety of skiing competitors and spectators.

(B) Within 60 days after the date of enactment of this Act, the Secretary and the Sun Valley Company shall review the Master Plan insofar as such plan pertains to Phase I facilities which are to be constructed and operated wholly or partially on National Forest System lands retained by the Secretary after consummation of the land exchange directed by this section. The Secretary may modify such Phase I facilities upon mutual agreement with the Sun Valley Company or by imposing conditions pursuant to paragraph (2) of this subsection.

(C) Within 90 days after the date of enactment of this Act, the Secretary shall submit the reviewed Master Plan on the Phase I facilities, including any modifications made thereto pursuant to subparagraph (B), to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives for a 30-day review period. At the end of the 30-day period, unless otherwise directed by Act of Congress, the Secretary may issue all necessary authorizations for construction and operation of such facilities or modifications thereof in accordance with the procedures and provisions of paragraph (2) of this subsection.

(2) PHASE I FACILITY APPROVAL, CONDITIONS, AND TIMETABLE.—Within 120 days of receipt of an application by the Sun Valley Company to authorize construction and operation of any particular Phase I facility, facilities, or group of facilities, the Secretary, in consultation with the Sun Valley Company, shall authorize construction and operation of such facility, facilities, or group of facilities, subject to the general policies of the Forest Service pertaining to the construction and operation of ski area facilities on National Forest System lands and subject to reasonable conditions to protect National Forest System resources. In providing authorization to construct and operate a facility, facilities, or group of facilities, the Secretary may not impose any condition that would significantly change the location, size, or scope of the applied for Phase I facility unless—

(A) the modification is mutually agreed to by the Secretary and the Sun Valley Company; or

(B) the modification is necessary to protect health and safety.

Nothing in this subsection shall be construed to affect the Secretary's responsibility to monitor and assure compliance with the conditions set forth in the construction and operation authorization.

(3) CONGRESSIONAL DIRECTIONS.—Notwithstanding any other provision of law, Congress finds that consummation of the land exchange directed by this section and all determinations, authorizations, and actions taken by the Secretary pursuant to this section pertaining to Phase I facilities on National Forest System lands, or any modifications thereof, to be nondiscretionary actions authorized and directed by Congress and hence to comply with all procedural and other requirements of the laws of the United States. Such determinations, authorizations, and actions shall not be subject to administrative or judicial review.

(f) NO PRECEDENT.—Nothing in subsection (c)(4)(B) of this section relating to conditions or limitations on the appraisal of the Federal lands, or any provision of subsection (e), relating to the approval by the Congress or the Forest Service of facilities on National Forest System lands, shall be construed as a precedent for subsequent legislation.

SEC. 305. ARKANSAS AND OKLAHOMA LAND EXCHANGE.

(a) FINDINGS.—Congress finds that:

(1) the Weyerhaeuser Company has offered to the United States Government an exchange of lands under which Weyerhaeuser would receive approximately 48,000 acres of Federal land in Arkansas and Oklahoma and all mineral interests and oil and gas interests pertaining to these exchanged lands in which the United States Government has an interest in return for conveying to the United States lands owned by Weyerhaeuser consisting of approximately 181,000 acres of forested wetlands and other forest land of public interest in Arkansas and Oklahoma and all mineral interests and all oil and gas interests pertaining to 48,000 acres of these 181,000 acres of exchanged lands in which Weyerhaeuser has an interest, consisting of—

(A) certain lands in Arkansas (Arkansas Ouachita lands) located near Poteau Mountain, Caney Creek Wilderness, Lake Ouachita, Little Missouri Wild and Scenic River, Flatside Wilderness and the Ouachita National Forest;

(B) certain lands in Oklahoma (Oklahoma lands) located near the McCurtain County Wilderness, the Broken Bow Reservoir, the Glover River, and the Ouachita National Forest; and

(C) certain lands in Arkansas (Arkansas Cossatot lands) located on the Little and Cossatot Rivers and identified as the "Pond Creek Bottoms" in the Lower Mississippi River Delta section of the North American Waterfowl Management Plan;

(2) acquisition of the Arkansas Cossatot lands by the United States will remove the lands in the heart of a critical wetland ecosystem from sustained timber production and other development;

(3) the acquisition of the Arkansas Ouachita lands and the Oklahoma lands by the United States for administration by the Forest Service will provide an opportunity for enhancement of ecosystem management of the National Forest System lands and resources;

(4) the Arkansas Ouachita lands and the Oklahoma lands have outstanding wildlife habitat and important recreational values and should continue to be made available for activities such as public hunting, fishing, trapping, nature observation, enjoyment, education, and timber management whenever these activities are consistent with applicable Federal laws and land and resource management plans; these lands, especially in the riparian zones, also harbor endangered, threatened and sensitive plants and animals and the conservation and restoration of these areas are important to the recreational and educational public uses and will represent a valuable ecological resource which should be conserved;

(5) the private use of the lands the United States will convey to Weyerhaeuser will not conflict with established management objectives on adjacent Federal lands;

(6) the lands the United States will convey to Weyerhaeuser as part of the exchange described in paragraph (1) do not contain comparable fish, wildlife, or wetland values;

(7) the values of all lands, mineral interests, and oil and gas interests to be exchanged between the United States and Weyerhaeuser are approximately equal in value; and

(8) the exchange of lands, mineral interests, and oil and gas interests between Weyerhaeuser and the United States is in the public interest.

(b) PURPOSE.—The purpose of this section is to authorize and direct the Secretary of the Interior and the Secretary of Agriculture, subject to the terms of this title, to complete, as expeditiously as possible, an exchange of lands, mineral interests, and oil and gas interests with Weyerhaeuser that will provide environmental, land management, recreational, and economic benefits to the States of Arkansas and Oklahoma and to the United States.

(c) DEFINITIONS.—As used in this section:

(1) LAND.—The terms "land" or "lands" mean the surface estate and any other interests therein except for mineral interests and oil and gas interests.

(2) MINERAL INTERESTS.—The term "mineral interests" means geothermal steam and heat and all metals, ores, and minerals of any nature whatsoever, except oil and gas interests, in or upon lands subject to this title including, but not limited to, coal, lignite, peat, rock, sand, gravel, and quartz.

(3) OIL AND GAS INTERESTS.—The term "oil and gas interests" means all oil and gas of any nature, including carbon dioxide, helium, and gas taken from coal seams (collectively "oil and gas").

(4) SECRETARIES.—The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture.

(5) WEYERHAEUSER.—The term "Weyerhaeuser" means Weyerhaeuser Company, a company incorporated in the State of Washington.

(d) EXCHANGE OF LANDS AND MINERAL INTERESTS.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, within 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall convey to Weyerhaeuser, subject to any valid existing rights, approximately 20,000 acres of Federal lands and mineral interests in the State of Arkansas and approximately 28,000 acres of Federal lands and mineral interests in the State of Oklahoma as depicted on maps entitled "Arkansas-Oklahoma Land Exchange—Federal Arkansas and Oklahoma Lands," dated February 1996 and available for public inspection in appropriate offices of the Secretaries.

(2) OFFER AND ACCEPTANCE OF LANDS.—The Secretary of Agriculture shall make the conveyance to Weyerhaeuser if Weyerhaeuser conveys deeds of title to the United States, subject to limitations and the reservation described in subsection (e) and which are acceptable to and approved by the Secretary of Agriculture to the following—

(A) approximately 115,000 acres of lands and mineral interests in the State of Oklahoma, as depicted on a map entitled "Arkansas-Oklahoma Land Exchange—Weyerhaeuser Oklahoma Lands," dated February 1996 and available for public inspection in appropriate offices of the Secretaries;

(B) approximately 41,000 acres of lands and mineral interests in the State of Arkansas, as depicted on a map entitled "Arkansas-Oklahoma Land Exchange—Weyerhaeuser Arkansas Ouachita Lands," dated February 1996 and available for public inspection in appropriate offices of the Secretaries; and

(C) approximately 25,000 acres of lands and mineral interests in the State of Arkansas, as depicted on a map entitled "Arkansas-Oklahoma Land Exchange—Weyerhaeuser Arkansas Cossatot Lands," dated February 1996 and available for public inspection in appropriate offices of the Secretaries.

(e) EXCHANGE OF OIL AND GAS INTERESTS.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, at the same time as the exchange for land and mineral interests is carried out pursuant to this section, the Secretary of Agriculture shall exchange all Federal oil and gas interests, including existing leases and other agreements, in the lands described in subsection (d)(1) for equivalent oil and gas interests, including existing leases and other agreements, owned by Weyerhaeuser in the lands described in subsection (d)(2).

(2) RESERVATION.—In addition to the exchange of oil and gas interests pursuant to paragraph (1), Weyerhaeuser shall reserve oil and gas interests in and under the lands depicted for reservation upon a map entitled Arkansas-Oklahoma Land Exchange—Weyerhaeuser Oil and Gas Interest Reservation Lands , dated February 1996 and available for public inspection in appropriate offices of the Secretaries. Such reservation shall be subject to the provisions of this title and the form of such reservation shall comply with the jointly agreed to Memorandum of Understanding between the Forest Service and Weyerhaeuser dated March 27, 1996 and on file with the Office of the Chief of the Forest Service in Washington, D.C. and with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

(f) GENERAL PROVISIONS.—

(1) MAPS CONTROLLING.—The acreage cited in this section is approximate. In the case of a discrepancy between the description of lands, mineral interests, or oil and gas interests to be exchanged pursuant to subsections (d) and (e) and the lands, mineral interests, or oil and gas interests depicted on a map referred to in such subsection, the map shall control. The maps referenced in this section shall be subject to such minor corrections as may be agreed upon by the Secretaries and Weyerhaeuser so long as the Secretary of Agriculture notifies the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives of any such minor corrections.

(2) FINAL MAPS.—Not later than 180 days after the conclusion of the exchange required by subsections (d) and (e), the Secretaries shall transmit maps accurately depicting the lands, mineral interests, and oil and gas interests conveyed and transferred pursuant to this section and the acreage and boundary descriptions of such lands, mineral interests, and oil and gas interests to the Committees on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(3) CANCELLATION.—If, before the exchange has been carried out pursuant to subsections (d) and (e), Weyerhaeuser provides written notification to the Secretaries that Weyerhaeuser no longer intends to complete the exchange, with respect to the lands, mineral interests, and oil and gas interests that would otherwise be subject to the exchange, the status of such lands, mineral interests, and oil and gas interests shall revert to the status of such lands, mineral interests, and oil and gas interests as of the day before the date of enactment of this Act and shall be managed in accordance with applicable law and management plans.

(4) WITHDRAWAL.—Subject to valid existing rights, the lands and interests therein depicted for conveyance to Weyerhaeuser on the maps referenced in subsections (d) and (e) are withdrawn from all forms of entry and appropriation under the public land laws (including the mining laws) and from the operation of mineral leasing and geothermal

steam leasing laws effective upon the date of the enactment of this title. Such withdrawal shall terminate 45 days after completion of the exchange provided for in subsections (d) and (e) or on the date of notification by Weyerhaeuser of a decision not to complete the exchange.

(g) NATIONAL FOREST SYSTEM.—

(1) ADDITION TO THE SYSTEM.—Upon approval and acceptance of title by the Secretary of Agriculture, the 156,000 acres of land conveyed to the United States pursuant to subsection (d)(2)(A) and (B) of this section shall be subject to the Act of March 1, 1911 (commonly known as the Weeks Law) (36 Stat. 961, as amended), and shall be administered by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System.

(2) PLAN AMENDMENTS.—No later than 12 months after the completion of the exchange required by this section, the Secretary of Agriculture shall begin the process to amend applicable land and resource management plans with public involvement pursuant to section 6 of the Forest and Rangeland Renewable Resource Planning Act of 1974, as amended by the National Forest Management Act of 1976 (16 U.S.C. 1604); Provided, that no amendment or revision of applicable land and resource management plans shall be required prior to completion of the amendment process required by this paragraph for the Secretary of Agriculture to authorize or undertake activities consistent with forest wide standards and guidelines and all other applicable laws and regulations on lands conveyed to the United States pursuant to subsection (d)(2)(A) and (B).

(h) OTHER.—

(1) ADDITION TO THE NATIONAL WILDLIFE REFUGE SYSTEM.—Once acquired by the United States, the 25,000 acres of land identified in subsection (d)(2)(C), the Arkansas Cossatot lands, shall be managed by the Secretary of the Interior as a component of the Cossatot National Wildlife Refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee).

(2) PLAN PREPARATION.—Within 24 months after the completion of the exchange required by this section, the Secretary of the Interior shall prepare and implement a single refuge management plan for the Cossatot National Wildlife Refuge, as expanded by this title. Such plans shall recognize the important public purposes served by the nonconsumptive activities, other recreational activities, and wildlife-related public use, including hunting, fishing, and trapping. The plan shall permit, to the maximum extent practicable, compatible uses to the extent that they are consistent with sound wildlife management and in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) and other applicable laws. Any regulations promulgated by the Secretary of the Interior with respect to hunting, fishing, and trapping on those lands shall, to the extent practicable, be consistent with State fish and wildlife laws and regulations. In preparing the management plan and regulations, the Secretary of the Interior shall consult with the Arkansas Game and Fish Commission.

(3) INTERIM USE OF LANDS.—

(A) IN GENERAL.—Except as provided in paragraph (2), during the period beginning on the date of the completion of the exchange of lands required by this section and ending on the first date of the implementation of the plan prepared under paragraph (2), the Secretary of the Interior shall administer all lands added to the Cossatot National Wildlife Refuge pursuant to this title in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) and other applicable laws.

(B) HUNTING SEASONS.—During the period described in subparagraph (A), the duration of any hunting season on the lands described in paragraph (1) shall comport with the applicable State law.

(i) OUACHITA NATIONAL FOREST BOUNDARY ADJUSTMENT.—Upon acceptance of title by the Secretary of Agriculture of the lands conveyed to the United States pursuant to subsection (d)(2)(A) and (B), the boundaries of the Ouachita National Forest shall be adjusted to encompass those lands conveyed to the United States generally depicted on the appropriate maps referred to in subsection (d). Nothing in this subsection shall limit the authority of the Secretary of Agriculture to adjust the boundary pursuant to section 11 of the Weeks Law of March 1, 1911. For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Ouachita National Forest, as adjusted by this section, shall be considered to be the boundaries of the Forest as of January 1, 1965.

(j) MAPS AND BOUNDARY DESCRIPTIONS.—Not later than 180 days after the date of enactment of this title, the Secretary of Agriculture shall prepare a boundary description of the lands depicted on the map(s) referred to in subsection (d)(2)(A) and (B). Such map(s) and boundary description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors.

SEC. 306. BIG THICKET NATIONAL PRESERVE.

(a) EXTENSION.—The last sentence of subsection (d) of the first section of the Act entitled "An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes", approved October 11, 1974 (16 U.S.C. 698(d)), is amended by striking out "two years after date of enactment" and inserting "five years after the date of enactment".

(b) INDEPENDENT APPRAISAL.—Subsection (d) of the first section of such Act (16 U.S.C. 698(d)) is further amended by adding at the end the following: "The Secretary, in considering the values of the private lands to be exchanged under this subsection, shall consider independent appraisals submitted by the owners of the private lands.".

(c) LIMITATION.—Subsection (d) of the first section of such Act (16 U.S.C. 698(d)), as amended by subsection (b), is further amended by adding at the end the following: "The authority to exchange lands under this subsection shall expire on July 1, 1998.".

(d) REPORTING REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act and every 6 months thereafter until the earlier of the consummation of the exchange or July 1, 1998, the Secretary of the Interior and the Secretary of Agriculture shall each submit a report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate concerning the progress in consummating the land exchange authorized by the amendments made by Big Thicket National Preserve Addition Act of 1993 (Public Law 103–46).

(e) LAND EXCHANGE IN LIBERTY COUNTY, TEXAS.—If, within one year after the date of the enactment of this Act—

(1) the owners of the private lands described in subsection (f)(1) offer to transfer all their right, title, and interest in and to such lands to the Secretary of the Interior, and

(2) Liberty County, Texas, agrees to accept the transfer of the Federal lands described in subsection (f)(2),

the Secretary shall accept such offer of private lands and, in exchange and without additional consideration, transfer to Liberty County, Texas, all right, title, and interest of the United States in and to the Federal lands described in subsection (f)(2).

(f) LANDS DESCRIBED.—

(1) PRIVATE LANDS.—The private lands described in this paragraph are approximately 3.76 acres of lands located in Liberty County, Texas, as generally depicted on the map entitled "Big Thicket Lake Estates Access—Proposed".

(2) FEDERAL LANDS.—The Federal lands described in this paragraph are approximately 2.38 acres of lands located in Menard Creek Corridor Unit of the Big Thicket National Preserve, as generally depicted on the map referred to in paragraph (1).

(g) ADMINISTRATION OF LANDS ACQUIRED BY THE UNITED STATES.—The lands acquired by the Secretary under subsection (e) shall be added to and administered as part of the Menard Creek Corridor Unit of the Big Thicket National Preserve.

SEC. 307. LOST CREEK LAND EXCHANGE.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture (referred to in this section as the "Secretary") shall—

(A) acquire by exchange certain land and interests in land owned by R-Y Timber, Inc., and its affiliates, successors, and assigns (referred to in this section as the "Corporation"), located in the Lost Creek and Twin Lakes areas of the Beaverhead-Deerlodge National Forest, Montana; and

(B)(i) convey certain land and interests in land owned by the United States and located in the Beaverhead-Deerlodge National Forest and the Gallatin National Forest, Montana, to the Corporation; and

(ii) grant the right to harvest timber on land in the Beaverhead-Deerlodge National Forest and the Gallatin National Forest as specified in the document under paragraph (4).

(2) OFFER AND ACCEPTANCE OF LAND.—

(A) NON-FEDERAL LAND.—If the Corporation offers to convey to the United States fee title that is acceptable to the Secretary to approximately 17,567 acres of land owned by the Corporation and available for exchange, as depicted on the map entitled "R-Y/Forest Service Land Exchange Proposal", dated June, 1996, and described in the document under paragraph (4), the Secretary shall accept a warranty deed to the land.

(B) FEDERAL LAND.—

(i) CONVEYANCE.—On acceptance of title to the Corporation's land under subparagraph (A) and on the effective date of the document under paragraph (4), the Secretary shall—

(I) convey to the Corporation, subject to valid existing rights, by exchange deed, fee title to approximately 7,185 acres in the Beaverhead-Deerlodge National Forest; and

(II) grant to the Corporation the right to harvest approximately 6,200,000 board feet of timber on certain land in the Beaverhead-Deerlodge National Forest and approximately 4,000,000 board feet of timber on certain land in the Gallatin National Forest, collectively referred to as the harvest volume, as depicted on the map described in subparagraph (A) and subject to the terms and conditions stated in the document under paragraph (4).

(3) TIMBER HARVESTING.—

(A) IN GENERAL.—The timber harvest volume described in paragraph (2)(B)(i)(II) is in addition to, and is not intended as an offset against, the present or future planned timber sale program for the Beaverhead-Deerlodge National Forest or the Gallatin National Forest, so long as the allowable sale quantity for each national forest, respectively, is not exceeded for the planning period.

(B) SBA SHARE.—The Forest Service shall not reduce its Small Business Administration share of timber sale set-aside offerings in the Beaverhead-Deerlodge National Forest or the Gallatin National Forest by reason of the land exchange under this subsection.

(C) MINIMUM AND MAXIMUM ANNUAL HARVESTS.—

(i) IN GENERAL.—Subject to clause (ii)—

(I) not less than 20 nor more than 30 percent of the timber described in paragraph (2)(B)(i)(II) shall be made available by the end of each fiscal year over a 4- or 5-year period beginning with the first fiscal year that begins after the date of enactment of this Act; and

(II) the Corporation shall be allowed at least 3 years after the end of each fiscal year in which to complete the harvest of timber made available for that fiscal year.

(ii) EXCEPTIONAL CIRCUMSTANCES.—The timber harvest volumes specified in clause (i) shall not be required in the case of the occurrence of exceptional circumstances identified in the agreement under paragraph (4). In the case of such an occurrence that results in the making available of less than 20 percent of the timber for any fiscal year, the Secretary shall provide compensation of equal value to the Corporation in a form provided for in the agreement under paragraph (4).

(4) LAND EXCHANGE SPECIFICATION AGREEMENT.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a document entitled 'R-Y/Forest Service Land Exchange Specifications' shall be jointly developed and agreed to by the Corporation and the Secretary.

(B) DESCRIPTIONS OF LANDS TO BE EXCHANGED.—The document under subparagraph (A) shall define the non-Federal and Federal lands and interests in land to be exchanged and include legal descriptions of the lands and interests in land and an agreement to harvest timber on National Forest System land in accordance with the standard timber contract specifications, section 251.14 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), and any other pertinent conditions.

(C) SUBMISSION TO CONGRESS.—The document under subparagraph (A)—

(i) upon its completion shall be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives; and

(ii) shall not take effect until 45 days after the date of submission to both committees.

(D) DESIGN AND LAYOUT.—

(i) IN GENERAL.—The Forest Service shall determine the timber sale design and layout in consultation with the Corporation.

(ii) HARVEST VOLUME.—Identification of the timber harvest volume shall be determined in accordance with Department of Agriculture standards.

(iii) MONITORING.—The Forest Service shall monitor harvest and post-harvest activities to ensure compliance with the terms and conditions of the document under subparagraph (A).

(5) CONFLICT.—In case of conflict between the map described in paragraph (2)(A) and the document under paragraph (4), the map shall control.

(b) TITLE.—

(1) REVIEW OF TITLE.—Not later than 60 days after receipt of title documents from the Corporation, the Secretary shall review the title for the non-Federal land described in subsection (a)(2)(A) and determine whether—

(A) title standards of the Department of Justice applicable to Federal land acquisition have been satisfied or the quality of title is otherwise acceptable to the Secretary;

(B) all draft conveyances and closing documents have been received and approved;

(C) a current title commitment verifying compliance with applicable title standards has been issued to the Secretary; and

(D) the Corporation has complied with the conditions imposed by this section.

(2) UNACCEPTABLE QUALITY OF TITLE.—If the quality of title does not meet Federal standards and is not otherwise acceptable to the Secretary, the Secretary shall advise the Corporation regarding corrective actions necessary to make an affirmative determination.

(3) CONVEYANCE OF TITLE.—The Secretary shall accept the conveyance of land described in subsection (a)(2)(A) not later than 60 days after the Secretary has made an affirmative determination of quality of title.

(c) GENERAL PROVISIONS.—

(1) MAPS AND DOCUMENTS.—

(A) IN GENERAL.—The map described in subsection (a)(2)(A) and the document under subsection (a)(4) shall be subject to such minor corrections as may be agreed upon by the Secretary and the Corporation.

(B) PUBLIC AVAILABILITY.—The map described in subsection (a)(2)(A) and the document under subsection (a)(4) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(2) NATIONAL FOREST SYSTEM LAND.—

(A) IN GENERAL.—All land conveyed to the United States under this section shall be added to and administered as part of the Beaverhead-Deerlodge National Forest and shall be administered by the Secretary in accordance with the laws (including regulations) pertaining to the National Forest System.

(B) WILDERNESS STUDY AREA ACQUISITIONS.—Land acquired under this section that is located within the boundary of a wilderness area in existence on the date of enactment of this Act shall be included within the National Wilderness Preservation System.

(3) VALUATION.—The values of the lands and interests in land to be exchanged under this section are deemed to be equal.

(4) LIABILITY FOR HAZARDOUS SUBSTANCES.—The United States (including the departments, agencies, and employees of the United States) shall not be liable under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), or any other Federal, State, or local law solely as a result of the acquisition of an interest in the land described in subsection (a)(2)(A) or because of circumstances or events occurring before the acquisition, including any release or threat of release of a hazardous substance.

(5) RELEASE FROM STUDY.—The land comprising approximately 1,320 acres in the Beaverhead-Deerlodge National Forest, as generally depicted on the map entitled "West Pioneer Study Deletion—Proposed", dated 1994, is released from study under section 2(a)(1) of the Montana Wilderness Study Act of 1977 (91 Stat. 1243).

SEC. 308. CLEVELAND NATIONAL FOREST LAND EXCHANGE.

(a) CONVEYANCE BY THE SECRETARY OF AGRICULTURE.—

(1) CONVEYANCE.—In exchange for the conveyance described in subsection (b), the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall convey to the Orange County Council of the Boy Scouts of America all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) located in the Cleveland National Forest. The parcel conveyed by the Secretary shall be subject to valid existing rights and to any easements that the Secretary considers necessary for public and administrative access.

(2) DESCRIPTION OF PARCEL.—The parcel of land referred to in paragraph (1) consists of not more than 60 acres of land in Section 28, Township 9 South, Range 4 East, San Bernardino Meridian, in the unincorporated territory of San Diego County, California.

(b) CONVEYANCE BY THE BOY SCOUTS OF AMERICA.—

(1) CONVEYANCE.—In exchange for the conveyance described in subsection (a), the Orange County Council of the Boy Scouts of America shall convey to the United States all right, title, and interest to the parcel of land described in paragraph (2). The parcel conveyed under this subsection shall be subject to such valid existing rights of record as may be acceptable to the Secretary, and the title to the parcel shall conform with the title approval standards applicable to Federal land acquisitions.

(2) DESCRIPTION OF PARCEL.—The parcel of land referred to in paragraph (1) shall be approximately equal in value to the lands described in subsection (a)(2) and shall be at least the Southerly 94 acres of the Westerly ½ of Section 34, Township 9 South, Range 4 East, San Bernardino Meridian, in the unincorporated territory of San Diego County, California.

(c) BOUNDARY ADJUSTMENT.—Upon the completion of the land exchange authorized under this section, the Secretary shall adjust the boundaries of the Cleveland National Forest to exclude the parcel conveyed by the Secretary under subsection (a) and to include the parcel obtained by the Secretary under subsection (b). For purposes of section 7 of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4601-9), the boundary of the Cleveland National Forest, as modified by this title, shall be considered the boundary of the forest as of January 1, 1965.

(d) INCORPORATION INTO CLEVELAND NATIONAL FOREST.—Upon acceptance of title by the Secretary, the parcel obtained by the Secretary under subsection (b) shall become part of the Cleveland National Forest and shall be subject to all laws applicable to such national forest.

SEC. 309. SAND HOLLOW LAND EXCHANGE.

(a) DEFINITIONS.—As used in this section:

(1) DISTRICT.—The term "District" means the Water Conservancy District of Washington County, Utah.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) BULLOCH SITE.—The term "Bulloch Site" means the lands located in Kane County, Utah, adjacent to Zion National Park, comprised of approximately 550 acres, as generally depicted on a map entitled "Washington County Water Conservancy District Exchange Proposal" and dated May 30, 1996.

(4) SAND HOLLOW SITE.—The term "Sand Hollow Site" means the lands located in Washington County, Utah, comprised of approximately 3,000 acres, as generally depicted on a map entitled "Washington County Water Conservancy District Exchange Proposal" and dated May 30, 1996.

(5) QUAIL CREEK PIPELINE.—The term "Quail Creek Pipeline" means the lands located in Washington County, Utah, comprised of approximately 40 acres, as generally depicted on a map entitled "Washington County Water Conservancy District Exchange Proposal" and dated May 30, 1996.

(6) QUAIL CREEK RESERVOIR.—The term "Quail Creek Reservoir" means the lands located in Washington County, Utah, comprised of approximately 480.5 acres, as generally depicted on a map entitled "Washington County Water Conservancy District Exchange Proposal" and dated May 30, 1996.

(7) SMITH PROPERTY.—The term "Smith Property" means the lands located in Washington County, Utah, comprised of approximately 1,550 acres, as generally depicted on a map entitled "Washington County Water Conservancy District Exchange Proposal" and dated May 30, 1996.

(b) EXCHANGE.—

(1) IN GENERAL.—Subject to the provisions of this section, if within 18 months after the date of the enactment of this Act, the Water Conservancy District of Washington County, Utah, offers to transfer to the United States all right, title, and interest of the District in and to the Bulloch Site, the Secretary of the Interior shall, in exchange, transfer to the District all right, title, and interest of the United States in and to the San Hollow Site, the Quail Creek Pipeline and Quail Creek Reservoir, subject to valid existing rights.

(2) WATER RIGHTS ASSOCIATED WITH THE BULLOCH SITE.—The water rights associated with the Bulloch Site shall be transferred to the United States pursuant to Utah State law.

(3) WITHDRAWAL OF MINERAL INTERESTS.—Subject to valid existing rights, the mineral interests underlying the Sand Hollow Site, the Quail Creek Reservoir, and the Quail Creek Pipeline are hereby withdrawn from disposition under the public land laws and from location, entry, and patent under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, from the operation of the Geothermal Steam Act of 1970, and from the operation of the Act of July 31, 1947, commonly known as the "Materials Act of 1947" (30 U.S.C. 601 et seq.).

(4) GRAZING.—The exchange of lands under paragraph (1) shall be subject to agreement by the District to continue to permit the grazing of domestic livestock on the Sand Hollow Site under the terms and conditions of existing Federal grazing leases or permits, except that the District, upon terminating any such lease or permit, shall fully compensate the holder of the terminated lease or permit.

(c) EQUALIZATION OF VALUES.—The value of the lands transferred out of Federal ownership under subsection (b) either shall be equal to the value of the lands received by the Secretary under that section or, if not, shall be equalized by—

(1) to the extent possible, transfer of all right, title, and interest of the District in and to lands in Washington County, Utah, and water rights of the District associated thereto, which are within the area providing habitat for the desert tortoise, as determined by the Director of the Bureau of Land Management;

(2) transfer of all right, title, and interest of the District in and to lands in the Smith Site and water rights of the District associated thereto; and

(3) the payment of money to the Secretary, to the extent that lands and rights transferred under paragraphs (1) and (2) are not sufficient to equalize the values of the lands exchanged under subsection (b)(1).

(d) MANAGEMENT OF LANDS ACQUIRED BY THE UNITED STATES.—Lands acquired by the Secretary under this section shall be administered by the Secretary, acting through the Director of the Bureau of Land Management, in accordance with the provisions of law generally applicable to the public lands, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) NATIONAL ENVIRONMENTAL POLICY ACT OF 1976.—The exchange of lands under this section is not subject to section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4322).

(f) VALUATION OF LANDS TO BE ACQUIRED BY THE UNITED STATES IN WASHINGTON COUNTY, UTAH.—In acquiring any lands and any interests in lands in Washington County, Utah, by purchase, exchange, donation or other transfers of interest, the Secretary of the Interior shall appraise, value, and offer to acquire such lands and interests without regard to the presence of a species listed as threatened or endangered or any proposed or actual designation of such property as critical habitat for a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 310. BUREAU OF LAND MANAGEMENT AUTHORIZATION FOR FISCAL YEARS 1997 THROUGH 2002.

Section 318(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1748(a)) is amended by striking out "October 1, 1978" and by inserting in lieu thereof "October 1, 2002".

SEC. 311. KENAI NATIVES ASSOCIATION EQUITY.

(a) SHORT TITLE.—This section may be cited as the "Kenai Natives Association Equity Act Amendments of 1996".

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—The Congress finds the following:

(A) The United States Fish and Wildlife Service and Kenai Natives Association, Inc., have agreed to transfers of certain land rights, in and near the Kenai National Wildlife Refuge, negotiated as directed by Public Law 102–458.

(B) The lands to be acquired by the Service are within the area impacted by the Exxon Valdez oil spill of 1989, and these lands included important habitat for various species of fish and wildlife for which significant injury resulting from the spill has been documented through the EVOS Trustee Council restoration process. This analysis has indicated that these lands generally have value for the restoration of such injured natural resources as pink salmon, dolly varden, bald eagles, river otters, and cultural and archaeological resources. This analysis has also indicated that these lands generally have high value for the restoration of injured species that rely on these natural resources, including wilderness quality, recreation, tourism, and subsistence.

(C) Restoration of the injured species will benefit from acquisition and the prevention of disturbances which may adversely affect their recovery.

(D) It is in the public interest to complete the conveyances provided for in this section.

(2) PURPOSE.—The purpose of this section is to authorize and direct the Secretary, at the election of KNA, to complete the conveyances provided for in this section.

(c) DEFINITIONS.—For purposes of this section, the term—

(1) "ANCSA" means the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. 1601 et seq.);

(2) "ANILCA" means the Alaska National Interest Lands Conservation Act (Public Law 96–487; 94 Stat. 2371 et seq.);

(3) "conservation system unit" has the same meaning as in section 102(4) of ANILCA (16 U.S.C. 3102(4));

(4) "CIRI" means the Cook Inlet Region, Inc., a Native Regional Corporation incorporated in the State of Alaska pursuant to the terms of ANCSA;

(5) "EVOS" means the Exxon Valdez oil spill;

(6) "KNA" means the Kenai Natives Association, Inc., an urban corporation incorporated in the State of Alaska pursuant to the terms of ANCSA;

(7) "lands" means any lands, waters, or interests therein;

(8) "Refuge" means the Kenai National Wildlife Refuge;

(9) "Secretary" means the Secretary of the Interior;

(10) "Service" means the United States Fish and Wildlife Service; and

(11) "Terms and Conditions" means the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified on August 31, 1976, ratified by section 12 of Public Law 94–204 (43 U.S.C. 1611 note).

(d) ACQUISITION OF LANDS.—

(1) OFFER TO KNA.—

(A) IN GENERAL.—Subject to the availability of the funds identified in paragraph (2)(C), no later than 90 days after the date of enactment of this section, the Secretary shall offer to convey to KNA the interests in land and rights set forth in paragraph (2)(B), subject to valid existing rights, in return for the conveyance by KNA to the United States of the interests in land or relinquishment of ANCSA selections set forth in paragraph (2)(A). Payment for the lands conveyed to the United States by KNA is contingent upon KNA's acceptance of the entire conveyance outlined herein.

(B) LIMITATION.—The Secretary may not convey any lands or make payment to KNA under this section unless title to the lands to be conveyed by KNA under this section has been found by the United States to be sufficient in accordance with the provisions of section 355 of the Revised Statutes (40 U.S.C. 255).

(2) ACQUISITION LANDS.—

(A) LANDS TO BE CONVEYED TO THE UNITED STATES.—The lands to be conveyed by KNA to the United States, or the valid selection rights under ANCSA to be relinquished, all situated within the boundary of the Refuge, are the following:

(i) The conveyance of approximately 803 acres located along and on islands within the Kenai River, known as the Stephanka Tract.

(ii) The conveyance of approximately 1,243 acres located along the Moose River, known as the Moose River Patented Lands Tract.

(iii) The relinquishment of KNA's selection known as the Moose River Selected Tract, containing approximately 753 acres located along the Moose River.

(iv) The relinquishment of KNA's remaining ANCSA entitlement of approximately 454 acres.

(v) The relinquishment of all KNA's remaining overselections. Upon completion of all relinquishments outlined above, all

KNA's entitlement shall be deemed to be extinguished and the completion of this acquisition will satisfy all of KNA's ANCSA entitlement.

(vi) The conveyance of an access easement providing the United States and its assigns access across KNA's surface estate in the SW¼ of section 21, T. 6 N., R. 9 W., Seward Meridian, Alaska.

(vii) The conveyance of approximately 100 acres within the Beaver Creek Patented Tract, which is contiguous to lands being retained by the United States contiguous to the Beaver Creek Patented Tract, in exchange for 280 acres of Service lands currently situated within the Beaver Creek Selected Tract.

(B) LANDS TO BE CONVEYED TO KNA.—The rights provided or lands to be conveyed by the United States to KNA, are the following:

(i) The surface and subsurface estate to approximately 5 acres, subject to reservations of easements for existing roads and utilities, located within the city of Kenai, Alaska, identified as United States Survey 1435, withdrawn by Executive Order 2934, and known as the old Fish and Wildlife Service Headquarters site.

(ii) The remaining subsurface estate held by the United States to approximately 13,651 acres, including portions of the Beaver Creek Patented Tract, the Beaver Creek Selected Tract, and portions of the Swanson River Road West Tract and the Swanson River Road East Tract, where the surface was previously or will be conveyed to KNA pursuant to this Act but excluding the SW ¼ of section 21, T.6N., R.9W, Seward Meridian, Alaska, which will be retained by the United States. The conveyance of these subsurface interests will be subject to the rights of CIRI to the coal, oil, and gas, and to all rights CIRI, its successors, and assigns would have under paragraph 1(B) of the Terms and Conditions, including the right to sand and gravel, to construct facilities, to have rights-of-way, and to otherwise develop its subsurface interests.

(iii)(I) The nonexclusive right to use sand and gravel which is reasonably necessary for on-site development without compensation or permit on those portions of the Swanson River Road East Tract, comprising approximately 1,738.04 acres; where the entire subsurface of the land is presently owned by the United States. The United States shall retain the ownership of all other sand and gravel located within the subsurface and KNA shall not sell or dispose of such sand and gravel.

(II) The right to excavate within the subsurface estate as reasonably necessary for structures, utilities, transportation systems, and other development of the surface estate.

(iv) The nonexclusive right to excavate within the subsurface estate as reasonably necessary for structures, utilities, transportation systems, and other development of the surface estate on the SW¼, section 21, T. 6 N., R. 9 W., Seward Meridian, Alaska, where the entire subsurface of the land is owned by the United States and which public lands shall continue to be withdrawn from mining following their removal from the Refuge boundary under paragraph (3)(A)(ii). The United States shall retain the ownership of all other sand and gravel located within the subsurface of this parcel.

(v) The surface estate of approximately 280 acres known as the Beaver Creek Selected Tract. This tract shall be conveyed to KNA in exchange for lands conveyed to the United States as described in paragraph (2)(A)(ii).

(C) PAYMENT.—The United States shall make a total cash payment to KNA for the above-described lands of $4,443,000, contingent upon the appropriate approvals of the Federal or State of Alaska EVOS Trustees (or both) necessary for any expenditure of the EVOS settlement funds.

(D) NATIONAL REGISTER OF HISTORIC PLACES.—Upon completion of the acquisition authorized in paragraph (1), the Secretary shall, at no cost to KNA, in coordination with KNA, promptly undertake to nominate the Stephanka Tract to the National Register of Historic Places, in recognition of the archaeological artifacts from the original Dena'ina Settlement. If the Department of the Interior establishes a historical, cultural, or archaeological interpretive site, KNA shall have the exclusive right to operate a Dena'ina interpretive site on the Stephanka Tract under the regulations and policies of the department. If KNA declines to operate such a site, the department may do so under its existing authorities. Prior to the department undertaking any archaeological activities whatsoever on the Stephanka Tract, KNA shall be consulted.

(3) GENERAL PROVISIONS.—

(A) REMOVAL OF KNA LANDS FROM THE NATIONAL WILDLIFE REFUGE SYSTEM.—

(i) Effective on the date of closing for the Acquisition Lands identified in paragraph (2)(B), all lands retained by or conveyed to KNA pursuant to this section, and the subsurface interests of CIRI underlying such lands shall be automatically removed from the National Wildlife Refuge System and shall neither be considered as part of the Refuge nor subject to any laws pertaining solely to lands within the boundaries of the Refuge. The conveyance restrictions imposed by section 22(g) of ANCSA (i) shall then be ineffective and cease to apply to such interests of KNA and CIRI, and (ii) shall not be applicable to the interests received by KNA in accordance with paragraph (2)(B) or to the CIRI interests underlying them. The Secretary shall adjust the boundaries of the Refuge so as to exclude all interests in lands retained or received in exchange by KNA in accordance with this section, including both surface and subsurface, and shall also exclude all interests currently held by CIRI. On lands within the Swanson River Road East Tract, the boundary adjustment shall only include the surface estate where the subsurface estate is retained by the United States.

(ii)(I) The Secretary, KNA, and CIRI shall execute an agreement within 45 days of the date of enactment of this section which preserves CIRI's rights under paragraph 1(B)(1) of the Terms and Conditions, addresses CIRI's obligations under such paragraph, and adequately addresses management issues associated with the boundary adjustment set forth in this section and with the differing interests in land resulting from enactment of this section.

(II) In the event that no agreement is executed as provided for in subclause (I), solely for the purposes of administering CIRI's rights under paragraph 1(B)(1) of the Terms and Conditions, the Secretary and CIRI shall be deemed to have retained their respective rights and obligations with respect to CIRI's subsurface interests under the requirements of the Terms and Conditions in effect on June 18, 1996. Notwithstanding the boundary adjustments made pursuant to this section, conveyances to KNA shall be deemed to remain subject to the Secretary's and CIRI's rights and obligations under paragraph 1(B)(1) of the Terms and Conditions.

(iii) The Secretary is authorized to acquire by purchase or exchange, on a willing seller basis only, any lands retained by or conveyed to KNA. In the event that any lands owned by KNA are subsequently acquired by the United States, they shall be automatically included in the Refuge System. The laws and regulations applicable to Refuge lands shall then apply to these lands and the Secretary shall then adjust the boundaries accordingly.

(iv) Nothing in this section is intended to enlarge or diminish the authorities, rights, duties, obligations, or the property rights held by CIRI under the Terms and Conditions, or otherwise except as set forth in this section. In the event of the purchase by the United States of any lands from KNA in accordance with subparagraph (A)(ii), the United States shall reassume from KNA the rights it previously held under the Terms and Conditions and the provisions in any patent implementing section 22(g) of ANCSA will again apply.

(v) By virtue of implementation of this section, CIRI is deemed entitled to 1,207 acres of in-lieu subsurface entitlement under section 12(a)(1) of ANCSA. Such entitlement shall be fulfilled in accordance with paragraph 1(B)(2)(A) of the Terms and Conditions.

(B) MAPS AND LEGAL DESCRIPTIONS.—Maps and a legal description of the lands described above shall be on file and available for public inspection in the appropriate offices of the United States Department of the Interior, and the Secretary shall, no later than 90 days after enactment of this section, prepare a legal description of the lands described in paragraph (2)(A)(vii). Such maps and legal description shall have the same force and effect as if included in the section, except that the Secretary may correct clerical and typographical errors.

(C) ACCEPTANCE.—KNA may accept the offer made in this section by notifying the Secretary in writing of its decision within 180 days of receipt of the offer. In the event the offer is rejected, the Secretary shall notify the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate.

(D) FINAL MAPS.—Not later than 120 days after the conclusion of the acquisition authorized by paragraph (1), the Secretary shall transmit a final report and maps accurately depicting the lands transferred and conveyed pursuant to this section and the acreage and legal descriptions of such lands to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate.

(e) ADJUSTMENTS TO NATIONAL WILDERNESS SYSTEM.—Upon acquisition of lands by the United States pursuant to subsection (d)(2)(A), that portion of the Stephanka Tract lying south and west of the Kenai River, consisting of approximately 592 acres, shall be included in and managed as part of the Kenai Wilderness and such lands shall be managed in accordance with the applicable provisions of the Wilderness Act and ANILCA.

(f) DESIGNATION OF LAKE TODATONTEN SPECIAL MANAGEMENT AREA.—

(1) PURPOSE.—To balance the potential effects on fish, wildlife, and habitat of the removal of KNA lands from the Refuge System, the Secretary is hereby directed to withdraw, subject to valid existing rights, from location, entry, and patent under the mining laws and to create as a special management unit for the protection of fish, wildlife, and habitat, certain unappropriated and

unreserved public lands, totaling approximately 37,000 acres adjacent to the west boundary of the Kanuti National Wildlife Refuge to be known as the "Lake Todatonten Special Management Area", as depicted on the map entitled Proposed: Lake Todatonten Special Management Area, dated June 13, 1996, and to be managed by the Bureau of Land Management.

(2) MANAGEMENT.—

(A) Such designation is subject to all valid existing rights as well as the subsistence preferences provided under title VIII of ANILCA. Any lands conveyed to the State of Alaska shall be removed from the Lake Todatonten Special Management Area.

(B) The Secretary may permit any additional uses of the area, or grant easements, only to the extent that such use, including leasing under the mineral leasing laws, is determined to not detract from nor materially interfere with the purposes for which the Special Management Area is established.

(C)(i) The BLM shall establish the Lake Todatonten Special Management Area Committee. The membership of the Committee shall consist of 11 members as follows:

(I) Two residents each from the villages of Alatna, Allakaket, Hughes, and Tanana.

(II) One representative from each of Doyon Corporation, the Tanana Chiefs Conference, and the State of Alaska.

(ii) Members of the Committee shall serve without pay.

(iii) The BLM shall hold meetings of the Lake Todatonten Special Management Area Committee at least once per year to discuss management issues within Special Management Area. The BLM shall not allow any new type of activity in the Special Management Area without first conferring with the Committee in a timely manner.

(3) ACCESS.—The Secretary shall allow the following:

(A) Private access for any purpose, including economic development, to lands within the boundaries of the Special Management Area which are owned by third parties or are held in trust by the Secretary for third parties pursuant to the Alaska Native Allotment Act (25 U.S.C. 336). Such rights may be subject to restrictions issued by the BLM to protect subsistence uses of the Special Management Area.

(B) Existing public access across the Special Management Area. Section 1110(a) of ANILCA shall apply to the Special Management Area.

(4) SECRETARIAL ORDER AND MAPS.—The Secretary shall file with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate, the Secretarial Order and maps setting forth the boundaries of the Area within 90 days of the completion of the acquisition authorized by this section. Once established, this Order may only be amended or revoked by Act of Congress.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

TITLE IV—RIVERS AND TRAILS

SEC. 402. RIO PUERCO WATERSHED.

(a) MANAGEMENT PROGRAM.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management shall—

(A) in consultation with the Rio Puerco Management Committee established by subsection (b)—

(i) establish a clearinghouse for research and information on management within the area identified as the Rio Puerco Drainage Basin, as depicted on the map entitled "the Rio Puerco Watershed" dated June 1994, including—

(I) current and historical natural resource conditions; and

(II) data concerning the extent and causes of watershed impairment; and

(ii) establish an inventory of best management practices and related monitoring activities that have been or may be implemented within the area identified as the Rio Puerco Watershed Project, as depicted on the map entitled "the Rio Puerco Watershed" dated June 1994; and

(B) provide support to the Rio Puerco Management Committee to identify objectives, monitor results of ongoing projects, and develop alternative watershed management plans for the Rio Puerco Drainage Basin, based on best management practices.

(2) RIO PUERCO MANAGEMENT REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall prepare a report for the improvement of watershed conditions in the Rio Puerco Drainage Basin described in paragraph (1)(A).

(B) CONTENTS.—The report under subparagraph (A) shall—

(i) identify reasonable and appropriate goals and objectives for landowners and managers in the Rio Puerco watershed;

(ii) describe potential alternative actions to meet the goals and objectives, including proven best management practices and costs associated with implementing the actions;

(iii) recommend voluntary implementation of appropriate best management practices on public and private lands;

(iv) provide for cooperative development of management guidelines for maintaining and improving the ecological, cultural, and economic conditions on public and private lands;

(v) provide for the development of public participation and community outreach programs that would include proposals for—

(I) cooperative efforts with private landowners to encourage implementation of best management practices within the watershed; and

(II) Involvement of private citizens in restoring the watershed;

(vi) provide for the development of proposals for voluntary cooperative programs among the members of the Rio Puerco Management Committee to implement best management practices in a coordinated, consistent, and cost-effective manner;

(vii) provide for the encouragement of, and support implementation of, best management practices on private lands; and

(viii) provide for the development of proposals for a monitoring system that—

(I) builds on existing data available from private, Federal, and State sources;

(II) provides for the coordinated collection, evaluation, and interpretation of additional data as needed or collected; and

(III) will provide information to assess existing resource and socioeconomic conditions; identify priority implementation actions; and assess the effectiveness of actions taken.

(b) RIO PUERCO MANAGEMENT COMMITTEE.—

(1) ESTABLISHMENT.—There is established the Rio Puerco Management Committee (referred to in this section as the "Committee").

(2) MEMBERSHIP.—The Committee shall be convened by a representative of the Bureau of Land Management and shall include representatives from—

(A) the Rio Puerco Watershed Committee;

(B) affected tribes and pueblos;

(C) the National Forest Service of the Department of Agriculture;

(D) the Bureau of Reclamation;

(E) the United States Geological Survey;

(F) the Bureau of Indian Affairs;

(G) the United States Fish and Wildlife Service;

(H) the Army Corps of Engineers;

(I) the Natural Resources Conservation Service of the Department of Agriculture;

(J) the State of New Mexico, including the New Mexico Environment Department of the State Engineer;

(K) affected local soil and water conservation districts;

(L) the Elephant Butte Irrigation District;

(M) private landowners; and

(N) other interested citizens.

(3) DUTIES.—The Rio Puerco Management Committee shall—

(A) advise the Secretary of the Interior, acting through the Director of the Bureau of Land Management, on the development and implementation of the Rio Puerco Management Program described in subsection (a); and

(B) serve as a forum for information about activities that may affect or further the development and implementation of the best management practices described in subsection (a)

(4) TERMINATION.—The Committee shall terminate on the date that is 10 years after the date of enactment of this Act.

(c) REPORT.—Not later than the date that is 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall transmit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives a report containing—

(1) a summary of activities of the management program under subsection (a); and

(2) proposals for joint implementation efforts, including funding recommendations.

(d) LOWER RIO GRANDE HABITAT STUDY.—

(1) IN GENERAL.—The Secretary of the Interior, in cooperation with appropriate State agencies, shall conduct a study of the Rio Grande that—

(A) shall cover the distance from Caballo Lake to Sunland Park, New Mexico; and

(B) may cover a greater distance.

(2) CONTENTS.—The study under paragraph (1) shall include—

(A) a survey of the current habitat conditions of the river and its riparian environment;

(B) identification of the changes in vegetation and habitat over the past 400 years and the effect of the changes on the river and riparian area; and

(C) an assessment of the feasibility, benefits, and problems associated with activities to prevent further habitat loss and to restore habitat through reintroduction or establishment of appropriate native plant species.

(3) TRANSMITTAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior shall transmit the study under paragraph (1) to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $7,500,000 for the 10 fiscal years beginning after the date of enactment of this Act.

SEC. 403. OLD SPANISH TRAIL.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

"( ) The Old Spanish Trail, beginning in Santa Fe, New Mexico, proceeding through Colorado and Utah, and ending in Los Angeles, California, and the Northern Branch of the Old Spanish Trail, beginning near Espanola, New Mexico, proceeding through Colorado, and ending near Crescent Junction, Utah.".

SEC. 404. GREAT WESTERN SCENIC TRAIL.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

"( ) The Great Western Scenic Trail, a system of trails to accommodate a variety of travel users in a corridor of approximately 3,100 miles in length extending from the Arizona-Mexico border to the Idaho-Montana-Canada border, following the approximate route depicted on the map identified as 'Great Western Trail Corridor, 1988', which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture. The trail study shall be conducted by the Secretary of Agriculture, in consultation with the Secretary of the Interior, in accordance with subsection (b) and shall include—

"(A) the current status of land ownership and current and potential use along the designated route;

"(B) the estimated cost of acquisition of lands or interests in lands, if any; and

"(C) an examination of the appropriateness of motorized trial use along the trail.".

SEC. 405. HANFORD REACH PRESERVATION.

Section 2 of Public Law 100-605 is amended as follows:

(1) By striking "interim" in the section heading.

(2) By striking "For a period of eight years after" and inserting "After" in subsection (a).

(3) By striking in subsection (b) "During the eight year interim protection period, provided by this section, all" and inserting "All".

SEC. 406. LAMPREY WILD AND SCENIC RIVER.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end thereof:

"(157) LAMPREY RIVER, NEW HAMPSHIRE.—The 11.5-mile segment extending from the southern Lee town line to the confluence with the Piscassic River in the vicinity of the Durham-Newmarket town line (hereinafter in this paragraph referred to as the 'segment') as a recreational river. The segment shall be administered by the Secretary of the Interior through cooperative agreements between the Secretary and the State of New Hampshire and its relevant political subdivisions, namely the towns of Durham, Lee, and Newmarket, pursuant to section 10(e) of this Act. The segment shall be managed in accordance with the Lamprey River Management Plan dated January 10, 1995, and such amendments thereto as the Secretary of the Interior determines are consistent with this Act. Such plan shall be deemed to satisfy the requirements for a comprehensive management plan pursuant to section 3(d) of this Act.".

(b) MANAGEMENT.—

(1) COMMITTEE.—The Secretary of the Interior shall coordinate his management responsibilities under this Act with respect to the segment designated by subsection (a) with the Lamprey River Advisory Committee established pursuant to New Hampshire RSA 483.

(2) LAND MANAGEMENT.—The zoning ordinances duly adopted by the towns of Durham, Lee, and Newmarket, New Hampshire, including provisions for conservation of shorelands, floodplains, and wetlands associated with the segment, shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act, and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segment designated by subsection (a). The authority of the Secretary to acquire lands for the purposes of this paragraph shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Lamprey River Management Plan.

(c) UPSTREAM SEGMENT.—Upon request by the town of Epping, which abuts an additional 12 miles of river found eligible for designation as a recreational river, the Secretary of the Interior shall offer assistance regarding continued involvement of the town of Epping in the implementation of the Lamprey River Management Plan and in consideration of potential future addition of that portion of the river within Epping as a component of the Wild and Scenic Rivers System.

SEC. 407. WEST VIRGINIA NATIONAL RIVERS AMENDMENTS OF 1996.

(a) AMENDMENTS PERTAINING TO THE NEW RIVER GORGE NATIONAL RIVER.—

(1) BOUNDARIES.—Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-15) is amended by striking out "NERI-80,023, dated January 1987" and inserting "NERI-80,028A, dated March 1996".

(2) FISH AND WILDLIFE MANAGEMENT.—Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-20) is amended by adding the following at the end thereof: "The Secretary shall permit the State of West Virginia to undertake fish stocking activities carried out by the State, in consultation with the Secretary, on waters within the boundaries of the national river. Nothing in this Act shall be construed as affecting the jurisdiction of the State of West Virginia with respect to fish and wildlife.".

(3) CONFORMING AMENDMENTS.—Title XI of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-15 and following) is amended by adding the following new section at the end thereof:

"SEC. 1117. APPLICABLE PROVISIONS OF OTHER LAW.

"(a) COOPERATIVE AGREEMENTS.—The provisions of section 202(e)(1) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww-1(e)(1)) shall apply to the New River Gorge National River in the same manner and to the same extent as such provisions apply to the Gauley River National Recreation Area.

"(b) REMNANT LANDS.—The provisions of the second sentence of section 203(a) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww-2(a)) shall apply to tracts of land partially within the boundaries of the New River Gorge National River in the same manner and to the same extent as such provisions apply to tracts of land only partially within the Gauley River National Recreation Area.".

(b) VISITOR CENTER.—The Secretary of the Interior is authorized to construct a visitor center and such other related facilities as may be deemed necessary to facilitate visitor understanding and enjoyment of the New River Gorge National River and the Gauley River National Recreation Area in the vicinity of the confluence of the New and Gauley Rivers. Such center and related facilities are authorized to be constructed at a site outside of the boundary of the New River Gorge National River or Gauley River National Recreation Area unless a suitable site is available within the boundaries of either unit.

(c) AMENDMENTS PERTAINING TO THE GAULEY RIVER NATIONAL RECREATION AREA.—

(1) TECHNICAL AMENDMENT.—Section 205(c) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww-4(c)) is amended by adding the following at the end thereof: "If project construction is not commenced within the time required in such license, or if such license is surrendered at any time, such boundary modification shall cease to have any force and effect.".

(2) GAULEY ACCESS.—Section 202(e) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww-1(e)) is amended by adding the following new paragraph at the end thereof:

"(4) ACCESS TO RIVER.—(A) In order to facilitate public safety, use, and enjoyment of the recreation area, and to protect, to the maximum extent feasible, the scenic and natural resources of the area, the Secretary is authorized and directed to acquire such lands or interests in lands and to take such actions as are necessary to provide access by noncommercial entities on the north side of the Gauley River at the area known as Woods Ferry utilizing existing roads and rights-of-way. Such actions by the Secretary shall include the construction of parking and related facilities in the vicinity of Woods Ferry for noncommercial use on lands acquired pursuant to paragraph (3) or on lands acquired with the consent of the owner thereof within the boundaries of the recreation area.

"(B) If necessary, in the discretion of the Secretary, in order to minimize environmental impacts, including visual impacts, within portions of the recreation area immediately adjacent to the river, the Secretary may, by contract or otherwise, provide transportation services for noncommercial visitors, at reasonable cost, between such parking facilities and the river.

"(C) Nothing in subparagraph (A) shall affect the rights of any person to continue to utilize, pursuant to a lease in effect on April 1, 1993, any right of way acquired pursuant to such lease which authorizes such person to use an existing road referred to in subparagraph (A). Except as provided under paragraph (2) relating to access immediately downstream of the Summersville project, until there is compliance with this paragraph the Secretary is prohibited from acquiring or developing any other river access points within the recreation area.".

(d) AMENDMENTS PERTAINING TO THE BLUESTONE NATIONAL SCENIC RIVER.—

(1) BOUNDARIES.—Section 3(a)(65) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is amended by striking out "WSR-BLU/20,000, and dated January 1987" and inserting "BLUE-80,005, dated May 1996".

(2) PUBLIC ACCESS.—Section 3(a)(65) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is amended by adding the following at the end thereof: "In order to provide reasonable public access and vehicle parking for public use and enjoyment of the river

designated by this paragraph, consistent with the preservation and enhancement of the natural and scenic values of such river, the Secretary may, with the consent of the owner thereof, negotiate a memorandum of understanding or cooperative agreement, or acquire not more than 10 acres of lands or interests in such lands, or both, as may be necessary to allow public access to the Bluestone River and to provide, outside the boundary of the scenic river, parking and related facilities in the vicinity of the area known as Eads Mill.".

SEC. 408. TECHNICAL AMENDMENT TO THE WILD AND SCENIC RIVERS ACT.

(a) NUMBERING OF PARAGRAPHS.—The unnumbered paragraphs in section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), relating to each of the following river segments, are each amended by numbering such paragraphs as follows:

River:	Paragraph Number
East Fork of Jemez, New Mexico	(109)
Pecos River, New Mexico	(110)
Smith River, California	(111)
Middle Fork Smith River, California	(112)
North Fork Smith River, California	(113)
Siskiyou Fork Smith River, California	(114)
South Fork Smith River, California	(115)
Clarks Fork, Wyoming	(116)
Niobrara, Nebraska	(117)
Missouri River, Nebraska and South Dakota	(118)
Bear Creek, Michigan	(119)
Black, Michigan	(120)
Carp, Michigan	(121)
Indian, Michigan	(122)
Manistee, Michigan	(123)
Ontonagon, Michigan	(124)
Paint, Michigan	(125)
Pine, Michigan	(126)
Presque Isle, Michigan	(127)
Sturgeon, Hiawatha National Forest, Michigan	(128)
Sturgeon, Ottawa National Forest, Michigan	(129)
East Branch of the Tahquamenon, Michigan	(130)
Whitefish, Michigan	(131)
Yellow Dog, Michigan	(132)
Allegheny, Pennsylvania	(133)
Big Piney Creek, Arkansas	(134)
Buffalo River, Arkansas	(135)
Cossatot River, Arkansas	(136)
Hurricane Creek, Arkansas	(137)
Little Missouri River, Arkansas	(138)
Mulberry River, Arkansas	(139)
North Sylamore Creek, Arkansas	(140)
Richland Creek, Arkansas	(141)
Sespe Creek, California	(142)
Sisquoc River, California	(143)
Big Sur River, California	(144)
Great Egg Harbor River, New Jersey	(145)
The Maurice River, Middle Segment	(146)
The Maurice River, Middle Segment	(147)
The Maurice River, Upper Segment	(148)
The Menantico Creek, Lower Segment	(149)
The Menantico Creek, Upper Segment	(150)
Manumuskin River, Lower Segment	(151)
Manumuskin River, Upper Segment	(152)
Muskee Creek, New Jersey	(153)
Red River, Kentucky	(154)
Rio Grande, New Mexico	(155)
Farmington River, Connecticut	(156)

(b) STUDY RIVERS.—Section 5(a) of such Act is amended as follows:

(1) Paragraph (106), relating to St. Mary's, Florida, is renumbered as paragraph (108).

(2) Paragraph (112), relating to White Clay Creek, Delaware and Pennsylvania, is renumbered as paragraph (113).

(3) The unnumbered paragraphs, relating to each of the following rivers, are amended by numbering such paragraphs as follows:

River:	Paragraph Number
Mills River, North Carolina	(109)
Sudbury, Assabet, and Concord, Massachusetts	(110)
Niobrara, Nebraska	(111)
Lamprey, New Hampshire	(112)
Brule, Michigan and Wisconsin	(114)
Carp, Michigan	(115)
Little Manistee, Michigan	(116)
White, Michigan	(117)
Ontonagon, Michigan	(118)
Paint, Michigan	(119)
Presque Isle, Michigan	(120)
Sturgeon, Ottawa National Forest, Michigan	(121)
Sturgeon, Hiawatha National Forest, Michigan	(122)
Tahquamenon, Michigan	(123)
Whitefish, Michigan	(124)
Clarion, Pennsylvania	(125)
Mill Creek, Jefferson and Clarion Counties, Pennsylvania	(126)
Piru Creek, California	(127)
Little Sur River, California	(128)
Matilija Creek, California	(129)
Lopez Creek, California	(130)
Sespe Creek, California	(131)
North Fork Merced, California	(132)
Delaware River, Pennsylvania and New Jersey	(133)
New River, West Virginia and Virginia	(134)
Rio Grande, New Mexico	(135)

SEC. 409. PROTECTION OF NORTH ST. VRAIN CREEK, COLORADO.

(a) NORTH ST. VRAIN CREEK AND ADJACENT LANDS.—The Act of January 26, 1915, establishing Rocky Mountain National Park (38 Stat. 798; 16 U.S.C. 191 and following), is amended by adding the following new section at the end thereof:

"SEC. 5. NORTH ST. VRAIN CREEK AND ADJACENT LANDS.

"Neither the Secretary of the Interior nor any other Federal agency or officer may approve or issue any permit for, or provide any assistance for, the construction of any new dam, reservoir, or impoundment on any segment of North St. Vrain Creek or its tributaries within the boundaries of Rocky Mountain National Park or on the main stem of North St. Vrain Creek downstream to the point at which the creek crosses the elevation 6,550 feet above mean sea level. Nothing in this section shall be construed to prevent the issuance of any permit for the construction of a new water gaging station on North St. Vrain Creek at the point of its confluence with Coulson Gulch.".

(b) ENCOURAGEMENT OF EXCHANGES.—

(1) LANDS INSIDE ROCKY MOUNTAIN NATIONAL PARK.—Promptly following enactment of this Act, the Secretary of the Interior shall seek to acquire by donation or exchange those lands within the boundaries of Rocky Mountain National Park owned by the city of Longmont, Colorado, that are referred to in section 111(d) of the Act commonly referred to as the "Colorado Wilderness Act of 1980" (Public Law 96-560; 94 Stat. 3272; 16 U.S.C. 192b-9(d)).

(2) OTHER LANDS.—The Secretary of Agriculture shall immediately and actively pursue negotiations with the city of Longmont, Colorado, concerning the city's proposed exchange of lands owned by the city and located in and near Coulson Gulch for other lands owned by the United States. The Secretary shall report to Congress 2 calendar years after the date of enactment of this Act, and every 2 years thereafter on the progress of such negotiations until negotiations are complete.

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

SEC. 501. THE SELMA TO MONTGOMERY NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end thereof the following new paragraph:

"( ) The Selma to Montgomery National Historic Trail, consisting of 54 miles of city streets and United States Highway 80 from Brown Chapel A.M.E. Church in Selma to the State Capitol Building in Montgomery, Alabama, traveled by voting rights advocates during March 1965 to dramatize the need for voting rights legislation, as generally described in the report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled "Selma to Montgomery" and dated April 1993. Maps depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered in accordance with this Act, including section 7(h). The Secretary of the Interior, acting through the National Park Service, which shall be the lead Federal agency, shall cooperate with other Federal, State and local authorities to preserve historic sites along the route, including (but not limited to) the Edmund Pettus Bridge and the Brown Chapel A.M.E. Church.".

SEC. 502. VANCOUVER NATIONAL HISTORIC RESERVE.

(a) ESTABLISHMENT.—There is established the Vancouver National Historic Reserve in the State of Washington (referred to in this section as the "Reserve"), consisting of the area described in the report entitled "Vancouver National Historic Reserve Feasibility Study and Environmental Assessment" published by the Vancouver Historical Study Commission and dated April 1993 as authorized by Public Law 101-523 (referred to in this section as the "Vancouver Historic Reserve Report").

(b) ADMINISTRATION.—(1) The Reserve shall be administered through a general management plan developed in accordance with this section, and approved by the Secretary of the Interior and the Secretary of the Army.

(2) Not later than three years after the date of enactment of this Act, the National Park Service shall submit to the Secretaries a general management plan for the administration of the Reserve.

(3) The general management plan shall be developed by a Partnership comprised of a representative from the National Park Service, a representative of the Historic Preservation Office of the State of Washington, a representative of the Department of the Army, and a representative of the City of Vancouver, Washington.

(4) The general management plan shall be developed in accordance with the specific findings and recommendations of the Vancouver Historic Reserve Report, along with any other considerations not otherwise in conflict with the Report, and shall include at a minimum a statement of purpose, an interpretive plan, and a economic plan for Pearson Field.

(5) The Reserve shall not be deemed to be a new unit of the National Park System.

(c) NO LIMITATION ON FAA AUTHORITY.—The establishment of the Reserve shall not limit—

(1) the authority of the Federal Aviation Administration over air traffic control, or aviation activities at Pearson Airpark; or

(2) limit operations and airspace in the vicinity of Portland International Airport.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $400,000 per year for operational costs for each fiscal year following enactment of this Act and $5,000,000 for development costs.

SEC. 503. EXTENSION OF KALOKO-HONOKOHAU ADVISORY COMMISSION.

(a) KALOKO-HONOKOHAU NATIONAL HISTORICAL PARK.—Notwithstanding section 505(f)(7) of Public Law 95–625 (16 U.S.C. 396d(f)(7)), the Na Hoa Pili O Kaloko-Honokohau, the Advisory Commission for Kaloko-Honokohau National Historical Park, is hereby re-established in accordance with section 505(f), as amended by paragraph (2) of this subsection.

(b) CONFORMING AMENDMENT.—Section 505(f)(7) of Public Law 95–625 (16 U.S.C. 396d(7)), is amended by striking "this Act" and inserting in lieu thereof, "the Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1996".

SEC. 504. AMENDMENT TO BOSTON NATIONAL HISTORIC PARK ACT.

Section 3(b) of the Boston National Historical Park Act of 1974 (16 U.S.C. 410z–1(b)) is amended by inserting "(1)" before the first sentence thereof and by adding the following at the end thereof:

"(2) The Secretary of the Interior is authorized to enter into a cooperative agreement with the Boston Public Library to provide for the distribution of informational and interpretive materials relating to the park and to the Freedom Trail.".

SEC. 505. WOMEN'S RIGHTS NATIONAL HISTORICAL PARK.

(a) INCLUSION OF OTHER PROPERTIES.—Section 1601(c) of Public Law 96–607 (16 U.S.C. 410ll) is amended to read as follows:

"(c) ESTABLISHMENT.—To carry out the purposes of this section there is hereby established the Women's Rights National Historical Park (hereinafter in this section referred to as the "park"). The park shall consist of the following designated sites in Seneca Falls and Waterloo, New York:

"(1) Stanton House, 32 Washington Street, Seneca Falls;

"(2) dwelling, 30 Washington Street, Seneca Falls;

"(3) dwelling, 34 Washington Street, Seneca Falls;

"(4) lot, 26–28 Washington Street, Seneca Falls;

"(5) former Wesleyan Chapel, 126 Fall Street, Seneca Falls;

"(6) theater, 128 Fall Street, Seneca Falls;

"(7) McClintock House, 16 East Williams Street, Waterloo;

"(8) Hunt House, 401 East Williams Street, Waterloo;

"(9) not to exceed 1 acre, plus improvements, as determined by the Secretary, in Seneca Falls for development of a maintenance facility;

"(10) dwelling, 1 Seneca Street, Seneca Falls;

"(11) dwelling, 10 Seneca Street, Seneca Falls;

"(12) parcels adjacent to Wesleyan Chapel Block, including Clinton Street, Fall Street, and Mynderse Street, Seneca Falls; and

"(13) dwelling, 12 East Williams Street, Waterloo.".

(b) MISCELLANEOUS AMENDMENTS.—Section 1601 of Public Law 96–607 (16 U.S.C. 410ll) is amended by redesignating subsection (i) as "(i)(1)" and inserting at the end thereof the following new paragraph:

"(2) In addition to those sums appropriated prior to the date of enactment of this paragraph for land acquisition and development, there is hereby authorized to be appropriated an additional $2,000,000.".

SEC. 506. BLACK PATRIOTS MEMORIAL EXTENSION.

The legislative authority for the Black Revolutionary War Patriots Foundation to establish a commemorative work (as defined by the Commemorative Works Act (40 U.S.C. 1001 et seq.)) shall expire October 27, 1998, notwithstanding the time period limitation specified in section 10(b) of that Act (40 U.S.C. 1010(b)).

SEC. 507. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION.

(a) AUTHORITY TO MAKE GRANTS.—From the amounts made available to carry out the National Historic Preservation Act, the Secretary of the Interior shall make grants in accordance with this section to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campus of these institutions.

(b) GRANT CONDITIONS.—Grants made under subsection (a) shall be subject to the condition that the grantee covenants, for the period of time specified by the Secretary, that—

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property with respect to which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.—(1) Except as provided by paragraph (2), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

(2) The Secretary may waive paragraph (1) with respect to a grant if the Secretary determines from circumstances that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

(d) FUNDING PROVISION.—Pursuant to section 108 of the National Historic Preservation Act, $29,000,000 shall be made available to carry out the purposes of this section. Of amounts made available pursuant to this section, $5,000,000 shall be available for grants to Fisk University, $2,500,000 shall be available for grants to Knoxville College, $2,000,000 shall be available for grants to Miles College, Alabama, $1,500,000 shall be available for grants to Talladega College, Alabama, $1,550,000 shall be available for grants to Selma University, Alabama, $250,000 shall be available for grants to Stillman College, Alabama, $200,000 shall be available for grants to Concordia College, Alabama $2,900,000 shall be available for grants to Allen University, South Carolina, $1,000,000 shall be available for grants to Claflin College, South Carolina, $2,000,000 shall be available for grants to Voorhees College, South Carolina, $1,000,000 shall be available for grants to Rust College, Mississippi, and $3,000,000 shall be available for grants to Tougaloo College, Mississippi.

(e) REGULATIONS.—The Secretary shall develop such guidelines as may be necessary to carry out this section.

(f) DEFINITIONS.—For the purposes of this section:

(1) HISTORICALLY BLACK COLLEGES.—The term "historically black colleges and universities" has the same meaning given the term "part B institution" by section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(2) HISTORIC BUILDING AND STRUCTURES.—The term "historic building and structures" means a building or structure listed on, or eligible for listing on, the National Register of Historic Places or designated a National Historic Landmark.

SEC. 508. MEMORIAL TO MARTIN LUTHER KING, JR.

(a) IN GENERAL.—The Secretary of the Interior is authorized to permit the Alpha Phi Alpha Fraternity to establish a memorial on lands under the administrative jurisdiction of the Secretary in the District of Columbia or its environs to honor Martin Luther King, Jr., pursuant to the Commemorative Works Act of 1986.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001, et seq.).

(c) PAYMENT OF EXPENSES.—The Alpha Phi Alpha Fraternity shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 4401(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance of funds received for the establishment of the memorial, the Alpha Phi Alpha Fraternity shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

SEC. 509. ADVISORY COUNCIL ON HISTORIC PRESERVATION REAUTHORIZATION.

(a) REAUTHORIZATION.—The last sentence of section 212(a) of the National Historic Preservation Act (16 U.S.C. 470 and following) is amended to read as follows: "There are authorized to be appropriated for the purposes of this title not to exceed $4,000,000 in each fiscal year 1997 through 2000.".

(b) REPORTING REQUIREMENTS.—Within 18 months after the date of enactment of this Act, the Advisory Council on Historic Preservation shall submit a report to the appropriate congressional committees containing an analysis of alternatives for modifying the regulatory process for addressing impacts of Federal actions on nationally significant historic properties, as well as alternatives for future promulgation and oversight of regulations for implementation of section 106 of the National Historic Preservation Act.

(c) TECHNICAL AMENDMENTS.—Title II of the National Historic Preservation Act (16 U.S.C. 470 and following) is amended as follows:

(1) By striking "appointed" in section 201(a)(4) and inserting "designated".

(2) By striking "and 10" in section 201(c) and inserting "through (11)".

(3) By adding the following new section after section 214:

"Sec. 215. Subject to applicable conflict of interest laws, the Council may receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of the purposes of this Act.".

(4) By amending subsection (g) of section 205 to read as follows:

"(g) Any Federal agency may provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the agency, with such funds, personnel, facilities, and services under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. Any funds provided to the Council pursuant to this subsection must be expended by the end of the fiscal year following the fiscal year in which the funds are received by the Council. To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties and may also receive donations of moneys for such purpose, and the Executive Director is authorized, in his discretion, to accept, hold, use, expend, and administer the same for the purposes of this Act.".

SEC. 510. GREAT FALLS HISTORIC DISTRICT, NEW JERSEY.

(a) Purposes.—The purposes of this section are—

(1) to preserve and interpret, for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands and edifices of the Great Falls Historic District, with emphasis on harnessing this unique urban environment for its educational and recreational value; and

(2) to enhance economic and cultural redevelopment within the District.

(b) Definitions.—In this section:

(1) District.—The term "District" means the Great Falls Historic District established by subsection (c).

(2) Secretary.—The term "Secretary" means the Secretary of the Interior.

(3) Historic infrastructure.—The term "historic infrastructure" means the District's historic raceway system, all four stories of the original Colt Gun Mill, including belltower, and any other structure that the Secretary determines to be eligible for the National Register of Historic Places.

(c) Great Falls Historic District.—

(1) Establishment.—There is established the Great Falls Historic District in the city of Paterson, in Passaic County, New Jersey.

(2) Boundaries.—The boundaries of the District shall be the boundaries specified for the Great Falls Historic District listed on the National Register of Historic Places.

(d) Development Plan.—The Secretary may make grants and enter into cooperative agreements with the State of New Jersey, local governments, and private nonprofit entities under which the Secretary agrees to pay not more than 50 percent of the costs of—

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District;

(2) implementation of projects approved by the Secretary under the development plan; and

(3) a market analysis assessing the economic development potential of the District and recommending steps to be taken to encourage economic development and revitalization in a manner consistent with the District's historic character.

(e) Restoration, Preservation, and Interpretation of Properties.—

(1) Cooperative agreements.—The Secretary may enter into cooperative agreements with the State of New Jersey, local governments and non-profit entities owning property within the District under which the Secretary may—

(A) pay not more than 50 percent of the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District;

(B) provide technical assistance with respect to the preservation and interpretation of properties within the District; and

(C) mark and provide interpretation of properties within the District.

(2) Provisions.—A cooperative agreement under paragraph (1) shall provide that—

(A) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(B) no change or alteration may be made in the property except with the agreement of the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(C) any construction grant made under this section shall be subject to an agreement that provides that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section shall result in a right of the United States to compensation from the beneficiary of the grant, and that provides for a schedule for such compensation based on the level of Federal investment and the anticipated useful life of the project.

(3) Applications.—

(A) In general.—A property owner that desires to enter into a cooperative agreement under paragraph (1) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the District.

(B) Consideration.—In making such funds available under this subsection, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

(f) Authorization of Appropriations.—There are authorized to be appropriated from the Historic Preservation Fund authorized under the National Historic Preservation Act to the Secretary to carry out this section—

(1) $250,000 for grants and cooperative agreements for the development plan under subsection (d); and

(2) $50,000 for the provision of technical assistance and $3,000,000 for the provision of other assistance under cooperative agreements under subsection (e).

SEC. 511. NEW BEDFORD NATIONAL HISTORIC LANDMARK DISTRICT.

(a) Findings and Purposes.—

(1) Findings.—The Congress finds that—

(A) the New Bedford National Historic Landmark District and associated historic sites as described in subsection (c)(2), including the Schooner Ernestina, are National Historic Landmarks and are listed on the National Register of Historic Places as historic sites associated with the history of whaling in the United States;

(B) the city of New Bedford was the 19th century capital of the world's whaling industry and retains significant architectural features, archival materials, and museum collections illustrative of this period;

(C) New Bedford's historic resources provide unique opportunities for illustrating and interpreting the whaling industry's contribution to the economic, social, and environmental history of the United States and provide opportunities for public use and enjoyment; and

(D) during the nineteenth century, over two thousand whaling voyages sailed out of New Bedford to the Arctic region of Alaska, and joined Alaska Natives from Barrow, Alaska and other areas in the Arctic region in subsistence whaling activities; and

(E) the National Park System presently contains no sites commemorating whaling and its contribution to American history.

(2) Purposes.—The purposes of this section are—

(A) to help preserve, protect, and interpret the resources within the areas described in subsection (c)(2), including architecture, setting, and associated archival and museum collections;

(B) to collaborate with the city of New Bedford and with associated historical, cultural, and preservation organizations to further the purposes of the park established under this section; and

(C) to provide opportunities for the inspirational benefit and education of the American people.

(b) Definitions.—For the purposes of this section—

(1) the term "park" means the New Bedford Whaling National Historical Park established by subsection (c); and

(2) the term "Secretary" means the Secretary of the Interior.

(c) New Bedford Whaling National Historical Park.—

(1) Establishment.—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain districts structures, and relics located in New Bedford, Massachusetts, and associated with the history of whaling and related social and economic themes in America, there is established the New Bedford Whaling National Historical Park.

(2) Boundaries.—(A) The boundaries of the park shall be those generally depicted on the map numbered NAR–P49–80000–4 and dated June 1994. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service. In case of any conflict between the descriptions set forth in clauses (i) through (iv) and such map, such map shall govern. The park shall include the following:

(i) The area included within the New Bedford National Historic Landmark District, known as the Bedford Landing Waterfront Historic District, as listed within the National Register of Historic Places and in the Massachusetts State Register of Historic Places.

(ii) The National Historic Landmark Schooner Ernestina, with its home port in New Bedford.

(iii) The land along the eastern boundary of the New Bedford National Historic Landmark District over to the east side of MacArthur Drive from the Route 6 overpass on the north to an extension of School Street on the south.

(iv) The land north of Elm Street in New Bedford, bounded by Acushnet Avenue on the west, Route 6 (ramps) on the north, MacArthur Drive on the east, and Elm Street on the south.

(B) In addition to the sites, areas and relics referred to in subparagraph (A), the Secretary may assist in the interpretation and preservation of each of the following:

(i) The southwest corner of the State Pier.

(ii) Waterfront Park, immediately south of land adjacent to the State Pier.

(iii) The Rotch-Jones-Duff House and Garden Museum, located at 396 County Street.

(iv) The Wharfinger Building, located on Piers 3 and 4.

(v) The Bourne Counting House, located on Merrill's Wharf.

(d) RELATED FACILITIES.—To ensure that the contribution of Alaska Natives to the history of whaling in the United States is fully recognized, the Secretary shall provide—

(1) financial and other assistance to establish links between the New Bedford Whaling National Historical Park and the North Slope Borough Cultural Center, located in Barrow, Alaska; and

(2) to provide other appropriate assistance and funding for the North Slope Borough Cultural Center.

(e) ADMINISTRATION OF PARK.—

(1) IN GENERAL.—The park shall be administered by the Secretary in accordance with this section and the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(2) COOPERATIVE AGREEMENTS.—(A) The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the park.

(B) Any payment made by the Secretary pursuant to a cooperative agreement under this paragraph shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(3) NON-FEDERAL MATCHING REQUIREMENTS.—(A) Funds authorized to be appropriated to the Secretary for the purposes of—

(i) cooperative agreements under paragraph (2) shall be expended in the ratio of one dollar of Federal funds for each four dollars of funds contributed by non-Federal sources; and

(ii) construction, restoration, and rehabilitation of visitor and interpretive facilities (other than annual operation and maintenance costs) shall be expended in the ratio of one dollar of Federal funds for each one dollar of funds contributed by non-Federal sources.

(B) For the purposes of this paragraph, the Secretary is authorized to accept from non-Federal sources, and to utilize for purposes of this section, any money so contributed. With the approval of the Secretary, any donation of property, services, or goods from a non-Federal source may be considered as a contribution of funds from a non-Federal source for the purposes of this paragraph.

(4) ACQUISITION OF REAL PROPERTY.—For the purposes of the park, the Secretary may acquire only by donation such lands, interests in lands, and improvements thereon within the park as are needed for essential visitor contact and interpretive facilities.

(5) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept donated funds, property, and services to carry out this section.

(e) GENERAL MANAGEMENT PLAN.—Not later than the end of the second fiscal year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park and shall implement such plan as soon as practically possible. The plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a–7(b)) and other applicable law.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), there are authorized to be appropriated such sums as may be necessary to carry out annual operations and maintenance with respect to the park and to carry out the activities under section 3(D).

(2) EXCEPTIONS.—In carrying out this section—

(A) not more than $2,000,000 may be appropriated for construction, restoration, and rehabilitation of visitor and interpretive facilities, and directional and visitor orientation signage;

(B) none of the funds authorized to be appropriated by this section may be used for the operation or maintenance of the Schooner Ernestina; and

(C) not more than $50,000 annually of Federal funds may be used for interpretive and educational programs for the Schooner Ernestina pursuant to cooperative grants under subsection (d)(2).

SEC. 512. NICODEMUS NATIONAL HISTORIC SITE.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the Town of Nicodemus, in Kansas, has national significance as the only remaining western town established by African-Americans during the Reconstruction period following the Civil War;

(B) the town of Nicodemus is symbolic of the pioneer spirit of African-Americans who dared to leave the only region they had been familiar with to seek personal freedom and the opportunity to develop their talents and capabilities; and

(C) the town of Nicodemus continues to be a valuable African-American community.

(2) PURPOSES.—The purposes of this section are—

(A) to preserve, protect, and interpret for the benefit and enjoyment of present and future generations, the remaining structures and locations that represent the history (including the settlement and growth) of the town of Nicodemus, Kansas; and

(B) to interpret the historical role of the town of Nicodemus in the Reconstruction period in the context of the experience of westward expansion in the United States.

(b) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term "historic site" means the Nicodemus National Historic Site established by subsection (c).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(c) ESTABLISHMENT OF NICODEMUS NATIONAL HISTORIC SITE.—

(1) ESTABLISHMENT.—There is established the Nicodemus National Historic Site in Nicodemus, Kansas.

(2) DESCRIPTION.—

(A) IN GENERAL.—The historic site shall consist of the First Baptist Church, the St. Francis Hotel, the Nicodemus School District Number 1, the African Methodist Episcopal Church, and the Township Hall located within the approximately 161.35 acres designated as the Nicodemus National Landmark in the Township of Nicodemus, Graham County, Kansas, as registered on the National Register of Historic Places pursuant to section 101 of the National Historic Preservation Act (16 U.S.C. 470a), and depicted on a map entitled "Nicodemus National Historic Site", numbered 80,000 and dated August 1994.

(B) MAP AND BOUNDARY DESCRIPTION.—The map referred to in subparagraph (A) and an accompanying boundary description shall be on file and available for public inspection in the office of the Director of the National Park Service and any other office of the National Park Service that the Secretary determines to be an appropriate location for filing the map and boundary description.

(d) ADMINISTRATION OF THE HISTORIC SITE.—

(1) IN GENERAL.—The Secretary shall administer the historic site in accordance with this section and the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, Chapter 593; 16 U.S.C. 461 et seq.).

(2) COOPERATIVE AGREEMENTS.—To further the purposes of this section, the Secretary may enter into a cooperative agreement with any interested individual, public or private agency, organization, or institution.

(3) TECHNICAL AND PRESERVATION ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide to any eligible person described in subparagraph (B) technical assistance for the preservation of historic structures of, the maintenance of the cultural landscape of, and local preservation planning for, the historic site.

(B) ELIGIBLE PERSONS.—The eligible persons described in this subparagraph are—

(i) an owner of real property within the boundary of the historic site, as described in subsection (c)(2); and

(ii) any interested individual, agency, organization, or institution that has entered into an agreement with the Secretary pursuant to paragraph (2).

(e) ACQUISITION OF REAL PROPERTY.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary is authorized to acquire by donation, exchange, or purchase with funds made available by donation or appropriation, such lands or interests in lands as may be necessary to allow for the interpretation, preservation, or restoration of the First Baptist Church, the St. Francis Hotel, the Nicodemus School District Number 1, the African Methodist Episcopal Church, or the Township Hall, as described in subsection (c)(2)(A), or any combination thereof.

(2) LIMITATIONS.—

(A) ACQUISITION OF PROPERTY OWNED BY THE STATE OF KANSAS.—Real property that is owned by the State of Kansas or a political subdivision of the State of Kansas that is acquired pursuant to paragraph (1) may only be acquired by donation.

(B) CONSENT OF OWNER REQUIRED.—No real property may be acquired under this subsection without the consent of the owner of the real property.

(f) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not Later than the last day of the third full fiscal year beginning after the date of enactment of this Act, the

Secretary shall, in consultation with the officials described in paragraph (2), prepare a general management plan for the historic site.

(2) CONSULTATION.—In preparing the general management plan, the Secretary shall consult with an appropriate official of each of the following:

(A) The Nicodemus Historical Society.

(B) The Kansas Historical Society.

(C) Appropriate political subdivisions of the State of Kansas that have jurisdiction over all or a portion of the historic site.

(3) SUBMISSION OF PLAN TO CONGRESS.—Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this section.

SEC. 513. UNALASKA.

(a) SHORT TITLE.—This section may be cited as the "Aleutian World War II National Historic Areas Act of 1996".

(b) PURPOSE.—The purpose of this section is to designate and preserve the Aleutian World War II National Historic Area within lands owned by the Ounalaska Corporation on the island of Amaknak, Alaska and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant circumstances involving the history of the Aleut people, and the role of the Aleut people and the Aleutian Islands in the defense of the United States in World War II.

(c) BOUNDARIES.—The Aleutian World War II National Historic Area shall be comprised of areas on Amaknak Island depicted on the map entitled "Aleutian World War II National Historic Area".

(d) TERMS AND CONDITIONS.—Nothing in this section shall—

(1) authorize the conveyance of lands between the Ounalaska Corporation and the United States Department of the Interior, nor remove land or structures appurtenant to the land from the exclusive control of the Ounalaska Corporation; or

(2) provide authority for the Department of the Interior to assume the duties associated with the daily operation of the historic area or any of its facilities or structures.

(e) TECHNICAL ASSISTANCE.—The Secretary of the Interior may award grants and provide technical assistance to the Ounalaska Corporation and the City of Unalaska to assist with the planning, development, and historic preservation from any program funds authorized by law for technical assistance, land use planning or historic preservation.

SEC. 514. JAPANESE AMERICAN PATRIOTISM MEMORIAL.

(a) PURPOSE.—It is the purpose of this section—

(1) to assist in the effort to timely establish within the District of Columbia a national memorial to Japanese American patriotism in World War II; and

(2) to improve management of certain parcels of Federal real property located within the District of Columbia,

by transferring jurisdiction over such parcels to the Architect of the Capitol, the Secretary of the Interior, and the Government of the District of Columbia.

(b) TRANSFERS OF JURISDICTION.—

(1) IN GENERAL.—Effective on the date of the enactment of this Act and notwithstanding any other provision of law, jurisdiction over the parcels of Federal real property described in paragraph (2) is transferred without additional consideration as provided by paragraph (2).

(2) SPECIFIC TRANSFERS.—

(A) TRANSFERS TO SECRETARY OF THE INTERIOR.—

(i) IN GENERAL.—Jurisdiction over the following parcels is transferred to the Secretary of the Interior:

(I) That triangle of Federal land, including any contiguous sidewalks and tree space, that is part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol bound by D Street, N.W., New Jersey Avenue, N.W., and Louisiana Avenue, N.W., in Square W632 in the District of Columbia, as shown on the Map Showing Properties Under Jurisdiction of the Architect of the Capitol, dated November 8, 1994.

(II) That triangle of Federal land, including any contiguous sidewalks and tree space, that is part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol bound by C Street, N.W., First Street, N.W., and Louisiana Avenue, N.W., in the District of Columbia, as shown on the Map Showing Properties Under Jurisdiction of the Architect of the Capitol, dated November 8, 1994.

(ii) LIMITATION.—The parcels transferred by clause (i) shall not include those contiguous sidewalks abutting Louisiana Avenue, N.W., which shall remain part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol.

(iii) CONSIDERATION AS MEMORIAL SITE.—The parcels transferred by sibclause (I) of clause (i) may be considered as a site for a national memorial to Japanese American patriotism in World War II.

(B) TRANSFERS TO ARCHITECT OF THE CAPITOL.—Jurisdiction over the following parcels is transferred to the Architect of the Capitol:

(i) That portion of the triangle of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Secretary of the Interior, including any contiguous sidewalks, bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running in a northeast direction on the west, the major portion of Maryland Avenue, N.E., on the south, and 2nd Street, N.E., on the east, including the contiguous sidewalks.

(ii) That irregular area of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Secretary of the Interior, including any contiguous sidewalks, northeast of the real property described in clause (i) bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running to the northeast on the south, and the private property on the west known as lot 7 in square 726.

(iii) The two irregularly shaped medians lying north and east of the property described in clause (i), located between the north and south curbs of Constitution Avenue, N.E., west of its intersection with Second Street, N.E., all as shown in Land Record No. 268, dated November 22, 1957, in the Office of the Surveyor, District of Columbia, in Book 138, Page 58.

(iv) All sidewalks under the jurisdiction of the District of Columbia abutting on and contiguous to the land described in clauses (i), (ii), and (iii).

(C) TRANSFERS TO DISTRICT OF COLUMBIA.—Jurisdiction over the following parcels is transferred to the Government of the District of Columbia:

(i) That portion of New Jersey Avenue, N.W., between the northernmost point of the intersection of New Jersey Avenue, N.W., and D Street, N.W., and the northernmost point of the intersection of New Jersey Avenue, N.W., and Louisiana Avenue, N.W., between squares 631 and W632, which remains Federal property.

(ii) That portion of D Street, N.W., between its intersection with New Jersey Avenue, N.W., and its intersection with Louisiana Avenue, N.W., between Squares 630 and W632, which remains Federal property.

(c) MISCELLANEOUS.—

(1) COMPLIANCE WITH OTHER LAWS.—Compliance with this section shall be deemed to satisfy the requirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

(2) LAW ENFORCEMENT RESPONSIBILITY.—Law enforcement responsibility for the parcels of Federal real property for which jurisdiction is transferred by subsection (b) shall be assumed by the person acquiring such jurisdiction.

(3) UNITED STATES CAPITOL GROUNDS.—

(A) DEFINITION.—The first section of the Act entitled "An Act to define the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (40 U.S.C. 193a), is amended to include within the definition of the United States Capitol Grounds the parcels of Federal real property described in subsection (b)(2)(B).

(B) JURISDICTION OF CAPITOL POLICE.—The United States Capitol Police shall have jurisdiction over the parcels of Federal real property described in subsection (b)(2)(B) in accordance with section 9 of such Act of July 31, 1946 (40 U.S.C. 212a).

(4) EFFECT OF TRANSFERS.—A person relinquishing jurisdiction over a parcel of Federal real property transferred by subsection (b) shall not retain any interest in the parcel except as specifically provided by this section.

SEC. 515. MANZANAR NATIONAL HISTORIC SITE.

(a) TERMINATION OF WITHDRAWALS.—

(1) UNAVAILABILITY OF CERTAIN LANDS.—The Congress, by enacting the Act entitled "An Act to establish the Manzanar National Historic Site in the State of California, and for other purposes", approved March 3, 1992 (106 Stat. 40; Public Law 102–248), (1) provided for the protection and interpretation of the historical, cultural, and natural resources associated with the relocation of Japanese-Americans during World War II and established the Manzanar National Historic Site in the State of California, and (2) authorized the Secretary of the Interior to acquire lands or interests therein within the boundary of the Historic Site by donation, purchase with donated or appropriated funds, or by exchange. The public lands identified for disposal in the Bureau of Land Management's Bishop Resource Area Resource Management Plan that could be made available for exchange in support of acquiring lands within the boundary of the Historic Site are currently unavailable for this purpose because they are withdrawn by an Act of Congress.

(2) TERMINATION OF WITHDRAWAL.—To provide a land base with which to allow land exchanges in support of acquiring lands within the boundary of the Manzanar National Historic Site, the withdrawal of the following described lands is terminated and such lands shall not be subject to the Act of March 4, 1931 (chap. 517; 46 Stat. 1530):

MOUNT DIABLO MERIDIAN

Township 2 North, Range 26 East

Section 7:

North half south half of lot 1 of southwest quarter, north half south half of lot 2 of southwest quarter, north half south half southeast quarter.

Township 4 South, Range 33 East

Section 31:

Lot 1 of southwest quarter, northwest quarter northeast quarter, southeast quarter;

Section 32:

Southeast quarter northwest quarter, northeast quarter southwest quarter, southwest quarter southeast quarter.

Township 5 South, Range 33 East

Section 4:

West half of lot 1 of northwest quarter, west half of lot 2 of northwest quarter.

Section 5:

East half of lot 1 of northeast quarter, east half of lot 2 of northeast quarter.

Section 9:

Northwest quarter southwest quarter northeast quarter.

Section 17:

Southeast quarter northwest quarter, northwest quarter southeast quarter.

Section 22:

Lot 1 and 2.

Section 27:

Lot 2, west half northeast quarter, southeast quarter northwest quarter, northeast quarter southwest quarter, northwest quarter southeast quarter.

Section 34:

Northeast quarter, northwest quarter, southeast quarter.

Township 6 South, Range 31 East

Section 19:

East half northeast quarter southeast quarter.

Township 6 South, Range 33 East

Section 10:

East half southeast quarter.

Section 11:

Lot 1 and 2, west half northeast quarter, northwest quarter, west half southwest quarter, northeast quarter southwest quarter.

Section 14:

Lots 1 through 4, west half northeast quarter, southeast quarter northwest quarter, northeast quarter southwest quarter, northwest quarter southeast quarter.

Township 7 South, Range 32 East

Section 23:

South half southwest quarter.

Section 25:

Lot 2, northeast quarter northwest quarter.

Township 7 South, Range 33 East

Section 30:

South half of lot 2 of northwest quarter, lot 1 and 2 of southwest quarter.

Section 31:

North half of lot 2 of northwest quarter, southeast quarter northeast quarter, northeast quarter southeast quarter.

Township 8 South, Range 33 East

Section 5:

Northwest quarter southwest quarter.

Township 13 South, Range 34 East

Section 1:

Lots 43, 46, and 49 thru 51.

Section 2:

North half northwest quarter southeast quarter southeast quarter.

Township 11 South, Range 35 East

Section 30:

Lots 1 and 2, east half northwest quarter, east half southwest quarter, and west half southwest quarter southeast quarter.

Section 31:

Lot 8, west half west half northeast quarter, east half northwest quarter, and west half southeast quarter.

Township 13, South, Range 35 East

Section 18:

South half of lot 2 of northwest quarter, lot 1 and 2 of southwest quarter, southwest quarter northeast quarter, northwest quarter southeast quarter.

Section 29:

Southeast quarter northeast quarter, northeast quarter southeast quarter.

Township 13 South, Range 36 East

Section 17:

Southwest quarter northwest quarter, southwest quarter.

Section 18:

South half of lot 1 of northwest quarter, lot 1 of southwest quarter, northeast quarter, southeast quarter.

Section 19:

North half of lot 1 of northwest quarter, east half northeast quarter, northwest quarter northeast quarter.

Section 20:

Southwest quarter northeast quarter, northwest quarter, northeast quarter southwest quarter, southeast quarter.

Section 28:

Southwest quarter southwest quarter.

Section 29:

East half northeast quarter.

Section 33:

Northwest quarter northwest quarter, southeast quarter northwest quarter.

Township 14 South, Range 36 East

Section 31:

Lot 1 and 2 of southwest quarter, southwest quarter southeast quarter.

aggregating 5,630 acres, more or less.

(b) AVAILABILITY OF LANDS.—Upon enactment of this Act, the lands specified in subsection (a) shall be open to operation of the public land laws, including the mining and mineral leasing laws, only after the Secretary of the Interior has published a notice in the Federal Register opening such lands.

(c) ADDITIONAL AREA.—Section 101 of Public Law 102–248 is amended by inserting in subsection (b) after the second sentence "The site shall also include an additional area of approximately 300 acres as demarcated as the new proposed boundaries in the map dated March 8, 1996, entitled 'Manzanar National Historic Site Archaeological Base Map'."

SEC. 516. RECOGNITION AND DESIGNATION OF THE AIDS MEMORIAL GROVE AS NATIONAL MEMORIAL.

(a) RECOGNITION OF SIGNIFICANCE OF THE AIDS MEMORIAL GROVE.—The Congress hereby recognizes the significance of the AIDS Memorial Grove, located in Golden Gate Park in San Francisco, California, as a memorial—

(1) dedicated to individuals who have died as a result of acquired immune deficiency syndrome; and

(2) in support of individuals who are living with acquired immune deficiency syndrome and their loved ones and caregivers.

(b) DESIGNATION AS NATIONAL MEMORIAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall designate the AIDS Memorial Grove as a national memorial.

TITLE VI—CIVIL AND REVOLUTIONARY WAR SITES

SEC. 601. UNITED STATES CIVIL WAR CENTER.

(a) DESIGNATION.—The Civil War Center, located on Raphael Semmes Drive at Louisiana State University in Baton Rouge, Louisiana (hereinafter in this section referred to as the "center") shall be known and designated as the "United States Civil War Center".

(b) LEGAL REFERENCES.—Any reference in any law, regulation, paper, record, map, or any other document of the United States to the center referred to in subsection (b) shall be deemed to be a reference to the "United States Civil War Center".

(c) FLAGSHIP INSTITUTIONS.—The center and the Civil War Institute of Gettysburg College, located at 233 North Washington Street in Gettysburg, Pennsylvania, shall be the flagship institutions for planning the sesquicentennial commemoration of the Civil War.

SEC. 602. CORINTH, MISSISSIPPI, BATTLEFIELD ACT.

(a) PURPOSE.—The purpose of this section is to provide for a center for the interpretation of the Siege and Battle of Corinth and other Civil War actions in the Region and to enhance public understanding of the significance of the Corinth Campaign in the Civil War relative to the Western theater of operations, in cooperation with State or local governmental entities and private organizations and individuals.

(b) ACQUISITION OF PROPERTY AT CORINTH, MISSISSIPPI.—The Secretary of the Interior (referred to in this title as the "Secretary") shall acquire by donation, purchase with donated or appropriated funds, or exchange, such land and interests in land in the vicinity of the Corinth Battlefield, in the State of Mississippi, as the Secretary determines to be necessary for the construction of an interpretive center to commemorate and interpret the 1862 Civil War Siege and Battle of Corinth.

(c) PUBLICLY OWNED LAND.—Land and interests in land owned by the State of Mississippi or a political subdivision of the State of Mississippi may be acquired only by donation.

(d) INTERPRETIVE CENTER AND MARKING.—

(1) INTERPRETIVE CENTER.— The Secretary shall construct, operate, and maintain on the property acquired under subsection (b) a center for the interpretation of the Siege and Battle of Corinth and associated historical events for the benefit of the public.

(2) MARKING.—The Secretary may mark sites associated with the Siege and Battle of Corinth National Historic Landmark, as designated on May 6, 1991, if the sites are determined by the Secretary to be protected by State or local governmental agencies.

(3) ADMINISTRATION.—The land and interests in land acquired, and the facilities constructed and maintained pursuant to this section, shall be administered by the Secretary as a part of Shiloh National Military Park, subject to the appropriate laws (including regulations) applicable to the Park, the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $6,000,000 for development to carry out this section.

SEC. 604. REVOLUTIONARY WAR AND WAR OF 1812 HISTORIC PRESERVATION STUDY.

(a) SHORT TITLE.—This section may be cited as the "Revolutionary War and War of 1812 Historic Preservation Study Act of 1996".

(b) FINDINGS.—The Congress finds that—

(1) Revolutionary War sites and War of 1812 sites provide a means for Americans to understand and interpret the periods in American history during which the Revolutionary War and War of 1812 were fought;

(2) the historical integrity of many Revolutionary War sites and War of 1812 sites is at risk because many of the sites are located in regions that are undergoing rapid urban or suburban development; and

(3) it is important, for the benefit of the United States, to obtain current information on the significance of, threats to the integrity of, and alternatives for the preservation and interpretation of Revolutionary War sites and War of 1812 sites.

(c) Definitions.—In this section:

(1) Director.—The term "Director" means the Director of the National Park Service.

(2) Revolutionary war site.—The term "Revolutionary War site" means a site or structure situated in the United States that is thematically tied with the nationally significant events that occurred during the Revolutionary War.

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

(4) War of 1812 site.—The term "War of 1812 site" means a site or structure situated in the United States that is thematically tied with the nationally significant events that occurred during the War of 1812.

(d) Study.—

(1) Preparation.—The Secretary, acting through the Director, shall prepare a study of Revolutionary War sites and War of 1812 sites.

(2) Matters to be addressed.—The study under subsection (b) shall—

(A) identify Revolutionary War sites and War of 1812 sites, including sites within units of the National Park System in existence on the date of enactment of this Act;

(B) determine the relative significance of the sites;

(C) assess short- and long-term threats to the integrity of the sites;

(D) provide alternatives for the preservation and interpretation of the sites by Federal, State, and local governments, or other public or private entities, including designation of the sites as units of the National Park System; and

(E) research and propose land preservation techniques.

(3) Consultation.—During the preparation of the study under paragraph (1), the Director shall consult with—

(A) the Governor of each affected States;

(B) each affected unit of local government;

(C) State and local historic preservation organizations;

(D) scholarly organizations; and

(E) such other interested parties as the Secretary considers advisable.

(4) Transmittal to congress.—Not later than 2 years after the date on which funds are made available to carry out the study under paragraph (1), the Director shall transmit a report describing the results of the study to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the State.

(5) Report.—If the Director submits a report on the study to the Director of the Office of Management and Budget, the Secretary shall concurrently transmit copies of the report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $750,000, to remain available until expended.

SEC. 605. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

(a) Short Title.—This section may be cited as the "American Battlefield Protection Act of 1996".

(b) Purpose.—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(c) Preservation Assistance.—

(1) In general.—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) Financial assistance.—To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(d) Authorization of Appropriations.—There are authorized to be appropriated $3,000,000 annually to carry out this section, to remain available until expended.

(e) Repeal.—

(1) In general.—This section is repealed as of the date that is 10 years after the date of enactment of this section.

(2) No effect on general authority.—The Secretary may continue to conduct battlefield studies in accordance with other authorities available to the Secretary.

(3) Unobligated funds.—Any funds made available under this section that remain unobligated shall be credited to the general fund of the Treasury.

SEC. 606. CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARKS.

Section 1(c) of the Act entitled "An Act to authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park in Georgia", approved December 24, 1987 (101 Stat. 1442), is amended by striking "$30,000,000" and inserting "$51,900,000".

SEC. 607. SHENANDOAH VALLEY BATTLEFIELDS.

(a) Short Title.—This section may be cited as the "Shenandoah Valley Battlefields National Historic District and Commission Act of 1996".

(b) Congressional Findings.—The Congress finds that—

(1) there are situated in the Shenandoah Valley in the Commonwealth of Virginia the sites of several key Civil War battles;

(2) certain sites, battlefields, structures, and districts in the Shenandoah Valley are collectively of national significance in the history of the Civil War;

(3) in 1992, the Secretary of the Interior issued a comprehensive study of significant sites and structures associated with Civil War battles in the Shenandoah Valley, and found that many of the sites within the Shenandoah Valley possess national significance and retain a high degree of historical integrity;

(4) the preservation and interpretation of these sites will make a vital contribution to the understanding of the heritage of the United States;

(5) the preservation of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and

(6) partnerships between Federal, State, and local governments, the regional entities of such governments, and the private sector offer the most effective opportunities for the enhancement and management of the Civil War battlefields and related sites in the Shenandoah Valley.

(c) Statement of Purpose.—The purposes of this section are to—

(1) preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley;

(2) recognize and interpret important events and geographic locations representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864;

(3) recognize and interpret the effect of the Civil War on the civilian population of the Shenandoah Valley during the war and postwar reconstruction period; and

(4) create partnerships among Federal, State, and local governments, the regional entities of such governments, and the private sector to preserve, conserve, enhance, and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley.

(d) Definitions.—As used in this section:

(1) The term "District" means the Shenandoah Valley Battlefields National Historic District established by section 5.

(2) The term "Commission" means the Shenandoah Valley Battlefields National Historic District Commission established by section 9.

(3) The term "plan" means the Shenandoah Valley Battlefields National Historic District Commission plan approved by the Secretary under section 6.

(4) The term "management entity" means a unit of government or nonprofit organization designated by the plan to manage and administer the District.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "Shenandoah Valley" means the Shenandoah Valley in the Commonwealth of Virginia.

(e) Shenandoah Valley Battlefields National Historic District.—

(1) Establishment.—To carry out the purposes of this section, there is hereby established the Shenandoah Valley Battlefields National Historic District in the Commonwealth of Virginia.

(2) Boundaries.—(A) The corridor shall consist of lands and interests therein as generally depicted on the map entitled "Shenandoah Valley National Battlefields", numbered SHVA/80,000, and dated April 1994.

(B) The District shall consist of historic transportation routes linking the units depicted on the map referred to in subparagraph (A).

(C) The map referred to in subparagraph (A) shall be on file and available for public inspection in the offices of the Commission, the management entity, and in the appropriate offices of the National Park Service.

(f) Shenandoah Valley Battlefields National Historic District Plan.—

(1) In general.—The District shall be managed and administered by the Commission

and the management entity in accordance with the purposes of this Act and the Shenandoah Valley Battlefields National Historic District Plan developed by the Commission and approved by the Secretary, as provided in this subsection.

(2) SPECIFIC PROVISIONS.—The plan shall include—

(A) an inventory which includes any property in the District which should be preserved, restored, managed, maintained, or acquired because of its national historic significance;

(B) provisions for the protection and interpretation of the natural, cultural, and historic resources of the District consistent with the purposes of this section;

(C) provisions for the establishment of a management entity which shall be a unit of government or a private nonprofit organization that administers and manages the District consistent with the plan, and possesses the legal ability to—

(i) receive Federal funds and funds from other units of government or other organizations for use in preparing and implementing the management plan;

(ii) disburse Federal funds to other units of government or other nonprofit organizations for use in preparing and implementing the plan;

(iii) enter into agreements with the Federal, State, or other units of government and nonprofit organizations;

(iv) acquire lands or interests therein by gift or devise, or by purchase from a willing seller using donated or appropriated funds, or by donation and no lands or interests therein may be acquired by condemnation; and

(v) make such reasonable and necessary modifications to the plan which shall be approved by the Secretary;

(D) recommendations to the Commonwealth of Virginia (and political subdivisions thereof) for the management, protection, and interpretation of the natural, cultural, and historical resources of the District;

(E) identification of appropriate partnerships between the Federal, State, and local governments and regional entities, and the private sector, in furtherance of the purposes of this section;

(F) locations for visitor contact and major interpretive facilities;

(G) provisions for implementing a continuing program of interpretation and visitor education concerning the resources and values of the District;

(H) provisions for a uniform historical marker and wayside exhibit program in the District, including a provision for marking, with the consent of the owner, historic structures and properties that are contained within the historic core areas and contribute to the understanding of the District;

(I) recommendations for means of ensuring continued local involvement and participation in the management, protection, and development of the District; and

(J) provisions for appropriate living history demonstrations and battlefield reenactments.

(3) PREPARATION OF DRAFT PLAN.—(A) Not later than 3 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a draft plan that meets the requirements of paragraph (2).

(B) Prior to submitting the draft plan to the Secretary, the Commission shall ensure that—

(i) the Commonwealth of Virginia, and any political subdivision thereof that would be affected by the plan, receives a copy of the draft plan;

(ii) adequate notice of the availability of the draft plan is provided through publication in appropriate local newspapers in the area of the District; and

(iii) at least 1 public hearing in the vicinity of the District is conducted by the Commission with respect to the draft plan.

(4) REVIEW OF THE PLAN BY THE SECRETARY.—The Secretary shall review the draft plan submitted under paragraph (3) and, not later than 90 days after the date on which the draft plan is submitted, shall either—

(A) approve the draft plan as the plan if the Secretary finds that the plan, when implemented, would adequately protect the significant historical and cultural resources of the District; or

(B) reject the draft plan and advise the Commission in writing of the reasons therefore and indicate any recommendations for revisions that would make the draft plan acceptable.

(g) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary may award grants, provide technical assistance and enter into cooperative agreements with the Commission, management entity, other units of government, or other persons to provide for the preservation and interpretation of the natural, cultural, and historical resources within the District.

(2) TECHNICAL ASSISTANCE.—The Secretary may make grants, provide technical assistance, and enter into cooperative agreements for—

(A) the preparation and implementation of the plan pursuant to subsection (f);

(B) interpretive and educational programs;

(C) acquiring lands or interests in lands from willing sellers;

(D) capital projects and improvements undertaken pursuant to the plan; and

(E) facilitating public access to historic resources within the District.

(3) EARLY ACTIONS.—After enactment of this Act but prior to approval of the plan, the Secretary may provide technical and financial assistance for early actions which are important to the purposes of this Act and which protect and preserve resources in imminent danger of irreversible damage but for the fact of such early action.

(4) ACQUISITION OF LAND.—The Secretary may acquire land and interests in lands from a willing seller or donee within the District that have been specifically identified by the Commission for acquisition by the Federal Government. No lands or interests therein may be acquired by condemnation.

(5) DETAIL.—Each fiscal year during the existence of the Commission and upon request of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties under section 9. Such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(6) REPORT.—Not later than 2 years after approval of the plan, the Secretary shall submit to Congress a report recommending whether the District or components thereof meet the criteria for designation as a unit of the National Park Service.

(7) OTHER ASSISTANCE.—Nothing in this section shall be deemed to prohibit the Secretary or units of government from providing technical or financial assistance under any other provision of law.

(h) SHENANDOAH VALLEY BATTLEFIELDS NATIONAL HISTORIC DISTRICT COMMISSION.—

(1) ESTABLISHMENT.—There is hereby established the Shenandoah Valley Battlefields National Historic District Commission.

(2) MEMBERSHIP.—The Commission shall be composed of 19 members, to be appointed by the Secretary as follows:

(A) 5 members representing local governments of communities in the vicinity of the District, appointed after the Secretary considers recommendations made by appropriate local governing bodies.

(B) 10 members representing property owners within the District (1 member within each unit of the battlefields).

(C) 1 member with demonstrated expertise in historic preservation.

(D) 1 member who is a recognized historian with expertise in Civil War history.

(E) The Governor of Virginia, or a designee of the Governor, ex officio.

(F) The Director of the National Park Service, or a designee of the Director, ex officio.

(3) APPOINTMENTS.—Members of the Commission shall be appointed for terms of 3 years. Any member of the Commission appointed for a definite term may serve after the expiration of the term until the successor of the members is appointed.

(4) ELECTION OF OFFICERS.—The Commission shall elect 1 of its members as Chairperson and 1 as Vice Chairperson. The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(5) VACANCY.—Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary shall fill any vacancy within 30 days after the vacancy occurs.

(6) QUORUM.—Any majority of the Commission shall constitute a quorum.

(7) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of the members of the Commission, but not less than quarterly. Notice of the Commission meetings and agendas for the meetings shall be published in local newspapers that have a distribution throughout the Shenandoah Valley. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(8) STAFF OF THE COMMISSION.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(9) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, without reimbursement, such administrative support services as the Commission may request.

(10) FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency may detail to the Commission or management entity, without reimbursement, personnel of the agency to assist the Commission or management entity in carrying out its duties and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(11) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

(12) EXPENSES.—Members of the Commission shall serve without compensation, but the Secretary may reimburse members for expenses reasonably incurred in carrying out the responsibilities of the Commission under this Act.

(13) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(14) GIFTS.—The Commission may, for purposes of carrying out the duties of the Commission, seek, accept, and dispose of gifts, bequests, or donations of money, personal or real property, or services received from any source.

(15) TERMINATION.—The Commission shall terminate at the expiration of the 45-day period beginning on the date on which the Secretary approves the plan under subsection (f)(4).

(i) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall—

(A) develop the plan and draft plan referred to in subsection (f), in consultation with the Secretary;

(B) assist the Commonwealth of Virginia, and any political subdivision thereof, in the management, protection, and interpretation of the natural, cultural, and historical resources within the District, except that the Commission shall in no way infringe upon the authorities and policies of the Commonwealth of Virginia or any political subdivision; and

(C) take appropriate action to encourage protection of the natural, cultural, and historic resources within the District by landowners, local governments, organizations, and businesses.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Commission not more than $250,000 annually to remain available until expended.

(2) ASSISTANCE.—(A) There are authorized to be appropriated to the Secretary for grants and technical assistance pursuant to subsections (g)(1), (2), and (3) not more than $1,000,000 annually for each of the fical years 1997 through 2006, to remain available until expended.

(B) The Federal share of any funds awarded under subsection (g)(2) may not exceed the amount of non-Federal funds provided for the preservation, interpretation, planning, development, or implementation with respect to which the grant is awarded.

(3) LAND ACQUISITION.—There are authorized to be appropriated for land acquisition pursuant to subsection (g)(4) not more than $2,000,000 annually for each of the fical years 1997 through 2006, to remain available until expended.

(4) MANAGEMENT ENTITY.—There are authorized to be appropriated to the management entity not more than $500,000 annually for each of the fical years 1997 through 2006, to remain available until expended.

SEC. 608. WASHITA BATTLEFIELD.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) the Battle of the Washita, November 27, 1868, was one of the largest engagements between Plains tribes and the United States Army on the Southern Great Plains. The site is a registered National Historic Landmark;

(B) Lt. Colonel George A. Custer, leading the 7th United States Calvary, attacked the sleeping Cheyenne village of peace chief Black Kettle. Custer's attack resulted in more than 150 Indian casualties, many of them women and children;

(3) the Battle of the Washita symbolizes the struggle of the Southern Great Plains tribes to maintain their traditional lifeways and not to submit to reservation confinement; and

(4) the Washita battle site possesses a high degree of integrity and the cultural landscape is essentially intact. The Cheyenne village site has not been altered substantially except by periodic flooding of the Washita River.

(2) PURPOSES.—The purposes of this section are to—

(1) recognize the importance of the Battle of the Washita as a nationally significant element of frontier military history and as a symbol of the struggles of the Southern Great Plains tribes to maintain control of their traditional use areas; and

(2) establish the site of the Battle of the Washita as a national historic site and provide opportunities for American Indian groups including the Cheyenne-Arapaho Tribe to be involved in the formulation of plans and educational programs for the national historic site.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—In order to provide for the preservation and interpretation of the Battle of the Washita, there is hereby established the Washita Battlefield National Historic Site in the State of Oklahoma (hereafter in this section referred to as the "national historic site").

(2) BOUNDARY.—

(A) IN GENERAL.—The national historic site shall consist of—

(i) approximately 326 acres, as generally depicted on the map entitled "Washita Battlefield National Historic Site", numbered 22,000A and dated 12/95; and

(ii) the private lands subject to conservation easements referred to in subsection (d)(2).

(B) MAP.—The map referred to in subparagraph (A)(i) shall be on file in the offices of the Director of the National Park Service, Department of the Interior, and other appropriate offices of the National Park Service. The Secretary of the Interior (hereafter in this section referred to as the "Secretary") may, from time to time, make minor revisions in the boundary of the national historic site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 4601–4 and following).

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall manage the national historic site in accordance with this section and the provisions of law generally applicable to units of the National Park System, including "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(2) MANAGEMENT PURPOSES.—The Secretary shall manage the national historic site for the following purposes, among others:

(A) To protect and preserve the national historic site, including the topographic features important to the battle site, artifacts and other physical remains of the battle, and the visual scene as closely as possible as it was at the time of the battle.

(B) To interpret the cultural and natural resources of the historic site, providing for public understanding and appreciation of the area in such manner as to perpetuate these qualities and values for future generations.

(3) CONSULTATION AND TRAINING.—The Secretary, acting through the Director of the National Park Service, shall consult regularly with the Cheyenne-Arapaho Tribe on the formulation of the management plan provisions referred to in subsection (e)(5) and on preparation of educational programs provided to the public. The Secretary is authorized to enter into cooperative agreements with the Cheyenne-Arapaho Tribe, its subordinate boards, committees, enterprises, and traditional leaders to further the purposes of this Act.

(d) ACQUISITION OF PROPERTY.—

(1) PARK BOUNDARIES.—Within the boundaries of the national historic site, the Secretary is authorized to acquire lands and interest in lands by donation, purchase with donated or appropriated funds, or exchange, except that—

(A) no lands or interest in lands within the historic site may be acquired without the consent of the owner thereof, and

(B) lands and interests in lands owned by the State of Oklahoma or any political subdivision thereof may be acquired only by donation.

(2) CONSERVATION EASEMENTS.—The Congress finds that the State of Oklahoma, acting through the Oklahoma Historical Society, will work with local land owners to acquire and hold in perpetuity conservation easements in the vicinity of the national historic site as deemed necessary for the visual and interpretive integrity of the site. The intent of the easements will be to keep occupancy of the land in private ownership and use of the land in general agriculture.

(e) MANAGEMENT PLAN.—Within 5 years after the date funds are made available for purposes of this section, the Secretary, acting through the Director of the National Park Service, shall prepare a general management plan for the national historic site. The plan shall address, but not be limited to, each of the following:

(1) A resource protection program.

(2) A visitor use plan including programs and facilities that will be provided for public use, including the location and cost of public facilities.

(3) A research and curation plan.

(4) A highway signing program.

(5) Involvement by the Cheyenne-Arapaho Tribe in the formulation of educational programs for the national historic site.

(6) Involvement by the State of Oklahoma and other local and national entities willing to share in the responsibilities of developing and supporting the national historic site.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for land acquisition and development not more than $5,000,000.

TITLE VII—FEES

SEC. 701. SKI AREA PERMIT RENTAL CHARGE.

(a) The Secretary of Agriculture shall charge a rental charge for all ski area permits issued pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b), the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), or the 9th through 20th paragraphs under the heading "SURVEYING THE PUBLIC LANDS" under the heading "UNDER THE DEPARTMENT OF THE INTERIOR" in the Act of June 4, 1897 (30 Stat. 34, chapter 2), on National Forest System lands. Permit rental charges for permits issued pursuant to the National Forest Ski Area Permit Act of 1986 shall be calculated as set forth in subsection (b). Permit rental charges for existing ski area permits issued pursuant to the Act of March 4, 1915, and the Act of June 4, 1897, shall be calculated in accordance with those existing permits: *Provided*, That a permittee may, at the permittee's option, use the calculation method set forth in subsection (b).

(b)(1) The ski area permit rental charge (SAPRC) shall be calculated by adding the permittee's gross revenues from lift ticket/year-round ski area use pass sales plus revenue from ski school operations (LT+SS) and multiplying such total by the slope transport feet percentage (STFP) on National Forest System land. That amount shall be increased by the gross year-round revenue from ancillary facilities (GRAF) physically located on national forest land, including all permittee or subpermittee lodging, food service, rental shops, parking and other ancillary operations, to determine the adjusted gross revenue (AGR) subject to the permit rental charge. The final rental charge shall be calculated by multiplying the AGR by the following percentages for each revenue bracket and adding the total for each revenue bracket:

(A) 1.5 percent of all adjusted gross revenue below $3,000,000;

(B) 2.5 percent for adjusted gross revenue between $3,000,000 and $15,000,000;

(C) 2.75 percent for adjusted gross revenue between $15,000,000 and $50,000,000; and

(D) 4.0 percent for the amount of adjusted gross revenue that exceeds $50,000,000.

Utilizing the abbreviations indicated in this subsection the ski area permit fee (SAPF) formula can be simply illustrated as:

SAPF = ((LT + SS) STFP) + GRAF = AGR;
AGR % BRACKETS

(2) In cases where ski areas are only partially located on national forest lands, the slope transport feet percentage on national forest land referred to in subsection (b) shall be calculated as generally described in the Forest Service Manual in effect as of January 1, 1992. Revenues from Nordic ski operations shall be included or excluded from the rental charge calculation according to the percentage of trails physically located on national forest land.

(3) In order to ensure that the rental charge remains fair and equitable to both the United States and the ski area permittees, the adjusted gross revenue figures for each revenue bracket in paragraph (1) shall be adjusted annually by the percent increase or decrease in the national Consumer Price Index for the preceding calendar year. No later than 3 years after the date of enactment of this Act and every 5 years thereafter the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives a report analyzing whether the ski area permit rental charge legislated by this Act is returning a fair market value rental to the United States together with any recommendations the Secretary may have for modifications of the system.

(c) The rental charge set forth in subsection (b) shall be due on June 1 of each year and shall be paid or pre-paid by the permittee on a monthly, quarterly, annual or other schedule as determined appropriate by the Secretary in consultation with the permittee. Unless mutually agreed otherwise by the Secretary and the permittee, the payment or prepayment schedule shall conform to the permittee's schedule in effect prior to enactment of this Act. To reduce costs to the permittee and the Forest Service, the Secretary shall each year provide the permittee with a standardized form and worksheets (including annual rental charge calculation brackets and rates) to be used for rental charge calculation and submitted with the rental charge payment. Information provided on such forms shall be compiled by the Secretary annually and kept in the Office of the Chief, United States Forest Service.

(d) The ski area permit rental charge set forth in this section shall become effective on June 1, 1996 and cover receipts retroactive to June 1, 1995: *Provided however*, That if a permittee has paid rental charges for the period June 1, 1995, to June 1, 1996, under the graduated rate rental charge system formula in effect prior to the date of enactment of this Act, such rental charges shall be credited toward the new rental charge due on June 1, 1996. In order to ensure increasing rental charge receipt levels to the United States during transition from the graduated rate rental charge system formula to the formula of this Act, the rental charge paid by any individual permittee shall be—

(1) for the 1995–1996 permit year, either the rental charge paid for the preceding 1994–1995 base year or the rental charge calculated pursuant to this Act, whichever is higher;

(2) for the 1996–1997 permit year, either the rental charge paid for the 1994–1995 base year or the rental charge calculated pursuant to this Act, whichever is higher; and

(3) for the 1997–1998 permit year, either the rental charge for the 1994–1995 base year or the rental charge calculated pursuant to this Act, whichever is higher.

If an individual permittee's adjusted gross revenue for the 1995–1996, 1996–1997, or 1997–1998 permit years falls more than 10 percent below the 1994–1995 base year, the rental charge paid shall be the rental charge calculated pursuant to this Act.

(e) Under no circumstances shall revenue, or subpermittee revenue (other than lift ticket, area use pass, or ski school sales) obtained from operations physically located on non-national forest land be included in the ski area permit rental charge calculation.

(f) To reduce administrative costs of ski area permittees and the Forest Service the terms "revenue" and "sales", as used in this section, shall mean actual income from sales and shall not include sales of operating equipment, refunds, rent paid to the permittee by sublessees, sponsor contributions to special events or any amounts attributable to employee gratuities or employee lift tickets, discounts, or other goods or services (except for bartered goods and complimentary lift tickets) for which the permittee does not receive money.

(g) In cases where an area of national forest land is under a ski area permit but the permittee does not have revenue or sales qualifying for rental charge payment pursuant to subsection (a), the permittee shall pay an annual minimum rental charge of $2 for each national forest acre under permit or a percentage of appraised land value, as determined appropriate by the Secretary.

(h) Where the new rental charge provided for in subsection (b)(1) results in an increase in permit rental charge greater than one-half of 1 percent of the permittee's adjusted gross revenue as determined under subsection (b)(1), the new rental charge shall be phased in over a five year period in a manner providing for increases of approximately equal increments.

(i) To reduce Federal costs in administering the provisions of this Act, the reissuance of a ski area permit to provide activities similar in nature and amount to the activities provided under the previous permit shall not constitute a major Federal action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

(j) Subject to valid existing rights, all lands located within the boundaries of ski area permits issued prior to, on or after the date of enactment of this Act pursuant to authority of the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), and the Act of June 4, 1897, or the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) are hereby and henceforth automatically withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. Such withdrawal shall continue for the full term of the permit and any modification, reissuance, or renewal thereof. Unless the Secretary requests otherwise of the Secretary of the Interior, such withdrawal shall be canceled automatically upon expiration or other termination of the permit and the land automatically restored to all appropriation not otherwise restricted under the public land laws.

SEC. 702. DELAWARE WATER GAP.

(a) IN GENERAL.—Effective at noon on September 30, 2005, the use of Highway 209 within Delaware Water Gap National Recreation Area by commercial vehicles, when such use is not connected with the operation of the recreation area, is prohibited, except as provided in subsection (b).

(b) LOCAL BUSINESS USE PROTECTED.—Subsection (a) does not apply with respect to the use of commercial vehicles to serve businesses located within or in the vicinity of the recreation area, as determined by the Secretary.

(c) CONFORMING PROVISIONS.—

(1) Paragraphs (1) through (3) of the third undesignated paragraph under the heading "ADMINISTRATIVE PROVISIONS" in chapter VII of title I of Public Law 98–63 (97 Stat. 329) are repealed, effective September 30, 2005.

(2) Prior to noon on September 30, 2005, the Secretary shall collect and utilize a commercial use fee from commercial vehicles in accordance with paragraphs (1) through (3) of such third undesignated paragraph. Such fee shall not exceed $25 per trip.

SEC. 704. GLACIER BAY NATIONAL PARK.

Section 3(g) of Public Law 91–383 (16 U.S.C. 1a-2(g)) is amended by: striking "and park programs" and inserting the following at the end: "Sixty percent of the fees paid by permittees for the privilege of entering into within Glacier Bay for the period beginning on the first full fiscal year following the date of enactment of this sentence shall be deposited into a special account and that such funds shall be available—

"(1) to the extent determined necessary, to acquire and preposition necessary and adequate emergency response equipment to prevent harm or the threat of harm to aquatic park resources from permittees; and

"(2) to conduct investigations to quantify any effect of permittees' activity on wildlife and other natural resource values of Glacier Bay National Park. The investigations provided for in this subsection shall be designed to provide information of value to the Secretary, in determining any appropriate limitations on permittees' activity in Glacier Bay. The Secretary may not impose any additional permittee operating conditions in the areas of air, water, and oil pollution beyond those determined and enforced by other appropriate agencies. When competitively awarding permits to enter Glacier Bay, the Secretary may take into account the relative impact particular permittees will have on park values and resources, provided that no operating conditions or limitations relating to noise abatement shall be imposed unless the Secretary determines, based on the weight of the evidence from all available studies including verifiable scientific information from the investigations provided for in this subsection, that such limitations or conditions are necessary to protect park values and resources. Fees paid by certain permittees for the privilege of entering into Glacier Bay shall not exceed $5 per passenger. For the purposes of this subsection, 'certain permittee' shall mean a permittee which provides overnight accommodations for at least 500 passengers for an itinerary of at least 3 nights, and 'permittee' shall mean a concessionaire providing visitor services within Glacier Bay. Nothing in this subsection authorizes the Secretary to require additional categories of permits or otherwise increase the number of permits to enter Glacier Bay in Glacier Bay National Park.".

TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS

SEC. 801. LIMITATION ON PARK BUILDINGS.

The 10th undesignated paragraph (relating to a limitation on the expenditure of funds for park buildings) under the heading "MISCELLANEOUS OBJECTS, DEPARTMENT OF THE INTERIOR", which appears under the heading "UNDER THE DEPARTMENT OF THE INTERIOR", as contained in the first section of the Act of August 24, 1912 (37 Stat. 460), as amended (16 U.S.C. 451), is hereby repealed.

SEC. 802. APPROPRIATIONS FOR TRANSPORTATION OF CHILDREN.

The first section of the Act of August 7, 1946 (16 U.S.C. 17j–2), is amended by adding at the end the following:

"(j) Provide transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service.".

SEC. 803. FERAL BURROS AND HORSES.

(a) VEHICLES AND AIRCRAFT.—Section 9 of the Act of December 15, 1971 (16 U.S.C. 1338a), is amended by adding at the end thereof the following: "Nothing in this title shall be deemed to limit the authority of the Secretary in the management of units of the National Park System, and the Secretary may, without regard either to the provisions of this title, or the provisions of section 47(a) of title 18, United States Code, use motor vehicles, fixed-wing aircraft, or helicopters, or to contract for such use, in furtherance of the management of the National Park System, and section 47(a) of title 18, United States Code, shall be applicable to such use.".

(b) OZARK NATIONAL SCENIC RIVERWAYS.—Section 7 of the Act entitled "An Act to provide for the establishment of the Ozark National Scenic Riverways in the State of Missouri, and for other purposes", approved August 27, 1964 (16 U.S.C. 460m–6), is amended to read as follows:

"SEC. 7. (a) The Secretary, in accordance with this section, shall allow free-roaming horses in the Ozark National Scenic Riverways. Within 180 days after enactment of this section, the Secretary shall enter into an agreement with the Missouri Wild Horse League or another qualified nonprofit entity to provide for management of free-roaming horses. The agreement shall provide for cost-effective management of the horses and limit Federal expenditures to the costs of monitoring the agreement. The Secretary shall issue permits for adequate pastures to accommodate the historic population level of the free-roaming horse herd, which shall be not less than the number of horses in existence on the date of the enactment of this section nor more than 50.

"(b) The Secretary may not remove, or assist in, or permit the removal of any free-roaming horses from Federal lands within the boundary of the Ozark National Scenic Riverways unless—

"(1) the entity with whom the Secretary has entered into the agreement under subsection (a), following notice and a 90-day response period, substantially fails to meet the terms and conditions of the agreement;

"(2) the number of free-roaming horses exceeds 50; or

"(3) in the case of an emergency or to protect public health and safety, as defined in the agreement.

"(c) Nothing in this section shall be construed as creating liability for the United States for any damages caused by the free-roaming horses to property located inside or outside the boundaries of the Ozark National Scenic Riverways.".

SEC. 804. AUTHORITIES OF THE SECRETARY OF THE INTERIOR RELATING TO MUSEUMS.

(a) FUNCTIONS.—The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes" approved July 1, 1955 (16 U.S.C. 18f), is amended—

(1) in subsection (b) of the first section, by striking out "from such donations and bequests of money"; and

(2) by adding at the end thereof the following:

"SEC. 2. ADDITIONAL FUNCTIONS.

"(a) MUSEUM OBJECTS AND COLLECTIONS.—In addition to the functions specified in the first section of this Act, the Secretary of the Interior may perform the following functions in such manner as he shall consider to be in the public interest:

"(1) Transfer museum objects and museum collections that the Secretary determines are no longer needed for museum purposes to qualified Federal agencies, including the Smithsonian Institution, that have programs to preserve and interpret cultural or natural heritage, and accept the transfer of museum objects and museum collections for the purposes of this Act from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects and museum collections directly to the administrative jurisdiction of the Secretary of the Interior for the purpose of this Act.

"(2) Convey museum objects and museum collections that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary deems necessary, to private institutions exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 and to non-Federal governmental entities if the Secretary determines that the recipient is dedicated to the preservation and interpretation of natural or cultural heritage and is qualified to manage the property, prior to any conveyance under this subsection.

"(3) Destroy or cause to be destroyed museum objects and museum collections that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

"(b) REVIEW AND APPROVAL.—The Secretary shall ensure that museum collections are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (a), the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum profession for all actions taken under this section.".

(b) APPLICATION AND DEFINITIONS.—The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes" approved July 1, 1955 (16 U.S.C. 18f), as amended by subsection (a), is further amended by adding the following after section 2:

"SEC. 3. APPLICATION AND DEFINITIONS.

"(a) APPLICATION.—Authorities in this Act shall be available to the Secretary of the Interior with regard to museum objects and museum collections that were under the administrative jurisdiction of the Secretary for the purposes of the National Park System before the date of enactment of this section as well as those museum objects and museum collections that may be acquired on or after such date.

"(b) DEFINITION.—For the purposes of this Act, the terms 'museum objects' and 'museum collections' mean objects that are eligible to be or are made part of a museum, library, or archive collection through a formal procedure, such as accessioning. Such objects are usually movable and include but are not limited to prehistoric and historic artifacts, works of art, books, documents, photographs, and natural history specimens.".

SEC. 805. VOLUNTEERS IN PARKS INCREASE.

Section 4 of the Volunteers in the Parks Act of 1969 (16 U.S.C. 18j) is amended by striking out "$1,000,000" and inserting in lieu thereof "$3,500,000".

SEC. 806. CARL GARNER FEDERAL LANDS CLEANUP DAY.

The Federal Lands Cleanup Act of 1985 (36 U.S.C. 1691–1691–1) is amended by striking the terms "Federal Lands Cleanup Day" each place it appears and inserting "Carl Garner Federal Lands Cleanup Day".

SEC. 807. FORT PULASKI NATIONAL MONUMENT, GEORGIA.

Section 4 of the Act of June 26, 1936 (ch. 844; 49 Stat. 1979), is amended by striking ": *Provided*, That" and all that follows and inserting a period.

SEC. 808. LAURA C. HUDSON VISITOR CENTER.

(a) DESIGNATION.—The visitor center at Jean Lafitte National Historical Park, located at 419 Rue Decatur in New Orleans, Louisiana, is hereby designated as the "Laura C. Hudson Visitor Center".

(b) LEGAL REFERENCES.—Any reference in any law, regulation, paper, record, map, or any other document of the United States to the visitor center referred to in subsection (a) shall be deemed to be a reference to the "Laura C. Hudson Visitor Center".

SEC. 809. ROBERT J. LAGOMARSINO VISITOR CENTER.

(a) DESIGNATION.—The visitor center at the Channel Islands National Park, California, is designated as the "Robert J. Lagomarsino Visitor Center".

(b) LEGAL REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper document of the United States to the visitor center referred to in section 301 is deemed to be a reference to the "Robert J. Lagomarsino Visitor Center".

SEC. 810. EXPENDITURE OF FUNDS OUTSIDE AUTHORIZED BOUNDARY OF ROCKY MOUNTAIN NATIONAL PARK.

The Secretary of the Interior is authorized to collect and expend donated funds and expend appropriated funds for the operation and maintenance of a visitor center to be constructed for visitors to and administration of Rocky Mountain National Park with private funds on privately owned lands located outside the boundary of the park.

SEC. 811. DAYTON AVIATION.

Section 201(b) of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419, approved October 16, 1992), is amended as follows:

(1) In paragraph (2), by striking "from recommendations" and inserting "after consideration of recommendations".

(2) In paragraph (4), by striking "from recommendations" and inserting "after consideration of recommendations".

(3) In paragraph (5), by striking "from recommendations" and inserting "after consideration of recommendations".

(4) In paragraph (6), by striking "from recommendations" and inserting "after consideration of recommendations".

(5) In paragraph (7), by striking "from recommendations" and inserting "after consideration of recommendations".

SEC. 812. PROHIBITION ON CERTAIN TRANSFERS OF NATIONAL FOREST LANDS.

After the date of the enactment of this Act the Secretary of Agriculture shall not transfer (by exchange or otherwise) any lands owned by the United States and managed by the Secretary as part of the Angeles National Forest to any person unless the instrument of conveyance contains a restriction, enforceable by the Secretary, on the future use of such land prohibiting the use of any portion of such land as a solid waste landfill. Such restriction shall be promptly enforced by the Secretary when and if a violation of the restriction occurs.

SEC. 813. GRAND LAKE CEMETERY.

(a) AGREEMENT.—Notwithstanding any other law, not later than 6 months after the date of enactment of this Act, the Secretary of the Interior shall enter into an appropriate form of agreement with the town of Grand Lake, Colorado, authorizing the town to maintain permanently, under appropriate terms and conditions, a cemetery within the boundaries of the Rocky Mountain National Park.

(b) CEMETERY BOUNDARIES.—The cemetery shall be comprised of approximately 5 acres of land, as generally depicted on the map entitled "Grand Lake Cemetery" and dated February 1995.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—The Secretary of the Interior shall place the map described in subsection (b) on file, and make the map available for public inspection, in the headquarters office of the Rocky Mountain National Park.

(d) LIMITATION.—The cemetery shall not be extended beyond the boundaries of the cemetery shown on the map described in subsection (b).

SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

(a) NATIONAL PARK SERVICE HOUSING IMPROVEMENT.—

(1) PURPOSES.—The purposes of this section are—

(A) to develop where necessary an adequate supply of quality housing units for field employees of the National Park Service within a reasonable time frame;

(B) to expand the alternatives available for construction and repair of essential government housing;

(C) to rely on the private sector to finance or supply housing in carrying out this section, to the maximum extent possible, in order to reduce the need for Federal appropriations;

(D) to ensure that adequate funds are available to provide for long-term maintenance needs of field employee housing; and

(E) to eliminate unnecessary government housing and locate such housing as is required in a manner such that primary resource values are not impaired.

(2) GENERAL AUTHORITY.—To enhance the ability of the Secretary of the Interior (hereafter in this subsection referred to as "the Secretary"), acting through the Director of the National Park Service, to effectively manage units of the National Park System, the Secretary is authorized where necessary and justified to make available employee housing, on or off the lands under the administrative jurisdiction of the National Park Service, and to rent or lease such housing to field employees of the National Park Service at rates based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5, United States Code.

(3) REVIEW AND REVISION OF HOUSING CRITERIA.—Upon the enactment of this Act, the Secretary shall review and revise the existing criteria under which housing is provided to employees of the National Park Service. Specifically, the Secretary shall examine the existing criteria with respect to what circumstances the National Park Service requires an employee to occupy Government quarters to provide necessary services, protect Government property, or because of a lack of availability of non-Federal housing in the geographic area.

(4) SUBMISSION OF REPORT.—A report detailing the results of the revisions required by paragraph (3) shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the date of the enactment of this Act. The report shall include justifications for keeping, or for changing, each of the criteria or factors used by the Department of the Interior with regard to the provision of housing to employees of the National Park Service.

(5) REVIEW OF CONDITION OF AND COSTS RELATING TO HOUSING.—Using the revised criteria developed under paragraph (3), the Secretary shall undertake a review, for each unit of the National Park System, of existing government-owned housing provided to employees of the National Park Service. The review shall include an assessment of the physical condition of such housing and the suitability of such housing to effectively carry out the missions of the Department of the Interior and the National Park Service. For each unit of such housing, the Secretary shall determine whether the unit is needed and justified. The review shall include estimates of the cost of bringing each such unit that is needed and justified into usable condition that meets all applicable legal housing requirements or, if the unit is determined to be obsolete but is still warranted to carry out the missions of the Department of the Interior and the National Park Service, the cost of replacing the unit.

(6) AUTHORIZATION FOR HOUSING AGREEMENTS.—For those units of the National Park System for which the review required by paragraphs (3) and (5) has been completed, the Secretary is authorized, pursuant to the authorities contained in this subsection and subject to the appropriation of necessary funds in advance, to enter into housing agreements with housing entities under which such housing entities may develop, construct, rehabilitate, or manage housing, located on or off public lands, for rent or lease to National Park Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this Act.

(7) JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAMS.—

(A) LEASE TO BUILD PROGRAM.—Subject to the appropriation of necessary funds in advance, the Secretary may—

(i) lease Federal land and interests in land to qualified persons for the construction of field employee quarters for any period not to exceed 50 years; and

(ii) lease developed and undeveloped non-Federal land for providing field employee quarters.

(B) COMPETITIVE LEASING.—Each lease under subparagraph (A)(i) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures.

(C) TERMS AND CONDITIONS.—Each lease under subparagraph (A)(i)—

(i) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees or the Federal Government;

(ii) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the National Park Service and local applicable building codes and industry standards;

(iii) shall contain such additional terms and conditions as may be appropriate to protect the Federal interest, including limits on rents the lessee may charge field employees for the occupancy of quarters, conditions on maintenance and repairs, and agreements on the provision of charges for utilities and other infrastructure; and

(iv) may be granted at less than fair market value if the Secretary determines that such lease will improve the quality and availability of field employee quarters available.

(D) CONTRIBUTIONS BY UNITED STATES.—The Secretary may make payments, subject to appropriations, or contributions in kind either in advance of or on a continuing basis to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal lands under a lease under this paragraph.

(8) RENTAL GUARANTEE PROGRAM.—

(A) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into a lease to build arrangement as set forth in paragraph (7) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under such lease. A guarantee made under this paragraph shall be in writing.

(B) LIMITATIONS.—The Secretary may not guarantee—

(i) the occupancy of more than 75 percent of the units constructed or rehabilitated under such lease; and

(ii) at a rental rate that exceeds the rate based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5, United States Code.

In no event shall outstanding guarantees be in excess of $3,000,000.

(C) RENTAL TO GOVERNMENT EMPLOYEES.—A guarantee may be made under this subsection only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made.

(D) FAILURE TO MAINTAIN A SATISFACTORY LEVEL OF OPERATION AND MAINTENANCE.—The lease shall be null and void if the lessee fails to maintain a satisfactory level of operation and maintenance.

(9) JOINT DEVELOPMENT AUTHORITY.—The Secretary may use authorities granted by statute in combination with one another in the furtherance of providing where necessary and justified affordable field employee housing.

(10) CONTRACTS FOR THE MANAGEMENT OF FIELD EMPLOYEE QUARTERS.—

(A) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into contracts of any duration for the management, repair, and maintenance of field employee quarters.

(B) TERMS AND CONDITIONS.—Any such contract shall contain such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and assure that necessary quarters are available to field employees.

(11) LEASING OF SEASONAL EMPLOYEE QUARTERS.—

(A) GENERAL AUTHORITY.—Subject to subparagraph (B), the Secretary may lease quarters at or near a unit of the national park system for use as seasonal quarters for field employees. The rent charged to field employees under such a lease shall be a rate based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5, United States Code.

(B) LIMITATION.—The Secretary may only issue a lease under subparagraph (A) if the Secretary finds that there is a shortage of adequate and affordable seasonal quarters at or near such unit and that—

(i) the requirement for such seasonal field employee quarters is temporary; or

(ii) leasing would be more cost effective than construction of new seasonal field employee quarters.

(C) UNRECOVERED COSTS.—The Secretary may pay the unrecovered costs of leasing seasonal quarters under this paragraph from annual appropriations for the year in which such lease is made.

(12) SURVEY OF EXISTING FACILITIES.—The Secretary shall—

(A) complete a condition assessment for all field employee housing, including the physical condition of such housing and the necessity and suitability of such housing for carrying out the agency mission, using existing information; and

(B) develop an agency-wide priority listing, by structure, identifying those units in greatest need for repair, rehabilitation, replacement, or initial construction.

(13) USE OF HOUSING-RELATED FUNDS.—Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this section shall follow the housing priority listing established by the agency under paragraph (13), in sequential order, to the maximum extent practicable.

(14) ANNUAL BUDGET SUBMITTAL.—The President's proposed budget to Congress for the first fiscal year beginning after enactment of this Act, and for each subsequent fiscal year, shall include identification of nonconstruction funds to be spent for National Park Service housing maintenance and operations which are in addition to rental receipts collected.

(15) STUDY OF HOUSING ALLOWANCES.—Within 12 months after the date of enactment of this Act, the Secretary shall conduct a study to determine the feasibility of providing eligible employees of the National Park Service with housing allowances rather than government housing. The study shall specifically examine the feasibility of providing rental allowances to temporary and lower paid permanent employees. Whenever the Secretary submits a copy of such study to the Office of Management and Budget, he shall concurrently transmit copies of the report to the Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(16) STUDY OF SALE OF EMPLOYEE HOUSING.—Within 18 months of the date of the enactment of the Act, the Secretary shall complete a study of the sale of Government quarters to a cooperative consisting of field employees. The Secretary shall examine the potential benefits to the Government as well as the employees and any risks associated with such a program.

(17) GENERAL PROVISIONS.—

(A) CONSTRUCTION LIMITATIONS ON FEDERAL LANDS.—The Secretary may not utilize any lands for the purposes of providing field employee housing under this section which will impact primary resource values of the area or adversely affect the mission of the agency.

(B) RENTAL RATES.—To the extent practicable, the Secretary shall establish rental rates for all quarters occupied by field employees of the National Park Service that are based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5, United States Code.

(C) EXEMPTION FROM LEASING REQUIREMENTS.—The provisions of section 5 of the Act of July 15, 1968 (82 Stat. 354, 356; 16 U.S.C. 460l-22), and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), shall not apply to leases issued by the Secretary under this section.

(18) PROCEEDS.—The proceeds from any lease under paragraph (7)(A)(i)(I), any lease under paragraph (11)(B), and any lease of seasonal quarters under subsection (l), shall be retained by the National Park Service. Such proceeds shall be deposited into the special fund established for maintenance and operation of quarters.

(19) DEFINITIONS.—For purposes of this subsection:

(A) The term "field employee" means—

(i) an employee of the National Park Service who is exclusively assigned by the National Park Service to perform duties at a field unit, and the members of their family; and

(ii) other individuals who are authorized to occupy Government quarters under section 5911 of title 5, United States Code, and for whom there is no feasible alternative to the provision of Government housing, and the members of their family.

(B) The term "land management agency" means the National Park Service, Department of the Interior.

(C) The term "primary resource values" means resources which are specifically mentioned in the enabling legislation for that field unit or other resource value recognized under Federal statute.

(D) The term "quarters" means quarters owned or leased by the Government.

(E) The term "seasonal quarters" means quarters typically occupied by field employees who are hired on assignments of 6 months or less.

(b) MINOR BOUNDARY REVISION AUTHORITY.—Section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9(c)) is amended as follows:

(1) In the first sentence, by striking "Committee on Natural" and inserting "Committee on".

(2)(A) By striking ": *Provided, however*," and all that follows through "1965"; and

(B) by inserting "(1)" after "(c)" and by inserting at the end the following:

"(2) For the purposes of clause (i) of paragraph (1), in all cases except the case of technical boundary revisions (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under such clause (i) shall apply only if each of the following conditions is met:

"(A) The sum of the total acreage of lands, waters, and interests therein to be added to the area and the total such acreage to be deleted from the area is not more than 5 percent of the total Federal acreage authorized to be included in the area and is less than 200 acres in size.

"(B) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

"(C) The sum of the total appraised value of the lands, water, and interest therein to be added to the area and the total appraised value of the lands, waters, and interests therein to be deleted from the area does not exceed $750,000.

"(D) The proposed boundary revision is not an element of a more comprehensive boundary modification proposal.

"(E) The proposed boundary has been subject to a public review and comment period.

"(F) The Director of the National Park Service obtains written consent for the boundary modification from all property owners whose lands, water, or interests therein, or a portion of whose lands, water, or interests therein, will be added to or deleted from the area by the boundary modification.

"(G) The lands are adjacent to other Federal lands administered by the Director of the National Park Service."

Minor boundary revisions involving only deletions of acreage owned by the Federal Government and administered by the National Park Service may be made only by Act of Congress.".

(c) AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF ZION NATIONAL PARK.—In order to facilitate the administration of Zion National Park, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to expend donated or appropriated funds for the establishment of essential facilities for park administration and visitor use outside the boundaries, but within the vicinity, of the park. Such facilities and the use thereof shall be in conformity with approved plans for the park. The Secretary shall use existing facilities wherever feasible. Such facilities may only be constructed by the Secretary upon a finding that the location of such facilities would—

(1) avoid undue degradation of natural or cultural resources within the park;

(2) enhance service to the public; or

(3) provide a cost saving to the Federal Government.

The Secretary is authorized to enter into cooperative agreements with State or local governments or private entities to undertake the authority granted under this subsection. The Secretary is encouraged to identify and utilize funding sources to supplement any Federal funding used for these facilities.

(d) ELIMINATION OF UNNECESSARY CONGRESSIONAL REPORTING REQUIREMENTS.—

(1) REPEALS.—The following provisions are hereby repealed:

(A) Section 302(c) of the Act entitled "An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes (Public Law 95–344; 92 Stat. 478; 16 U.S.C. 2302(c)).

(B) Section 503 of the Act of December 19, 1980 (Public Law 96–550; 94 Stat. 3228; 16 U.S.C. 410ii–2).

(C) Subsections (b) and (c) of section 4 of the Act of October 15, 1982 (Public Law 97–335; 96 Stat. 1628; 16 U.S.C. 341 note).

(D) Section 7 of Public Law 89–671 (96 Stat. 1457; 16 U.S.C. 284f).

(E) Section 3(c) of the National Trails System Act (Public Law 90–543; 82 Stat. 919; 16 U.S.C. 1242(c)).

(F) Section 4(b) of the Act of October 24, 1984 (Public Law 98–540; 98 Stat. 2720; 16 U.S.C. 1a–8).

(G) Section 106(b) of the National Visitor Center Facilities Act of 1968 (Public Law 90–264; 82 Stat. 44; 40 U.S.C. 805(b)).

(H) Section 6(f)(7) of the Act of September 3, 1964 (Public Law 88–578; 78 Stat. 900; 16 U.S.C. 460l–8(f)(7)).

(I) Subsection (b) of section 8 of the Act of August 18, 1970 (Public Law 91–383; 90 Stat. 1940; 16 U.S.C. 1a–5(b)).

(J) The last sentence of section 10(a)(2) of the National Trails System Act (Public Law 90–543; 82 Stat. 926; 16 U.S.C. 1249(a)(2)).

(K) Section 4 of the Act of October 31, 1988 (Public Law 100–573; 102 Stat. 2891; 16 U.S.C. 460o note).

(L) Section 104(b) of the Act of November 19, 1988 (Public Law 100–698; 102 Stat. 4621).

(M) Section 1015(b) of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95–625; 92 Stat. 3544; 16 U.S.C. 2514(b)).

(N) Section 105 of the Act of August 13, 1970 (Public Law 91–378; 16 U.S.C. 1705).

(O) Section 307(b) of the National Historic Preservation Act (Public Law 89–665; 16 U.S.C. 470w–6(b)).

(2) AMENDMENTS.—The following provisions are amended:

(A) Section 10 of the Archaeological Resources Protection Act of 1979, by striking the last sentence of subsection (c) (Public Law 96–95; 16 U.S.C. 470ii(c)).

(B) Section 5(c) of the Act of June 27, 1960 (Public Law 86–523; 16 U.S.C. 469a–3(c); 74 Stat. 220), by inserting a period after "Act" and striking "and shall submit" and all that follows.

(C) Section 7(a)(3) of the Act of September 3, 1964 (Public Law 88–578; 78 Stat. 903; 16 U.S.C. 460l–9(a)(3)), by striking the last sentence.

(D) Section 111 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 104 Stat. 278), by striking the second sentence.

(E) Section 307(a) of the National Historic Preservation Act (Public Law 89–665; 16 U.S.C. 470w–6(a)) is amended by striking the first and second sentences.

(F) Section 101(a)(1)(B) of the National Historic Preservation Act (Public Law 89–665; 16 U.S.C. 470a) by inserting a period after "Register" the last place such term appears and by striking "and submitted" and all that follows.

(e) SENATE CONFIRMATION OF THE DIRECTOR OF THE NATIONAL PARK SERVICE.—

(1) IN GENERAL.—The first section of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1; commonly referred to as the "National Park Service Organic Act"), is amended in the first sentence by striking "who shall be appointed by the Secretary" and all that follows and inserting "who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation. The Director shall select two Deputy Directors. The first Deputy Director shall have responsibility for National Park Service operations, and the second Deputy Director shall have responsibility for other programs assigned to the National Park Service.".

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by subsection (a) shall take effect on February 1, 1997, and shall apply with respect to the individual (if any) serving as the Director of the National Park Service on that date.

(f) NATIONAL PARK SYSTEM ADVISORY BOARD AUTHORIZATION.—

(1) NATIONAL PARK SYSTEM ADVISORY BOARD.—Section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463) is amended as follows:

(A) In subsection (a) by striking the first 3 sentences and inserting in lieu thereof: "There is hereby established a National Park System Advisory Board, whose purpose shall be to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board. Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the National Park Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service. At least 6 of the members shall have outstanding expertise in 1 or more of the following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or national or cultural resources management. The remaining members shall have outstanding expertise in 1 or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning or business management, important to the mission of the National Park Service. At least 1 individual shall be a locally elected official from an area adjacent to a park. The Board shall hold its first meeting by no later than 60 days after the date on which all members of the Advisory Board who are to be appointed have been appointed. Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel. All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter 1 of chapter 57 of title 5, United States Code. With the exception of travel and per diem as noted above, a member of the Board who is otherwise an officer or employee of the United States Government shall serve on the Board without additional compensation.".

(B) By redesignating subsections (b) and (c) as (f) and (g) and by striking from the first sentence of subsection (f), as so redesignated "1995" and inserting in lieu thereof "2006".

(C) By adding the following new subsections after subsection (a):

"(b)(1) The Secretary is authorized to hire 2 full-time staffers to meet the needs of the Advisory Board.

"(2) Service of an individual as a member of the Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Board, or as an employee of the Board, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

"(c)(1) Upon request of the Director, the Board is authorized to—

"(A) hold such hearings and sit and act at such times,

"(B) take such testimony,

"(C) have such printing and binding done,

"(D) enter into such contracts and other arrangements,

"(E) make such expenditures, and

"(F) take such other actions,

as the Board may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

"(2) The Board may establish committees or subcommittees. Any such subcommittees or committees shall be chaired by a voting member of the Board.

"(d) The provisions of the Federal Advisory Committee Act shall apply to the Board established under this section with the exception of section 14(b).

"(e)(1) The Board is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Board, upon request made by a member of the Board.

"(2) Upon the request of the Board, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

"(3) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.".

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Park System Advisory Board $200,000 per year to carry out the provisions of section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463).

(3) EFFECTIVE DATE.—This subsection shall take effect on December 7, 1997.

(g) CHALLENGE COST-SHARE AGREEMENT AUTHORITY.—

(1) DEFINITIONS.—For purposes of this subsection:

(A) The term "challenge cost-share agreement" means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary of the Interior with respect to any unit or program of the National Park System (as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C.

1c(a))), any affiliated area, or any designated National Scenic or Historic Trail.

(B) The term "cooperator" means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(2) CHALLENGE COST-SHARE AGREEMENTS.—The Secretary of the Interior is authorized to negotiate and enter into challenge cost-share agreements with cooperators.

(3) USE OF FEDERAL FUNDS.—In carrying out challenge cost-share agreements, the Secretary of the Interior is authorized to provide the Federal funding share from any funds available to the National Park Service.

(h) COST RECOVERY FOR DAMAGE TO NATIONAL PARK RESOURCES.—Public Law 101-337 is amended as follows:

(1) In section 1 (16 U.S.C. 19jj), by amending subsection (d) to read as follows:

"(d) 'Park system resource' means any living or non-living resource that is located within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.".

(2) In section 1 (16 U.S.C. 19jj) by adding at the end thereof the following:

"(g) 'Marine or aquatic park system resource' means any living or non-living part of a marine or aquatic regimen within or is a living part of a marine or aquatic regimen within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.".

(3) In section 2(b) (16 U.S.C. 19jj-1(b)), by inserting "any marine or aquatic park resource" after "any park system resource".

SEC. 815. WILLIAM B. SMULLIN VISITOR CENTER.

(a) DESIGNATION.—The Bureau of Land Management's visitors center in Rand, Oregon is hereby designated as the "William B. Smullin Visitor Center".

(b) LEGAL REFERENCES.—Any reference in any law, regulation, document, record, map, or other document of the United States to the visitor center referred to in subsection (a) shall be deemed to be a reference to the "William B. Smullin Visitor Center".

SEC. 816. CALUMET ECOLOGICAL PARK.

(a) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior shall conduct a study of the feasibility of establishing an urban ecological park to be known as "Calumet Ecological Park", in the Lake Calumet area situated between the Illinois and Michigan Canal National Heritage Corridor and the Indiana Dunes National Lakeshore.

(2) PARTICULARS OF STUDY.—The study under paragraph (1) shall include consideration of the following:

(A) The suitability of establishing a park in the Lake Calumet area that—

(i) conserves and protects the wealth of natural resources threatened by development and pollution in the Lake Calumet area; and

(ii) consists of a number of nonadjacent sites forming green corridors between the Illinois and Michigan Canal National Heritage Corridor and the Indiana Dunes National Lakeshore, that are based on the lakes and waterways in the area.

(B) The long term future use of the Lake Calumet area.

(C) Ways in which a Calumet Ecological Park would—

(i) benefit and enhance the cultural, historical, and natural resources of the Lake Calumet area; and

(ii) preserve natural lands and habitats in the Lake Calumet area and northwest Indiana.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report containing findings and recommendations of a study under this section.

SEC. 817. ACQUISITION OF CERTAIN PROPERTY ON SANTA CRUZ ISLAND.

Section 202 of Public Law 96-199 (16 U.S.C. 410ff-1) is amended by adding the following new subsection at the end thereof:

"(e)(1) Notwithstanding any other provision of law, effective 90 days after the date of enactment of this subsection, all right, title, and interest in and to, and the right to immediate possession of, the real property on the eastern end of Santa Cruz Island which is known as the Gherini Ranch is hereby vested in the United States, except for the reserved rights of use and occupancy set forth in Instrument No. 90-027494 recorded in the Official Records of the County of Santa Barbara, California.

"(2) The United States shall pay just compensation to the owners of any real property taken pursuant to this subsection, determined as of the date of taking. The full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be in the amount of the agreed negotiated value of such real property plus interest or the valuation of such real property awarded by judgment plus interest. Interest shall accrue from the date of taking to the date of payment. Interest shall be compounded quarterly and computed at the rate applicable for the period involved, as determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities from the date of enactment of this subsection to the last day of the month preceding the date on which payment is made.

"(3) In the absence of a negotiated settlement, or an action by the owner, within 1 year after the date of enactment of this subsection, the Secretary shall initiate a proceeding, seeking in a court of competent jurisdiction a determination of just compensation with respect to the taking of such property.

"(4) The Secretary shall not allow any unauthorized use of the lands to be acquired under this subsection, except that the Secretary shall permit the orderly termination of all current activities and the removal of any equipment, facilities, or personal property.".

SEC. 818. NATIONAL PARK AGREEMENTS.

Section 3 of the Act entitled "An Act to improve the administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" approved August 18, 1970 (16 U.S.C. 1a-2), is amended—

(1) in paragraph (i), by striking the period at the end thereof and inserting in lieu thereof "; and"; and

(2) by adding at the end thereof the following:

"(j) enter into cooperative agreements with public or private educational institutions, States, and their political subdivisions, for the purpose of developing adequate, coordinated, cooperative research and training programs concerning the resources of the National Park System, and, pursuant to any such agreements, to accept from and make available to the cooperator such technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units as the Secretary deems appropriate; except that this paragraph shall not waive any requirements for research projects that are subject to the Federal procurement regulations.".

TITLE IX—HERITAGE AREAS

SEC. 901. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

(a) BOUNDARY CHANGES.—Section 2 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by striking the first sentence and inserting the following new sentence: "The boundaries shall include the lands and water generally depicted on the map entitled 'Blackstone River Valley National Heritage Corridor Boundary Map', numbered BRV-80-80,011, and dated May 2, 1993.".

(b) TERMS.—Section 3(c) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by inserting before the period at the end the following: ", but may continue to serve after the expiration of this term until a successor has been appointed".

(c) REVISION OF PLAN.—Section 6 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by adding at the end the following new subsection:

"(d) REVISION OF PLAN.—(1) Not later than 1 year after the date of the enactment of this subsection, the Commission, with the approval of the Secretary, shall revise the Cultural Heritage and Land Management Plan. The revision shall address the boundary change and shall include a natural resource inventory of areas or features that should be protected, restored, managed, or acquired because of their contribution to the understanding of national cultural landscape values.

"(2) No changes other than minor revisions may be made in the approved plan as amended without the approval of the Secretary. The Secretary shall approve or disapprove any proposed change in the plan, except minor revisions, in accordance with subsection (b).".

(d) EXTENSION OF COMMISSION.—Section 7 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended to read as follows:

"SEC. 7. TERMINATION OF COMMISSION.

"The Commission shall terminate on the date that is 10 years after the date of enactment of this section.".

(e) IMPLEMENTATION OF PLAN.—Subsection (c) of section 8 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended to read as follows:

"(c) IMPLEMENTATION.—(1) To assist in the implementation of the Cultural Heritage and Land Management Plan in a manner consistent with purposes of this Act, the Secretary is authorized to undertake a limited program of financial assistance for the purpose of providing funds for the preservation and restoration of structures on or eligible for inclusion on the National Register of Historic

Places within the Corridor which exhibit national significance or provide a wide spectrum of historic, recreational, or environmental education opportunities to the general public.

"(2) To be eligible for funds under this section, the Commission shall submit an application to the Secretary that includes—

"(A) a 10-year development plan including those resource protection needs and projects critical to maintaining or interpreting the distinctive character of the Corridor; and

"(B) specific descriptions of annual work programs that have been assembled, the participating parties, roles, cost estimates, cost-sharing, or cooperative agreements necessary to carry out the development plan.

"(3) Funds made available pursuant to this subsection shall not exceed 50 percent of the total cost of the work programs.

"(4) In making the funds available, the Secretary shall give priority to projects that attract greater non-Federal funding sources.

"(5) Any payment made for the purposes of conservation or restoration of real property or structures shall be subject to an agreement either—

"(A) to convey a conservation or preservation easement to the Department of Environmental Management or to the Historic Preservation Commission, as appropriate, of the State in which the real property or structure is located; or

"(B) that conversion, use, or disposal of the resources so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States for reimbursement of all funds expended upon such resources or the proportion of the increased value of the resources attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

"(6) The authority to determine that a conversion, use, or disposal of resources has been carried out contrary to the purposes of this Act in violation of an agreement entered into under paragraph (5)(A) shall be solely at the discretion of the Secretary.".

(f) LOCAL AUTHORITY.—Section 5 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by adding at the end the following new subsection:

"(j) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this Act shall be construed to affect or to authorize the Commission to interfere with—

"(1) the rights of any person with respect to private property; or

"(2) any local zoning ordinance or land use plan of the Commonwealth of Massachusetts or any political subdivision of the Commonwealth.".

(g) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other provision of law regarding limitations on funding for heritage areas, section 10 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), as amended, is further amended:

(1) in subsection (a), by striking "$350,000" and inserting "$650,000"; and

(2) by amending subsection (b) to read as follows:

"(b) DEVELOPMENT FUNDS.—For fiscal years 1996, 1997, and 1998, there is authorized to be appropriated to carry out section 8(c) not to exceed $5,000,000.".

SEC. 902. ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98-398; 16 U.S.C. 461 note) is amended by inserting after section 117 the following new section:

"SEC. 118. STUDY OF POSSIBLE ADDITIONS TO CORRIDOR

"The Commission shall undertake a study to determine whether the Joliet Army Ammunition Plant and the Calumet-Sag and Chicago Sanitary and Ship Canals should be added to the corridor. The study shall specifically examine the relationship between the purposes of this Act and the areas proposed for study and shall identify any specific resources which are related to the purposes for which the corridor was established. The study shall propose boundaries which provide for the inclusion of any related resources within the corridor. The Commission shall submit the study to the Secretary and the appropriate congressional committees. Upon receipt of the study, the Secretary shall determine which lands (if any) should be added to the corridor and shall so notify the appropriate congressional committees.".

TITLE X—MISCELLANEOUS

Subtitle A—Tallgrass Prairie National Preserve

SEC. 1001. SHORT TITLE.

This subtitle may be cited as the "Tallgrass Prairie National Preserve Act of 1996".

SEC. 1002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) of the 400,000 square miles of tallgrass prairie that once covered the North American Continent, less than 1 percent remains, primarily in the Flint Hills of Kansas;

(2) in 1991, the National Park Service conducted a special resource study of the Spring Hill Ranch, located in the Flint Hills of Kansas;

(3) the study concludes that the Spring Hill Ranch—

(A) is a nationally significant example of the once vast tallgrass ecosystem, and includes buildings listed on the National Register of Historic Places pursuant to section 101 of the National Historic Preservation Act (16 U.S.C. 470a) that represent outstanding examples of Second Empire and other 19th Century architectural styles; and

(B) is suitable and feasible as a potential addition to the National Park System; and

(4) the National Park Trust, which owns the Spring Hill Ranch, has agreed to permit the National Park Service—

(A) to purchase a portion of the ranch, as specified in this subtitle; and

(B) to manage the ranch in order to—

(i) conserve the scenery, natural and historic objects, and wildlife of the ranch; and

(ii) provide for the enjoyment of the ranch in such a manner and by such means as will leave the scenery, natural and historic objects, and wildlife unimpaired for the enjoyment of future generations.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to preserve, protect, and interpret for the public an example of a tallgrass prairie ecosystem on the Spring Hill Ranch, located in the Flint Hills of Kansas; and

(2) to preserve and interpret for the public the historic and cultural values represented on the Spring Hill Ranch.

SEC. 1003. DEFINITIONS.

In this subtitle:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Advisory Committee established under section 1007.

(2) PRESERVE.—The term "Preserve" means the Tallgrass Prairie National Preserve established by section 1004.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRUST.—The term "Trust" means the National Park Trust, Inc., a District of Columbia nonprofit corporation, or any successor-in-interest.

SEC. 1004. ESTABLISHMENT OF TALLGRASS PRAIRIE NATIONAL PRESERVE.

(a) IN GENERAL.—In order to provide for the preservation, restoration, and interpretation of the Spring Hill Ranch area of the Flint Hills of Kansas, for the benefit and enjoyment of present and future generations, there is established the Tallgrass Prairie National Preserve.

(b) DESCRIPTION.—The Preserve shall consist of the lands and interests in land, including approximately 10,894 acres, generally depicted on the map entitled "Boundary Map, Flint Hills Prairie National Monument" numbered NM-TGP 80,000 and dated June 1994, more particularly described in the deed filed at 8:22 a.m. of June 3, 1994, with the Office of the Register of Deeds in Chase County, Kansas, and recorded in Book L-106 at pages 328 through 339, inclusive. In the case of any difference between the map and the legal description, the legal description shall govern, except that if, as a result of a survey, the Secretary determines that there is a discrepancy with respect to the boundary of the Preserve that may be corrected by making minor changes to the map, the Secretary shall make changes to the map as appropriate, and the boundaries of the Preserve shall be adjusted accordingly. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service of the Department of the Interior.

SEC. 1005. ADMINISTRATION OF NATIONAL PRESERVE.

(a) IN GENERAL.—The Secretary shall administer the Preserve in accordance with this subtitle, the cooperative agreements described in subsection (f)(1), and the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2 through 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) APPLICATION OF REGULATIONS.—With the consent of a private owner of land within the boundaries of the Preserve, the regulations issued by the Secretary concerning the National Park Service that provide for the proper use, management, and protection of persons, property, and natural and cultural resources shall apply to the private land.

(c) FACILITIES.—For purposes of carrying out the duties of the Secretary under this subtitle relating to the Preserve, the Secretary may, with the consent of a landowner, directly or by contract, construct, reconstruct, rehabilitate, or develop essential buildings, structures, and related facilities including roads, trails, and other interpretive facilities on real property that is not owned by the Federal Government and is located within the Preserve.

(d) LIABILITY.—

(1) LIABILITY OF THE UNITED STATES AND ITS OFFICERS AND EMPLOYEES.—Except as otherwise provided in this subsection, the liability of the United States is subject to the terms and conditions of the Federal Tort Claims Act, as amended, 28 U.S.C. 2671 et seq., with respect to the claims arising by virtue of the Secretaries administration of the Preserve pursuant to this Act.

(2) LIABILITY OF LANDOWNERS.—

(A) The Secretary of the Interior is authorized, under such terms and conditions as he deems appropriate, to include in any cooperative agreement entered into in accordance with subsection (f)(1) an indemnification provision by which the United States agrees to hold harmless, defend and indemnify the landowner in full from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim of personal injury or property damage that occurs in connection with the operation of the Preserve under the agreement: *Provided however*, That indemnification shall not exceed $3 million per claimant per occurrence.

(B) The indemnification provision authorized by subparagraph (A) shall not include claims for personal injury or property damage proximately caused by the wanton or willful misconduct of the landowner.

(e) UNIT OF THE NATIONAL PARK SYSTEM.—The Preserve shall be a unit of the National Park System for all purposes, including the purpose of exercising authority to charge entrance and admission fees under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a).

(f) AGREEMENTS AND DONATIONS.—

(1) AGREEMENTS.—The Secretary may expend Federal funds for the cooperative management of private property within the Preserve for research, resource management (including pest control and noxious weed control, fire protection, and the restoration of buildings), and visitor protection and use.

(2) DONATIONS.—The Secretary may accept, retain, and expend donations of funds, property (other than real property), or services from individuals, foundations, corporations, or public entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of this subtitle.

(g) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than the end of the third full fiscal year beginning after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a general management plan for the Preserve.

(2) CONSULTATION.—In preparing the general management plan, the Secretary, acting through the Director of the National Park Service, shall consult with—

(A)(i) appropriate officials of the Trust; and

(ii) the Advisory Committee; and

(B) adjacent landowners, appropriate officials of nearby communities, the Kansas Department of Wildlife and Parks, and the Kansas Historical Society, and other interested parties.

(3) CONTENT OF PLAN.—The general management plan shall provide for the following:

(A) Maintaining and enhancing the tallgrass prairie within the boundaries of the Preserve.

(B) Public access and enjoyment of the property that is consistent with the conservation and proper management of the historical, cultural, and natural resources of the ranch.

(C) Interpretive and educational programs covering the natural history of the prairie, the cultural history of Native Americans, and the legacy of ranching in the Flint Hills region.

(D) Provisions requiring the application of applicable State law concerning the maintenance of adequate fences within the boundaries of the Preserve. In any case in which an activity of the National Park Service requires fences that exceed the legal fence standard otherwise applicable to the Preserve, the National Park Service shall pay the additional cost of constructing and maintaining the fences to meet the applicable requirements for that activity.

(E) Provisions requiring the Secretary to comply with applicable State noxious weed, pesticide, and animal health laws.

(F) Provisions requiring compliance with applicable State water laws and Federal and State waste disposal laws (including regulations) and any other applicable law.

(G) Provisions requiring the Secretary to honor each valid existing oil and gas lease for lands within the boundaries of the Preserve (as described in section 1004(b)) that is in effect on the date of enactment of this Act.

(H) Provisions requiring the Secretary to offer to enter into an agreement with each individual who, as of the date of enactment of this Act, holds rights for cattle grazing within the boundaries of the Preserve (as described in section 1004(b)).

(4) HUNTING AND FISHING.—The Secretary may allow hunting and fishing on Federal lands within the Preserve.

(5) FINANCIAL ANALYSIS.—As part of the development of the general management plan, the Secretary shall prepare a financial analysis indicating how the management of the Preserve may be fully supported through fees, private donations, and other forms of non-Federal funding.

SEC. 1006. LIMITED AUTHORITY TO ACQUIRE.

(a) IN GENERAL.—The Secretary shall acquire, by donation, not more than 180 acres of real property within the boundaries of the Preserve (as described in section 1004(b)) and the improvements on the real property.

(b) PAYMENTS IN LIEU OF TAXES.—For the purposes of payments made under chapter 69 of title 31, United States Code, the real property described in subsection (a)(1) shall be deemed to have been acquired for the purposes specified in section 6904(a) of that title.

(c) PROHIBITIONS.—No property may be acquired under this section without the consent of the owner of the property. The United States may not acquire fee ownership of any lands within the Preserve other than lands described in this section.

SEC. 1007. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established an advisory committee to be known as the "Tallgrass Prairie National Preserve Advisory Committee".

(b) DUTIES.—The Advisory Committee shall advise the Secretary and the Director of the National Park Service concerning the development, management, and interpretation of the Preserve. In carrying out those duties, the Advisory Committee shall provide timely advice to the Secretary and the Director during the preparation of the general management plan under section 1005(g).

(c) MEMBERSHIP.—The Advisory Committee shall consist of 13 members, who shall be appointed by the Secretary as follows:

(1) Three members shall be representatives of the Trust.

(2) Three members shall be representatives of local landowners, cattle ranchers, or other agricultural interests.

(3) Three members shall be representatives of conservation or historic preservation interests.

(4)(A) One member shall be selected from a list of persons recommended by the Chase County Commission in the State of Kansas.

(B) One member shall be selected from a list of persons recommended by appropriate officials of Strong City, Kansas, and Cottonwood Falls, Kansas.

(C) One member shall be selected from a list of persons recommended by the Governor of the State of Kansas.

(5) One member shall be a range management specialist representing institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) in the State of Kansas.

(d) TERMS.—

(1) IN GENERAL.—Each member of the Advisory Committee shall be appointed to serve for a term of 3 years, except that the initial members shall be appointed as follows:

(A) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 3 years.

(B) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 4 years.

(C) Five members shall be appointed, one each from paragraphs (1) through (5) of subsection (c), to serve for a term of 5 years.

(2) REAPPOINTMENT.—Each member may be reappointed to serve a subsequent term.

(3) EXPIRATION.—Each member shall continue to serve after the expiration of the term of the member until a successor is appointed.

(4) VACANCIES.—A vacancy on the Advisory Committee shall be filled in the same manner as an original appointment is made. The member appointed to fill the vacancy shall serve until the expiration of the term in which the vacancy occurred.

(e) CHAIRPERSON.—The members of the Advisory Committee shall select 1 of the members to serve as Chairperson.

(f) MEETINGS.—Meetings of the Advisory Committee shall be held at the call of the Chairperson or the majority of the Advisory Committee. Meetings shall be held at such locations and in such a manner as to ensure adequate opportunity for public involvement. In compliance with the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall choose an appropriate means of providing interested members of the public advance notice of scheduled meetings.

(g) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum.

(h) COMPENSATION.—Each member of the Advisory Committee shall serve without compensation, except that while engaged in official business of the Advisory Committee, the member shall be entitled to travel expenses, including per diem in lieu of subsistence in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(i) CHARTER.—The rechartering provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 1008. RESTRICTION ON AUTHORITY.

Nothing in this subtitle shall give the Secretary authority to regulate lands outside the land area acquired by the Secretary under section 1006(a).

SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this subtitle.

Subtitle B—Sterling Forest

SEC. 1011. PALISADES INTERSTATE PARK COMMISSION.

(a) FUNDING.—The Secretary of the Interior is authorized to provide funding to the Palisades Interstate Park Commission to be used for the acquisition of lands and interests in lands within the area generally depicted on the map entitled "Boundary Map, Sterling Forest Reserve", numbered SFR-60,001 and dated July 1, 1994. There are authorized to be appropriated for purposes of this section not more than $17,500,000. No funds made available under this section may be used for the acquisition of any lands or interest in lands without the consent of the owner thereof.

(b) LAND EXCHANGE.—The Secretary of the Interior is authorized to exchange unreserved unappropriated Federal lands under the administrative jurisdiction of the Secretary for the lands comprising approximately 2,220 acres depicted on the map entitled "Sterling Forest, Proposed Sale of Sterling Forest Lands" and dated July 25, 1996. The Secretary shall consult with the Governor of any State in which such unreserved unappropriated lands are located prior to carrying out such exchange. The lands acquired by the Secretary under this section shall be transferred to the Palisades Interstate Park Commission to be included within the Sterling Forest Reserve. The lands exchanged under this section shall be of equal value, as determined by the Secretary utilizing nationally recognized appraisal standards. The authority to exchange lands under this section shall expire on the date 18 months after the date of enactment of this Act.

Subtitle C—Additional Provisions

SEC. 1021. RECREATION LAKES.

(a) FINDINGS AND PURPOSES.—The Congress finds that the Federal Government, under the authority of the Reclamation Act and other statutes, has developed manmade lakes and reservoirs that have become a powerful magnet for diverse recreational activities and that such activities contribute to the well-being of families and individuals and the economic viability of local communities. The Congress further finds that in order to further the purposes of the Land and Water Conservation Fund, the President should appoint an advisory commission to review the current and anticipated demand for recreational opportunities at federally-managed manmade lakes and reservoirs through creative partnerships involving Federal, State and local governments and the private sector and to develop alternatives for enhanced recreational use of such facilities.

(b) COMMISSION.—The Land and Water Conservation Fund Act of 1965 (P.L. 88-578, 78 Stat. 897) is amended by adding at the end the following new section:

"SEC. 13. (a) The President shall appoint an advisory commission to review the opportunities for enhanced opportunities for water based recreation which shall submit a report to the President and to the Committee on Energy and Natural Resources of the Senate and in the House of Representatives to the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives within one year from the date of enactment of this section.

"(b) The members of the Commission shall include—

"(1) the Secretary of the Interior, or his designee;

"(2) the Secretary of the Army, or his designee;

"(3) the Chairman of the Tennessee Valley Authority, or his designee;

"(4) the Secretary of Agriculture, or his designee;

"(5) a person nominated by the National Governor's Association; and

"(6) four persons familiar with the interests of the recreation and tourism industry, conservation and recreation use, Indian tribes, and local governments, at least one of whom shall be familiar with the economics and financing of recreation related infrastructure.

"(c) The President shall appoint one member to serve as Chairman. Any vacancy on the Commission shall be filled in the same manner as the original appointment. Members of the Commission shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties. The Secretary of the Interior shall provide all financial, administrative, and staffing requirements for the Commission, including office space, furnishings, and equipment. The heads of other Federal agencies are authorized, at the request of the Commission, to provide such information or personnel, to the extent permitted by law and within the limits of available funds, to the Commission as may be useful to accomplish the purposes of this section.

"(d) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable: Provided, That, to the maximum extent possible, the Commission shall use existing data and research. The Commission is authorized to use the United States mail in the same manner and upon the same conditions as other departments and agencies of the United States.

"(e) The report shall review the extent of water related recreation at Federal manmade lakes and reservoirs and shall develop alternatives to enhance the opportunities for such use by the public. In developing the report, the Commission shall—

"(1) review the extent to which recreation components identified in specific authorizations associated with individual federal manmade lakes and reservoirs have been accomplished,

"(2) evaluate the feasibility of enhancing recreation opportunities at federally-managed lakes and reservoirs under existing statutes,

"(3) consider legislative changes that would enhance recreation opportunities consistent with and subject to the achievement of the authorized purposes of federal water projects, and

"(4) make recommendations on alternatives for enhanced recreation opportunities including, but not limited to, the establishment of a National Recreation Lake System under which specific lakes would receive national designation and which would be managed through innovative partnership-based agreements between federal agencies, State and local units of government, and the private sector.

Any such alternatives shall be consistent with and subject to the authorized purposes for any manmade lakes and reservoirs and shall emphasize private sector initiatives in concert with State and local units of government.".

SEC. 1022. BISTI/DE-NA-ZIN WILDERNESS EXPANSION AND FOSSIL FOREST PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Bisti/De-Na-Zin Wilderness Expansion and Fossil Forest Protection Act".

(b) WILDERNESS DESIGNATION.—Section 102 of the San Juan Basin Wilderness Protection Act of 1984 (98 Stat. 3155) is amended—

(1) in subsection (a)—

(A) by striking "wilderness, and, therefore," and all that follows through "System—" and inserting "wilderness areas, and as one component of the National Wilderness Preservation System, to be known as the 'Bisti/De-Na-Zin Wilderness'—";

(B) in paragraph (1), by striking ", and which shall be known as the Bisti Wilderness; and" and inserting a semicolon;

(C) in paragraph (2), by striking ", and which shall be known as the De-Na-Zin Wilderness." and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(3) certain lands in the Farmington District of the Bureau of Land Management, New Mexico, which comprise approximately 16,525 acres, as generally depicted on a map entitled 'Bisti/De-Na-Zin Wilderness Amendment Proposal', dated May 1992.";

(2) in the first sentence of subsection (c), by inserting after "of this Act" the following: "with regard to the areas described in paragraphs (1) and (2) of subsection (a), and as soon as practicable after the date of enactment of subsection (a)(3) with regard to the area described in subsection (a)(3)";

(3) in subsection (d), by inserting after "of this Act" the following: "with regard to the areas described in paragraphs (1) and (2) of subsection (a), and where established prior to the date of enactment of subsection (a)(3) with regard to the area described in subsection (a)(3)"; and

(4) by adding at the end the following new subsection:

"(e)(1) Subject to valid existing rights, the lands described in subsection (a)(3) are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, geothermal leasing, and mineral material sales.

"(2) The Secretary of the Interior may issue coal leases in New Mexico in exchange for any preference right coal lease application within the area described in subsection (a)(3). Such exchanges shall be made in accordance with applicable existing laws and regulations relating to coal leases after a determination has been made by the Secretary that the applicant is entitled to a preference right lease and that the exchange is in the public interest.

"(3) Operations on oil and gas leases issued prior to the date of enactment of subsection (a)(3) shall be subject to the applicable provisions of Group 3100 of title 43, Code of Federal Regulations (including section 3162.5-1), and such other terms, stipulations, and conditions as the Secretary of the Interior considers necessary to avoid significant disturbance of the land surface or impairment of the ecological, educational, scientific, recreational, scenic, and other wilderness values of the lands described in subsection (a)(3) in existence on the date of enactment of subsection (a)(3). In order to satisfy valid existing rights on the lands described in subsection (a)(3), the Secretary of the Interior may exchange any oil and gas lease within this area for an unleased parcel outside this area of like mineral estate and with similar appraised mineral values.".

(c) EXCHANGES FOR STATE LANDS.—Section 104 of the San Juan Basin Wilderness Protection Act of 1984 (98 Stat. 3156) is amended—

(1) in the first sentence of subsection (b), by inserting after "of this Act" the following: "with regard to the areas described in paragraphs (1) and (2) of subsection (a), and not later than 120 days after the date of enactment of subsection (a)(3) with regard to the area described in subsection (a)(3)";

(2) in subsection (c), by inserting before the period the following: "with regard to the areas described in paragraphs (1) and (2) of subsection (a), and as of the date of enactment of subsection (a)(3) with regard to the area described in subsection (a)(3)"; and

(3) in the last sentence of subsection (d), by inserting before the period the following: "with regard to the areas described in paragraphs (1) and (2) of subsection (a), and not later than 2 years after the date of enactment of subsection (a)(3) with regard to the area described in subsection (a)(3)".

(d) EXCHANGES FOR INDIAN LANDS.—Section 105 of the San Juan Basin Wilderness Protection Act of 1984 (98 Stat. 3157) is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of the Interior shall exchange any lands held in trust for the Navajo Tribe by the Bureau of Indian Affairs that are within the boundary of the area described in subsection (a)(3).

"(2) The lands shall be exchanged for lands within New Mexico approximately equal in value that are selected by the Navajo Tribe.

"(3) After the exchange, the lands selected by the Navajo Tribe shall be held in trust by the Secretary of the Interior in the same manner as the lands described in paragraph (1).".

(e) FOSSIL FOREST RESEARCH NATURAL AREA.—Section 103 of the San Juan Basin Wilderness Protection Act of 1984 (98 Stat. 3156) is amended to read as follows:

"SEC. 103. FOSSIL FOREST RESEARCH NATURAL AREA.

"(a) ESTABLISHMENT.—To conserve and protect natural values and to provide scientific knowledge, education, and interpretation for the benefit of future generations, there is established the Fossil Forest Research Natural Area (referred to in this section as the 'Area'), consisting of the approximately 2,770 acres in the Farmington District of the Bureau of Land Management, New Mexico, as generally depicted on a map entitled 'Fossil Forest', dated June 1983.

"(b) MAP AND LEGAL DESCRIPTION.—

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this paragraph, the Secretary of the Interior shall file a map and legal description of the Area with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

"(2) FORCE AND EFFECT.—The map and legal description described in paragraph (1) shall have the same force and effect as if included in this Act.

"(3) TECHNICAL CORRECTIONS.—The Secretary of the Interior may correct clerical, typographical, and cartographical errors in the map and legal description subsequent to filing the map pursuant to paragraph (1).

"(4) PUBLIC INSPECTION.—The map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Interior.

"(c) MANAGEMENT.—

"(1) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall manage the Area—

"(A) to protect the resources within the Area; and

"(B) in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

"(2) MINING.—

"(A) WITHDRAWAL.—Subject to valid existing rights, the lands within the Area are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, geothermal leasing, and mineral material sales.

"(B) COAL PREFERENCE RIGHTS.—The Secretary of the Interior is authorized to issue coal leases in New Mexico in exchange for any preference right coal lease application within the Area. Such exchanges shall be made in accordance with applicable existing laws and regulations relating to coal leases after a determination has been made by the Secretary that the applicant is entitled to a preference right lease and that the exchange is in the public interest.

"(C) OIL AND GAS LEASES.—Operations on oil and gas leases issued prior to the date of enactment of this paragraph shall be subject to the applicable provisions of Group 3100 of title 43, Code of Federal Regulations (including section 3162.5–1), and such other terms, stipulations, and conditions as the Secretary of the Interior considers necessary to avoid significant disturbance of the land surface or impairment of the natural, educational, and scientific research values of the Area in existence on the date of enactment of this paragraph.

"(3) GRAZING.—Livestock grazing on lands within the Area may not be permitted.

"(d) INVENTORY.—Not later than 3 full fiscal years after the date of enactment of this subsection, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall develop a baseline inventory of all categories of fossil resources within the Area. After the inventory is developed, the Secretary shall conduct monitoring surveys at intervals specified in the management plan developed for the Area in accordance with subsection (e).

"(e) MANAGEMENT PLAN.—

"(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall develop and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a management plan that describes the appropriate uses of the Area consistent with this Act.

"(2) CONTENTS.—The management plan shall include—

"(A) a plan for the implementation of a continuing cooperative program with other agencies and groups for—

"(i) laboratory and field interpretation; and

"(ii) public education about the resources and values of the Area (including vertebrate fossils);

"(B) provisions for vehicle management that are consistent with the purpose of the Area and that provide for the use of vehicles to the minimum extent necessary to accomplish an individual scientific project;

"(C) procedures for the excavation and collection of fossil remains, including botanical fossils, and the use of motorized and mechanical equipment to the minimum extent necessary to accomplish an individual scientific project; and

"(D) mitigation and reclamation standards for activities that disturb the surface to the detriment of scenic and environmental values.".

SEC. 1023. OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

(a) DEFINITIONS.—In this section:

(1) BULL OF THE WOODS WILDERNESS.—The term "Bull of the Woods Wilderness" means the land designated as wilderness by section 3(4) of the Oregon Wilderness Act of 1984 (Public Law 98–328; 16 U.S.C. 1132 note).

(2) OPAL CREEK WILDERNESS.—The term "Opal Creek Wilderness" means certain land in the Willamette National Forest in the State of Oregon comprising approximately 12,800 acres, as generally depicted on the map entitled "Proposed Opal Creek Wilderness and Scenic Recreation Area", dated July 1996.

(3) SCENIC RECREATION AREA.—The term "Scenic Recreation Area" means the Opal Creek Scenic Recreation Area, comprising approximately 13,000 acres, as generally depicted on the map entitled "Proposed Opal Creek Wilderness and Scenic Recreation Area", dated July 1996 and established under subsection (c)(1)(C).

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) PURPOSES.—The purposes of this section are—

(1) to establish a wilderness and scenic recreation area to protect and provide for the enhancement of the natural, scenic, recreational, historic and cultural resources of the area in the vicinity of Opal Creek;

(2) to protect and support the economy of the communities in the Santiam Canyon; and

(3) to provide increased protection for an important drinking water source for communities served by the North Santiam River.

(c) ESTABLISHMENT OF OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.—

(1) ESTABLISHMENT.—On a determination by the Secretary under paragraph (2)—

(A) the Opal Creek Wilderness, as depicted on the map described in subsection (a)(2), is hereby designated as wilderness, subject to the provisions of the Wilderness Act of 1964, shall become a component of the National Wilderness System, and shall be known as the Opal Creek Wilderness;

(B) the part of the Bull of the Woods Wilderness that is located in the Willamette National Forest shall be incorporated into the Opal Creek Wilderness; and

(C) the Secretary shall establish the Opal Creek Scenic Recreation Area in the Willamette National Forest in the State of Oregon, comprising approximately 13,000 acres, as generally depicted on the map described in subsection (a)(3).

(2) CONDITIONS.—The designations in paragraph (1) shall not take effect unless the Secretary makes a determination, not later than 2 years after the date of enactment of this title, that the following conditions have been met:

(A) the following have been donated to the United States in an acceptable condition and without encumbrances:

(i) all right, title, and interest in the following patented parcels of land—

(I) Santiam Number 1, mineral survey number 992, as described in patent number 39–92–0002, dated December 11, 1991;

(II) Ruth Quartz Mine Number 2, mineral survey number 994, as described in patent number 39–91–0012, dated February 12, 1991;

(III) Morning Star Lode, mineral survey number 993, as described in patent number 36–91–0011, dated February 12, 1991;

(ii) all right, title, and interest held by any entity other than the Times Mirror Land and Timber Company, its successors and assigns, in and to lands located in section 18, township 8 south, range 5 east, Marion County, Oregon, Eureka numbers 6, 7, 8, and 13 mining claims; and

(iii) an easement across the Hewitt, Starvation, and Poor Boy Mill Sites, mineral survey number 990, as described in patent number 36–91–0017, dated May 9, 1991. In the sole discretion of the Secretary, such easement may be limited to administrative use if an alternative access route, adequate and appropriate for public use, is provided.

(B) a binding agreement has been executed by the Secretary and the owners of record as of March 29, 1996, of the following interests, specifying the terms and conditions for the disposition of such interests to the United States Government—

(i) The lode mining claims known as Princess Lode, Black Prince Lode, and King Number 4 Lode, embracing portions of sections 29 and 32, township 8 south, range 5 east, Willamette Meridian, Marion County, Oregon, the claims being more particularly described in the field notes and depicted on the plat of mineral survey number 887, Oregon; and

(ii) Ruth Quartz Mine Number 1, mineral survey number 994, as described in patent number 39-91-0012, dated February 12, 1991.

(3) ADDITIONS TO THE WILDERNESS AND SCENIC RECREATION AREAS.—

(A) Lands or interests in lands conveyed to the United States under this subsection shall be included in and become part of, as appropriate, Opal Creek Wilderness or the Opal Creek Scenic Recreation Area.

(B) On acquiring all or substantially all of the land located in section 36, township 8 south, range 4 east, of the Willamette Meridian, Marion County, Oregon, commonly known as the Rosboro section by exchange, purchase from a willing seller, or by donation, the Secretary shall expand the boundary of the Scenic Recreation Area to include such land.

(C) On acquiring all or substantially all of the land located in section 18, township 8 south, range 5 east, Marion County, Oregon, commonly known as the Times Mirror property, by exchange, purchase from a willing seller, or by donation, such land shall be included in and become a part of the Opal Creek Wilderness.

(d) ADMINISTRATION OF THE SCENIC RECREATION AREA.—

(1) IN GENERAL.—The Secretary shall administer the Scenic Recreation Area in accordance with this section and the laws (including regulations) applicable to the National Forest System.

(2) OPAL CREEK MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 2 years after the date of establishment of the Scenic Recreation Area, the Secretary, in consultation with the advisory committee established under subsection (e)(1), shall prepare a comprehensive Opal Creek Management Plan (Management Plan) for the Scenic Recreation Area.

(B) INCORPORATION IN LAND AND RESOURCE MANAGEMENT PLAN.—Upon its completion, the Opal Creek Management Plan shall become part of the land and resource management plan for the Willamette National Forest and supersede any conflicting provision in such land and resource management plan.Nothing in this paragraph shall be construed to supersede the requirements of the Endangered Species Act or the National Forest Management Act or regulations promulgated under those Acts, or any other law.

(C) REQUIREMENTS.—The Opal Creek Management Plan shall provide for a broad range of land uses, including—

(i) recreation;

(ii) harvesting of nontraditional forest products, such as gathering mushrooms and material to make baskets; and

(iii) educational and research opportunities.

(D) PLAN AMENDMENTS.—The Secretary may amend the Opal Creek Management Plan as the Secretary may determine to be necessary, consistent with the procedures and purposes of this section.

(3) CULTURAL AND HISTORIC RESOURCE INVENTORY.—

(A) IN GENERAL.—Not later than 1 year after the date of establishment of the Scenic Recreation Area, the Secretary shall review and revise the inventory of the cultural and historic resources on the public land in the Scenic Recreation Area developed pursuant to the Oregon Wilderness Act of 1984 (Public Law 98-328; 16 U.S.C. 1132).

(B) INTERPRETATION.—Interpretive activities shall be developed under the management plan in consultation with State and local historic preservation organizations and shall include a balanced and factual interpretation of the cultural, ecological, and industrial history of forestry and mining in the Scenic Recreation Area.

(4) TRANSPORTATION PLANNING.—

(A) IN GENERAL.—Except as provided in this subparagraph, motorized vehicles shall not be permitted in the Scenic Recreation Area.To maintain reasonable motorized and other access to recreation sites and facilities in existence on the date of enactment of this title, the Secretary shall prepare a transportation plan for the Scenic Recreation Area that—

(i) evaluates the road network within the Scenic Recreation Area to determine which roads should be retained and which roads should be closed;

(ii) provides guidelines for transportation and access consistent with this section;

(iii) considers the access needs of persons with disabilities in preparing the transportation plan for the Scenic Recreation Area;

(iv) allows forest road 2209 beyond the gate to the Scenic Recreation Area, as depicted on the map described in subsection (a)(2), to be used by motorized vehicles only for administrative purposes and for access by private inholders, subject to such terms and conditions as the Secretary may determine to be necessary; and

(v) restricts construction or improvement of forest road 2209 beyond the gate to the Scenic Recreation Area to maintaining the character of the road as it existed upon the date of enactment of this Act, which shall not include paving or widening.

In order to comply with subsection (f)(2), the Secretary may make improvements to forest road 2209 and its bridge structures consistent with the character of the road as it existed on the date of enactment of this Act.

(5) HUNTING AND FISHING.—

(A) IN GENERAL.—Subject to applicable Federal and State law, the Secretary shall permit hunting and fishing in the Scenic Recreation Area.

(B) LIMITATION.—The Secretary may designate zones in which, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment of the Scenic Recreation Area.

(C) CONSULTATION.—Except during an emergency, as determined by the Secretary, the Secretary shall consult with the Oregon State Department of Fish and Wildlife before issuing any regulation under this subsection.

(6) TIMBER CUTTING.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall prohibit the cutting and/or selling of trees in the Scenic Recreation Area.

(B) PERMITTED CUTTING.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary may allow the cutting of trees in the Scenic Recreation Area only—

(I) for public safety, such as to control the continued spread of a forest fire in the Scenic Recreation Area or on land adjacent to the Scenic Recreation Area;

(II) for activities related to administration of the Scenic Recreation Area, consistent with the Opal Creek Management Plan; or

(III) for removal of hazard trees along trails and roadways.

(ii) SALVAGE SALES.—The Secretary may not allow a salvage sale in the Scenic Recreation Area.

(7) WITHDRAWAL.

(A) subject to valid existing rights, all lands in the scenic recreation area are withdrawn from—

(i) any form of entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) disposition under the mineral and geothermal leasing laws.

(8) BORNITE PROJECT.—

(A) Nothing in this section shall be construed to interfere with or approve any exploration, mining, or mining-related activity in the Bornite Project Area, depicted on the map described in subsection (a)(3), conducted in accordance with applicable laws.

(B) Nothing in this section shall be construed to interfere with the ability of the Secretary to approve and issue, or deny, special use permits in connection with exploration, mining, and mining-related activities in the Bornite Project Area.

(C) Motorized vehicles, roads, structures, and utilities (including but not limited to power lines and water lines) may be allowed inside the Scenic Recreation Area to serve the activities conducted on land within the Bornite Project.

(D) After the date of enactment of this Act, no patent shall be issued for any mining claim under the general mining laws located within the Bornite Project Area.

(9) WATER IMPOUNDMENTS.—Notwithstanding the Federal Power Act (16 U.S.C. 791a et seq.), the Federal Energy Regulatory Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work in the Scenic Recreation Area, except as may be necessary to comply with the provisions of paragraph (8) with regard to the Bornite Project.

(10) RECREATION.—

(A) RECOGNITION.—Congress recognizes recreation as an appropriate use of the Scenic Recreation Area.

(B) MINIMUM LEVELS.—The management plan shall permit recreation activities at not less than the levels in existence on the date of enactment of this Act.

(C) HIGHER LEVELS.—The management plan may provide for levels of recreation use higher than the levels in existence on the date of enactment of this Act if such uses are consistent with the protection of the resource values of Scenic Recreation Area.

(D) The management plan may include public trail access through section 28, township 8 south, range 5 east, Willamette Meridian, to Battle Axe Creek, Opal Pool and other areas in the Opal Creek Wilderness and the Opal Creek Scenic Recreation Area.

(11) PARTICIPATION.—So that the knowledge, expertise, and views of all agencies and groups may contribute affirmatively to the most sensitive present and future use of the Scenic Recreation Area and its various subareas for the benefit of the public:

(A) ADVISORY COUNCIL.—The Secretary shall consult on a periodic and regular basis with the advisory council established under subsection (e) with respect to matters relating to management of the Scenic Recreation Area.

(B) PUBLIC PARTICIPATION.—The Secretary shall seek the views of private groups, individuals, and the public concerning the Scenic Recreation Area.

(C) OTHER AGENCIES.—The Secretary shall seek the views and assistance of, and cooperate with, any other Federal, State, or local agency with any responsibility for the zoning, planning, or natural resources of the Scenic Recreation Area.

(D) NONPROFIT AGENCIES AND ORGANIZATIONS.—The Secretary shall seek the views of any nonprofit agency or organization that may contribute information or expertise about the resources and the management of the Scenic Recreation Area.

(e) ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—not later than 90 days after the establishment of the scenic recreation area, the secretary shall establish an advisory council for the scenic recreation area.

(2) MEMBERSHIP.—the advisory council shall consist of not more than 13 members, of whom—

(A) 1 member shall represent Marion County, Oregon, and shall be designated by the governing body of the county;

(B) 1 member shall represent the State of Oregon and shall be designated by the Governor of Oregon; and

(C) 1 member shall represent the City of Salem, and shall be designated by the mayor of Salem, Oregon;

(D) 1 member from a city within a 25 mile radius of the Opal Creek Scenic Recreation Area, to be designated by the Governor of the State of Oregon from a list of candidates provided by the mayors of the cities located within a 25 mile radius of the Opal Creek Scenic Recreation Area; and

(E) not more than 9 members shall be appointed by the Secretary from among persons who, individually or through association with a national or local organization, have an interest in the administration of the Scenic Recreation Area, including, but not limited to, representatives of the timber industry, environmental organizations, the mining industry, inholders in the Opal Creek Wilderness and Scenic Recreation Area, economic development interests and Indian tribes.

(3) STAGGERED TERMS.—Members of the advisory council shall serve for staggered terms of 3 years.

(4) CHAIRMAN.—The Secretary shall designate 1 member of the advisory council as chairman.

(5) VACANCIES.—The Secretary shall fill a vacancy on the advisory council in the same manner as the original appointment.

(6) COMPENSATION.—Members of the advisory council shall receive no compensation for their service on the advisory council.

(f) GENERAL PROVISIONS.—

(1) LAND ACQUISITION.—

(A) IN GENERAL.—Subject to the other provisions of this section, the Secretary may acquire any lands or interests in land in the Scenic Recreation Area or the Opal Creek Wilderness that the Secretary determines are needed to carry out this section.

(B) PUBLIC LAND.—Any lands or interests in land owned by a State or a political subdivision of a State may be acquired only by donation or exchange.

(C) CONDEMNATION.—Within the boundaries of the Opal Creek Wilderness or the Scenic Recreation Area, the Secretary may not acquire any privately owned land or interest in land without the consent of the owner unless the Secretary finds that—

(i) the nature of land use has changed significantly, or the landowner has demonstrated intent to change the land use significantly, from the use that existed on the date of the enactment of this Act; and

(ii) acquisition by the Secretary of the land or interest in land is essential to ensure use of the land or interest in land in accordance with the purposes of this title or the management plan prepared under subsection (d)(2).

(D) Nothing in this section shall be construed to enhance or diminish the condemnation authority available to the Secretary outside the boundaries of the Opal Creek Wilderness or the Scenic Recreation Area.

(2) ENVIRONMENTAL RESPONSE ACTIONS AND COST RECOVERY.—

(A) RESPONSE ACTIONS.—Nothing in this section shall limit the authority of the Secretary or a responsible party to conduct an environmental response action in the Scenic Recreation Area in connection with the release, threatened release, or cleanup of a hazardous substance, pollutant, or contaminant, including a response action conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(B) LIABILITY.—Nothing in this section shall limit the authority of the Secretary or a responsible party to recover costs related to the release, threatened release, or cleanup of any hazardous substance or pollutant or contaminant in the Scenic Recreation Area.

(3) MAPS AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a boundary description for the Opal Creek Wilderness and for the Scenic Recreation Area with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE AND EFFECT.—The boundary description and map shall have the same force and effect as if the description and map were included in this section, except that the Secretary may correct clerical and typographical errors in the boundary description and map.

(C) AVAILABILITY.—The map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(4) SAVINGS PROVISION.—Nothing in this section shall interfere with any activity for which a special use permit has been issued, has not been revoked, and has not expired, before the date of enactment of this Act, subject to the terms of the permit.

(g) ROSBORO LAND EXCHANGE.—

(1) AUTHORIZATION.—Notwithstanding any other law, if the Rosboro Lumber Company (referred to in this subsection as "Rosboro") offers and conveys marketable title to the United States to the land described in paragraph (2), the Secretary of Agriculture shall convey all right, title and interest held by the United States to sufficient lands described in paragraph (3) to Rosboro, in the order in which they appear in this subsection, as necessary to satisfy the equal value requirements of paragraph (4).

(2) LAND TO BE OFFERED BY ROSBORO.—The land referred to in paragraph (1) as the land to be offered by Rosboro shall comprise Section 36, Township 8 South, Range 4 East, Willamette Meridian.

(3) LAND TO BE CONVEYED BY THE UNITED STATES.—The land referred to in paragraph (1) as the land to be conveyed by the United States shall comprise sufficient land from the following prioritized list to be of equal value under paragraph (4):

(A) Section 5, Township 17 South, Range 4 East, Lot 7 (37.63 acres);

(B) Section 2, Township 17 South, Range 4 East, Lot 3 (29.28 acres);

(C) Section 13, Township 17 South, Range 4 East, S½ SE¼ (80 acres);

(D) Section 2, Township 17 South, Range 4 East, SW¼ SW¼ (40 acres);

(E) Section 2, Township 17 South, Range 4 East, NW¼ SE¼ (40 acres);

(F) Section 8, Township 17 South, Range 4 East, SE¼ SW¼ (40 acres);

(G) Section 11, Township 17 South, Range 4 East, W½ NW¼ (80 acres);

(4) EQUAL VALUE.—The land and interests in land exchanged under this subsection shall be of equal market value as determined by nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisal Practice, or shall be equalized by way of payment of cash pursuant to the provisions of section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), and other applicable law. The appraisal shall consider access costs for the parcels involved.

(5) TIMETABLE.—

(A) The exchange directed by this subsection shall be consummated not later than 120 days after the date Rosboro offers and conveys the property described in paragraph (2) to the United States.

(B) The authority provided by this subsection shall lapse if Rosboro fails to offer the land described in paragraph (2) within 2 years after the date of enactment of this Act.

(6) CHALLENGE.—Rosboro shall have the right to challenge in United States District Court for the District of Oregon a determination of marketability under paragraph (1) and a determination of value for the lands described in paragraphs (2) and (3) by the Secretary of Agriculture. The court shall have the authority to order the Secretary to complete the transaction contemplated in this subsection.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(h) DESIGNATION OF ELKHORN CREEK AS A WILD AND SCENIC RIVER.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"( )(A) ELKHORN CREEK.—The 6.4-mile segment traversing federally administered lands from that point along the Willamette National Forest boundary on the common section line between Sections 12 and 13, Township 9 South, Range 4 East, Willamette Meridian, to that point where the segment leaves Federal ownership along the Bureau of Land Management boundary in Section 1, Township 9 South, Range 3 East, Willamette Meridian, in the following classes:

"(i) a 5.8-mile wild river area, extending from that point along the Willamette National Forest boundary on the common section line between Sections 12 and 13, Township 9 South, Range 4 East, Willamette Meridian, to its confluence with Buck Creek in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to be administered as agreed on by the Secretaries of Agriculture and the Interior, or as directed by the President; and

"(ii) a 0.6-mile scenic river area, extending from the confluence with Buck Creek in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to that point where the segment leaves Federal ownership along the Bureau of Land Management boundary in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to be administered by the Secretary of Interior, or as directed by the President.

"(B) Notwithstanding section 3(b) of this Act, the lateral boundaries of both the wild river area and the scenic river area along Elkhorn Creek shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river.".

(i) ECONOMIC DEVELOPMENT.—

(1) ECONOMIC DEVELOPMENT PLAN.—As a condition for receiving funding under paragraph (2), the State of Oregon, in consultation with Marion County, Oregon, and the Secretary of Agriculture, shall develop a plan for economic development projects for which grants under this subsection may be used in a manner consistent with this section and to benefit local communities in the vicinity of the Opal Creek area. Such plan shall be based on an economic opportunity study and other appropriate information.

(2) FUNDS PROVIDED TO THE STATES FOR GRANTS.—Upon completion of the Opal Creek Management Plan, and receipt of the plan referred to in paragraph (1), the Secretary shall provide, subject to appropriations, $15,000,000 to the State of Oregon. Such funds shall be used to make grants or loans for economic development projects that further the purposes of this section and benefit the local communities in the vicinity of the Opal Creek area.

(3) REPORT.—The State of Oregon shall—

(A) prepare and provide the Secretary and Congress with an annual report on the use of the funds made available under this subsection;

(B) make available to the Secretary and to Congress, upon request, all accounts, financial records, and other information related to grants and loans made available pursuant to this subsection; and

(C) as loans are repaid, make additional grants and loans with the money made available for obligation by such repayments.

SEC. 1024. UPPER KLAMATH BASIN ECOLOGICAL RESTORATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) ECOSYSTEM RESTORATION OFFICE.—The term "Ecosystem Restoration Office" means the Klamath Basin Ecosystem Restoration Office operated cooperatively by the United States Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, and Forest Service.

(2) WORKING GROUP.—The term "Working Group" means the Upper Klamath Basin Working Group, established before the date of enactment of this title, consisting of members nominated by their represented groups, including—

(A) 3 tribal members;

(B) 1 representative of the city of Klamath Falls, Oregon;

(C) 1 representative of Klamath County, Oregon;

(D) 1 representative of institutions of higher education in the Upper Klamath Basin;

(E) 4 representatives of the environmental community, including at least one representative from the State of California with interests in the Klamath Basin National Wildlife Refuge Complex;

(F) 4 representatives of local businesses and industries, including at least one representative of the forest products industry and one representative of the ocean commercial fishing industry and/or the recreational fishing industry based in either Oregon or California;

(G) 4 representatives of the ranching and farming community, including representatives of Federal lease-land farmers and ranchers and of private land farmers and ranchers in the Upper Klamath Basin;

(H) 2 representatives from State of Oregon agencies with authority and responsibility in the Klamath River Basin, including one from the Oregon Department of Fish and Wildlife and one from the Oregon Water Resources Department;

(I) 4 representatives from the local community; and

(J) One representative each from the following Federal resource management agencies in the Upper Klamath Basin: Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, Bureau of Indian Affairs, Forest Service, Natural Resources Conservation Service, National Marine Fisheries Service and Ecosystem Restoration Office.

(K) One representative of the Klamath County Soil and Water Conservation District.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TASK FORCE.—The term "Task Force" means the Klamath River Basin Fisheries Task Force as established by the Klamath River Basin Fishery Resource Restoration Act (P.L. 99-552, 16 U.S.C. 460ss-3, et.seq.).

(5) COMPACT COMMISSION.—The term "Compact Commission" means the Klamath River Basin Compact Commission created pursuant to the Klamath River Compact Act of 1954.

(6) CONSENSUS.—The term "consensus" means a unanimous agreement by the Working Group members present and consisting of at least a quorum at a regularly scheduled business meeting.

(7) QUORUM.—The term "quorum" means one more than half of those qualified Working Group members appointed and eligible to serve.

(8) TRINITY TASK FORCE.—The term "Trinity Task Force" means the Trinity River Restoration Task Force created by Public Law 98-541, as amended by Public Law 104-143.

(b) IN GENERAL.—

(1) The Working Group through the Ecosystem Restoration Office, with technical assistance from the Secretary, will propose ecological restoration projects, economic development and stability projects, and projects designed to reduce the impacts of drought conditions to be undertaken in the Upper Klamath Basin based on a consensus of the Working Group membership.

(2) The Secretary shall pay, to the greatest extent feasible, up to 50 percent of the cost of performing any project approved by the Secretary or his designee, up to a total amount of $1,000,000 during each of fiscal years 1997 through 2001.

(3) Funds made available under this title through the Department of the Interior or the Department of Agriculture shall be distributed through the Ecosystem Restoration Office.

(4) The Ecosystem Restoration Office may utilize not more than 15 percent of all Federal funds administered under this section for administrative costs relating to the implementation of this section.

(5) All funding recommendations developed by the Working Group shall be based on a consensus of Working Group members.

(c) COORDINATION.—(1) The Secretary shall formulate a cooperative agreement among the Working Group, the Task Force, the Trinity Task Force and the Compact Commission for the purposes of ensuring that projects proposed and funded through the Working Group are consistent with other basin-wide fish and wildlife restoration and conservation plans, including but not limited to plans developed by the Task Force and the Compact Commission;

(2) To the greatest extent practicable, the Working Group shall provide notice to, and accept input from, two members each of the Task Force, the Trinity Task Force, and the Compact Commission, so appointed by those entities, for the express purpose of facilitating better communication and coordination regarding additional basin-wide fish and wildlife and ecosystem restoration and planning efforts.The roles and relationships of the entities involved shall be clarified in the cooperative agreement.

(d) PUBLIC MEETINGS.—The Working Group shall conduct all meetings subject to Federal open meeting and public participation laws.The chartering requirements of the Federal Advisory Committee Act (5 U.S.C. App.) are hereby deemed to have been met by this section.

(e) TERMS AND VACANCIES.— Working Group members shall serve for three-year terms, beginning on the date of enactment of this title. Vacancies which occur for any reason after the date of enactment of this title shall be filled by direct appointment of the governor of the State of Oregon, in consultation with the Secretary of the Interior and the Secretary of Agriculture, in accordance with nominations from the appropriate groups, interests, and government agencies outlined in subsection (a)(2).

(f) RIGHTS, DUTIES AND AUTHORITIES UNAFFECTED.—The Working Group will supplement, rather than replace, existing efforts to manage the natural resources of the Klamath Basin. Nothing in this section affects any legal right, duty or authority of any person or agency, including any member of the working group.

(g) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1997 through 2002.

SEC. 1025. DESCHUTES BASIN ECOSYSTEM RESTORATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) WORKING GROUP.—The term "Working Group" means the Deschutes River Basin Working Group established before the date of enactment of this title, consisting of members nominated by their represented groups, including—

(A) 5 representatives of private interests including one each from hydroelectric production, livestock grazing, timber, land development, and recreation/tourism;

(B) 4 representatives of private interests including two each from irrigated agriculture and the environmental community;

(C) 2 representatives from the Confederated Tribes of the Warm Springs Reservation of Oregon;

(D) 2 representatives from Federal agencies with authority and responsibility in the Deschutes River Basin, including one from the Department of the Interior and one from the Agriculture Department;

(E) 2 representatives from the State of Oregon agencies with authority and responsibility in the Deschutes River Basin, including one from the Oregon Department of Fish and Wildlife and one from the Oregon Water Resources Department; and

(F) 4 representatives from county or city governments within the Deschutes River Basin county and/or city governments.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) FEDERAL AGENCIES.—The term "Federal agencies" means agencies and departments of the United States, including, but not limited to, the Bureau of Reclamation, Bureau of Indian Affairs, Bureau of Land Management, Fish and Wildlife Service, Forest Service, Natural Resources Conservation Service, Farm Services Agency, the National Marine Fisheries Service, and the Bonneville Power Administration.

(4) CONSENSUS.—The term "consensus" means a unanimous agreement by the Working Group members present and constituting at least a quorum at a regularly scheduled business meeting.

(5) QUORUM.—The term "quorum" means one more than half of those qualified Working Group members appointed and eligible to serve.

(b) IN GENERAL.—

(1) The Working Group will propose ecological restoration projects on both Federal and non-Federal lands and waters to be undertaken in the Deschutes River Basin based on a consensus of the Working Group, provided that such projects, when involving Federal land or funds, shall be proposed to the Bureau of Reclamation in the Department of the Interior and any other Federal agency with affected land or funds.

(2) The Working Group will accept donations, grants or other funds and place such funds received into a trust fund, to be expended on ecological restoration projects which, when involving Federal land or funds, are approved by the affected Federal agency.

(3) The Bureau of Reclamation shall pay from funds authorized under subsection (h) of this title up to 50 percent of the cost of performing any project proposed by the Working Group and approved by the Secretary, up to a total amount of $1,000,000 during each of the fiscal years 1997 through 2001.

(4) Non-Federal contributions to project costs for purposes of computing the Federal matching share under paragraph (3) of this subsection may include in-kind contributions.

(5) Funds authorized in subsection (h) of this section shall be maintained in and distributed by the Bureau of Reclamation in the Department of the Interior.The Bureau of Reclamation shall not expend more than 5 percent of amounts appropriated pursuant to subsection (h) for Federal administration of such appropriations pursuant to this section.

(6) The Bureau of Reclamation is authorized to provide by grant to the Working Group not more than 5 percent of funds appropriated pursuant to subsection (h) of this title for not more than 50 percent of administrative costs relating to the implementation of this section.

(7) The Federal agencies with authority and responsibility in the Deschutes River Basin shall provide technical assistance to the Working Group and shall designate representatives to serve as members of the Working Group.

(8) All funding recommendations developed by the Working Group shall be based on a consensus of the Working Group members.

(c) PUBLIC NOTICE AND PARTICIPATION.—The Working Group shall conduct all meetings subject to applicable open meeting and public participation laws.The activities of the Working Group and the Federal agencies pursuant to the provisions of this title are exempt from the provisions of 5 U.S.C. App. 2 1–15.

(d) PRIORITIES.—The Working Group shall give priority to voluntary market-based economic incentives for ecosystem restoration including, but not limited to, water leases and purchases; land leases and purchases; tradable discharge permits; and acquisition of timber, grazing, and land development rights to implement plans, programs, measures, and projects.

(e) TERMS AND VACANCIES.—Members of the Working Group representing governmental agencies or entities shall be named by the represented government. Members of the Working Group representing private interests shall be named in accordance with the articles of incorporation and bylaws of the Working Group.Representatives from Federal agencies will serve for terms of 3 years.Vacancies which occur for any reason after the date of enactment of this title shall be filled in accordance with this title.

(f) ADDITIONAL PROJECTS.—Where existing authority and appropriations permit, Federal agencies may contribute to the implementation of projects recommended by the Working Group and approved by the Secretary.

(g) RIGHTS, DUTIES AND AUTHORITIES UNAFFECTED.—The Working Group will supplement, rather than replace, existing efforts to manage the natural resources of the Deschutes Basin.Nothing in this title affects any legal right, duty or authority of any person or agency, including any member of the working group.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $1,000,000 for each of fiscal years 1997 through 2001.

SEC. 1026. BULL RUN PROTECTION.

(a) AMENDMENTS TO PUBLIC LAW 95–200.—

(1) The first sentence of section 2(a) of Public Law 95–200 is amended by striking "2(b)" and inserting in lieu thereof "2(c)".

(2) The first sentence of section 2(b) of Public Law 95–200 is amended after "the policy set forth in subsection (a)" by inserting "and (b)".

(3) Subsections (b), (c), (d), and (e) of section 2 of Public Law 95–200 are redesignated as as subsections (c), (d), (e), and (f), respectively.

(4) Section 2 of Public Law 95–200 is amended by inserting after subsection (a) the following new subsection:

"(b) TIMBER CUTTING.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall prohibit the cutting of trees in that part of the unit consisting of the hydrographic boundary of the Bull Run River Drainage, including certain lands within the unit and located below the headworks of the city of Portland, Oregon's water storage and delivery project, and as depicted in a map dated July 22, 1996, and entitled 'Bull Run River Drainage'.

"(2) PERMITTED CUTTING.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of Agriculture shall prohibit the cutting of trees in the area described in subparagraph (1).

"(B) PERMITTED CUTTING.—Subject to subparagraph (C), the Secretary may only allow the cutting of trees in the area described in subparagraph (1)—

"(i) for the protection or enhancement of water quality in the area described in subparagraph (1); or

"(ii) for the protection, enhancement, or maintenance of water quantity available from the area described in subparagraph (1); or

"(iii) for the construction, expansion, protection or maintenance of municipal water supply facilities; or

"(iv) for the construction, expansion, protection or maintenance of facilities for the transmission of energy through and over the unit or previously authorized hydroelectric facilities or hydroelectric projects associated with municipal water supply facilities.

"(C) SALVAGE SALES.—The Secretary of Agriculture may not authorize a salvage sale in the area described in subparagraph (1).".

(b) REPORT TO CONGRESS.—The Secretary of Agriculture shall, in consultation with the city of Portland and other affected parties, undertake a study of that part of the Little Sandy Watershed that is within the unit (hereinafter referred to as the "study area"). The study shall determine—

(1) the impact of management activities within the study area on the quality of drinking water provided to the Portland Metropolitan area;

(2) the identity and location of certain ecological features within the study area, including late successional forest characteristics, aquatic and terrestrial wildlife habitat, significant hydrological values, or other outstanding natural features; and

(3) the location and extent of any significant cultural or other values within the study area.

(c) RECOMMENDATIONS.—The study referred to in subsection (b) shall include both legislative and regulatory recommendations to Congress on the future management of the study area. In formulating such recommendations, the Secretary shall consult with the city of Portland and other affected parties.

(d) EXISTING DATA AND PROCESSES.—To the greatest extent possible, the Secretary shall use existing data and processes to carry out the study and report.

(e) SUBMISSION TO CONGRESS.—The study referred to in subsection (b) shall be submitted to the Senate Committees on Energy and Natural Resources and Agriculture and the House Committees on Resources and Agriculture not later than one year from the date of enactment of this section.

(f) MORATORIUM.—The Secretary is prohibited from advertising, offering or awarding any timber sale within the study area for a period of two years after the date of enactment of this section.

(g) WATER RIGHTS.—Nothing in this section shall in any way affect any State or Federal law governing appropriation, use of or Federal right to water on or flowing through National Forest System lands.Nothing in this section is intended to influence the relative strength of competing claims to the waters of the Little Sandy River.Nothing in this section shall be construed to expand or diminish Federal, State, or local jurisdiction, responsibility, interests, or rights in water resources development or control, including rights in and current uses of water resources in the unit.

(h) OTHER LANDS IN UNIT.—Lands within the Bull Run Management Unit, as defined in Public Law 95–200, but not contained within the Bull Run River Drainage, as described in the amendment made by subsection (a)(4) of this section and as depicted on the map dated July 22, 1996, and entitled "Bull Run River Drainage", shall continue to be managed in accordance with Public Law 95–200.

SEC. 1027. OREGON ISLANDS WILDERNESS, ADDITIONS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act of 1964, certain lands within the boundaries of the Oregon Islands National Wildlife Refuge, Oregon, comprising approximately 95 acres and as generally depicted on a map entitled "Oregon Island Wilderness Additions—Proposed" dated August 1996, are hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Fish and Wildlife Service, Department of Interior.

(b) Other Areas Within Refuge Boundaries.—All other federally owned named, unnamed, surveyed and unsurveyed rocks, reefs, islets and islands lying within three geographic miles off the coast of Oregon and above mean high tide, not currently designated as wilderness and also within the Oregon Islands National Wildlife Refuge boundaries under the administration of the U.S. Fish and Wildlife Service, Department of Interior, as designated by Executive Order 7035, Proclamation 2416, Public Land Orders 4395, 4475 and 6287, and Pubic Laws 91-504 and 95-450, are hereby designated as wilderness.

(c) Areas Under BLM Jurisdiction.—All federally owned named, unnamed, surveyed and unsurveyed rocks, reefs, islets and islands lying within three geographic miles off the coast of Oregon and above mean high tide, and presently under the jurisdiction of the Bureau of Land Management, except Chiefs Island, are hereby designated as wilderness, shall become part of the Oregon Islands National Wildlife Refuge and the Oregon Islands Wilderness and shall be under the jurisdiction of the United States Fish and Wildlife Service, Department of the Interior.

(d) Map and Description.—As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Senate Committee on Energy and Natural Resources and the House Committee on Resources, and such map shall have the same force and effect as if included in this section: *Provided, however*, That correcting clerical and typographical errors in the map and land descriptions may be made.

(e) Order 6287.—Public Land Order 6287 of June 16, 1982, which withdrew certain rocks, reefs, islets, and islands lying within three geographical miles off the coast of Oregon and above mean high tide, including the 95 acres described in subsection (a), as an addition to the Oregon Islands National Wildlife Refuge is hereby made permanent.

SEC. 1028. UMPQUA RIVER LAND EXCHANGE STUDY: POLICY AND DIRECTION.

(a) In General.—The Secretaries of the Interior and Agriculture (Secretaries) are hereby authorized and directed to consult, coordinate and cooperate with the Umpqua Land Exchange Project (ULEP), affected units and agencies of State and local government, and, as appropriate, the World Forestry Center and National Fish and Wildlife Foundation, to assist ULEP's ongoing efforts in studying and analyzing land exchange opportunities in the Umpqua River basin and to provide scientific, technical, research, mapping and other assistance and information to such entities. Such consultation, coordination and cooperation shall at a minimum include, but not be limited to—

(1) working with ULEP to develop or assemble comprehensive scientific and other information (including comprehensive and integrated mapping) concerning the Umpqua River basin's resources of forest, plants, wildlife, fisheries (anadromous and other), recreational opportunities, wetlands, riparian habitat and other physical or natural resources;

(2) working with ULEP to identify general or specific areas within the basin where land exchanges could promote consolidation of forestland ownership for long-term, sustained timber production; protection and restoration of habitat for plants, fish and wildlife (including any federally listed threatened or endangered species); protection of drinking water supplies; recovery of threatened and endangered species; protection and restoration of wetlands, riparian lands and other environmentally sensitive areas; consolidation of land ownership for improved public access and a broad array of recreational uses; and consolidation of land ownership to achieve management efficiency and reduced costs of administration; and

(3) developing a joint report for submission to the Congress which discusses land exchange opportunities in the basin and outlines either a specific land exchange proposal or proposals which may merit consideration by the Secretaries or the Congress, or ideas and recommendations for new authorizations, direction, or changes in existing law or policy to expedite and facilitate the consummation of beneficial land exchanges in the basin via administrative means.

(b) Matters for Specific Study.—In analyzing land exchange opportunities with ULEP, the Secretaries shall give priority to assisting ULEP's ongoing efforts in:

(1) studying, identifying, and mapping areas where the consolidation of land ownership via land exchanges could promote the goals of long term species and watershed protection and utilization, including but not limited to the goals of the Endangered Species Act of 1973 more effectively than current land ownership patterns and whether any changes in law or policy applicable to such lands after consummation of an exchange would be advisable or necessary to achieve such goals;

(2) studying, identifying and mapping areas where land exchanges might be utilized to better satisfy the goals of sustainable timber harvest, including studying whether changes in existing law or policy applicable to such lands after consummation of an exchange would be advisable or necessary to achieve such goals;

(3) identifying issues and studying options and alternatives, including possible changes in existing law or policy, to insure that combined post-exchange revenues to units of local government from state and local property, severance and other taxes or levies and shared Federal land receipts will approximate pre-exchange revenues;

(4) identifying issues and studying whether possible changes in law, special appraisal instruction, or changes in certain Federal appraisal procedures might be advisable or necessary to facilitate the appraisal of potential exchange lands which may have special characteristics or restrictions affecting land values;

(5) identifying issues and studying options and alternatives, including changes in existing laws or policy, for achieving land exchanges without reducing the net supply of timber available to small businesses;

(6) identifying, mapping, and recommending potential changes in land use plans, land classifications, or other actions which might be advisable or necessary to expedite, facilitate or consummate land exchanges in certain areas;

(7) analyzing potential sources for new or enhanced Federal, State, or other funding to promote improved resource protection, species recovery, and management in the basin; and

(8) identifying and analyzing whether increased efficiency and better land and resource management could occur through either consolidation of Federal forest management under one agency or exchange of lands between the Forest Service and Bureau of Land Management.

(c) Report to Congress.—No later than February 1, 1998, ULEP and the Secretaries shall submit a joint report to the Committee on Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate concerning their studies, findings, recommendations, mapping and other activities conducted pursuant to this section.

(d) Authorization of Appropriations.—In furtherance of the purposes of this section, there is hereby authorized to be appropriated the sum of $2,000,000, to remain available until expended.

SEC. 1027. BOSTON HARBOR ISLANDS RECREATION AREA.

(a) Purposes.—The purposes of this section are—

(1) to preserve for public use and enjoyment the lands and waters that comprise the Boston Harbor Islands National Recreation Area;

(2) to manage the recreation area in partnership with the private sector, the Commonwealth of Massachusetts, municipalities surrounding Massachusetts and Cape Cod Bays, the Thompson Island Outward Bound Education Center, and Trustees of Reservations, and with historical, business, cultural, civic, recreational and tourism organizations;

(3) to improve access to the Boston Harbor Islands through the use of public water transportation; and

(4) to provide education and visitor information programs to increase public understanding of and appreciation for the natural and cultural resources of the Boston Harbor Islands, including the history of Native American use and involvement.

(b) Definitions.—For the purposes of this section—

(1) the term recreation area means the Boston Harbor Islands National Recreation Area established by subsection (c); and

(2) the term "Secretary" means the Secretary of the Interior.

(c) Boston Harbor Islands National Recreation Area.—

(1) Establishment.—In order to preserve for the benefit and inspiration of the people of the United States as a national recreation area certain lands located in Massachusetts Bay, there is established as a unit of the National Park System the Boston Harbor Islands National Recreation Area.

(2) Boundaries.—(A) The recreation area shall be comprised of the lands, waters, and submerged lands generally depicted on the map entitled "Proposed Boston Harbor Islands NRA", numbered BOHA 80002, and dated September 1996. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Alter advising the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(B) The recreation area shall include the following:

(i) The areas depicted on the map referenced in subparagraph (A).

(ii) Landside points required for access, visitor services, and administration in the city of Boston along its Harborwalk and at Long Wharf, Fan Pier, John F. Kennedy Library, and the Custom House; Charlestown Navy Yard; Old Northern Avenue Bridge; the city of Quincy at Squantum Point/Marina Bay, the Fore River Shipyard, and Town River; the Town of Hingham at Hewitt's Cove; the Town of Hull; the city of Salem at Salem National Historic Site; and the city of Lynn at the Heritage State Park.

(d) ADMINISTRATION OF RECREATION AREA.—

(1) IN GENERAL.—The recreation area shall be administered in partnership by the Secretary, the Commonwealth of Massachusetts, City of Boston and its applicable subdivisions and others in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467) as amended and supplemented and in accordance with the integrated management plan specified in subsection (f).

(2) STATE AND LOCAL JURISDICTION.—Nothing in this section shall be construed to diminish, enlarge, or modify any right of the Commonwealth of Massachusetts or any political subdivision thereof, to exercise civil and criminal jurisdiction or to carry out State laws, rules, and regulations within the recreation area, including those relating to fish and wildlife, or to tax persons, corporations, franchises, or private property on the lands and waters included in the recreation area.

(3) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with the Commonwealth of Massachusetts or its political subdivisions to acquire from and provide to the Commonwealth or its political subdivisions goods and services to be used in the cooperative management of lands within the recreation area, if the Secretary determines that appropriations for that purpose are available and the agreement is in the best interest of the United States.

(4) CONSTRUCTION OF FACILITIES ON NON-FEDERAL LANDS.—In order to facilitate the administration of the recreation area, the Secretary is authorized, subject to the appropriation of necessary funds in advance, to construct essential administrative or visitor use facilities on non-Federal public lands within the recreation area. Such facilities and the use thereof shall be in conformance with applicable plans.

(5) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept and use donated funds, property, and services to carry out this section.

(6) RELATIONSHIP OF RECREATION AREA TO BOSTON-LOGAN INTERNATIONAL AIRPORT.—With respect to the recreation area, the present and future maintenance, operation, improvement and use of Boston-Logan International Airport and associated flight patterns from time to time in effect shall not be deemed to constitute the use of publicly owned land of a public park, recreation area, or other resource within the meaning of section 303(c) of title 49, United States Code, and shall not be deemed to have a significant effect on natural, scenic, and recreation assets within the meaning of section 47101(h)(2) of title 49, United States Code.

(7) MANAGEMENT IN ACCORDANCE WITH INTEGRATED MANAGEMENT PLAN.—The Secretary shall preserve, interpret, manage, and provide educational and recreational uses for the recreation area, in consultation with the owners and managers of lands in the recreation area, in accordance with the integrated management plan.

(e) BOSTON HARBOR ISLANDS PARTNERSHIP ESTABLISHMENT.—

(1) ESTABLISHMENT.—There is hereby established the Boston Harbor Islands Partnership whose purpose shall be to coordinate the activities of Federal, State, and local authorities and the private sector in the development and implementation of an integrated resource management plan for the recreation area.

(2) MEMBERSHIP.—The Partnership shall be composed of 13 members, as follows:

(A) One individual appointed by the Secretary, to represent the National Park Service.

(B) One individual, appointed by the Secretary of Transportation, to represent the United States Coast Guard.

(C) Two individuals, appointed by the Secretary, after consideration of recommendations by the Governor of Massachusetts, to represent the Department of Environmental Management and the Metropolitan District Commission.

(D) One individual, appointed by the Secretary, after consideration of recommendations by the Chair, to represent the Massachusetts Port Authority.

(E) One individual, appointed by the Secretary, after consideration of recommendations by the Chair, to represent the Massachusetts Water Resources Authority.

(F) One individual, appointed by the Secretary, after consideration of recommendations by the Mayor of Boston, to represent the Office of Environmental Services of the city of Boston.

(G) One individual, appointed by the Secretary, after consideration of recommendations by the Chair, to represent the Boston Redevelopment Authority.

(H) One individual, appointed by the Secretary, after consideration of recommendations of the President of the Thompson Island Outward Bound Education Center, to represent the Center.

(I) One individual, appointed by the Secretary, after consideration of recommendations of the Chair, to represent the Trustees of Reservations.

(J) One individual, appointed by the Secretary, after consideration of recommendations of the President of the Island Alliance, to represent the Alliance, a non-profit organization whose sole purpose is to provide financial support for the Boston Harbor Islands National Recreation Area.

(K) Two individuals, appointed by the Secretary, to represent the Boston Harbor Islands Advisory Council, established in subsection (g).

(3) TERMS OF OFFICE; REAPPOINTMENT.—(A) Members of the Partnership shall serve for terms of three years. Any member may be reappointed for one additional 3-year term.

(B) The Secretary shall appoint the first members of the Partnership within 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to subsections (b)(3), (4), (5), (6), (7), (8), (9), and (10).

(C) A member may serve after the expiration of his or her term until a successor has been appointed.

(4) COMPENSATION.—Members of the Partnership shall serve without pay, but while away from their homes or regular places of business in the performance of services for the Partnership, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(5) ELECTION OF OFFICERS.—The Partnership shall elect one of its members as Chairperson and one as Vice Chairperson. The term of office of the Chairperson and Vice Chairperson shall be one year. The Vice Chairperson shall serve as chairperson in the absence of the Chairperson.

(6) VACANCY.—Any vacancy on the Partnership shall be filled in the same manner in which the original appointment was made.

(7) MEETINGS.—The Partnership shall meet at the call of the Chairperson or a majority of its members.

(8) QUORUM.—A majority of the Partnership shall constitute a quorum.

(9) STAFF OF THE PARTNERSHIP.—The Secretary shall provide the Partnership with such staff and technical assistance as the Secretary, after consultation with the Partnership, considers appropriate to enable the Partnership to carry out its duties. The Secretary may accept the services of personnel detailed from the Commonwealth of Massachusetts, any political subdivision of the Commonwealth or any entity represented on the Partnership.

(10) HEARINGS.—The Partnership may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Partnership may deem appropriate.

(11) DONATIONS.—Notwithstanding any other provision of law, the Partnership may seek and accept donations of funds, property, or services from individuals, foundations, corporations, and other private and public entities for the purpose of carrying out this section.

(12) USE OF FUNDS TO OBTAIN MONEY.—The Partnership may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(13) MAILS.—The Partnership may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(14) OBTAINING PROPERTY.—The Partnership may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties, except that the Partnership may not acquire any real property or interest in real property.

(15) COOPERATIVE AGREEMENTS.—For purposes of carrying out the plan described in subsection (f), the Partnership may enter into cooperative agreements with the Commonwealth of Massachusetts, any political subdivision thereof, or with any organization or person.

(f) INTEGRATED RESOURCE MANAGEMENT PLAN.—

(1) IN GENERAL.—Within three years after the date of enactment of this Act, the Partnership shall submit to the Secretary a management plan for the recreation area to be developed and implemented by the Partnership.

(2) CONTENTS OF PLAN.—The plan shall include (but not be limited to) each of the following:

(A) A program providing for coordinated administration of the recreation area with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, State, and local levels, and nonprofit organizations, including each of the following:

(i) A plan to finance and support the public improvements and services recommended in the plan, including allocation of non-Federal matching requirements set forth in subsection (h)(2) and a delineation of private sector roles and responsibilities.

(ii) A program for the coordination and consolidation, to the extent feasible, of activities that may be carried out by Federal, State, and local agencies having jurisdiction over land and waters within the recreation area, including planning and regulatory responsibilities.

(B) Policies and programs for the following purposes:

(i) Enhancing public outdoor recreational opportunities in the recreation area.

(ii) Conserving, protecting and maintaining the scenic, historical, cultural, natural and scientific values of the islands.

(iii) Developing educational opportunities in the recreation area.

(iv) Enhancing public access to the Islands, including development of transportation networks.

(v) Identifying potential sources of revenue from programs or activities carried out within the recreation area.

(vi) Protecting and preserving Native American burial grounds connected with the King Philip's War internment period and other periods.

(C) A policy statement that recognizes existing economic activities within the recreation area.

(3) DEVELOPMENT OF PLAN.—In developing the plan, the Partnership shall—

(A) consult on a regular basis with appropriate officials of any local government or Federal or State agency which has jurisdiction over lands and waters within the recreation area;

(B) consult with interested conservation, business, professional, and citizen organizations; and

(C) conduct public hearings or meetings for the purposes of providing interested persons with the opportunity to testify with respect to matters to be addressed by the plan.

(4) APPROVAL OF PLAN.—(A) The Partnership shall submit the plan to the Governor of Massachusetts for review. The Governor shall have 90 days to review and make any recommendations. After considering the Governor's recommendations, the Partnership shall submit the plan to the Secretary, who shall approve or disapprove the plan within 90 days. In reviewing the plan the Secretary shall consider each of the following:

(i) The adequacy of public participation.

(ii) Assurances of plan implementation from State and local officials.

(iii) The adequacy of regulatory and financial tools that are in place to implement the plan.

(B) If the Secretary disapproves the plan, the Secretary shall within 60 days after the date of such disapproval, advise the Partnership in writing of the reasons therefore, together with recommendations for revision. Within 90 days of receipt of such notice of disapproval, the Partnership shall revise and resubmit the plan to the Secretary who shall approve or disapprove the revision within 60 days.

(5) INTERIM PROGRAM.—Prior to adoption of the Partnership's plan, the Secretary and the Partnership shall assist the owners and managers of lands and waters within the recreation area to ensure that existing programs, services, and activities that promote the purposes of this section are supported.

(g) BOSTON HARBOR ISLANDS ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—The Secretary, acting through the Director of the National Park Service, shall establish an advisory committee to be known as the Boston Harbor Islands Advisory Council. The purpose of the Advisory Council shall be to represent various groups with interests in the recreation area and make recommendations to the Boston Harbor Islands Partnership on issues related to the development and implementation of the integrated resource management plan developed under subsection (f). The Advisory Council is encouraged to establish committees relating to specific recreation area management issues, including (but not limited to) education, tourism, transportation, natural resources, cultural and historic resources, and revenue raising activities. Participation on any such committee shall not be limited to members of the Advisory Council.

(2) MEMBERSHIP.—The Advisory Council shall consist of not fewer than 18 individuals, to be appointed by the Secretary, acting through the Director of the National Park Service. The Secretary shall appoint no fewer than three individuals to represent each of the following categories of entities: municipalities; educational and cultural institutions; environmental organizations; business and commercial entities, including those related to transportation, tourism and the maritime industry; and Boston Harbor-related advocacy organizations; and organizations representing Native American interests.

(3) PROCEDURES.—Each meeting of the Advisory Council and its committees shall be open to the public.

(4) FACA.—The provisions of section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), are hereby waived with respect to the Advisory Council.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this section, provided that no funds may be appropriated for land acquisition.

(2) MATCHING REQUIREMENT.—Amounts appropriated in any fiscal year to carry out this section may only be expended on a matching basis in a ration of at least three non-Federal dollars to every Federal dollar. The non-Federal share of the match may be in the form of cash, services, or in-kind contributions, fairly valued.

SEC. 1030. NATCHEZ NATIONAL HISTORICAL PARK.

Section 3 of the Act of October 8, 1988, entitled "An Act to create a national park at Natchez, Mississippi" (16 U.S.C. 410*oo* et seq.), is amended—

(1) by inserting "(a) IN GENERAL.—" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) BUILDING FOR JOINT USE BY THE SECRETARY AND THE CITY OF NATCHEZ.—

"(1) CONTRIBUTION TOWARD CONSTRUCTION.—The Secretary may enter into an agreement with the city of Natchez under which the Secretary agrees to pay not to exceed $3,000,000 toward the planning and construction by the city of Natchez of a structure to be partially used by the Secretary as an administrative headquarters, administrative site, and visitors' center for Natchez National Historical Park.

"(2) USE FOR SATISFACTION OF MATCHING REQUIREMENTS.—The amount of payment under paragraph (1) may be available for matching Federal grants authorized under other law notwithstanding any limitations in any such law.

"(3) AGREEMENT.—Prior to the execution of an agreement under paragraph (1), and subject to the appropriation of necessary funds in advance, the Secretary may enter into a contract, lease, cooperative agreement, or other appropriate form of agreement with the city of Natchez providing for the use and occupancy of a portion of the structure constructed under paragraph (1) (including appropriate use of the land on which it is situated), at no cost to the Secretary (except maintenance, utility, and other operational costs), for a period of 50 years, with an option for renewal by the Secretary for an additional 50 years.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 to carry out this subsection.".

SEC. 1031. SUBSTITUTION OF TIMBER FOR CANCELED TIMBER SALE.

(a) IN GENERAL.—Notwithstanding the provisions of the Act of July 31, 1947 (30 U.S.C. 601 et seq.), and the requirements of section 5402.0–6 of title 43, Code of Federal Regulations, the Secretary of the Interior, acting through the Bureau of Land Management, is authorized to substitute, without competition, a contract for timber identified for harvest located on public lands administered by the Bureau of Land Management in the State of California of comparable value for the following terminated timber contract: Elkhorn Ridge Timber Sale, Contract No. CA–050–TS–88–01.

(b) DISCLAIMER.—Nothing in this section shall be construed as changing any law or policy of the Federal Government beyond the timber sale substitution specified in this section.

SEC. 1032. RURAL ELECTRIC AND TELEPHONE FACILITIES.

(a) IN GENERAL.—Section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)) is amended by striking "financed pursuant to the Rural Electrification Act of 1936, as amended," in the last sentence and inserting "eligible for financing pursuant to the Rural Electrification Act of 1936, as amended, determined without regard to any application requirement under that Act,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to rights-of-way leases held on or after the date of enactment of this Act.

SEC. 1033. FEDERAL BOROUGH RECOGNITION.

(a) Section 6901(2) of title 31, United States Code, is amended to read as follows:

"(2)(A) 'unit of general local government' means—

"(i) a county (or parish), township, borough, or city where the city is independent of any other unit of general local government, that—

"(I) is within the class or classes of such political subdivision in a State that the Secretary of the Interior, in his discretion, determines to be the principal provider or providers of governmental services within the State; and

"(II) is a unit of general government, as determined by the Secretary of the Interior on the basis of the same principles as were used by the Secretary of Commerce on January 1, 1983, for general statistical purposes;

"(ii) any area in Alaska that is within the boundaries of a census area used by the Secretary of Commerce in the decennial census, but that is not included within the boundary of a governmental entity described under clause (i);

"(iii) the District of Columbia;

"(iv) the Commonwealth of Puerto Rico;

"(v) Guam; and

"(vi) the Virgin Islands.

"(B) the term 'governmental services' includes, but is not limited to, those services that relate to public safety, the environment, housing, social services, transportation, and governmental administration.".

(b) PAYMENT IN LIEU OF TAXES.—Section 6902(a) of title 31, United States Code, is amended to read as follows:

"(a)(1) Except as provided in paragraph (2), the Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which entitlement land is located as set forth in this chapter. A unit of general local government may use the payment for any governmental purpose.

"(2) For each unit of general local government described in section 6901(2)(A)(ii), the Secretary of the Interior shall make a payment for each fiscal year to the State of Alaska for entitlement land located within such unit as set forth in this chapter. The State of Alaska shall distribute such payment to home rule cities and general law cities (as such cities are defined by the State) located within the boundaries of the unit of general local government for which the payment was received. Such cities may use monies received under this paragraph for any governmental purpose.".

SEC. 1035. EXTENSION OF STATUTE OF LIMITATIONS.

Notwithstanding any other provision of law, any of the Alaska Native Village Corporations of Tyonek Native Corporation, Ninilchik Native Association, Inc., Knikatnu Inc., Seldovia Native Association, Inc., Chikaloon Moose Creek Native Association, Inc., and the Alaska Native Regional Corporation, Cook Inlet Region, Inc. may commence litigation at any time within 12 months of enactment of this Act in Federal District Court for Alaska to challenge any determination by the Department of the Interior that such native corporations will not receive conveyance of lands described in "Appendix C" of the Deficiency Agreement dated August 31, 1976.

SEC. 1038. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.

(a) IN GENERAL.—Local residents who are descendants of Katmai residents who lived in the Naknek Lake and River Drainage shall be permitted, subject to reasonable regulations established by the Secretary of the Interior, to continue their traditional fishery for red fish within Katmai National Park (the national park and national preserve redesignated, established, and expanded under section 202(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh–1)).

(b) RED FISH DEFINED.—For the purposes of subsection (a), the term "red fish" means spawned-out sockeye salmon that has no significant commercial value.

(c) TITLE.—No provision of this section shall be construed to invalidate or validate or in any other way affect any claim by the State of Alaska to title to any or all submerged lands, nor shall any actions taken pursuant to or in accordance with this Act operate under any provision or principle of the law to bar the State of Alaska from asserting at any time its claim of title to any or all of the submerged lands.

(d) JURISDICTION.—Nothing in this section nor in any actions taken pursuant to this section shall be construed as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in management, regulation, or control over waters of the State of Alaska or submerged lands under any provision of Federal or State law.

SEC. 1039. CREDIT FOR RECONVEYANCE.

Within 24 months after the date of the enactment of this Act, the Cape Fox Corporation may transfer all or part of its right, title, and interest in and to the approximately 320-acre parcel that includes Beaver Falls Hydroelectric power-house site to the United States as part of an equal value exchange.

SEC. 1040. RADIO SITE REPORT.

The Secretary of Agriculture (1) shall have a period of 180 days from the date of enactment of this Act to review management of Inspiration Point, San Bernadino National Forest, make a determination whether the continued presence of the KATY-FM antenna on the site is in the public interest, and report the determination with the reasons therefor to the Committee on Energy and Natural Resources, United States Senate, and the Committee on Resources, House of Representatives, and (2) shall take no action within such period which causes or results in, directly or indirectly, the removal of the antenna from the site.

TITLE XI—CALIFORNIA BAY DELTA ENVIRONMENTAL ENHANCEMENT

SEC. 1101. PROGRAM FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 1998, 1999, and 2000, there are authorized to be appropriated an additional $143,300,000 for both—

(1) the initial Federal share of the cost of developing and implementing that portion of an ecosystem protection plan for the Bay-Delta, referred to as "the Category III program" emanating out of the document entitled "Principles for Agreement on Bay-Delta Standards Between the State of California and the Federal Government", dated December 15, 1994, and

(2) the initial Federal share of the cost of developing and implementing the ecosystem restoration elements of the long-term CALFED Bay-Delta Program, pursuant to the cost sharing agreement required by section 78684.10 of California Senate Bill 900, Chapter 135, Statutes of 1996, signed by the Governor of California on July 11, 1996.

Funds appropriated pursuant to this section shall remain available until expended and shall be administered in accordance with procedures established by CALFED Bay-Delta Program until Congress authorizes another entity that is recommended by CALFED Bay-Delta Program to carry out this section.

(b) TREATMENT OF FUNDS.—Funds authorized to be appropriated pursuant to this section to those agencies that are currently or subsequently become participants in the CALFED Bay-Delta Program shall be in addition to the baseline funding levels established pursuant to subsection (e), for currently authorized projects and programs under the Central Valley Project Improvement Act (title XXXIV of of Public Law 102–575) and other currently authorized Federal programs for the purpose of Bay-Delta ecosystem protection and restoration.

(c) LONG-TERM SOLUTION.—Nothing in this section shall be deemed to diminish the Federal interest in and responsibility for working with the State of California through the CALFED Bay-Delta Program in developing, funding, and implementing a balanced, long-term solution to the problems of ecosystem quality, water quality, water supply and reliability, and system vulnerability affecting the San Francisco Bay/Sacramento-San Joaquin Delta Watershed in California. Participation in such long term solution shall only be undertaken pursuant to authorization provided by law other than this section, and shall be based on the equitable allocation of program costs among beneficiary groups that the CALFED Bay-Delta programs shall develop.

(d) ACTIVITIES.—To the extent not otherwise authorized, those agencies and departments that are currently or subsequently become participants in the CALFED Bay-Delta Program are hereby authorized to undertake the activities and programs for which Federal cost sharing is provided by this section. The United States shall immediately initiate coordinated consultations and negotiations with the State of California to expeditiously execute the cost-sharing agreement required by section 78684.10 of California Senate Bill 900, Chapter 135, Statutes of 1996, signed by the Governor of California on July 11, 1996. Such activities shall include, but not be limited to, planning, design, technical assistance, and construction for ecosystem restoration programs and projects.

(e) BUDGET CROSSCUT.—The Office of Management and Budget is directed to submit to the House and Senate Committees on Appropriations, as part of the President's Fiscal Year 1998 Budget, an interagency budget crosscut that displays Federal spending for fiscal years 1993 through 1998 on ecosystem restoration and other purposes in the Bay-Delta region, separately showing funding provided previously or requested under both pre-existing authorities and new authorities granted by this section.

(f) EFFECTIVE DATE.—Subsections (a) through (d) of this section shall take effect on the date of passage of California State Proposition 204.

DIVISION II

TITLE I—NATIONAL COAL HERITAGE AREA

SEC. 101. SHORT TITLE.

This title may be cited as the "National Coal Heritage Area Act of 1996".

SEC. 102. FINDINGS.

(a) FINDINGS.—The Congress finds as follows:

(1) Certain events that led to the development of southern West Virginia's coalfields during the latter part of the 19th Century and the early part of the current century are of national historic and cultural significance in terms of their contribution to the industrialization of the United States, the organization of workers into trade unions, and the unique culture of the Appalachian Region.

(2) It is in the national interest to preserve and protect physical remnants of this era for the education and benefit of present and future generations.

(3) There is a need to provide assistance for the preservation and promotion of those vestiges of southern West Virginia's coal heritage which have outstanding cultural, historic, and architectural value.

SEC. 103. ESTABLISHMENT.

(a) IN GENERAL.—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain lands and structures with unique and significant historic and cultural value associated with the coal mining heritage of the State of West Virginia and the Nation, there is hereby established the National Coal Heritage Area (hereinafter in this title referred to as the "Area").

(b) BOUNDARIES.—The Area shall be comprised of the counties in the State of West Virginia that are the subject of the study by the National Park Service, dated 1993, entitled "A Coal Mining Heritage Study: Southern West Virginia" conducted pursuant to title VI of Public Law 100–699.

(c) ADMINISTRATION.—The Area shall be administered in accordance with this title.

SEC. 104. CONTRACTUAL AGREEMENT.

The Secretary of the Interior (hereinafter in this title referred to as the "Secretary") is authorized to enter into a contractual agreement with the Governor of the State of West Virginia, acting through the Division of Culture and History and the Division of Tourism and Parks, pursuant to which the Secretary shall assist the State of West Virginia, its units of local government, and non-profit organizations in each of the following:

(1) The development and implementation of integrated cultural, historical, and land resource management policies and programs in order to retain, enhance, and interpret the significant values of the lands, waters, and structures of the Area.

(2) The preservation, restoration, maintenance, operation, interpretation, and promotion of buildings, structures, facilities, sites, and points of interest for public use that possess cultural, historical, and architectural values associated with the coal mining heritage of the Area.

(3) The coordination of activities by Federal, State, and local governments and private businesses and organizations in order to further historic preservation and compatible economic revitalization.

(4) The development of guidelines and standards for projects, consistent with standards established by the National Park Service, for the preservation and restoration of historic properties, including interpretive methods, that will further history preservation in the region.

SEC. 105. ELIGIBLE RESOURCES.

The resources eligible for the assistance under paragraphs (2) and (5) of section 104 shall include those set forth in appendix D of the study by the National Park Service, dated 1993, entitled "A Coal Mining Heritage Study: Southern West Virginia", conducted pursuant to title VI of Public Law 100–699. Priority consideration shall be given to those sites listed as "Conservation Priorities" and "Important Historic Resources" as depicted on the map entitled "Study Area: Historic Resources" in such study.

SEC. 106. COAL HERITAGE MANAGEMENT PLAN.

(a) IN GENERAL.—Pursuant to the contractual agreement referred to in section 104, within three years after the date of enactment of this title, the Governor of the State of West Virginia, acting through the Division of Culture and History and the Division of Tourism and Parks, shall submit to the Secretary a Coal Heritage Management Plan for the Area. The plan shall at a minimum—

(1) set forth the integrated cultural, historical, and land resource management policies and programs referred to in section 104;

(2) describe the guidelines and standards for projects referred to in section 104; and

(3) set forth the responsibilities of the State of West Virginia, units of local government, non-profit entities, or Secretary to administer any properties acquired pursuant to section 104.

(b) PLAN APPROVAL.—The Secretary shall approve the plan submitted under subsection (a) unless he determines that it would not meet the objectives of this title.

SEC. 107. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

TITLE II—TENNESSEE CIVIL WAR HERITAGE AREA

SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) there are situated in the State of Tennessee the sites of several key Civil War battles, campaigns, and engagements;

(2) certain sites, battlefields, structures, and areas in Tennessee are collectively of national significance in the history of the Civil War;

(3) the Civil War Sites Advisory Commission, established by Congress in 1991, identified 38 sites in Tennessee as significant;

(4) the preservation and interpretation of these sites will make an important contribution to the understanding of the heritage of the United States;

(5) the preservation of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and

(6) partnerships between Federal, State, and local governments and their regional entities, and the private sector, offer the most effective opportunities for the enhancement and management of the Civil War battlefields and related sites located in Tennessee.

(b) PURPOSES.—The purposes of this title are—

(1) to preserve, conserve, and interpret the legacy of the Civil War in Tennessee;

(2) to recognize and interpret important events and geographic locations representing key Civil War battles, campaigns, and engagements in Tennessee;

(3) to recognize and interpret the effect of the Civil War on the civilian population of Tennessee during the war and postwar reconstruction period; and

(4) to create partnerships among Federal, State, and local governments and their regional entities, and the private sector to preserve, conserve, enhance, and interpret the battlefields and associated sites associated with the Civil War in Tennessee.

SEC. 202. DEFINITIONS.

For purposes of this title:

(1) The term "national heritage area" means the Tennessee Civil War Heritage Area as designated pursuant to section 203.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "compact" means the compact approved under section 204.

(4) The term "management plan" means the management plan submitted under section 205.

SEC. 203. TENNESSEE CIVIL WAR HERITAGE AREA.

(a) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Tennessee Civil War Heritage Area has been approved by the Secretary in accordance with this title, there is hereby designated the Tennessee Civil War Heritage Area.

(b) BOUNDARIES.—The Tennessee Civil War Heritage Area shall be comprised of areas of the State of Tennessee depicted on the map entitled "Tennessee Civil War Heritage Area". The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ADMINISTRATION.—The national heritage area shall be administered in accordance with the compact and the management plan.

SEC. 204. COMPACT.

(a) COMPACT.—The compact referred to in section 203(a) shall include information relating to the objectives and management of the area proposed for designation as the national heritage area. Such information shall include (but not be limited to) each of the following:

(1) A delineation of the boundaries of the proposed national heritage area.

(2) A discussion of the goals and objectives of the proposed national heritage area, including an explanation of the approach, proposed by the partners referred to in paragraph (4), to conservation and interpretation of resources.

(3) An identification and description of the management entity that will administer the proposed national heritage area.

(4) A list of the initial partners to be involved in developing and implementing the management plan for the proposed national heritage area, and a Statement of the financial commitment of the partners.

(5) A description of the role of the State of Tennessee.

(b) PREPARATION OF AND ACTIONS CALLED FOR IN COMPACT.—The compact shall be prepared with public participation. Actions called for in the compact shall be likely to be initiated within a reasonable time after designation of the proposed national heritage area and shall ensure effective implementation of the State and local aspects of the compact.

(c) APPROVAL AND DISAPPROVAL OF COMPACTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of Tennessee, shall approve or disapprove the proposed compact not later than 90 days after receiving such compact.

(2) PROCEDURES IF DISAPPROVAL.—If the Secretary disapproves a proposed compact, the Secretary shall advise, in writing, of the reasons for the disapproval and shall make recommendations for revisions of the proposed compact. The Secretary shall approve or disapprove a proposed revision to such a compact within 90 days after the date on which the revision is submitted to the Secretary.

SEC. 205. MANAGEMENT.

(a) MANAGEMENT PLANS.—A management plan submitted under this title for the national heritage area shall present comprehensive recommendations for the conservation, funding, management, and development of the area. The management plan shall—

(1) be prepared with public participation;

(2) take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the area;

(3) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the area;

(4) specify existing and potential sources of funding for the conservation, management, and development of the area; and

(5) include the following, as appropriate:

(A) An inventory of the resources contained in the national heritage area, including a list of property in the area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the area.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and the recreational opportunities of the area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program, including plans for restoration and construction, for implementation of the management plan by the management entity specified in the compact for the area and specific commitments, for the first 5 years of operation of the plan, by the partners identified in the compact.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the National Heritage Area.

(b) MANAGEMENT ENTITIES.—The management entity for the national heritage area shall do each of the following:

(1) Develop and submit to the Secretary a management plan not later than three years after the date of the designation of the area as a national heritage area.

(2) Give priority to the implementation of actions, goals, and policies set forth in the compact and management plan for the area, including—

(A) assisting units of government, regional planning organizations, and nonprofit organizations—

(i) in conserving the national heritage area;

(ii) in establishing and maintaining interpretive exhibits in the area;

(iii) in developing recreational opportunities in the area;

(iv) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the area;

(v) in the restoration of historic buildings that are located within the boundaries of the area and relate to the themes of the area; and

(vi) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the area; and

(B) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(3) In developing and implementing the management plan for the area, consider the interests of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

(4) Conduct public meetings at least quarterly regarding the implementation of the management plan for the area.

(c) CLEARING HOUSE.—The Congress recognizes the Center for Historic Preservation at Middle Tennessee State University as the clearing house for the Tennessee Civil War Heritage Area.

SEC. 206. DUTIES AND AUTHORITIES OF SECRETARY.

The Secretary—

(1) may provide technical assistance and grants to units of government and private nonprofit organizations regarding the compact and, upon request of the management entity for the national heritage area, regarding the management plan and its implementation;

(2) may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or grants to enact or modify land use restrictions; and

(3) may not make limitations on fishing, hunting, or trapping a condition for the approval of the compact or the determination of eligibility for technical assistance or grants under this section.

SEC. 207. SAVINGS PROVISIONS.

(a) LACK OF EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to regulate any use of land as provided for by law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS OF ENTITY.—Nothing in this title shall be construed to grant powers of zoning or land use to any management entity for the national heritage area.

(c) FISH AND WILDLIFE.—The designation of the national heritage area shall not diminish the authority of the State of Tennessee to manage fish and wildlife, including the regulation of fishing and hunting within such area.

SEC. 208. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the national heritage area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of the national heritage area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

TITLE III—AUGUSTA CANAL NATIONAL HERITAGE AREA

SEC. 301. FINDINGS.

The Congress finds that—

(1) the Augusta Canal National Landmark in the State of Georgia, listed on the National Historic Register of Historic Places, and designated by the Governor of Georgia as one of four regionally important resources in the State, is one of the last unspoiled areas in the State of Georgia;

(2) the Augusta Canal National Historic Landmark possesses excellent water quality, beautiful rural and historic cultural landscapes, architecturally significant mill structures and mill villages, and large acreages of parks and permanent open space;

(3) three national historic districts, the Harrisburg, Laney Walker, and Greene Street districts, and two national historic landmarks, Stallings Island, located in the Savannah River, and Meadow Garden, are connected by the Augusta Canal Area;

(4) the beautiful rural landscapes and historic cultural landscapes, scenic vistas and excellent water quality of the Augusta Canal contain significant undeveloped recreational opportunities for people throughout the United States;

(5) the Augusta Canal and related mill sites, structures, and associated neighborhoods are representative of the development of the cotton textile industry and associated agriculture and trade in the South;

(6) the transformation of the agrarian economy of the area into an early industrial economy was precipitated by the development and use of the Augusta Canal;

(7) several significant sites associated with the American Revolution, the Civil War, Native Americans, Colonial Americans, African Americans, Chinese Americans, and Irish Americans are located within the Augusta Canal area;

(8) despite the efforts by the State of Georgia, political subdivisions of the State, volunteer organizations, and private businesses, the cultural, historical, natural, and recreational resources of the area have not realized full potential and may be lost without assistance from the Federal Government;

(9) the Secretary of the Interior considers this landmark to be threatened and has designated it a priority for protection;

(10) many local, regional, and State agencies, businesses, and private citizens have expressed an overwhelming desire to combine forces to work cooperatively to preserve and enhance the resources of the Augusta Canal National Historic Landmark and better plan for its future; and

(11) the Augusta Canal Authority, a public body established under the law of the State of Georgia, would be an appropriate management entity for a National Heritage Area established in the area of the Augusta Canal.

SEC. 302. PURPOSE.

It is the purpose of this title to provide a cooperative management framework to assist the State of Georgia, its units of local government, and area citizens in retaining, enhancing, and interpreting the significant features of the lands, water, and structures of the Augusta Canal, in a manner that is consistent with positive economic impact and development for the benefit and inspiration of present and future generations in the State of Georgia and the United States.

SEC. 303. DESIGNATION OF AUGUSTA CANAL NATIONAL HERITAGE AREA.

(a) DESIGNATION.—There is hereby designated in the State of Georgia the Augusta Canal National Heritage Area (referred to in this title as the "Heritage Area").

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Area shall include the land generally depicted on the map entitled "The Augusta Canal", numbered AUCA-80,000, and dated August 1994, which shall be on file and available for public inspection in the Office of the Director of the National Park Service, Washington, D.C.

(2) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this title, the Secretary of the Interior (referred to in this title as the "Secretary") shall prepare and place on file with the map described in paragraph (1) a legal description of the boundaries of the Heritage Area.

SEC. 304. MANAGEMENT.

The Secretary, acting through the Director of the National Park Service, shall enter into a cooperative agreement with the Augusta Canal Authority, a public body established under the law of the State of Georgia, providing for the management of the Heritage Area by the Augusta Canal Authority under terms and conditions Stated in the cooperative agreement. The Secretary shall consult with the Augusta Canal Authority before carrying out any management authority with respect to the Heritage Area which is not provided for by the cooperative agreement.

SEC. 305. MANAGEMENT PLAN.

(a) PREPARATION OF PLAN.—Not later than three years after the date of enactment of this title, the Augusta Canal Authority shall prepare and submit to the Secretary for review and approval a plan for the management and administration of the Heritage Area.

(b) CONTENTS.—The plan shall be based on Federal, State, and local plans in existence on the date of enactment of this title, including the Augusta Canal Master Plan. The Augusta Canal Authority shall coordinate and combine such plans and present an integrated and cooperative approach for the protection, enhancement, and interpretation of the cultural, natural, scenic, and recreational resources of the Heritage Area.

(c) ASSISTANCE.—The Secretary may provide technical and financial assistance in the preparation of the management plan.

(d) APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after receipt of the plan submitted under subsection (a), the Secretary shall approve or disapprove the plan.

(2) CRITERIA.—In determining whether to approve a plan, the Secretary shall consider—

(A) whether the plan has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments within the area;

(B) whether the plan is consistent with and complements continued economic activity in the area;

(C) whether the plan has a high potential for effective partnership mechanisms;

(D) whether the plan improperly infringes on private property rights; and

(E) whether the plan will take appropriate action to ensure private property rights are observed.

(3) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the proposed management plan, the Secretary shall notify the Augusta Canal Authority of the disapproval in writing.

(B) CONTENTS.—A notification under subparagraph (A) shall include—

(i) the reasons for the disapproval; and

(ii) recommendations for revision.

(C) REVISED PLAN.—The Augusta Canal Authority shall revise and resubmit the management plan to the Secretary for approval. Not later than 180 days after receipt of the revised plan, the Secretary shall approve or disapprove the plan as provided in paragraph (2). The Augusta Canal Authority shall revise and submit the management plan until the management plan is approved by the Secretary.

(e) IMPLEMENTATION.—

(1) IN GENERAL.—Upon approval of the management plan as provided in subsection (d), the Secretary, in conjunction with the Augusta Canal Authority, shall take appropriate steps to implement the management plan.

(2) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the State of Georgia, political subdivisions of the State, the Augusta Canal Authority, or any organization or individual to implement the management plan.

(f) ECONOMIC DEVELOPMENT.—It is the sense of Congress that the Augusta Canal Authority, the State of Georgia, the city of Augusta, and other political subdivisions of the State of Georgia should encourage, by appropriate means, enhanced economic and industrial development in the area consistent with the goals of the Augusta Canal Master Plan.

SEC. 306. GRANTS AND TECHNICAL ASSISTANCE.

The Secretary may provide grants and technical assistance for the purposes of this title.

SEC. 307. ACQUISITION OF REAL PROPERTY.

The Augusta Canal Authority may not use any Federal funds that it may receive pursuant to this title to acquire real property or an interest in real property.

SEC. 308. OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL regulation.

Nothing in this title shall be construed to—

(1) impose any occupational, safety, conservation, or environmental regulation on the Heritage Area that is more stringent than the regulations that would be applicable to the Heritage Area but for the designation of the Heritage Area under section 303; or

(2) authorize any Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the Heritage Area that is more stringent than the regulations applicable to the Heritage Area in existence on the date of enactment of this title, solely as a result of the designation of the Heritage Area under section 303.

SEC. 309. LAND USE REGULATION.

Nothing in this title shall be construed to—

(1) modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of land as provided for by law or regulation; or

(2) grant powers of zoning or land use to the Augusta Canal Authority.

SEC. 310. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of the Heritage Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

TITLE IV—STEEL INDUSTRY HERITAGE PROJECT

SEC. 401. SHORT TITLE.

This title may be cited as the "Steel Industry American Heritage Area Act of 1996".

SEC. 402. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the industrial and cultural heritage of southwestern Pennsylvania, including the city of Pittsburgh, and the counties of Allegheny, Armstrong, Beaver, Fayette, Greene, Washington, and Westmoreland, related directly to steel and steel-related industries, is nationally significant;

(2) these industries include steelmaking, iron making, aluminum, specialty metals, glass, coal mining, coke production, machining and foundries, transportation, and electrical industries;

(3) the industrial and cultural heritage of the steel and related industries in this region includes the social history and living cultural traditions of the people of the region;

(4) the labor movement of the region played a significant role in the development of the Nation, including the formation of many key unions such as the Congress of Industrial Organizations (CIO) and the United Steel Workers of America (USWA), and crucial struggles to improve wages and working conditions, such as the Rail Strike of 1877, the Homestead Strike of 1892, and the Great Steel Strike of 1919;

(5) the Department of the Interior is responsible for protecting the Nation's cultural and historic resources, and there are significant examples of these resources within this seven-county region to merit the involvement of the Federal Government to develop programs and projects, in cooperation with the Steel Industry Heritage Corporation, the Commonwealth of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization; and

(6) the Steel Industry Heritage Corporation would be an appropriate management entity for a Heritage Area established in the region.

(b) STATEMENT OF PURPOSE.—The objectives of the Steel Industry American Heritage Area are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities in the steel industry region of southwestern Pennsylvania and empower the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the seven-county region of southwestern Pennsylvania.

SEC. 403. STEEL INDUSTRY AMERICAN HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Steel Industry American Heritage Area (in this title referred to as the "Heritage Area").

(b) BOUNDARIES.—The Heritage Area shall be comprised of the counties of Allegheny, Armstrong, Beaver, Fayette, Greene, Washington, and Westmoreland in Pennsylvania.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Steel Industry Heritage Corporation.

SEC. 404. COMPACT.

(a) IN GENERAL.—To carry out the purposes of this title, the Secretary of the Interior (in this title referred to as the "Secretary") shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including the following:

(1) A delineation of the boundaries of the proposed Heritage Area.

(2) A discussion of the goals and objectives of the proposed Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners referred to in paragraph (4).

(3) An identification and description of the management entity that will administer the proposed Heritage Area.

(4) A list of the initial partners to be involved in developing and implementing the management plan for the proposed Heritage Area, and a Statement of the financial commitment of the partners.

(5) A description of the role of the Commonwealth of Pennsylvania.

(b) ADDITIONAL REQUIREMENTS.—The compact shall be prepared with public participation. Actions called for in the compact shall be likely to be initiated within a reasonable time after designation of the proposed Heritage Area and shall ensure effective implementation of the State and local aspects of the compact.

SEC. 405. MANAGEMENT PLAN.

The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the Heritage Area's conservation, funding, management and development. Such plan shall take into consideration existing State, county, and local plans and involve residents, public agencies, and private organizations working in the Heritage Area. It shall include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area. It shall specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area. Such plan shall include, as appropriate, the following:

(1) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance.

(2) A recommendation of policies for resource management which consider and detail application of appropriate land and water management techniques, including but not limited to, the development of intergovernmental cooperative agreements to protect the Heritage Area's historical, cultural, recreational, and natural resources in a manner consistent with supporting appropriate and compatible economic viability.

(3) A program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments of the identified partners for the first 5 years of operation.

(4) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of the title.

(5) An interpretation plan for the Heritage Area.

SEC. 406. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—The management entity may, for purposes of preparing and implementing the management plan under section 405, use Federal funds made available through this title—

(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person; and

(2) to hire and compensate staff.

(b) DUTIES OF THE MANAGEMENT ENTITY.—The management entity shall—

(1) develop and submit to the Secretary for approval a management plan as described in section 405 within 3 years after the date of the enactment of this title;

(2) give priority to implementing actions set forth in the compact and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in preserving the Heritage Area;

(B) assist units of government, regional planning organizations, and nonprofit organizations in establishing, and maintaining interpretive exhibits in the Heritage Area;

(C) assist units of government, regional planning organizations, and nonprofit organizations in developing recreational resources in the Heritage Area;

(D) assist units of government, regional planning organizations, and nonprofit organizations in increasing public awareness of and appreciation for the natural, historical and architectural resources and sites in the Heritage Area;

(E) assist units of government, regional planning organizations and nonprofit organizations in the restoration of any historic building relating to the themes of the Heritage Area;

(F) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the plan;

(G) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the plan; and

(H) assist units of government, regional planning organizations and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(4) conduct public meetings at least quarterly regarding the implementation of the management plan;

(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval;

(6) for any year in which Federal funds have been received under this title, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entity to which any loans and grants were made during the year for which the report is made; and

(7) for any year in which Federal funds have been received under this title, make available for audit all records pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

If a management plan is not submitted to the Secretary as required under paragraph (1) within the specified time, the Heritage Area shall no longer qualify for Federal funding.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this title to acquire real property or an interest in real property. Nothing in this title shall preclude any management entity from using Federal funds from other sources for their permitted purposes.

SEC. 407. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, upon request of the management entity, provide technical and financial assistance to the Heritage Area to develop and implement the management plan. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(A) conserving the significant natural, historic, and cultural resources which support its themes; and

(B) providing educational, interpretive, and recreational opportunities consistent with its resources and associated values.

(2) SPENDING FOR NONFEDERALLY OWNED PROPERTY.—The Secretary may spend Federal funds directly on nonfederally owned property to further the purposes of this title, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places. The Historic American Building Survey/Historic American Engineering Record shall conduct those studies necessary to document the industrial, engineering, building, and architectural history of the region.

(b) APPROVAL AND DISAPPROVAL OF COMPACTS AND MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of Pennsylvania shall approve or disapprove a compact or management plan submitted under this title not later than 90 days after receiving such compact or management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a submitted compact or management plan, the Secretary shall advise the management entity in writing of the reasons therefor and shall make recommendations for revisions in the compact or plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(c) APPROVING AMENDMENTS.—The Secretary shall review substantial amendments to the management plan for the Heritage Area. Funds appropriated pursuant to this title may not be expended to implement the changes made by such amendments until the Secretary approves the amendments.

SEC. 408. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of this Heritage Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

TITLE V—ESSEX NATIONAL HERITAGE AREA

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) Essex County, Massachusetts, was host to a series of historic events that influenced the course of the early settlement of the United States, its emergence as a maritime power, and its subsequent industrial development;

(2) the North Shore of Essex County and the Merrimack River valley in Essex County contain examples of significant early American architecture and significant Federal-period architecture, many sites and buildings associated with the establishment of the maritime trade in the United States, the site of the witchcraft trials of 1692, the birthplace of successful iron manufacture, and the establishment of the textile and leather industries in and around the cities of Peabody, Beverly, Lynn, Lawrence, and Haverhill;

(3) Salem, Massachusetts, has a rich heritage as one of the earliest landing sites of the English colonists, the first major world harbor for the United States, and an early thriving hub of American industries;

(4) the Saugus Iron Works National Historic Site is the site of the first sustained, integrated iron works in Colonial America, and the technology employed at the Iron Works was dispersed throughout the Colonies and was critical to the development of industry and technology in America;

(5) the Salem Maritime National Historic Site contains nationally significant resources that explain the manner in which the Nation was settled, its evolution into a maritime power, and its development as a major industrial force;

(6) the story told at the Salem Maritime and Saugus Iron Works National Historic Sites would be greatly enhanced through the interpretation of significant theme-related resources in Salem and Saugus and throughout Essex County;

(7) partnerships between the private and public sectors have been created and additional partnerships will be encouraged to preserve the rich cultural heritage of the region, which will stimulate cultural awareness, preservation, and economic development through tourism;

(8) a visitors' center that has already been constructed at Salem Maritime National

Historic Site in Salem, Massachusetts, will be available to interpret the themes of the Essex National Heritage Area established by this title and to coordinate the interpretive and preservation activities of the Area; and

(9) the resident and business communities of the region have formed the Essex Heritage Ad Hoc Commission for the preservation, interpretation, promotion, and development of the historic, cultural, and natural resources of the region and are investing significant private funds and energy to develop a plan to preserve the nationally significant resources of Essex County.

(b) PURPOSE.—It is the purpose of this title—

(1) to establish the Essex National Heritage Area to recognize, preserve, promote, interpret, and make available for the benefit of the public the historic, cultural, and natural resources of the North Shore and lower Merrimack River valley in Essex County, Massachusetts, which encompass the three primary themes of the Salem Maritime National Historic Site and Saugus Iron Works National Historic Site (the histories of early settlement, maritime trade, and the textile and leather industries);

(2) to implement the appropriate alternative as described in the document entitled "The Salem Project: A Study of Alternatives", dated January 1990, within the boundaries of Essex County; and

(3) to provide a management framework to assist the Commonwealth of Massachusetts and its units of local government in the development and implementation of an integrated cultural, historical, and land resource management program in order to retain, enhance, and interpret the significant values of the lands, waters, and structures located in the Essex National Heritage Area.

SEC. 502. DEFINITIONS.

For purposes of this title:

(1) The terms "Area" and "National Heritage Area" mean the Essex National Heritage Area established by section 503.

(2) The term "Secretary" means the Secretary of the Interior.

SEC. 503. DESIGNATION OF NATIONAL HERITAGE AREA.

(a) DESIGNATION.—For the purpose of preserving and interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of certain historic and cultural lands, natural waterways, and structures within the County of Essex in the Commonwealth of Massachusetts, there is hereby established the Essex National Heritage Area.

(b) BOUNDARIES.—The Area shall comprise the lands generally depicted on the map numbered NAR–51–80,000 and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ADMINISTRATION.—The Area shall be administered in accordance with the provisions of this title.

SEC. 504. MANAGEMENT ENTITY.

(a) IN GENERAL.—The management entity for the National Heritage Area shall be an entity which is selected by the Essex Heritage Ad Hoc Commission or its designee, reflects a broad cross-section of interests within the Area, and includes—

(1) at least 1 representative of one or more units of government in each State in which the National Heritage Area is located; and

(2) private property owners who reside within the National Heritage Area.

(b) DUTIES.—The management entity for the Area shall fulfill each of the following requirements:

(1) HERITAGE PLAN.—Not later than 3 years after the date of the designation of the Area as a National Heritage Area, the management entity shall develop and forward to the Secretary, and to the Governor of Massachusetts, a heritage plan for the Area.

(2) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the compact and heritage plan for the Area, including assisting units of government and others in—

(A) carrying out programs which recognize important resource values within the Area;

(B) encouraging economic viability in the affected communities;

(C) establishing and maintaining interpretive exhibits in the Area;

(D) developing recreational and educational opportunities in the Area;

(E) increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Area;

(F) restoring historic buildings that are located within the boundaries of the Area and relate to the theme of the Area; and

(G) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are put in place throughout the Area.

(3) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The management entity shall, in developing and implementing the heritage plan for the Area, consider the interests of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

(4) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least annually regarding the implementation of the heritage plan for the Area. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Area and shall make the minutes of the meeting available to the public.

SEC. 505. DUTIES OF THE SECRETARY.

(a) IN GENERAL.—To carry out the purpose of this title, the Secretary shall assist the management entity in preparing such studies and plans as the Secretary considers appropriate and in implementing the recommendations contained in a study report prepared by the management entity. The Secretary is authorized to enter into agreements with the Commission or with any owner of property with national historic or cultural significance within the Area for the purpose of facilitating public use and enjoyment of such resources or to otherwise further the objectives of the management entity. Any such agreement shall provide whenever appropriate that—

(1) the public may have access to such resources at specified, reasonable times for the purpose of viewing the property or exhibits or attending programs or other activities, as may be appropriate;

(2) the Secretary may make improvements to such resources as the management entity or the Secretary deem necessary to enhance the public use and enjoyment of the resources, or to render such property usable by the Secretary, the management entity, or any person for the purpose of this title; and

(3) the Secretary may occupy, utilize, and acquire easements or leasehold interests in resources as required to implement the programs and purpose of this title.

(b) TECHNICAL ASSISTANCE AND GRANTS.—The Secretary may provide, upon request, technical assistance and grants to the management entity to assist the management entity in the performance of its powers and functions as authorized under this title. The Secretary may provide to any owner of property within the Area, to the Commonwealth of Massachusetts, to the City of Salem and other participating municipalities, to any other Federal or State entity, to any institution, or to any person such technical assistance and grants as the Secretary considers appropriate to carry out the purpose of this title.

SEC. 506. PRIVATE PROPERTY.

No privately owned property shall be included within the boundaries of the Area unless the government of the county, city, or town in which the property is located agrees to be so included and submits notification of such agreement to the Secretary.

SEC. 507. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of the Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

TITLE VI—SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR

SEC. 601. SHORT TITLE.

This title may be cited as the "South Carolina National Heritage Corridor Act of 1996".

SEC. 602. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the South Carolina National Heritage Corridor, more than 250 miles in length, possesses a wide diversity of significant rare plants, animals, and ecosystems, agricultural and timber lands, shellfish harvesting areas, historic sites and structures, and cultural and multicultural landscapes related to the past and current commerce, transportation, maritime, textile, agricultural, mining, cattle, pottery, and national defense industries of the region, which provide significant ecological, natural, tourism, recreational, timber management, educational, and economic benefits;

(2) there is a national interest in protecting, conserving, restoring, promoting, and interpreting the benefits of the Corridor for the residents of, and visitors to, the Corridor area;

(3) a primary responsibility for conserving, preserving, protecting, and promoting the benefits resides with the State of South Carolina and the units of local government having jurisdiction over the Corridor area; and

(4) in view of the longstanding Federal practice of assisting States in creating, protecting, conserving, preserving, and interpreting areas of significant natural and cultural importance, and in view of the national significance of the Corridor, the Federal Government has an interest in assisting the State of South Carolina, the units of local government of the State, and the private sector in fulfilling the responsibilities described in paragraph (3).

(b) PURPOSES.—The purposes of this title are—

(1) to protect, preserve, conserve, restore, promote, and interpret the significant land and water resource values and functions of the Corridor;

(2) to encourage and support, through financial and technical assistance, the State of South Carolina, the units of local government of the State, and the private sector in

the development of a heritage plan for the Corridor to ensure coordinated public and private action in the Corridor area in a manner consistent with subsection (a);

(3) to provide, during the development of an integrated heritage plan, Federal financial and technical assistance for the protection, preservation, and conservation of land and water areas in the Corridor that are in danger of being adversely affected or destroyed;

(4) to encourage and assist the State of South Carolina and the units of local government of the State to identify the full range of public and private technical and financial assistance programs and services available to implement the heritage plan;

(5) to encourage adequate coordination of all government programs affecting the land and water resources of the Corridor; and

(6) to develop a management framework with the State of South Carolina and the units of local government of the State for—

(A) planning and implementing the heritage plan; and

(B) developing policies and programs that will preserve, conserve, protect, restore, enhance, and interpret the cultural, historical, natural, economic, recreational, and scenic resources of the Corridor.

SEC. 603. DEFINITIONS.

For purposes of this title—

(1) CORRIDOR.—The term "Corridor" means the South Carolina National Heritage Corridor established by section 604.

(2) GOVERNOR.—The term "Governor" means the Governor of the State of South Carolina.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 604. SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established in the State of South Carolina the South Carolina National Heritage Corridor.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the Corridor are generally the boundaries of the western counties of the State of South Carolina, extending from the western Piedmont along the Savannah Valley to Augusta, Georgia, along the route of the old Southern Railroad, along the Ashley River to Charleston.

(2) INCLUDED COUNTIES.—The Corridor shall consist of the following counties of South Carolina, in part or in whole, as the heritage plan may specify on the recommendations of the units of local government within the Corridor area:

(A) Oconee.
(B) Pickens.
(C) Anderson.
(D) Abbeville.
(E) Greenwood.
(F) McCormick.
(G) Edgefield.
(H) Aiken.
(I) Barnwell.
(J) Orangeburg.
(K) Bamberg.
(L) Dorchester.
(M) Colleton.
(N) Charleston.

(3) DETAIL.—The boundaries shall be specified in detail in the heritage plan.

SEC. 605. MANAGEMENT ENTITY.

(a) IN GENERAL.—The management entity for the National Heritage Corridor shall be an entity selected by the Governor of the State of South Carolina which reflects a broad cross-section of interests within the Corridor and which includes—

(1) at least 1 representative of one or more units of government in South Carolina; and

(2) private property owners who reside within the National Heritage Corridor.

(b) DUTIES.—The management entity for the National Heritage Corridor shall fulfill each of the following requirements:

(1) HERITAGE PLAN.—Not later than 3 years after the date of the designation of the area as a National Heritage Corridor, the management entity shall develop and forward to the Secretary, and to the Governor of South Carolina, a heritage plan.

(2) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the compact and heritage plan for the Corridor, including assisting units of government and others in—

(A) carrying out programs which recognize important resource values within the National Heritage Corridor;

(B) encouraging economic viability in the affected communities;

(C) establishing and maintaining interpretive exhibits in the Corridor;

(D) developing recreational and educational opportunities in the Corridor;

(E) increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Corridor;

(F) restoring historic buildings that are located within the boundaries of the Corridor and relate to the theme of the Corridor; and

(G) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are put in place throughout the Corridor.

(3) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The management entity shall, in developing and implementing the heritage plan for the Corridor, consider the interests of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

(4) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least annually regarding the implementation of the heritage plan for the Corridor. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Corridor and shall make the minutes of the meeting available to the public.

SEC. 606. DUTIES OF THE SECRETARY.

(a) ASSISTANCE.—On request of the management entity, and subject to the availability of funds appropriated specifically for the purpose, or made available on a reimbursable basis, the Secretary shall provide administrative, technical, financial, development, and operations assistance for the purposes of this title. The assistance may include—

(1) general administrative support in planning, finance, personnel, procurement, property management, environmental and historical compliance, and land acquisition;

(2) personnel;

(3) office space and equipment;

(4) planning and design services for visitor use facilities, trails, interpretive exhibits, publications, signs, and natural resource management;

(5) development and construction assistance, including visitor use facilities, trails, river use and access facilities, scenic byways, signs, waysides, and rehabilitation of historic structures; and

(6) operations functions, including interpretation and visitor services, maintenance, and natural resource management services conducted within the boundaries of the Corridor.

(b) LOANS, GRANTS, AND COOPERATIVE AGREEMENTS.—For the purposes of assisting in the development and implementation of the heritage plan, the Secretary may, in consultation with the management entity, make loans and grants to, and enter into cooperative agreements with, the State of South Carolina (or a political subdivision of the State), private nonprofit organizations, corporations, or other persons.

(c) APPROVAL OF HERITAGE PLAN.—

(1) IN GENERAL.—Not later than 180 days after receipt of the plan submitted under section 605(b), the Secretary shall approve or disapprove the plan.

(2) CRITERIA.—In determining whether to approve a plan under this title, the Secretary shall consider—

(A) whether the plan has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments within the area;

(B) whether the plan is consistent with and complements continued economic activity in the area;

(C) whether the plan has a high potential for effective partnership mechanisms;

(D) whether the plan improperly infringes on private property rights; and

(E) whether the plan will take appropriate action to ensure private property rights are observed.

(3) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the proposed heritage plan, the Secretary shall notify the management entity.

(B) CONTENTS.—A notification under subparagraph (A) shall include—

(i) the reasons for the disapproval; and

(ii) recommendations for revision.

(C) REVISED PLAN.—The management entity shall revise and resubmit the heritage plan to the Secretary for approval. Not later than 180 days after receipt of the revised plan, the Secretary shall approve or disapprove the plan as provided in paragraph (2). The management entity shall revise and submit the heritage plan until the heritage plan is approved by the Secretary.

SEC. 607. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Corridor under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of this Corridor, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

TITLE VII—AMERICA'S AGRICULTURAL HERITAGE PARTNERSHIP

SEC. 701. FINDINGS AND PURPOSES.

(a) The Congress finds that—

(1) the city of Waterloo, Iowa, and northeast Iowa possess many important elements of the nationally significant story of American agriculture, including Native American agriculture, agricultural mechanization, seed hybridization, farm cooperative movements, rural electrification, farm-to-market systems, rural to urban migration, veterinary practice, food processing and preservation, national farm organizations, international hunger relief, and the development of national and international agribusiness;

(2) these resources offer outstanding and unique opportunities to acknowledge and appreciate the development of American agriculture;

(3) the National Park Service has determined that the story of American agriculture is nationally significant, that northeast Iowa is an ideal place to tell that story, and that this story could be divided into 4 principal topics for interpretation in northeast Iowa: the Amazing Science of Agriculture, Agriculture as a Way of Life, Organizing for Survival, and Crops from Field to Table;

(4) the responsibility for interpreting, retaining, enhancing, and promoting the resources, values, and amenities of Waterloo, Iowa and northeast Iowa resides with volunteer associations, private businesses, political subdivisions of the State, and the State of Iowa; and

(5) despite the efforts by volunteer associations, private businesses, political subdivisions of the State, and the State of Iowa, the cultural and historical resources of the area have not realized full potential and may be lost without some assistance from the Federal Government.

(b) PURPOSES.—The purposes of this title are—

(1) to interpret, retain, enhance, and promote the unique and significant contributions to national and international agriculture of certain natural, historic, and cultural resources within Waterloo, Iowa, and northeast Iowa;

(2) to provide a partnership management framework to assist volunteer associations, private businesses, political subdivisions of the State, and the State of Iowa in developing and implementing Management Plan policies and programs that will assist in the interpretation, retention, enhancement, and promotion of the cultural, natural, and recreational resources of northeast Iowa;

(3) to allow for local, State, and Federal contributions through limited grants and technical assistance to create America's Agricultural Heritage Partnership through cooperative agreements among volunteer associations, private businesses, political subdivisions of the State, the State of Iowa, and residents of the area; and

(4) to provide for an economically self-sustaining Partnership for the educational and inspirational benefit of current and future generations concerning the story of American agriculture.

SEC. 702. DEFINITIONS.

As used in this title:

(1) PARTNERSHIP.—The term "Partnership" means the America's Agricultural Heritage Partnership as established by section 703(a).

(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity as established by section 704(a).

(3) POLITICAL SUBDIVISION.—The term "political subdivision" means a political subdivision of the State of Iowa, any part of which is located in or adjacent to the area in which the Partnership's activities occur, including a county, city, or town.

(4) STATE.—The term "State" means the State of Iowa.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(6) PARTNERSHIP MANAGEMENT PLAN.—The term "Partnership Management Plan" means the plan approved pursuant to section 705(a).

(7) ACTIVITIES.—The term "activities" means the activities referred to in section 703(b).

SEC. 703. ESTABLISHMENT OF THE AMERICA'S AGRICULTURAL HERITAGE PARTNERSHIP.

(a) ESTABLISHMENT.—To carry out this title, there is established in the State of Iowa the "America's Agricultural Heritage Partnership" (in this title referred to as the "Partnership"), upon publication by the Secretary in the Federal Register of notice that a Partnership Management Plan has been approved by the Secretary under this title.

(b) ACTIVITIES.—The Partnership's activities shall be limited to the counties of northeast Iowa that are generally depicted in "Alternatives #2 and #3" described in the 1995 National Park Service "Special Resource Study, Cedar Valley, Iowa.".

(c) PARTICIPATION.—Nothing in this title shall require any resident located in the area in which the Partnership's activities occur to participate in or be associated with the Partnership or the Partnership's activities.

(d) AFFILIATIONS.—Nothing in this title shall prohibit future affiliations or designations of the Partnership or Partnership Management Entity.

(e) GRANTS, TECHNICAL ASSISTANCE, AND COOPERATIVE AGREEMENTS.—

(1) GRANTS AND TECHNICAL ASSISTANCE.—The Secretary may make grants and provide technical assistance to America's Agricultural Heritage Partnership to assist it in carrying out its purposes.

(2) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with private entities, the State of Iowa, any political subdivision thereof, and other Federal entities, to further the purposes of this title, the Partnership, or the Partnership Management Entity.

SEC. 704. ESTABLISHMENT OF THE AMERICA'S AGRICULTURAL HERITAGE PARTNERSHIP MANAGEMENT ENTITY.

(a) ESTABLISHMENT.—There is established a management entity for the Partnership based on the "Management Option #5" outlined in the 1995 National Park Service "Special Resource Study, Cedar Valley, Iowa" and subject to the approval of the Secretary.

(b) PARTNERSHIP MANAGEMENT PLAN.—The Partnership management entity shall be established in accordance with the Partnership Management Plan referred to in section 705(a).

(c) COMPOSITION.—The members of the management entity may include persons affiliated with the following entities: the American Association of Museums, American Farm Bureau, American Farmland Trust, Effigy Mounds National Monument and Herbert Hoover National Historic Site, Iowa Department of Agriculture and Land Stewardship, Iowa Department of Corrections, Iowa Department of Cultural Affairs, Iowa Department of Economic Development, National Trust for Historic Preservation, the Smithsonian Institution, the State Historic Preservation Office of the State of Iowa, the United States Department of Agriculture, the United States Department of Transportation, and the America's Agricultural/Industrial Heritage Landscape, Inc.

SEC. 705. PARTNERSHIP MANAGEMENT PLAN.

(a) PREPARATION OF PARTNERSHIP MANAGEMENT PLAN.—A Partnership Management Plan shall be submitted to the Secretary for approval no later than three years after the date of the enactment of this title.

(b) ASSISTANCE.—The Secretary may provide technical assistance in the preparation of the Partnership Management Plan.

SEC. 706. LAND USE REGULATION AND PRIVATE PROPERTY PROTECTION.

(a) REGULATION.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of privately owned land provided by law or regulation.

(b) LAND USE.—Nothing in this title shall be construed to grant the powers of zoning, land use, or condemnation to the Partnership Management Entity, the Secretary or any other Federal, State, or local government entity.

SEC. 707. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Partnership under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of this Partnership, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

TITLE VIII—OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR

SEC. 801. SHORT TITLE.

This title may be cited as the "Ohio & Erie Canal National Heritage Corridor Act of 1996".

SEC. 802. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Ohio & Erie Canal, which opened for commercial navigation in 1832, was the first inland waterway to connect the Great Lakes at Lake Erie with the Gulf of Mexico via the Ohio and Mississippi Rivers and a part of a canal network in Ohio that was one of America's most extensive and successful systems during a period in history when canals were essential to the Nation's growth.

(2) The Ohio & Erie Canal spurred economic growth in the State of Ohio that took the State from near bankruptcy to the third most economically prosperous State in the Union in just 20 years.

(3) A 4-mile section of the Ohio & Erie Canal was designated a National Historic Landmark in 1966 and other portions of the Ohio & Erie Canal and many associated structures were placed on the National Register of Historic Places.

(4) In 1974, 19 miles of the Ohio & Erie Canal were declared nationally significant under National Park Service new area criteria with the designation of Cuyahoga Valley National Recreation Area.

(5) The National Park Service found the Ohio & Erie Canal nationally significant in a 1975 study entitled "Suitability/Feasibility Study, Proposed Ohio & Erie Canal".

(6) A 1993 Special Resources Study of the Ohio & Erie Canal Corridor conducted by the National Park Service entitled "A Route to Prosperity" has concluded that the corridor is eligible as a National Heritage Corridor.

(7) Local governments, the State of Ohio, and private sector interests have embraced the heritage corridor concept and desire to enter into partnership with the Federal Government to preserve, protect, and develop the corridor for public benefit.

(b) PURPOSES.—The purposes of this title are—

(1) to preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, waterways, and structures within the 87-mile Ohio & Erie Canal Corridor between Cleveland and Zoar;

(2) to encourage within the corridor a broad range of economic opportunities enhancing the quality of life for present and future generations;

(3) to provide a management framework to assist the State of Ohio, its political subdivisions, and nonprofit organizations, or combinations thereof, in preparing and implementing an integrated Corridor Management Plan and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the corridor; and

(4) to authorize the Secretary to provide financial and technical assistance to the State of Ohio, its political subdivisions, and nonprofit organizations, or combinations thereof, in preparing and implementing a Corridor Management Plan.

SEC. 803. DEFINITIONS.

For the purposes of this title:

(1) The term "corridor" means the Ohio & Erie Canal National Heritage Corridor established by section 804.

(2) The term "Committee" means the Ohio & Erie Canal National Heritage Area Committee established by section 805.

(3) The term "Corridor Management Plan" means the management plan developed under section 808.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "technical assistance" means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary of the Interior.

(6) The term "financial assistance" means funds appropriated by Congress and made available to the management entity for the purposes of preparing and implementing a Corridor Management Plan.

(7) The term "management entity" means the entity recognized by the Secretary pursuant to section 807(a) to receive, distribute, and account for Federal funds appropriated for the purposes of this title.

SEC. 804. OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established in the State of Ohio the Ohio & Erie Canal National Heritage Corridor.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the corridor shall be composed of the lands that are generally the route of the Ohio & Erie Canal from Cleveland to Zoar, Ohio, as depicted in the 1993 National Park Service Special Resources Study, "A Route to Prosperity", subject to paragraph (2). The specific boundaries shall be those specified in the management plan submitted under section 808. The Secretary shall prepare a map of the corridor which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(2) CONSENT OF LOCAL GOVERNMENTS.—No privately owned property shall be included within the boundaries of the corridor unless the municipality in which the property is located agrees to be so included and submits notification of such agreement to the Secretary.

(c) ADMINISTRATION.—The corridor shall be administered in accordance with the provisions of this title.

SEC. 805. THE OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established a Committee to be known as the "Ohio & Erie Canal National Heritage Corridor Committee", whose purpose shall be to assist Federal, State, and local authorities and the private sector in the preparation and implementation of an integrated Corridor Management Plan.

(b) MEMBERSHIP.—The Committee shall be comprised of 21 members, as follows:

(1) Four individuals, appointed by the Secretary after consideration of recommendations submitted by the Greater Cleveland Growth Association, the Akron Regional Development Board, the Stark Development Board, and the Tuscarawas County Chamber of Commerce, who shall include one representative of business and industry from each of the Ohio counties of Cuyahoga, Summit, Stark, and Tuscarawas.

(2) One individual, appointed by the Secretary after consideration of recommendations submitted by the Director of the Ohio Department of Travel and Tourism, who is a director of a convention and tourism bureau within the corridor.

(3) One individual, appointed by the Secretary after consideration of recommendations submitted by the Ohio Historic Preservation Officer, with knowledge and experience in the field of historic preservation.

(4) One individual, appointed by the Secretary after consideration of recommendations submitted by the Director of the National Park Service, with knowledge and experience in the field of historic preservation.

(5) Three individuals appointed by the Secretary after consideration of recommendations submitted by the county or metropolitan park boards in the Ohio counties of Cuyahoga, Summit, and Stark.

(6) Eight individuals appointed by the Secretary after consideration of recommendations submitted by the county commissioners or county chief executive of the Ohio counties of Cuyahoga, Summit, Stark and Tuscarawas, including—

(A) from each county, one representative of the planning offices of the county; and

(B) from each county, one representative of a municipality in the county.

(7) Two individuals appointed by the Secretary after consideration of recommendations submitted by the Governor of Ohio, who shall be representatives of the Directors of the Ohio Department of Natural Resources and the Ohio Department of Transportation.

(8) The Superintendent of the Cuyahoga Valley National Recreation Area, ex officio.

(c) APPOINTMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), members of the Committee shall be appointed for terms of three years and may be reappointed.

(2) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Committee within 30 days after the date on which the Secretary has received all recommendations pursuant to subsection (b). Of the members first appointed—

(A) the members appointed pursuant to subsection (b)(6)(B) shall be appointed to a term of two years and may not be reappointed to a consecutive term; and

(B) the member appointed pursuant to subsection (b)(2) shall be appointed to a term of two years and may not be reappointed to a consecutive term.

(d) CHAIR AND VICE CHAIR.—The chair and vice chair of the Committee shall be elected by the members of the Committee. The terms of the chair and vice chair shall be two years.

(e) VACANCY.—A vacancy in the Committee shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which their predecessor was appointed shall be appointed only for the remainder of such term. Any member of the Committee appointed for a definite term may serve after the expiration of their term until their successor has taken office.

(f) COMPENSATION AND EXPENSES.—Members of the Committee shall serve without compensation for their service on the Committee.

(g) QUORUM.—Eleven members of the Committee shall constitute a quorum.

(h) MEETINGS.—The Committee shall meet at least quarterly at the call of the chairperson or 11 of its members. Meetings of the Committee shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(i) NOT TREATED AS ADVISORY COMMITTEE.—The Committee shall not be treated as an Advisory Committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 806. POWERS AND DUTIES OF THE NATIONAL HERITAGE CORRIDOR COMMITTEE.

(a) HEARINGS.—The Committee may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Committee considers appropriate. The Committee may not issue subpoenas or exercise any subpoena authority.

(b) BYLAWS.—The Committee may make such bylaws and rules, consistent with this title, as it considers necessary to carry out its functions under this title.

(c) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Committee, if so authorized by the Committee, may take any action which the Committee is authorized to take by this title.

(d) CORRIDOR MANAGEMENT PLAN.—Upon submission of a draft Corridor Management Plan to the Committee from the management entity, the Committee shall, within 60 days, review such plan for consistency with the purposes of this title and endorse the plan or return it to the management entity for revision. Upon endorsement of the Corridor Management Plan, the Committee shall submit such plan to the Secretary for approval pursuant to section 808.

(e) REVIEW OF BUDGET.—The Committee shall review on an annual basis the proposed expenditures of Federal funds by the management entity for consistency with the purpose of this title and the Corridor Management Plan.

SEC. 807. MANAGEMENT ENTITY.

(a) ENTITY.—Upon petition, the Secretary is authorized to recognize the Ohio & Erie Canal Association as the management entity for the Heritage Corridor.

(b) ELIGIBILITY.—To be eligible for designation as the management entity of the corridor, an entity must possess the legal ability to—

(1) receive Federal funds for use in preparing and implementing the management plan for the corridor;

(2) disburse Federal funds to other units of government or other organizations for use in preparing and implementing the management plan for the corridor;

(3) account for all Federal funds received or disbursed; and

(4) sign agreements with the Federal Government.

(c) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE.—The management entity is authorized to receive appropriated Federal funds.

(2) DISQUALIFICATION.—If a management plan for the corridor is not submitted to the Secretary as required under section 808 within the time specified herein, the management entity shall cease to be eligible for Federal funding under this title until such a plan regarding the corridor is submitted to the Secretary.

(d) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity of the corridor may, for purposes of preparing and implementing the management plan for the corridor, use Federal funds made available under this title—

(1) to make grants and loans to the State of Ohio, its political subdivisions, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with, or provide technical assistance to Federal agencies, the State of Ohio, its political subdivisions, nonprofit organizations, and other persons;

(3) to hire and compensate staff;

(4) to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money; and

(5) to contract for goods and services.

(e) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The management entity for the corridor may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. 808. DUTIES OF THE MANAGEMENT ENTITY.

(a) CORRIDOR MANAGEMENT PLAN.—

(1) SUBMISSION FOR REVIEW BY COMMITTEE.—Within 3 years after the date on which the Secretary has recognized the management entity for the corridor, the management entity shall develop and submit for review to the Committee a management plan for the corridor.

(2) PLAN REQUIREMENTS.—A management plan submitted under this title shall present comprehensive recommendations for the conservation, funding, management, and development of the corridor. The plan shall be prepared with public participation. The plan shall take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the corridor. The plan shall include a description of actions that units of government and private organizations are recommended to take to protect the resources of the corridor. The plan shall specify existing and potential sources of funding for the conservation, management, and development of the corridor. The plan also shall include the following, as appropriate:

(A) An inventory of the resources contained in the corridor, including a list of property in the corridor that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the corridor.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the corridor in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program, including plans for restoration and construction, for implementation of the management plan by the management entity and specific commitments, for the first six years of operation of the plan by the partners identified in said plan.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the corridor.

(2) APPROVAL AND DISAPPROVAL OF THE CORRIDOR MANAGEMENT PLAN.—

(A) IN GENERAL.—Upon submission of the Corridor Management Plan from the Committee, the Secretary shall approve or disapprove said plan not later than 60 days after receipt of the plan. If the Secretary has taken no action after 60 days upon receipt, the plan shall be considered approved.

(B) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves the Corridor Management Plan, the Secretary shall advise the Committee, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revision. If the Secretary has taken no action for 60 days after receipt, the plan shall be considered approved.

(b) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the management plan for the corridor, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

(A) in conserving the corridor;

(B) in establishing and maintaining interpretive exhibits in the corridor;

(C) in developing recreational opportunities in the corridor;

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the corridor;

(E) in the restoration of historic buildings that are located within the boundaries of the corridor and relate to the themes of the corridor; and

(F) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the corridor; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The management entity shall, in preparing and implementing the management plan for the corridor, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

(d) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least quarterly regarding the implementation of the Corridor Management Plan.

(e) ANNUAL REPORTS.—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section 807(d)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section 807(d)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

SEC. 809. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and grants to units of government, nonprofit organizations, and other persons, upon request of the management entity of the corridor, and to the management entity, regarding the management plan and its implementation.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or grant to enact or modify land use restrictions.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide if the corridor shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which the corridor effectively fulfills the objectives contained in the Corridor Management Plan and achieves the purposes of this title. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of the corridor.

(c) OTHER ASSISTANCE.—Upon request, the Superintendent of Cuyahoga Valley National Recreation Area may provide to public and private organizations within the corridor (including the management entity for the corridor) such operational assistance as appropriate to support the implementation of the Corridor Management Plan, subject to the availability of appropriated funds. The Secretary is authorized to enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal entity conducting any activity directly affecting the corridor shall consider the potential effect of the activity on the Corridor Management Plan and shall consult with the management entity of the corridor with respect to the activity to minimize the adverse effects of the activity on the corridor.

SEC. 810. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) LACK OF EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of land as provided for by law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS.—Nothing in this title shall be construed to grant powers of zoning or land use control to the Committee or management entity of the corridor.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this title shall be construed to affect or to authorize the Committee to interfere with—

(1) the rights of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State of Ohio or a political subdivision thereof.

SEC. 811. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 812. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the corridor under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of this corridor, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

TITLE IX—HUDSON RIVER VALLEY NATIONAL HERITAGE AREA

SEC. 901. SHORT TITLE.

This title may be cited as the "Hudson River Valley National Heritage Area Act of 1996".

SEC. 902. FINDINGS.

The Congress finds the following:

(1) The Hudson River Valley between Yonkers, New York, and Troy, New York, possesses important historical, cultural, and natural resources, representing themes of settlement and migration, transportation, and commerce.

(2) The Hudson River Valley played an important role in the military history of the American Revolution.

(3) The Hudson River Valley gave birth to important movements in American art and architecture through the work of Andrew Jackson Downing, Alexander Jackson Davis, Thomas Cole, and their associates, and played a central role in the recognition of the esthetic value of the landscape and the development of an American esthetic ideal.

(4) The Hudson River Valley played an important role in the development of the iron, textile, and collar and cuff industries in the 19th century, exemplified in surviving structures such as the Harmony Mills complex at Cohoes, and in the development of early men's and women's labor and cooperative organizations, and is the home of the first women's labor union and the first women's secondary school.

(5) The Hudson River Valley, in its cities and towns and in its rural landscapes—

(A) displays exceptional surviving physical resources illustrating these themes and the social, industrial, and cultural history of the 19th and early 20th centuries; and

(B) includes many National Historic Sites and Landmarks.

(6) The Hudson River Valley is the home of traditions associated with Dutch and Huguenot settlements dating to the 17th and 18th centuries, was the locus of characteristic American stories such as "Rip Van Winkle" and the "Legend of Sleepy Hollow", and retains physical social, and cultural evidence of these traditions and the traditions of other more recent ethnic and social groups.

(7) New York State has established a structure for the Hudson River Valley communities to join together to preserve, conserve, and manage these resources, and to link them through trails and other means, in the Hudson River Greenway Communities Council and the Greenway Conservancy.

SEC. 903. PURPOSES.

The purposes of this title are the following:

(1) To recognize the importance of the history and the resources of the Hudson River Valley to the Nation.

(2) To assist the State of New York and the communities of the Hudson River Valley in preserving, protecting, and interpreting these resources for the benefit of the Nation.

(3) To authorize Federal financial and technical assistance to serve these purposes.

SEC. 904. HUDSON RIVER VALLEY AMERICAN HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established a Hudson River Valley National Heritage Area (in this title referred to as the "Heritage Area").

(b) BOUNDARIES.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), the Heritage Area shall be comprised of the counties of Albany, Rensselaer, Columbia, Greene, Ulster, Dutchess, Orange, Putnam, Westchester, and Rockland, New York, and the Village of Waterford in Saratoga County, New York.

(2) AREAS EXCLUDED.—The Heritage Area shall not include any of the following:

(A) The counties of Greene and Columbia.

(B) Those portions of the counties of Rensselaer and Dutchess located entirely within the 22d Congressional District of New York (as such district exists on the date of the enactment of this Act).

(c) MANAGEMENT ENTITIES.—The management entities for the Heritage Area shall be the Hudson River Valley Greenway Communities Council and the Greenway Conservancy (agencies established by the State of New York in its Hudson River Greenway Act of 1991, in this title referred to as the "management entities"). The management entities shall jointly establish a Heritage Area Committee to manage the Heritage Area.

SEC. 905. COMPACT.

To carry out the purposes of this title, the Secretary of the Interior (in this title referred to as the "Secretary") shall enter into a compact with the management entities. The compact shall include information relating to the objectives and management of the area, including the following:

(1) A discussion of the goals and objectives of the Heritage Area, including an explanation of a proposed approach to conservation and interpretation, and a general outline of the protection measures committed to by the parties to the compact.

(2) A description of the respective roles of the management entities.

(3) A list of the initial partners to be involved in developing and implementing a management plan for the Heritage Area, and a statement of the financial commitment of such partners.

(4) A description of the role of the State of New York.

SEC. 906. MANAGEMENT PLAN.

The management entities shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the Heritage Area's conservation, funding, management and development. Such plan shall take into consideration existing State, county, and local plans and involve residents, public agencies, and private organizations working in the Heritage Area. It shall include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area. It shall specify the existing and potential sources of funding to protect, manage and develop the Heritage Area. Such plan shall include specifically as appropriate the following:

(1) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance.

(2) A recommendation of policies for resource management which consider and detail application of appropriate land and water management techniques, including but not limited to, the development of intergovernmental cooperative agreements to protect the Heritage Area's historical, cultural, recreational, and natural resources in a manner consistent with supporting appropriate and compatible economic viability.

(3) A program for implementation of the management plan by the management entities, including plans for restoration and construction, and specific commitments of the identified partners for the first 5 years of operation.

(4) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title.

(5) An interpretation plan for the Heritage Area.

SEC. 907. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITIES.

(a) AUTHORITIES OF THE MANAGEMENT ENTITIES.—The management entities may, for purposes of preparing and implementing the management plan under section 906, use Federal funds made available through this title—

(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person; and

(2) to hire and compensate staff.

(b) DUTIES OF THE MANAGEMENT ENTITIES.—The management entities shall—

(1) develop and submit to the Secretary for approval a management plan as described in section 906 within 5 years after the date of the enactment of this title.

(2) give priority to implementing actions as set forth in the compact and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in preserving the Heritage Area;

(B) assist units of government, regional planning organizations, and nonprofit organizations in establishing, and maintaining interpretive exhibits in the Heritage Area;

(C) assist units of government, regional planning organizations, and nonprofit organizations in developing recreational resources in the Heritage Area;

(D) assist units of government, regional planning organizations, and nonprofit organizations in increasing public awareness of and appreciation for the natural, historical and architectural resources and sites in the Heritage Area;

(E) assist units of government, regional planning organizations and nonprofit organizations in the restoration of any historic building relating to the themes of the Heritage Area;

(F) encourage by appropriate means economic viability in the corridor consistent with the goals of the Plan;

(G) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the plan; and

(H) assist units of government, regional planning organizations and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(4) conduct public meetings at least quarterly regarding the implementation of the management plan;

(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval;

(6) for any year in which Federal funds have been received under this title, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which any loans and grants were made during the year for which the report is made; and

(7) for any year in which Federal funds have been received under this title, make available for audit all records pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

If a management plan is not submitted to the Secretary as required under paragraph (1) within the specified time, the Heritage Area shall no longer qualify for Federal funding.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entities may not use Federal funds received under this title to acquire real property or an interest in real property. Nothing in this title shall preclude any management entity from using Federal funds from other sources for their permitted purposes.

(d) ELIGIBILITY FOR RECEIVING FINANCIAL ASSISTANCE.—

(1) ELIGIBILITY.—The management entities shall be eligible to receive funds appropriated through this title for a period of 10 years after the day on which the compact under section 905 is signed by the Secretary and the management entities, except as provided in paragraph (2).

(2) EXCEPTION.—The management entities' eligibility for funding under this title may be extended for a period of not more than 5 additional years, if—

(A) the management entities determine such extension is necessary in order to carry out the purposes of this title and notify the Secretary not later than 180 days prior to the termination date;

(B) the management entities, not later than 180 days prior to the termination date, present to the Secretary a plan of their activities for the period of the extension, including provisions for becoming independent of the funds made available through this title; and

(C) the Secretary, with the advice of the Governor of New York, approves such extension of funding.

SEC. 908. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may, upon request of the management entities, provide technical and financial assistance to the Heritage Area to develop and implement the management plan. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(i) conserving the significant natural, historic, and cultural resources which support its themes; and

(ii) providing educational, interpretive, and recreational opportunities consistent with its resources and associated values.

(B) SPENDING FOR NONFEDERALLY OWNED PROPERTY.—The Secretary may spend Federal funds directly on nonfederally owned property to further the purposes of this title, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(2) APPROVAL AND DISAPPROVAL OF COMPACTS AND MANAGEMENT PLANS.—

(A) IN GENERAL.—The Secretary, in consultation with the Governor of New York, shall approve or disapprove a compact or management plan submitted under this title not later than 90 days after receiving such compact or management plan.

(B) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a submitted compact or management plan, the Secretary shall advise the management entities in writing of the reasons therefor and shall make recommendations for revisions in the compact or plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(3) APPROVING AMENDMENTS.—The Secretary shall review substantial amendments to the management plan for the Heritage Area. Funds appropriated pursuant to this title may not be expended to implement the changes until the Secretary approves the amendments.

(4) PROMULGATING REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out the purposes of this title.

(b) DUTIES OF FEDERAL ENTITIES.—Any Federal entity conducting or supporting activities directly affecting the Heritage Area, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement conducting or supporting such activities, shall to the maximum extent practicable—

(1) consult with the Secretary and the management entities with respect to such activities;

(2) cooperate with the Secretary and the management entities in carrying out their duties under this title and coordinate such activities with the carrying out of such duties; and

(3) conduct or support such activities in a manner consistent with the management plan unless the Federal entity, after consultation with the management entities, determines there is no practicable alternative.

SEC. 909. AUTHORIZATION OF APPROPRIATIONS.

(a) COMPACTS AND MANAGEMENT PLAN.—There is authorized to be appropriated to the Secretary, for grants for developing a compact under section 905 and providing assistance for a management plan under section 906, not more than $300,000, to remain available until expended, subject to the following conditions:

(1) No grant for a compact or management plan may exceed 75 percent of the grantee's cost for such study or plan.

(2) The total amount of Federal funding for the compact for the Heritage Area may not exceed $150,000.

(3) The total amount of Federal funding for a management plan for the Heritage Area may not exceed $150,000.

(b) MANAGEMENT ENTITY OPERATIONS.—There is authorized to be appropriated to the Secretary for the management entities, amounts as follows:

(1) For the operating costs of each management entity, pursuant to section 907, not more than $250,000 annually.

(2) For technical assistance pursuant to section 908 not more than $50,000 annually.

The Federal contribution to the operations of the management entities shall not exceed 50 percent of the annual operating costs of the entities.

(c) IMPLEMENTATION.—There is authorized to be appropriated to the Secretary, for grants (and the administration thereof) for the implementation of the management plans for the Heritage Area pursuant to section 908, not more than $10,000,000, to remain available until expended, subject to the following conditions:

(1) No grant for implementation may exceed 50 percent of the grantee's cost of implementation.

(2) Any payment made shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this title, as determined by the Secretary, shall result in a right of the United States of reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

SEC. 910. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MONTGOMERY) to revise and extend his remarks and include extraneous material:)

Mr. LAFALCE, for 5 minutes, today.

(The following Members (at the request of Mr. SOLOMON) to revise and extend their remarks and include extraneous material:)

Mr. SENSENBRENNER, for 5 minutes, today.

Mr. SOLOMON, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3610. An act making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On September 30, 1996:

H.R. 2967. An act to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes;

H.R. 3660. An act to make amendments to the Reclamation Wastewater and Groundwater Study and Facilities Act, and for other purposes;

H.R. 3458. An act to increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes;

H.R. 2988. An act to amend the Clean Air Act to provide that traffic signal synchronization projects are exempted from certain requirements of Environmental Protection Agency Rules;

H.R. 2779. An act to provide for appropriate implementation of the Metric Conversion

Act of 1975 in Federal construction projects, and for other purposes;

H.R. 2700. An act to designate the building located at 8302 FM 327, Elmendorf, Texas, which houses operations of the United States Postal Service, as the "Amos F. Longoria Post Office Building";

H.R. 1514. An act to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes;

H.R. 1031. An act for relief of Oscar Salas-Velazquez;

H.R. 1011. An act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio;

H.R. 3916. An act to make available certain Voice of America and radio Marti multilingual computer readable text and voice recordings;

H.R. 4138. An act to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes;

H.R. 4168. An act to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes;

H.R. 3610. An act making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes;

H.R. 3973. An act to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives;

H.R. 1823. An act to amend the Central Utah Project Completion Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985, and for other purposes;

H.R. 3871. An act to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations;

H.R. 3074. An act to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone;

H.R. 3166. An act to amend title 18, United States Code, with respect to the crime of false statement in a Government matter;

H.R. 4167. An act to provide for the safety of journeymen boxers, and for other purposes; and

H.J. Res. 197. Joint resolution waiving certain enrollment requirements with respect to any bill or joint resolution of the One Hundred Fourth Congress making general or continuing appropriations for fiscal year 1997.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, October 2, 1996, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5398. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Management Official Interlocks (12 CFR Part 348) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5399. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Interagency Guidelines Establishing Standards for Safety and Soundness (RIN: 3064–AB13) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5400. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Applications for a Stay or Review of Actions of Bank Clearing Agencies; Rules of Practice and Procedure (RIN: 3064–AB81) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5401. A letter from the Executive Director, National Education Goals Panel, transmitting the Panel's fiscal year 1996 year-end reports, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

5402. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

5403. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Atlantic Tuna Fisheries; Adjustment [I.D. 092496A] received October 1, 1996, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Resources.

5404. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Back River and Foster Creek; Charleston, SC (U.S. Coast Guard) [COTP Charleston 96–052] (RIN: 2115–AA97) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5405. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pipeline Safety Rulemaking Procedures (RIN: 2137–AC94) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5406. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments (U.S. Coast Guard) [CGD 96–041] (RIN: 2115–AF34) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5407. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Proposed Tip Reporting Agreement for Use in the Gaming Industry (Announcement 96–106) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5408. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Proposed Tip Reporting Agreement for Use in the Hairstyling Industry (Announcement 96–105) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROBERTS:

H.R. 4336. A bill to restore the authority of the Secretary of Agriculture to extend existing and expiring contracts under the conservation reserve program; to the Committee on Agriculture.

By Mr. LAFALCE.

H.R. 4337. A bill to amend the Truth in Lending Act to prohibit extensions of credit under any open end consumer credit plan the proceeds of which the creditor knows or has reason to believe are being used or will be used by the consumer to make any form of wager or bet, to play any game of chance, or use any gambling device, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 4338. A bill to provide relief for domestic producers of tailored wool apparel from increased imports of such apparel from Canada; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1317: Mr. LARGENT.

H.R. 3654: Mr. HILLIARD.

H.R. 3714: Mr. MORAN.

H.R. 3939: Mr. ENSIGN.

H.R. 4102: Mr. HAMILTON and Mr. NEY.

H.R. 4131: Mr. TALENT.

H.R. 4145: Mr. WALSH.

H.R. 4148: Ms. NORTON and Mr. DIAZ-BALART.

H.R. 4204: Mr. NEAL of Massachusetts.

H. Res. 555: Mr. BISHOP, Mr. FLANAGAN, Mr. JACKSON, Ms. KAPTUR, Mr. LEACH, Mr. MINGE, Mr. TORRICELLI, and Mrs. MINK of Hawaii.

EXTENSIONS OF REMARKS

HONORING THE POLISH AMERICAN JOURNAL

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. QUINN. Mr. Speaker, I rise today to recognize the 85th anniversary of the Polish American Journal.

As Representatives from Polish-American districts are sure to recognize, the Polish American Journal is the largest independent monthly English language newspaper in the United States and carries on the tradition of preserving Polish culture and customs in our country. Founded in 1911 as Zorza, The Dawn, it was subsequently renamed Republika before combining with another newspaper under the ownership of John Dende, 1920, and to become known as Republika-Gornik Pennsylwanski (Republic-Miner of Pennsylvania). The paper was influential in providing anthracite coal miners with information about working conditions, wages, and mine safety. John Dende's editorials won wide acclaim and were often reprinted in other Polish language newspapers. Indeed, John Dende became a highly respected activist for his work on behalf of his Polish-American compatriots.

Following John Dende's passing, the paper was published by his sons, Henry and Richard. In 1948 the Dende brothers made the difficult decision of changing from strictly Polish to mostly English to meet the needs of the nearly 5 million U.S.-born Polish-Americans and reach directly into the English-speaking community. Renamed Polish American Journal, the paper acquired national stature as the voice of Polish-Americans. Members of Congress, government officials, civic and political leaders, free Poles of the cold-war era, and anti-Communist crusaders throughout the world all turned to the Journal as a freedom forum and information source.

Henry and Richard Dende remained publishers of the Polish American Journal until 1983, ever true to their mission of promoting and preserving Polish and Polish-American culture, customs, traditions, and interests. In August of that year, however, Henry and Richard Dende agreed to have the Journal published by Panagraphics Corp. of Buffalo which is located in the 30th Congressional District of New York. And Panagraphics continues the work begun by the hearty Polish immigrants 85 years ago.

It is fitting to enter these remarks in anticipation of Polish-American Heritage Month, for the Polish American Journal is a familiar voice in these halls. It was this publication that gave us firsthand accounts of a war-ravaged Poland and the plight of the Poles who were forced to live behind the Iron Curtain. During that period, the Journal became the most quoted ethnic newspaper in the CONGRESSIONAL RECORD, as its headlines were cited by many of our former colleagues and their constituents.

Since that time, the Polish American Journal has fought hard to see freedom restored in Poland, a dream that was realized with the election of Lech Walesa to Poland's presidency.

While the Polish American Journal has demonstrated its role as a voice for Poland here in the United States, it more importantly serves as witness to the countless contributions Americans of Polish descent make to the United States. From Revolutionary War heroes Thaddeus Kosciuszko and Casimir Pulaski to World War II flying ace Col. Francis Gabreski and the highly decorated late Col. Matt Urban, Poles and Polish-Americans have long demonstrated their deep commitment to America's liberty.

The pages of the Polish American Journal are a record of the achievements of Polish-Americans in all fields, from academia and politics to science and the arts. This gives all citizens of the United States a deeper understanding and respect for the lives of the sons and daughters of self-sacrificing immigrants whose stories proudly shin in the colorful ethnic mosaic we call America.

Since its founding, the Polish American Journal has been dedicated to the promotion and continuation of Polish-American culture in the United States, a heritage rich in the joys of the family, church, and country. Its anniversary is a milestone by which all can be proud, for its success mirrors the achievements of all Polish-Americans whose virtues and ethics have contributed to American society.

Mr. Speaker, I congratulate the paper on its anniversary and commend its staff, writers, contributors, and subscribers who take pride in their economic roots and who willingly share the ideals of their ancestors with Americans of all backgrounds.

HONORING REPRESENTATIVE PATRICIA SCHROEDER OF COLORADO AND REPRESENTATIVE CARDISS COLLINS OF ILLINOIS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. DINGELL. Mr. Speaker, I rise today to add voice to those who want to recognize two wonderful public servants and truly special people, my colleagues PAT SCHROEDER and CARDISS COLLINS. It has been an honor for me to serve with these two distinguished Members, who have worked hard to help the people of Colorado, Illinois, and the United States. Their dedication, passion, and commitment to the betterment of our country will be missed.

For 11 terms, Pat Schroeder, my friend from Colorado, has been an active and influential leader on behalf of women's and children's issues, health care, educational opportunity, constitutional rights, and foreign and military policy. In doing so, she has shaped legislation that has affected every American and has earned the respect of legislators on both sides of the aisle.

By holding strong to her convictions and by keeping an unwavering commitment to help America, PAT SCHROEDER has become one of the best-known Members of this body. To many Americans, PAT SCHROEDER has become synonymous with women's rights, and rightfully so. Allies on important issues are always thankful to have PAT fight on their behalf, while foes on issues fear her powerful voice.

PAT SCHROEDER's legislative accomplishments are countless. Some of her most recent bills that are now law include the Violence Against Women Act, the Economic Equity Act, the Breast and Cervical Cancer Prevention Act, the Child Support Responsibility Act, and the National Child Care Protection Act.

PAT SCHROEDER has won recognition from a wide range of groups because of her dedication, including the National Women's Hall of Fame. We'll all remember PAT, though, for some of the every day things she does, like the smiley faces in her signature, the bunny suits and her flair for language and the art of debate. As I told her earlier this year, without PAT we never would have know whether Presidents were Teflon or Velcro, or which hawks were really chickens in disguise.

My colleague from Illinois, CARDIS COLLINS, also has had a most distinguished career of service to her constituents, and significant legislative contributions during her tenure here. Since arriving in 1973, CARDIS COLLINS not only has been a remarkable congresswoman, but has been a leader. CARDISS COLLINS has led the charge on minority, women's, children's, and safety issues. By doing so, she has enhanced equality and helped our Nation become stronger and safer.

I have had the honor to serve with CARDISS on the Commerce Committee, where I was able to witness her hard work and commitment to not only the people of Illinois, but to all Americans.

During her tenure as chair of the Subcommittee on Commerce, Consumer Protection, and Competitiveness, CARDISS COLLINS was instrumental in enacting the Child Abuse Prevention Act, the Child Safety Protection Act, the Gender Equity in Athletics Disclosure Act, and many, many other bills. She also conducted investigations which helped triple the number of child care centers in the General Services Administration.

CARDISS COLLINS' tireless efforts have also resulted in increased safety standards for America's airline passengers, tougher safety standards in the transport of toxic materials, and an increased African-American participation in advertising. She has led a dedicated

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

staff both in the Government Reform Committee, and before that in the Energy and Commerce Subcommittee on Commerce, Consumer Protection and Competitiveness. It was on this panel that Chairwoman COLLINS led hearings on gender equity, insurance redlining, and deceptive practices in the sale of life insurance.

Mr. Speaker, I am proud to have served with such noble individuals. PAT SCHROEDER and CARDISS COLLINS will not be forgotten. America owes them both a debt of gratitude. I urge all my colleagues to salute PAT and CARDISS for their exceptional accomplishments as Members of the House. They both will be greatly missed, but I know they will both find great satisfaction in their future endeavors.

TRIBUTE TO CONGRESSWOMEN SCHROEDER AND COLLINS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. CLAY. Mr. Speaker, when the 105th Congress convenes next year, this body will regrettably be absent two of its most dedicated and distinguished public servants, the Honorable PAT SCHROEDER and the Honorable CARDISS COLLINS. It is with mixed feelings of pleasure and sadness that I rise today in tribute to these two extraordinary leaders.

Congresswoman SCHROEDER and Congresswoman COLLINS have served the Congress longer and with greater dedication than few others. Among women Members, their longevity is virtually unmatched. As cofounders of the Congressional Women's Caucus they have shared in the historic mission of elevating this body's awareness and understanding of legislative issues of greatest concern to women. Both have served selflessly and tirelessly in the struggle for social justice and equality.

PAT SCHROEDER and CARDISS COLLINS represent very different constituencies. Their legislative styles are distinct and they speak in somewhat different voices, but they have consistently spoken in unison on behalf of those who have been traditionally under-represented in the halls of Congress. The achievements of these two legislative giants are too numerous to recount and too phenomenal to address adequately in these few minutes. They each leave a legacy of achievements fulfilled. PAT has performed some miraculous feats as a member of the National Security Committee while CARDISS has left her signature on the business of the Commerce Committee. And both of these great Members of Congress has left her personal imprimatur on issues like health care, education, employment security, environmental protection, consumer safety, and civil rights and humanitarian causes.

These two gentlewomen have made countless personal sacrifices and enormous contributions to this body and to the Nation. No truer advocates of peace, justice, and equality I have known in my 28 years in Congress. Congresswoman CARDISS COLLINS acts from the heart and steadfastly nurtures policies of fairness and virtue. Congresswoman PAT SCHROEDER speaks eloquently from her soul and illuminates the path to truth and justice.

Mr. Speaker, the Congresswoman from Denver and the Congresswoman from Chicago have played magnificent roles in redirecting our future. They have moved our Nation closer toward realizing those principles of freedom and equality of which our Nation's founders paid lip service but to which they failed miserably in their shameless defense of racism and sexism. Our Nation and this institution have changed for the better by the dedicated contributions of these exceptional legislators.

Representatives SCHROEDER and COLLINS have demonstrated the kind of faith and dedication that inspire the best in others. I will PAT's humor and I will miss CARDISS' determination, and I will especially miss their generous support and friendship. My memories of service with PAT SCHROEDER and CARDISS COLLINS are long and fond. I wish them each good health and good fortune as they leave us and move on to new challenges. I know they will continue to spread the faith. May triumph and victory be with them on the path that lies ahead.

CELEBRATING THE CAREER OF CARDISS COLLINS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to my friend and highly distinguished colleague, Congresswoman CARDISS COLLINS of Illinois' Seventh Congressional District. As the longest serving African-American female in Congress, she has been a true inspiration and mentor to those who have followed in her footsteps. Her legacy, including her tenure as chair of the Subcommittees on Commerce, Consumer Protection, and Competitiveness and Government Activities and Transportation, as well as the Congressional Black Caucus, are part of a permanent record that will ensure the importance of her 23 years in the House of Representatives.

Public service has become an important part of CARDISS' life. She honorably stepped in to fill her late husband's, the Honorable George W. Collins, seat when asked and has served faithfully since. Congresswoman COLLINS has truly represented her district throughout the years. Her skillful leadership during her 11 terms will be missed by many.

I would like to take this opportunity to remember some of the important achievements attributed to Representative COLLINS. She has consistently devoted her energy to improving health care for women and minorities. CARDISS spent several years during this decade promoting the research of breast cancer. She sponsored legislation that expanded Medicare coverage for mammography screenings and Medicaid coverage for Pap smears to detect cervical and uterine cancers. COLLINS has also continuously authored a resolution that designates October as National Breast Cancer Awareness Month.

Her concern for women extends beyond health care. She pressured colleges to follow the requirements of title IX of the Education Amendments Act of 1972 when she chaired the Subcommittee on Commerce, Consumer Protection, and Competitiveness. The result has been a dramatic increase in the participation of women in sports, as evidenced by the number of American women participants this year in the Centennial Olympic Games in Atlanta.

CARDISS has been especially concerned about the fate of our country's children. She is responsible for increasing the funding and research into minority health issues and establishing the National Institutes of Health's Office on Minority Health. Representative COLLINS was the force behind the Child Abuse Prevention Act, which resulted in the training of teachers in child abuse prevention. Additionally, CARDISS increased child safety by enacting legislation that requires warning labels on toys with small parts and standards for bicycle helmets.

CARDISS has also focused her energy on increasing diversity in advertising. The lack of a presence of African-Americans sparked her to introduce several bills to strike more of a balance throughout this medium. She worked tirelessly to ensure that privately owned firms and the Federal Government did not discriminate against minority owned agencies.

The Congressional Black Caucus is the strong organization it is today, due, in part, to the leadership Representative COLLINS showed when she chaired the Caucus. She also chaired the Congressional Black Caucus Foundation for two terms, beginning in 1994. She was an important member to both bodies, and they miss her contributions.

I will miss CARDISS' intelligence and insight which she has shared throughout the years we spent in Congress. I know she will spend many fulfilling years with her son and granddaughter. I am honored to have served with her and I wish her continued success and happiness.

CONGRESSWOMAN CARDISS COLLINS HONORED

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. MOAKLEY. Mr. Speaker, I rise today to pay tribute to my colleague and neighbor, Congresswoman CARDISS COLLINS, who will be leaving the house after 24 years of very distinguished service.

CARDISS COLLINS has been an exemplary Member and a true Democrat. She has fought long and hard to improve health care for women and minorities and to improve diversity in advertising.

Thanks to her work making sure female college athletes are treated fairly in our Nation's colleges and universities, CARDISS was inducted into the Women and Girls' Sports Hall of Fame.

And that is just one of her many awards, distinctions, and honorary degrees.

I had the great pleasure of working with CARDISS on an issue that we both believe is very important—the issue of cigarette-caused fires and how to stop them. CARDISS and I worked together for years to promote fire-safe cigarettes and considering the powerful companies we've been up against, I believe we have made great strides.

CARDISS has also been ahead of her times in terms of fighting for airline safety. It is tragic that it took this year's airline accidents to bring other people around to her point of view.

At a time when it cannot have been easy to be an African-American woman in Congress, CARDISS has made tremendous strides on behalf of women and minorities.

I hope very much that her tenure as longest serving African-American woman in the Congress, will serve as an inspiration to young people, particularly people of color, as they consider their careers. She is indeed a wonderful role model for all young people.

The seventh Congressional District of Illinois is lucky to have had her as its representative and we are lucky to have had her as our colleague.

TRIBUTE TO THE HONORABLE PAT SCHROEDER ON HER RETIREMENT

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. MONTGOMERY. Mr. Speaker, I would like to take this opportunity to wish Congresswoman SCHROEDER farewell. She will be retiring at the end of this session, but she will not soon be forgotten in Washington.

For the last 16 years, I have had the good fortune to sit next to Pat on the National Security Committee. She has worked hard during her time in Congress, and not only in this committee. She gives everything 100 percent of her time and attention.

During the time that I have known her, I have had the opportunity to meet her wonderful family. I know them well and have enjoyed our association. I wish them all good luck in the future.

HONORING PAT SCHROEDER

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. MOAKLEY. Mr. Speaker, I rise today to pay tribute to a truly great Member of Congress, my classmate PAT SCHROEDER.

PAT and I joined the House of Representatives together in 1973, and ever since that time I have watched her impressive accomplishments with great respect.

I only regret that I never got to see her chair the Judiciary Subcommittee on Courts and Intellectual Property because I know if she ever did she'd do a wonderful job.

During her 24 years in Congress PAT has been an outspoken and extremely effective advocate for children, women, and families.

She never lost her sense of joy and honor in serving in the most respected legislative body in the world, and it infected everyone around her. Even people who disagreed with her politically recognized her profound dedication to this country.

PAT has been a true Colorado pioneer—she is the longest serving woman in the U.S. House, and a former candidate for Vice President of the United States. She has set a great example and been a great inspiration for young women throughout the United States for many many years.

Despite her impressive tenure, PAT leaves here as spunky and optimistic as when we first started, but she will certainly be leaving this place a quieter, a bit less feisty, and bit less family friendly.

I am honored to have served with her and I will miss her very much.

Thank you Mr. Speaker.

TRIBUTE TO THE HONORABLE PATRICIA SCHROEDER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to our distinguished colleague, PATRICIA SCHROEDER. PAT is retiring at the end of this term after a remarkable 24-year career in the House of Representatives. She began her career in Denver as a lawyer and women's rights activist. She brought an activist's passion and commitment to the Congress where she has fought for the rights of women, children, families, and all Americans for nearly a quarter of a century. PAT has been a friend and colleague and she will be sorely missed.

PAT has left an indelible mark on the Congress which has allowed all women who have followed her to enter with greater equality and respect. She is the most senior woman Member of the House and one of the original founders of the Congressional Caucus for Women's Issues. She cochaired the caucus from 1979 until 1995. She has been called an icon of the women's movement and has even been named to the National Women's Hall of Fame. One of her own personal favorite claims to fame, however, is that Oliver North has labeled her as one of the country's 25 most dangerous politicians.

PAT has authored and overseen the passage of some of the most important legislation affecting the lives of all Americans. Such legislation includes several which I am honored to have cosponsored: the Violence Against Women Act, the Economic Equity Act, the Breast and Cervical Cancer Mortality Prevention Act, and the National Child Protection Act. PAT was also one of the original cosponsors of the landmark Family and Medical Leave Act.

I have been particularly honored to work with PAT on the Judiciary Committee. Together we have worked to stem the tide of Republican assaults against the rights of the American public. PAT has brought her profound knowledge of the law and policy to her work as the ranking Democrat on the Subcommittee on Courts and Intellectual Property and as a member of the Subcommittee on the Constitution. She has used her position on the Judiciary Committee to fight for the passage of the equal rights amendment, to expand the access of women to quality health care and reproductive services, to combat employment discrimination, and to protect intellectual property rights here and abroad. She is a wise and formidable associate and I will greatly miss her working at my side.

PAT has also paved the way for women in the Congress by opening the door to the once male bastion of military defense. PAT has been a strong and sometimes lone progressive voice on national security issues since taking office. She joined the National Security Committee in 1973 as an antiwar activist and has provided votes of reason ever since against such measures as Reagan's Strategic Defense Initiative, the B–2 bomber, the MX missile and other nuclear weapons systems. She has been a proponent of nuclear test ban laws, defense burdensharing, and the base closings of 1989. In 1991, PAT led the inquiry into the now infamous Tailhook Scandal which resulted in the resignation of Navy Secretary H. Lawrence Garrett. Her long struggle to see women soldiers in combat roles came to fruition when the Pentagon announced that women aviators were allowed to fly combat missions for the first time in 1993.

PAT's wit and quick tongue have changed the nature of political dialog in America. Her nickname for Ronald Reagan, the Teflon President, has become infamous. She is leaving the House with this same passion and vigor. In the past few weeks she has strongly defended the record of progressives in Congress, she has fought vigorously against the attempt to override President Clinton's veto of the partial birth abortion ban, and she has introduced a package of new legislation on safe motherhood. PAT's wit, intellect, dedication, and passion for what is right will be greatly missed in the Judiciary Committee, the Democratic Party, the House of Representatives, and the Congress as a whole. I have greatly enjoyed working with her for these past 24 years and I wish her luck in all her future endeavors.

NAFTA PARITY FOR U.S. WOOL APPAREL INDUSTRY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. LAFALCE. Mr. Speaker, today I am introducing legislation that will redress a wrong inflicted on an important segment of the U.S. textile and apparel industry during NAFTA negotiations.

During NAFTA negotiations with Canada, changes were made in the original United States-Canada Free Trade Agreement [CFTA] with respect to imports of men's and boys' wool suits, jackets, and slacks—changes which both injure United States manufactures in this sector and give no avenue for relief from this injury. My legislation will correct this oversight and return to provisions that were originally intended in the CFTA.

When the United States and Canada negotiated the textile and apparel provisions of the CFTA, special duty allowances were made for tailored men's and boys' wool apparel made from foreign fabric, i.e., fabric not produced in either the United States or Canada. A temporary tariff preference level [TPL] was established for this category of imported apparel for items made from textiles that were not available in either the United States or Canada—hence, the special treatment for wool apparel made from non-United States or Canadian textiles. At the time, Canadian manufacturers of tailored wool apparel constituted only a small portion of the Canadian apparel industry, and the TPL was intended only to ensure that they had an adequate supply of wool fabric. Under the CFTA, renegotiation of the tariff preference level was mandated by January 1, 1998.

During NAFTA negotiations, the CFTA monitoring and renegotiation requirements were dropped. Indeed, the Office of the U.S. Trade Representative has said that NAFTA negotiations constituted a fulfillment of the CFTA mandate. The result of this retention of tariff preference levels—and indeed the increase of levels rather than a lowering—has resulted in an unacceptable surge in imports of this product from Canada. United States industry believes this provision has been used by Canadian producers for "wholesale circumvention of the rule of origin"—and the rule of origin is the foundation of a free trade agreement. The legislation I am introducing today would restore the mandate to monitor and renegotiate the schedule of tariff preference levels by January 1, 1998.

Since 1988, the surge of tailored-wool-apparel imports from Canada has devastated the United States industry. U.S. production of men's and boy's wool suits has drooped more than 40 percent, and employment has fallen almost 50 percent. At the time of CFTA negotiations, United States industry voiced concern about establishing tariff preference levels for goods made from nonoriginating fabric, but Canada assured United States negotiators that preexisting trade patterns would not be altered. Clearly, this has not happened. Yet, U.S. industry does not have normal access to safeguard actions that would allow it to petition the U.S. Government for temporary relief from injurious imports. Instead, the wool apparel industry was excluded from NAFTA safeguard provisions. The legislation I am introducing would allow the U.S. industry for tailored wool apparel to have normal access to safeguard provisions under the NAFTA.

Mr. Speaker, I believe Congress must take corrective action when it becomes aware that a major piece of legislation unfairly excludes and injuries a sector of U.S. industry, especially when this effect was not intended. We owe it to U.S. workers in the tailored wool apparel sector to restore legislation to its original intent and to provide for a normal avenue under U.S. trade law to redress injury from imports.

TRIBUTE TO TOBY ROTH

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. SOLOMON. Mr. Speaker, I rise today to pay tribute to a fellow classmate, colleague, and friend. TOBY ROTH came to this body in the same class as I did over 18 years ago. When we arrived in this House, our Nation faced unprecedented inflation and unemployment rates and a stagnating economy at home and faced an expanding and powerful Evil Empire of communism abroad. With the election of Ronald Reagan in 1980, this economic slide and the rampant spread of communism began to turn. While I fought hard in this body to assist President Reagan in fighting the spread of communism around the world, TOBY ROTH was right at my side as we served many years together on the Foreign Affairs Committee. From his position on the Foreign Affairs Committee, TOBY was instrumental in working to bring the Communist bear to its knees. The fact that democracy instead of communism is now breaking out all over this world in is large part due to the efforts of our colleague TOBY ROTH. America owes its gratitude to this man for his unswerving dedication.

TOBY has also served his country well in his defense and support of our English language. He has taken the inspirational words of Winston Churchill to heart when Churchill stated that "the gift of a common language is a priceless inheritance." TOBY'S leadership on this issue has motivated many of us to stand up and recognize that as Toqueville said "the tie of language is, perhaps the strongest and the most durable that can unite mankind." His dedication to principle, his love for his country, and his commitment to democracy enable me to proudly stand on this floor today and declare that he is my colleague and my friend. Statesmen of his character are why America deserves to be proud of our representative democracy and our hard-earned freedom. America will miss TOBY ROTH in this body and I hope for our country's sake that TOBY will return to Washington in the future to share with us his sage advice on those issues to which he holds so dear.

HAPPY 50TH ANNIVERSARY; REALTOR ASSOCIATION OF BAY COUNTY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. BARCIA. Mr. Speaker, honesty and integrity are elusive commodities in today's business world but are ever present in our hardworking realtors. Over the years I have had the privilege of working with many real estate agents, chief among them the very professional members of the Realtor Association of Bay County. I rise today to pay tribute to this association that, for half a century, has been dedicated to promoting ethics and caring in the business world. On October 19, at the Consistory Cathedral in Bay City, the Realtor Association will celebrate its 50th anniversary.

First chartered on July 9, 1946, the Realtor Association of Bay County is a professional association of real estate brokers and their agents. Originally created not only to protect and promote private ownership of real property, and establish professional standards of practice, the association has remained true to its original goals while expanding outreach into the community.

Through the years, the association has actively monitored State and Federal legislation regarding private property rights and has provided educational programs, keeping members informed on the numerous changes in the laws and creating forms necessary to comply with them. One such service, created in 1962 and computerized in 1972, is the Multiple Listing Service which assists members in their endeavor to list and sell properties for their clients and customers.

The Realtor Association of Bay County is a member of the world's largest trade association, the National Association of Realtors, which consists of over 750,000 members and the Michigan Association of Realtors, which consists of over 25,000 members.

With a membership that has grown to over 300, the association is involved in 12 diverse community service projects. Groups such as Junior Achievement, American Home Week, Women's Center, and Safety Through songs for Kindergartners have all benefited from their relationship with the Realtors Association.

Mr. Speaker, realtors adhere to a strict code of ethics and level of professional conduct that benefit us all. Couple that with their dedicated involvement to the community and you have an organization which exemplifies the professionalism and caring to which all business and business associations should aspire. Please join me in congratulating the Realtor Association of Bay County on its 50th anniversary, with best wishes for many more.

LEGISLATION EXTENDING CONSERVATION RESERVE PROGRAM CONTRACTS

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. ROBERTS. Mr. Speaker, today, I am introducing legislation to restore to the Secretary of Agriculture the optional authority to extend existing Conservation Reserve Program [CRP] contracts. This action is necessitated by a provision contained in the 1997 agricultural appropriations law that rescinded that longstanding authority at a time when the Secretary is attempting to implement a revised CRP that currently does not have final regulations in place.

Contracts covering 24 million acres, or two-thirds of the existing enrolled acres, are scheduled to expire next September and must be considered for re-enrollment before that time. Congress devoted considerable time and resources during the farm bill to insuring the continuation of the CRP with its important conservation and environmental benefits. The administration was tasked with proposing new regulations for the CRP by early June of this year to give farmers sufficient time to understand the revised program and make decisions on their participation.

Unfortunately, USDA's proposed regulations did not appear until mid-September. The proposed changes are so massive and so many factors are still unknown, it is unlikely that farmers will have the final details well into next year. If the proposed changes are contained in the final rules, it is clear that many weeks of intensive work by USDA will be needed to apply the general rules to each individual farmer's land before the producer will know whether he is eligible and whether he wants to make a bid to enter the program.

It was the clear intent of Congress to give the producer the maximum flexibility in making the decision on whether or not to continue his land in the CRP. Farmers cannot sensibly make that decision until all the information is available to them. The slightest delay in USDA's schedule will create chaos on the farm with an arbitrary deadline forcing a decisions for which the producer has insufficient information.

If this situation arises, which in the mind of this Member is a probability rather than a possibility, it is imperative that the Secretary of Agriculture retain the authority to extend existing contracts so that properly thoughtful decisions can be made that will affect farmers and our environment for a decade to come.

By eliminating the limitation on the Secretary's authority contained in this year's agricultural appropriations law, this bill will insure that USDA has the flexibility to implement the Conservation Reserve Program successfully and avoid a train wreck next August.

A SPECIAL THANK YOU TO MY FRIENDS AND COLLEAGUES

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. MONTGOMERY. Mr. Speaker, as I prepare to retire at the end of this Congress, there are many people that I want to express my appreciation. I would like to take this opportunity to thank my colleagues for the great help and respect they have given me through out the years. In the recent months, they have made a special effort to tell me how much they enjoyed serving with me. My fellow Representatives wished me well in my future endeavors, and I do appreciate all the warm regards and kind thoughts.

Additionally, I owe the staffs on Capitol Hill my thanks. The staffers have given my office a great deal of help and assistance over the many years. Because of them, my job was made much easier.

Finally, a special thanks to all the different organizations that have honored me in the last few months: National Guard Association of the United States, Mississippi State University, the veterans organizations, the armed services YMCA, and the Mississippi Society, just to name a few, have given me receptions, dinners, and many wonderful memories.

Thank you all.

TRIBUTES TO CONGRESSMEN JACOBS AND MYERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. HAMILTON. Mr. Speaker, I am inserting these statements into the CONGRESSIONAL RECORD. They were to be given as part of a Special Order for Congressman JACOBS and MYERS last week:

STATEMENT OF THE HONORABLE JOHN CONYERS, JR., PRAISING THE CAREER OF ANDREWS JACOBS, JR.

There have been a number of colleagues with whom I have become friends as well as legislators, but none as close to me as Andy Jacobs. On January 4, 1965, we began an intermittent association that makes me feel able to say that I have a dear friend leaving Congress.

Andy will be known and remembered for his unfailing ability to bring a smile to your face no matter what is happening in the Congress or in your lift. He believes that a laugh can lift you, and I have come to believe it too. After all, he has practiced more jokes on me than perhaps any other member of the House within the course of our friendship.

Now that he is ending his legislative career, may I reflect upon several achievements that may not have been covered during the course of our discussion. The first is the Viet Nam War debates that were conceived by Representative Jacobs. He led the fight to end the war in 1969, in an all night session on the House floor. Andy's efforts led to the beginning of the end of the Viet Nam War.

The second matter is the Adam Clayton Powell Committee, to which then Speaker John McCormack appointed us both. Through his ability to persuade people, Andy was able to at least have a hearing that afforded then Chairman Powell a modicum of due process. He was skillful at it, and he was able to turn away some of the intense emotion that led many members to want to make short shrift of our jobs on the committee. But Jacobs predicted with a usual clarity that any attempt to ouster Chairman Powell would be rebuffed by a Supreme Court which would be reluctant to allow us to determine who should represent the people from a congressional district.

The third matter was the impeacement hearings of Richard Milhouse Nixon. And here again, Andy Jacobs was helping to lead us to a decision that was inescapable in terms of our duty; to recommend impeachment proceedings against a sitting president.

The years have been good to both Andy and myself. His support on the homefront and in the family setting is a beautiful one. I know his wife, Kimberly, and his children, and Andy has never been happier; and I have never been happier for him. He has truly been a man of the people, and I can say that he has never compromised his beliefs in the political arena or anywhere else. He is a leader, an unusually forceful speaker, and a mental giant both in his writing and his lawmaking. I wish him every continued happiness from this day forward.

STATEMENT OF THE HONORABLE MICHAEL BILIRAKIS

A FOND FAREWELL TO JOHN MYERS

I rise today to say farewell to a dear friend and colleague who will be retiring at the end of this Congress—the honorable John Myers from Indiana.

Calling John Myers honorable is an understatement. He is much more than that, and has served the citizens of the 7th District of Indiana superbly since coming to Congress in 1967.

John is one of the most well-liked and respected members of the House of Representatives, and his departure will not only be a loss for his constituents, but also for this venerable institution that he devoted so much of his life to.

In his time in Congress, John has been known as a staunch fiscal conservative, and has backed up his words with action—never voting to raise taxes. Since the day be began his service until today, John has maintained his passion and enthusiasm about debating the issues that affect his constituents and our country.

As Chairman of the Appropriations Subcommittee on Energy and Water Development, he has provided critical flood control relief to his largely rural district. He has also been instrumental in the continued funding of high-tech research projects, such as new cancer treatments, at several state universities in Indiana.

As the third most senior member in the first GOP congress in over forty years, John has been a forceful and influential voice in determining the direction of important policy initiatives. He has provided leadership and exuberance in moving power and influence out of Washington and back to the people where it belongs. His legacy of integrity and legislative achievement has won him the respect, praise and admiration of members from both parties, political pundits and members of the media.

Mr. Speaker, I am pleased to add my voice to those who are bidding farewell to John Myers. John—congratulations on your outstanding record of service, and best of luck to you and your wonderful wife Carol in the future. You'll be missed.

STATEMENT OF THE HONORABLE MICHAEL BILIRAKIS OF FLORIDA

BEST WISHES TO ANDY JACOBS UPON HIS RETIREMENT

I rise today to pay tribute and say goodbye to a close friend and colleague who I have had the honor of serving with in the House of Representatives, Andy Jacobs.

Andy is one of the true gentlemen in Congress, and has served admirably and with great fervor since coming to Congress in 1965. He wasted no time getting into critical legislation, and as a member of the Judiciary Committee, helped write the historic Voting Rights Act of 1965.

In 1969, Andy led a night long debate on the Vietnam War, which the Washington Post described as "the first serious congressional discussion of U.S. policy in Vietnam."

As Chairman of the Ways and Means Subcommittee on Health, Andy has also played an integral role in shaping the Medicare and Social Security programs. He has also been a leading proponent of pre-school programs for educationally-disadvantaged children.

Andy has been an exceedingly effective legislator in his years in Congress, and had been praised by two Indianapolis mayors for protecting the city's interests.

Mr. Speaker, I will certainly miss Andy, and especially his good humor. He could always brighten a dismal day with a joke. In fact, he has been described as having a "Lincolnesque" sense of humor.

Congress is losing a fine man and a terrific legislator. I am thankful for having served with such a fine man.

LEST WE FORGET

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to submit for the RECORD the following tribute to our veterans which was written by Rev. B. Robert Gillis of the Gloria Dei Church, Huntingdon Valley, PA, in the 13th Congressional District. It is a stirring testament to the debt our Nation owes to its veterans.

LEST WE FORGET

Lest We Forget.—That our country was founded on the principles of freedom and justice for all.

That our forefathers were people of vision who exhibited unswerving faith in the worth of both people and principles.

And that God has been an integral part of the foundation and fabric of our nation.

Lest We Forget.—That freedom and justice carry a substantial price tag that is non-negotiable.

That the price tag has been very high.

And that sacrifices have been made with little regard for personal comfort, safety or recognition.

Lest We Forget.—That people of vision and passion saw beyond themselves to a larger, better world for all.

That our forefathers have exchanges the security of what is for what might be.

Lest We Forget.—That freedom and justice are never guaranteed.

That there are always those intent upon infringing on the rights and responsibilities of others.

That both freedom and justice must be defended.

And that each successive generation must continue to pay the price to keep our dreams * * * alive * * *

Lest We Forget, We Must.—Build on the foundation of the past and follow the example of our predecessors.

Embrace a simplicity of purpose that turn confusion to commitment/diversity into unity.

And invest our effort and energy without regard for convenience or self-serving ends.

We Must.—Dream of a future that honors a heritage of commitment.

Value people over programs—principles over practicality.

And renew our faith in God as we explore the opportunities for our future together.

Must We.—Be "One Nation Under God With Liberty And Justice For All."

May We.—Never forget!

INTRODUCTION OF THE COMMODITY EXCHANGE ACT AMENDMENTS OF 1996

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. EWING. Mr. Speaker, as a point of departure as the 104th Congress passes into the historical record, today I am introducing legislation to reform the Commodity Exchange Act [CEAct], the law governing the regulation of futures and options on our Nation's commodity exchanges and other risk management financial instruments that are traded in over-the-counter markets.

Although this legislation is not massive in size, it is sizable in scope. This area of Federal regulation—the importance of our futures and option markets—demands new treatment. Although the Commodity Futures Trading Commission [CFTC] was just reauthorized through the year 2000 last April, the Congress took more than 3 years to agree on the Futures Trading Practices Act of 1992—1992 FTPA. Needless to say, that law was a contentious debate; this bill may be similarly contentious. For that reason, it should be viewed as a discussion document. We will have several months to think about it and discuss it prior to the introduction of a new bill in the 105th Congress.

The purpose of the bill is to reestablish the concept of self-regulation with CFTC oversight. The commodity exchanges are self-regulatory organizations; they regulate their members and the trade and financial practices of their members. The National Futures Association [NFA], at this time the sole registered futures association, regulates the professional futures community, setting industry-wide standards of sales and trade practice conduct.

The aim is to keep the U.S. futures industry competitive as it enters the next century. The price discovery and hedging functions of our futures markets still are paramount. The law, however, must recognize that technology is constantly changing and that our commodity exchanges serve a sophisticated, mostly institutional clientele these days, not small, retail traders.

With that in mind, let me briefly outline the contents of the bill I am introducing.

Section 2(a)(1)(A)(ii), is known commonly as the Treasury amendment and was enacted as a part of the Commodity Futures Trading Commission Act of 1974. Unfortunately, this language has created numerous legal problems the courts have dealt with inconsistently.

Title II of the bill offers a solution to these problems. It is one solution. Obviously, there are others. Attempting to deal with a controversy of this magnitude is not easy. The solution in the legislation will be disputed and argued. I welcome all interest groups, including Members of the other body, to help to solve this matter in the next Congress.

Section 3 of the CEAct describes the reasons for Federal regulation of futures and option markets and a great deal of this section is simply outdated and does not fit today's regulatory requirements or needs. The bill substantially restates the purposes of Federal regulation.

Section 4 is amended to include specifically an exemption for certain professional markets whose participants are recognized under current law. These appropriate persons are described in sec. 4(c)(3) of the CEAct and include futures commission merchants, floor brokers, and floor traders. In light of the exemptions afforded other professional traders by the 1992 FTPA, I believe this language is consistent with congressional intent in this area.

Sections 103 and 104 of the bill enhance the self-regulation of exchange institutions by providing simplified and streamlined contract market designation and rule submission procedures. These are necessary in my view to maintain the competitiveness of our commodity exchanges in a world that has come to understand the importance of risk management on exchanges with sound, but limited, regulatory programs.

These amendments presume a commodity exchange develops sound contracts with economic purposes that are widely recognized and will be used by commercial and speculative interests for price discovery and risk-shifting that have long been viewed in this country and by the Congress as beneficial to our Nation's economy.

Section 105 of the bill seeks to improve commodity exchange audit trails without impairing the functions of the markets. Audit trail issues date from the establishment of the CFTC but have been actively debated in the CFTC's regulatory programs since 1986, when the CFTC proposed a 1-minute, verifiable standard.

Understanding that each commodity exchange has different trade customs and systems unique to each institution means there are numerous ways to obtain adequate, verifiable audit trails. These trade recordation systems have changed dramatically over the years, and U.S. commodity exchanges constantly are improving and upgrading their audit trail systems. The amendment seeks to develop standards that are objective and reasonable.

Section 106 of the legislation provides benefit-cost analysis to the CFTC's regulatory program. Regulation under Republican administrations and new law under this Republican Congress has moved us further in that direction. There is no reason we cannot bring similar sound, reasonable, and fair regulation to our commodity exchanges and preserve the public interest.

Finally, section 107 is a housekeeping matter of interest to the Committee on Agriculture. An objective of the committee during the reform of U.S. agriculture embodied in the Federal Agriculture Improvement and Reform Act of 1996 [FAIR Act] was to use fewer words. The FAIR Act is literally one-half the volume of the 1990 farm bill. With that in mind—and there may be further improvements later—section 107 repeals section 8e dealing with CFTC oversight and deficiency orders. It is my understanding that after the nearly 4 years this section has been law it has never been used. That makes it unnecessary in my view.

I look forward to comments on the legislation and working with interested parties as we proceed with this necessary reform in the 105th Congress.

GAMBLING CREDIT REFORM ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. LAFALCE. Mr. Speaker, I am today introducing legislation to protect consumers, financial institutions, and taxpayers from the unwarranted use of credit cards for gambling. My legislation the Gambling Credit Reform Act, would prohibit the extension of credit under any open-end consumer credit plan where a creditor knows or has reason to believe that such credit will be used to make a bet or wager, or to play any game of chance in a casino or other gambling establishment.

I was appalled to read recently that the New Jersey Casino Control Commission had approved the use of credit cards for the purchase of playing chips and slot tokens in casinos at Atlantic City. This means that gamblers who run out of cash can obtain more playing chips or tokens with the wave of their hand without even leaving a playing table. Gambling industry experts see this as one of the "most potentially dramatic" changes in gambling in years and one that will result in more impulse gambling and higher revenues for casinos.

The use of credit cards directly to make bets or wagers has never been permitted in this country and with good reason. Allowing gamblers to use credit cards to obtain more chips without leaving a gambling table removes one of the last remaining checks on compulsive or problem gambling—the need to walk away to find more cash to gamble. Permitting the use of credit cards will make it significantly easier for problem gamblers not only to bet all their disposable income, but to tap into available credit lines on one or more credit cards.

This is particularly troubling at a time when our Nation's financial institutions, and credit card banks in particular, are threatened with unprecedented levels of consumer debt and personal bankruptcies. Consumer debt has increased at double-digit rates since 1994 while personal incomes have stagnated. Accumulated consumer debt is now estimated at nearly 85 percent of the Nation's disposable income. Consumer debt service is at a near-record level of 17 percent of disposable income and loan delinquencies are at record levels.

With consumer debt continuing to grow nearly three times faster than income, it is no surprise that a record number of American families will declare bankruptcy this year. If current trends continue, more than 1 million families—or 1 percent of all U.S. households—will file for bankruptcy this year. This represents a 26-percent increase over 1995 and a bankruptcy filing rate equal to one bankruptcy filing every 2 minutes throughout the year.

By almost every account, the primary contributor to these problems has been what Federal Reserve Chairman Alan Greenspan described as the "extraordinary rise" in credit card issuances and debt. Outstanding credit card debt increased 16 percent in 1995, to a total debt of $454 billion. However, a far greater potential problem comes from the vast, still untapped credit lines already granted to consumers on existing credit cards. Available credit lines increased by 30 percent in 1995, providing consumers with an additional potential debt of $1.1 trillion.

It is clear that existing credit card balances are already becoming too much for consumers to handle. More people are late in making their credit card payments than at any time in the past 15 years. And the American Bankers Association reported in mid-September that credit card delinquencies had reached the highest level on record.

Allowing gamblers to use credit cards directly for gambling will only exacerbate these trends. It will lead to greater financial strain and anguish for many American families, increase credit delinquencies and losses at financial institutions, and contribute to potential losses to our deposit insurance system that, conceivably, would have to be covered by taxpayers.

No responsible financial institution would grant a loan to an individual for the purpose of going to Atlantic City to gamble. But this is exactly what we are condoning and encouraging with the use of credit cards. It accentuates the already serious problems of consumer debt and rising bankruptcies and it presents additional and unwarranted risks for financial institutions. My bill will stop these developments before they spread to all forms of gambling throughout the country.

Mr. Speaker, I recognize that there is little chance that this legislation can be considered this year. My purpose in introducing the bill is to give notice that there are Members of the Congress who consider this misuse of credit cards to be unacceptable. I intend to refine this legislation and reintroduce a similar proposal early next year and I hope that, upon its return, the Congress will consider this legislation and enact it into law promptly.

VETERANS' BENEFITS IMPROVEMENTS ACT OF 1996

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. EVERETT. Mr. Speaker, I rise today in support of the Veterans' Benefits Improvements Act of 1996. This House-Senate compromise bill contains program improvements for several veterans benefits, and these provisions will make a difference in the lives of thousands of veterans and their survivors. It is a bipartisan bill and I thank all the Members on both sides of the aisle and both sides of the Chamber for their support.

Section 211 would amend the statute governing burial eligibility to incorporate the regulatory definition of "minor child."

Section 212 would provide burial benefits for approximately 300 of the 2,500 veterans who die in State nursing homes yearly, but do not qualify for priority care in Veterans Health Administration facilities.

Section 213 would authorize VA to issue a voucher equal to the average cost of a grave liner to survivors who elect a burial vault other than the national cemetery system's provided grave liner.

Title four makes change to the administrative functions within the VA Life Insurance Program. Provisions include merging the Retired Reserve Servicemembers' Group Life Insurance and Veterans' Group Life Insurance programs and extending Veterans' Group Insurance to members of the ready reserve; allowing veterans' group-insureds to convert to a commercial policy at any time; and renaming the Servicemen's Group Life Insurance Program to Servicemembers' Group Life Insurance to make it more gender neutral.

Section 502 would limit the clothing allowance for veterans incarcerated for more than 60 days in a penal institution where they receive clothing at no cost to them.

Section 503 would authorize an additional $150,000 to the Veterans' Claims Adjudication Commission and extend their final report date to December 31, 1996.

Section 504 would establish a pilot program under which contract physicians would provide disability examinations to applicants for VA benefits. The pilot program is anticipated to speed up the examination-gathering process for the adjudication of claims.

Section 505 would expand the time period that currently defines the beginning of the Vietnam era from August 5, 1964 to February 28, 1961. Benefits would be granted to those eligible veterans that served in theater only from February 1961 thru August 1964 and limit Agent Orange benefits to those who served from January 9, 1962.

Section 506 would allow a surviving spouse to retain compensation or pension payments for the full month instead of the end of the month before the veteran died.

Section 507 would increase the period of time for which accrued benefits are payable to a surviving spouse from 1 year to 2 years. These are spouses of veterans who die while their claim is being adjudicated. This provision is the result of the committee recognizing the length of time it takes VA to adjudicate claims.

Section 508 clarifies that a power of attorney applies to a veterans service organization as a whole unless the veteran designates one person specifically.

Section 509 would allow the Board of Veterans' Appeals to provide a copy of a decision to a veteran or veterans' representative by any means where delivery would be at least as fast as it would be if mailed via the U.S. Postal Service.

Section 602 would authorize the American Battle Monuments Commission to accept private funds to help maintain those overseas war memorials that are transferred to their care.

I am very pleased with the program improvements we are able to offer today. During these fiscally conservative times, we must not forget our veterans and the sacrifices they made on our behalf. I thank the ranking member LANE EVANS, for his hard work on behalf of this impressive benefits package and urge my colleagues to support the bill.

Lastly, I would like to take this final opportunity of the 104th Congress to publicly commend Chairman BOB STUMP and ranking Member SONNY MONTGOMERY for providing the sound bipartisan leadership that is always evident on the VA Committee. The reputation the two of you have within the veterans' community is stellar and one I hope to live up to.

A TRIBUTE TO PRESIDENT LEE AND TAIWAN

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. FUNDERBURK. Mr. Speaker, President Lee Teng-hui of the Republic of China is a modern day giant. He is the first popularly elected President in the history of the Republic of China and has introduced and implemented a number of political reforms in Taiwan.

In the area of his country's foreign relations, President Lee has developed official ties whenever possible, upgraded existing nonofficial relations, and sought to participate in major organizations. In the early 1990's, President Lee deputized his former Foreign Minister Fredrick Chien to devise a strategy known as pragmatic diplomacy, the exercise of which was so successful that it culminated in President Lee's visit to Cornell University in June 1995.

The People's Republic of China was so alarmed by President Lee's visit that it staged a series of missile tests around the island, the most serious being conducted right before Taiwan's Presidential elections in March 1996.

Pragmatic diplomacy paid off for President Lee Teng-hui. In a paper presented at the 14th International Conference on Asian Studies at St. John's University, NY, Professor Nathan Mao gave a detailed analysis of President Lee Teng-hui's visit to the United States and his Presidential diplomacy. I hereby submit the conclusion of Professor Mao's article in the Congressional Record for the future reference of students of Chinese history and politics.

In the ever changing post Cold War period, Taipei has been changing with the world. It has banished its old rigid inflexibility. Mainland China too must learn to bend, to change its old mindset about Taiwan being a province. Taiwan has never been under People's Republic of China's jurisdiction.

Lee Teng-hui's presidential diplomacy has proven successful beyond anyone's imagination. It has earned him a strong mandate from his people and firmed up his image as a strong leader, undaunted by China's threats. he enjoys firm United States support and even grudging respect from a few mainland Chinese leaders. His pragmatic diplomacy has brought Taiwan many visible and concrete rewards. But events are also rapidly changing in China. No one can give an accurate assessment about the power struggle in the Mainland. China shows evidence of instability. It has numerous corruption problems and there is a power struggle among the leadership. There are conflicts between the central and provincial governments and conflicts between rich and poor provinces. China has its own daunting problems.

Since pragmatic diplomacy has worked for Taiwan so far, there is no real reason to abandon or radically modify it. Using Foreign Minister John H. Chang's counsel, President Lee has gained sufficient wisdom to deal with Taiwan's untractable adversary: Jiang Zemin and company in Beijing.

TRIBUTE TO THE HONORABLE STEVEN GUNDERSON ON HIS RETIREMENT

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1996

Mr. MONTGOMERY. Mr. Speaker, today I would like to recognize one of my good friends, the Honorable Steve Gunderson. His office is just down the hall from mine and we have often passed each other in the hallways on our way to the House floor for votes.

His time spent on the Agriculture Committee and as chairman for the Dairy and Poultry Subcommittee has not gone unnoticed. He is widely respected in the House for his stand on agriculture issues. He worked hard to see that the 1995 farm bill that passed this year would be beneficial to all, and over the years, I have come to depend on the advice of Representative Gunderson in these matters.

He has spent his 14 years in Washington trying to find a balance between cutting expenses and ensuring the future of our children. As a member of the Economic and Educational Opportunities Committee, he has been successful in seeing that our children receive an education that will help them throughout their life.

So, good luck in all your future endeavors. Washington and the House of Representatives will miss you.

HOUSE OF REPRESENTATIVES—*Wednesday, October 2, 1996*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. WALKER].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 2, 1996.

I hereby designate the Honorable ROBERT S. WALKER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of the 67th Psalm:

"May God be merciful to us and bless us, show us the light of his countenance and come to us.

"Let your ways be known upon earth, your saving health among all nations.

"Let the peoples praise you, O God; let all the peoples praise you.

"Let the nations be glad and sing for joy, for you judge the nations upon earth.

"Let the peoples praise you, O God; let all the peoples praise you.

"The earth has brought forth her increase; may God, our own God, give us his blessing.

"May God give us his blessing, and may all the ends of the earth stand in awe of him."

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York [Mr. SOLOMON] come forward and lead the House in the Pledge of Allegiance.

Mr. SOLOMON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mrs. McDevitt, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 198. Joint Resolution appointing the day for the convening of the first session of the One Hundred Fifth Congress and the day for the counting in Congress of the electoral votes for President and Vice President cast in December 1996.

The message also announced that the Senate has passed a bill and a resolution of the following titles in which the concurrence of the House is requested:

S. 2183. An act to make technical corrections to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and

S. Res. 309. Resolution that the House of Representatives be notified of the election of Gary Lee Sisco of Tennessee as Secretary of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3005), "An Act to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore (Mr. WALKER) signed the following enrolled bills and joint resolution on Tuesday, October 1, 1996: H.R. 543, to reauthorize the National Marine Sanctuaries Act, and for other purposes; H.R. 1734, to reauthorize the National Film Preservation Board, and for other purposes; and H.J. Res. 198, appointing the day for the convening of the first session of the One Hundred Fifth Congress and the day for the counting in Congress of the electoral votes for President and Vice President cast in December 1996.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TODAY

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 1, 1996.

Hon. NEWT GINGRICH,
The Speaker,
House of Representatives.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 1, 1996 at 2:25 p.m. and said to contain a message from the President wherein he transmits the Second Report to the Congress on the Operation of the Caribbean Basin Economic Recovery Act.

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

REPORT ON OPERATION OF CARIBBEAN BASIN ECONOMIC RECOVERY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means:

To the Congress of the United States:

I hereby submit the Second Report to the Congress on the Operation of the Caribbean Basin Economic Recovery Act. This report is prepared pursuant to the requirements of section 214 of the Caribbean Basin Economic Recovery Expansion Act of 1990 (19 U.S.C. 2702(f)).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 1, 1996.*

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRATULATIONS IN ORDER TO THE PRESIDENT FOR SPENDING BILL, CONVENING MIDEAST SUMMIT, AND INTRODUCTION OF RESOLUTION RELATING TO TELECOMMUNICATIONS FOR NATIVE AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, I think in the rush to adjourn, the role of President Clinton in ensuring that we have a budget, a budget that reflects his priorities, has been overlooked.

Mr. Speaker, I want to commend the majority for their bipartisanship in reaching this historic bipartisan spending bill agreement. But I think President Clinton deserves enormous credit for avoiding another Government shutdown but also, because of his persistence, the bill that was passed contains $6.5 billion more primarily for education, for fighting drugs, and antiterrorism measures. His dedicated chief of staff, Leon Panetta, worked for 3 grueling days and nights negotiating with congressional leaders to ensure that the bill would be good for this country by moving toward a balanced budget while not violating our values.

The President worked to increase funding for education which included $4 billion for Head Start, $491 million for the Goals 2000 program and $7.7 billion for compensatory schooling for disadvantaged children. He ensured adequate funding for the National Institutes for Health, disease prevention, substance abuse control, and violence against women initiatives.

The President also fought to ensure there was adequate funding for firefighting in the western States and for the victims of Hurricane Fran.

Furthermore, thanks to the President, illegal immigration legislation was approved without the harmful attack on legal immigrants.

The President took out some of the language that denied education to those who are not to blame for illegal immigration and, that is, the children.

At this very time, Mr. Speaker, the President deserves credit for convening a Mideast summit of Arab and Israeli leaders which will hopefully bring about peaceful Middle East negotiations. The President is to be commended for bringing Arafat and Netanyahu into the White House to try to hammer out some personal understandings first, and then to see if there is any way there is a basis for negotiations to start and to get the peace process back on track. It was a courageous move that deserves bipartisan credit and it is critically important in the ensuing days that this bipartisanship that over the years has characterized our foreign policy continue. Sniping and partisan attacks at this time would be very harmful to the national security.

Mr. Speaker, in conclusion, today I am also introducing a House resolution which expresses the sense of the House that universal telecommunications service can only be met if the needs of Native Americans or our Native Americans and Indians are addressed and policies are implemented with the cooperation of tribal governments.

As the joint Federal-State Board on Universal Service prepares to issue its recommendations, the implementation process of the Telecommunication Act reaches a critical stage. I think it is very important to make it perfectly clear that the intent of Congress can only be fulfilled if the universal service policies or procedures established to implement the act address the telecommunications needs of low income Native Americans, including Alaskan natives. Cost-effective solutions are best developed with the cooperation of tribal governments.

When Congress enacted the Telecommunications Act in February, great emphasis was placed on ensuring the delivery of telecommunications services, including advanced telecommunications and information services, to all regions of the country. The principle of universal service is designed to address the exceptional needs of rural, insular and high-cost areas and make sure those services are available at reasonable and affordable rates.

Mr. Speaker, I wanted to address the House, number one, to commend the President for his leadership on achieving a bipartisan budget that allowed us to adjourn for the year, reflecting and reinforcing his domestic priorities; commend the President, too, for his peace-making role with the Middle East leaders right at this very moment here in Washington; and, lastly, to announce to the House that I have introduced this resolution which deals with the telecommunications needs of our Native Americans, that they not be forgotten in this Telecommunications Act.

MILITARY INFILTRATION OF THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, 3 months ago, I was looking at Business Week magazine and I came across an article that caught my eye. It was called "Newt's War Games." It talked about how the Speaker of the House had asked the Pentagon for military officers to be put in his office to help him assess strategy and tactics for maintaining party unity. That was the quote in the magazine. "Party unity" implies heavy partisan activity.

Obviously this revelation concerned me a lot, because this House has very stringent rules about who can be working in our offices for very good reasons. We say that only fellows, if we have fellows in our office, they must be supported by outside third-party groups. We are not allowed to go solicit volunteers in our office or allow volunteers in our office. And if we want detailees from other agencies, House rules say detailees can only come to a committee and that is only after the committee gets permission from the Committee on House Oversight, and then the agency sending the detailee is to be reimbursed. Well, none of these things have happened in this case. The officers have come over and this has been going on now for a very long time. I guess, as I stated before, the biggest concern is the work that they are doing and partisan activities.

If you go back and look at the record, the Speaker himself was quoted as saying that the 1994 campaign was a theater level campaign plan, or what we often call a TRADOC, a training and doctrine command thing. He said its implementation was just masquerading as a public relations device.

□ 1415

After the 1994 election, he wanted DOD to supply him with these officers to help him pass the Republican agenda. I find it incredible that the Pentagon would comply.

I asked the Pentagon how many people were there, what this was costing, what services were they from, and that was in June. We have still not heard a thing. However, a reporter has told me that when he was talking to one of the staff people in Secretary Perry's office, they said, "Oh, that Schroeder woman. She is retiring, we will just out wait her. We do not have to answer." I find it amazing that even the Pentagon thinks they are above the law.

At the same time all of this was going on, I remind you, this House was doing away with the Caucus on Women's Issues, the Black Caucus, the Hispanic Caucus, the Environmental Caucus, and the Democratic Study Group. We were doing away with all of those on the basis we did not want those different bipartisan groups meeting here. But, by golly, in the interim, we have the Pentagon infiltrating this Congress through different offices and working on highly partisan activities.

A lot of people would say, why in the world would the Pentagon do this? The only reason I can see is it has been profitable for them. They ended up with a Pentagon number that was almost $12 billion more than the administration had asked for. So there was indeed a great payback.

I got a big kick out of it, because the Armed Forces Journal this month gave me both a congressional dart and a congressional laurel. They said, first of all, my concern about this issue was just too conspiratorial. How in the world could I think that having these military officers deployed to key congressional offices mean that they were going to get increases in their budget?

But then it went on to say they did wish that I would look into which services these different people were from, because it could have fed the interservice rivalry.

That does not make sense. If it fed the interservice rivalry, it probably also fed the increase in the budget.

Then they went on to give me a laurel, pointing out that I was correct in condemning the Secretary of Defense for not having any way of tracking these. There is no system, he does not know where they went or who they are, or at least that is what we are hearing.

If we have military officers, which cost us a lot, that are trained to do military things, that are deployed around, and they do not know where they are and they do not know what they are doing, that truly is astounding. So the Armed Forces Journal gave me a laurel for that. The bottom line is, a couple weeks ago I filed a freedom of information request, and we are continuing to try to get to the bottom of this.

Mr. Speaker, I know my time is up, but I would like to include for the RECORD the articles around this to make this issue even clearer. I certainly hope this Congress gets to the bottom of this mess and stops the violation of our laws.

Mr. Speaker, 3 months ago a small story in Business Week caught my eye. Entitled "Newt's War Games," the story revealed that the Speaker of the House had asked the Pentagon for military officers to help him assess strategy and tactics for maintaining party unity.

This revelation raised, in my mind, several concerns. First, the officers working for the Speaker violate House rules governing fellows and detailees.

Fellows are supposed to be sponsored by a third-party sponsoring organization. Congressional offices cannot solicit or recruit volunteers. That is clearly not the case with the military officers working in the Speaker's office. The military officers are volunteers, not fellows, and the Speaker has recruited them.

Detailees can only be requested by committees, and then only following strict guidelines. Among the strict guidelines is that the requesting committee obtain approval from the House Committee on Oversight and that the committee reimburse the executive branch agency for the cost of the detailee. None of these rules are being followed by the Speaker's office.

Even more outrageous, the military officers are working on partisan, political activities in the Speaker's office, which is a violation of DOD regulations.

The Speaker himself is quoted at a meeting of military officers as saying that the 1994 campaign was "a TRADOC [Training and Doctrine Command] theater-level campaign plan." He described the Contract With America as a "training, implementation document masquerading as a public relations device." After the 1994 election, he requested DOD to supply him with officers to help him pass the Republican agenda in the 104th Congress. Incredibly, the Pentagon happily obliged.

Some of you may recall that when the Republicans took over the House following the 1994 elections they moved quickly to abolish the caucuses that represented women, Blacks, Hispanics, and environmentalists. They even eliminated the venerable Democratic Study Group, a research entity so respected that even Republicans belonged to it.

But the Republican leadership could not tolerate dissent, could not tolerate differing opinions.

But, at the same time, unbeknownst to the public until now, the newly elected Speaker of the House, NEWT GINGRICH, was making arrangements to install a secret team of military officers in his office to help him strategize and pass the Contract With America.

What did the Pentagon get out of this deal? It's hard to tell, because everything has been so secret, but clearly the Pentagon is happy when it makes Members of Congress happy. When it can make the Speaker of the House happy, well, that approaches ecstasy in military circles.

You may have noticed that the House passed a DOD authorization bill giving the Pentagon almost $12 billion more than the administration requested. That's not a bad return on DOD's investment in the Speaker's office.

Earlier this year, the Speaker issued orders to pump millions of dollars into California in hopes of influencing the elections out there. Were the Speaker's secret military team involved in those efforts—identifying military installations to receive additional moneys?

Ever since that July 1 article in Business Week, I have been trying to get the Pentagon to provide me with documents about its secret arrangement with the House Speaker. The Secretary of Defense has refused to answer the letters.

Fortunately, Roll Call, via the Freedom of Information Act, is beginning to uncover the facts. The September 30 issue carried a long, detailed expose', with more to come.

I would like to reprint the Roll Call article, along with some other related clippings, and my correspondence, as yet unanswered, with the Pentagon.

[From the Armed Forces Journal, Oct. 1996]

In August, Rep. Pat. Schroeder (D-CO) inserted a statement in the Congressional Record noting that there were numerous military servicepeople working in congressional offices. Schroeder attributed the Pentagon's willingness to provide detailees to its thirst for increased appropriations. It's true that the high command is usually very willing to provide detailees. But it was wrong to attribute the prevalence of detailees to some of nefarious conspiracy. Most of the people detailed to Congress are very professional people. Congress benefits from their military experience and knowledge, while they gain valuable insight into the political process. It's no conspiracy. However, if Schroeder's genuinely interested in pursuing this subject, she should ask to what degree the detailees pay out inter-service rivalries.

Although Rep. Pat Schroeder (D-CO), gets an AFJI Dart for her August statement on military detailees to Congress (she observed that the Office of the Secretary of Defense has no system for tracking which servicepeople go to which offices), she also gets a Laurel. These should be such a system. If, as she alleged, there have been ethical lapses, they should be investigated. Schroeder did a service by discovering an element of the civil-military relationship that needs to be examined, systematized and, where needed, purified.

[From Business Week, July 1, 1996]

NEWT'S WAR GAMES

Newt Gingrich is calling in the military to quell rebellions by conservative Republican freshmen. The Speaker has asked three officers on loan from the Pentagon to help assess strategy and tactics for maintaining party unity. The most recent brush with disaster came on June 13 when a mutiny by 15 frosh nearly sank Gingrich's 1997 budget blueprint. The Georgian, a former Army brat who never served, is an avid student of military history.

[From Roll Call, July 1, 1996]

GENERAL GINGRICH?

Is House Speaker Newt Gingrich (R-Ga) improperly using military officers and facilities for political work? That's the question raised by a spate of recent stories. Gingrich himself has been silent on the subject; it's time he spoke up.

The flap began when Business Week reported that Gingrich had asked three officers on loan from the Pentagon to assess the GOP leadership's strategy and tactics for maintaining party unity. This led Rep. Pat Schroeder (D-Colo) to demand an explanation from Defense Secretary William Perry. Gingrich's press secretary, Tony Blankley, then said not to worry, the officers are Congressional fellows working in Gingrich's office "to learn the culture of the Congressional decision-making process."

But then, Roll Call learned that several military officers were participating in a military-style "after action review" on how the GOP leadership nearly lost a fight over its own budget earlier this month. And the Wall Street Journal reported that Gingrich has sent GOP leaders and their aides to US Army Training and Doctrine Command facilities to learn how the military conducts such "after action reviews" This surely would cross the line of using government facilities for partisan political work. When he was asked about all this, House Majority Leader Dick Armey (R-Texas) last week defended the Speaker with faint praise, saying that Gingrich "has a keen mind" and is fascinated with military thinking. Gingrich needs to explain for himself.

[From the Washington Times, July 8, 1996]

DO MILITARY OFFICERS AND POLITICS MIX?

(By Rick Maze)

To House Speaker Newt Gingrich of Georgia, the proposition must have seemed clear. He wanted a military-style, after-action report to show why the Republicans nearly lost a June vote on their balanced budget plan.

So he turned to four military officers, on loan to his office as part of a one-year congressional fellowship program, to provide one.

Gingrich's order to the four officers, one from each service, has opened questions about the purpose and value of loaning military officers for nonmilitary duties.

Rep. Patricia Schroeder, D-Colo., a senior member of the House National Security Committee, complained that the "use of military officers for partisan political activity is, in my view, totally improper."

So now Schroeder wants the Department of Defense to explain how and why there are military officers working for Congress.

Gingrich spokesman Tony Blankley defended the assignment, however, insisting the officers, assigned to the speaker's office since March, are not involved in partisan politics.

The four officers are Navy Cmdr. William Luti, Marine Lt. Col. Drew Bennett, Air Force Maj. William Bruner III and Army Maj. Mike Barron. All four declined to be interviewed for this article.

Gingrich's aides said they saw nothing wrong with the assignments. The whole ides of the fellowship is to provide some military members with an education in the legislative process, they said.

Reconstructing why the Republican leadership only won a June 12 vote on the 1997 budget resolution by a narrow 216–211 margin was a learning process for the officers, and also helped Republicans learn where they failed.

"This program, like other fellowship programs, is designed to mutually benefit the fellow and the office in which he or she serves," Blankley said. "The fellows are here to learn the culture of the congressional decision-making process, while the office benefits from the perspective the fellow brings from his or her profession outside the legislative process."

Congressional fellowships, involving a one-year assignment to a congressional office, are not new. But the practice is growing, according to defense officials and congressional aides.

Although defense officials and congressional aides said no one keeps count of how many officers are given fellowships each year, they estimate there are hundreds of military officers participating in a loose-knit fellowship program.

"No one has a good handle on how many people. It isn't that kind of program," said a Senate Democratic aide who asked not to be identified. By contrast, the White House has a formal fellowship program for military officers in which people apply for assignments, are screened and selected, the aide said.

WHO GETS THE JOBS

For congressional fellowships, it is usually a member of Congress who asks that the military detail an officer to the staff, the aide said.

Sometimes, this is done by name, sometimes by what kind of expertise is sought and sometimes by just a general request, the aide said.

Fellowships are a benefit to politicians because they get an additional staff member at no cost.

The military benefits by keeping a potentially supportive politician happy and, perhaps, by gaining a pipeline into congressional dealings.

Indeed that pipeline has been a problem at times. The Senate Armed Services Committee has at various times banned such officers from attending closed-door executive sessions where defense policy is made, precisely because of leaks that were reaching the services or defense agencies from which the officers came, aides said. Congressional fellows are now allowed to attend closed meetings on behalf of their sponsoring senator, however. "It was a problem with just one or two people," said a long-time aide.

HAZARDOUS DUTY

The hazards of outside-the-military assignments were made clear in the Iran-Contra arms-for-hostages scandal of the 1980s, when Marine Corps Lt. Col. Oliver North faced scrutiny for his work on the National Security Council.

In a new case, Army civilian Anthony Marceca is in the middle of a controversy involving an assignment to the White House that ended in 1994.

Marceca, who now works in an Army criminal fraud unit, was called to testify before Congress about FBI background reports he requested and screened while on loan to the White House security office. This wasn't his first detail outside the Army. In 1989, he spent nine months on loan to the Senate Committee on Indian Affairs as a special investigator.

But congressional aides said Marceca and North don't represent the typical experience.

Said one Senate aide: "Our biggest problem with fellowships is that, as the number increases, it is taking more officers away from military duties at the same time the services have gotten smaller."

[From the Air Force Times, July 15, 1996]

FELLOWSHIPS DRAW POLITICAL HEAT—SCHROEDER COMPLAINS THAT MILITARY IS USED IN PARTISAN ACTIVITIES

(By Rick Maze)

To House Speaker Newt Gingrich of Georgia, the proposition must have seemed clear. He wanted a military-style, after-action report to show why the Republicans nearly lost a June vote on their balanced-budget plan.

So he turned to four military officers, on loan to his office as part of a one-year congressional fellowship program, to provide one.

Gingrich's order to the four officers, one from each service, has opened questions about the purpose and value of loaning military officers for nonmilitary duties.

Rep. Patricia Schroeder, D-Colo., a senior member of the House National Security Committee, complained that the "use of military officers for partisan political activity is, in my view, totally improper."

Schroeder wants the Department of Defense to explain how and why there are military officers working for Congress.

Gingrich spokesman Tony Blankley defended the assignment, saying the officers assigned to the speaker's office since March are not involved in partisan politics.

The four officers are Air Force Maj. William Bruner II, Marine Lt. Col. Drew Bennett, Army Maj. Mike Barron and Navy Cmdr. William Luti. They declined to be interviewed for this article, referring questions to Gingrich's press office.

The whole idea of the fellowship is to provide some military members with an education in the legislative process. Reconstructing why the Republican leadership won a June 12 vote on the 1997 budget resolution by a narrow 216–211 ratio was a learning process for the officers while it helped Republicans learn where they failed, leadership aides said.

"This program, like other fellowship programs, is designed to mutually benefit the fellow and the office in which he or she serves," Blankley said. "The fellows are here to learn the culture of the congressional decision-making process, while the office benefits from the perspective the fellow brings from his or her profession outside the legislative process."

Congressional fellowships, involving a one-year assignment to a congressional office, are not new, although the practice is growing, according to defense officials and congressional aides.

Gingrich is not the only member of Congress to have military officers working for him. Although defense officials and congressional aides said no one has kept count, they estimate there are hundreds of military officers participating in a loosely knit fellowship program.

"No one has a good handle on how many people. It isn't that kind of program," said a Senate Democratic aide who asked not to be identified. The White House has a formal fellowship program for military officers in which people apply for assignments, are screened and selected, the aide said.

For congressional fellowships, it is usually a member of Congress who asks that the military detail an officer to the staff, the aide said. Sometimes this is done by name, sometimes by what kind of expertise is sought and sometimes by just a general request, the aide said.

Fellowships are a benefit to politicians because they get an additional staff member at no cost, according to congressional aides who asked not to be identified. The military benefits by keeping a potentially supportive politician happy. The services may also get a pipeline into congressional dealings, aides said.

With many senators sponsoring congressional fellows, the Senate Armed Services Committee has at various times banned military officers on congressional staffs from attending closed-door executive sessions where defense policy is made because word was leaking back to the services or defense agencies from which the officers came, aides said.

"It was a problem and with just one or two people," said a longtime aide, who noted congressional fellows are now allowed to attend closed meetings on behalf of their sponsoring senator.

The attention brought to Bennett, Luti, Bruner and Barron sends a new warning to potential fellows, whether service member or civilians working for the military, and civilian, about the risks of temporary assignments.

The hazards of outside-the-military assignments were made clear in the Iran-Contra arms-for-hostages scandal of the 1980s, when Marine Lt. Col. Oliver North faced scrutiny for his work on the National Security Council.

In a new case, Army civilian Anthony Marceca is in the middle of a controversy involving an assignment to the White House that ended in 1994.

Marceca, who now works for an Army criminal fraud unit, was called to testify before Congress about FBI background reports he requested and screened while on loan to the White House security office.

This was not his first detail outside the Army. In 1989, he spent nine months on loan to the Senate Committee on Indian Affairs as a special investigator.

[From Roll Call, Sept. 30, 1996]

GENERAL GINGRICH ICES THE 104TH CONGRESS—SPEAKER DEPLOYED ART OF WAR IN HIS PLAN FOR THE HOUSE

(By Damon Chappie)

At the US Army's Fort Monroe, where onlookers once watched the Civil War clash between the Monitor and the Merrimack, the trading of war stories by some of the military's finest strategists is a daily occurrence.

But on a warm spring day last year, generals and colonels gather to hear tales from a different sort of commander, House Speaker Newt Gingrich (R-Ga), fresh off his greatest victory.

"The 1994 campaign was a TRADOC, theater-level campaign plan, executed by building small-unit cohesion, delegating throughout with mission-type orders, and designed to have real-time capability to respond to an opponent that was changing, period. I know it was. I have lived it," Gingrich declared to the assembled officers.

What's a TRADOC? It's Army-speak for the Training and Doctrine Command, headquartered at Fort Monroe, Va., where officers come to learn about fighting the modern war. In Gingrich-speak, it's the place to go to learn about fighting the modern political war.

And as Gingrich, the stepson of a career Army combat officer who never served in the military himself, candidly admitted, "Almost every major thing I have done for over a decade has been directly shaped by TRADOC."

In numerous trips to Fort Monroe and other Army installations across the country since he was elected to Congress in 1978, Gingrich learned lessons that, he told the senior officers last year, "changed my entire life."

The Speaker has had a well-publicized fascination with other management theories, borrowing heavily from the likes of such corporate gurus as W. Edwards Deming. But, as documented in Army memos and tape-recordings obtained by Roll Call, it has been military inspiration that has guided Gingrich's generalship of the House Republican revolution.

Gingrich himself explained this in a series of freewheeling discussions with the senior officers who developed the modern Army's tactics. Those conversations, during visits by the speaker to Fort Monroe in 1993 and 1995, were recorded on nearly ten hours of audio-tape by the Army and obtained by Roll Call under the Freedom of Information Act.

And if the contract was basic training, Gingrich has introduced other military concepts to the House throughout his Speakership:

Gingrich bolstered his staff with four military fellows, one from each of the four services, an unprecedented step for a sitting Speaker.

"The Speaker has for a long time been impressed with the methodologies often employed in the military in order to better understand and improve their own operation," said House Majority Leader Dick Armey (R-Texas) after news stories appeared this summer about the military fellows in the Speaker's office. "We were going to raise a tremendous amount of anger, therefore, what we ought to do is go ahead and get to a balanced budget so there was an upside to the downside. Because otherwise we would cut spending just enough to piss everybody off but not enough to achieve anything. And there was no way to avoid cutting spending. * * * And so, I began just casually saying the week after the election, we're going to get to a balanced budget by 2002."

House Budget Chairman John Kasich (R-Ohio) and Senate Budget Chairman Pete Domenici (R-NM) resisted at first but finally relented. "What I was trying to do was create a core of a paradigmatic breakthrough" that was designed to outflank then-Senate Majority Leader Bob Dole (R-Kan).

If a balanced budget by 2002 was the accepted standard, Dole "sure as hell wasn't going to be to my left," Gingrich said.

Gingrich, in his discussions at TRADOC, offered many of his own ideas on military policy, freely giving his advice on how the Army could improve its work. In addition to stressing that the Army should seek to expand and integrate its futuristic doctrine to the other service branches, the Speaker called for a new emphasis on fighting "small wars" and the establishment of a unified command to combat terrorism.

But Gingrich readily acknowledged that "I've learned more out of this place than it's learned from me. So I'm doing pretty well. So far, the balance of trade looks pretty good. * * *"

At Fort Leavenworth, in Kansas, Gingrich said he had to relearn his thinking about "small unit cohesion" because "I wasn't doing it right." But eventually, he got it right and used the concept to ensure victory after victory in the first months of the new Congress.

Along with hundreds of pages of additional documents obtained under FOIA, the tapes provide new insights into the deep fascination and symbiotic relationship that Gingrich has developed with the military.

Most striking is the explicit way in which the Speaker has sought to adapt the Army's war-fighting concepts to his own political battles—from Gingrich's early days at GOPAC, his Republican training center, to his command these past two years of House Republicans during victories on welfare reform and spending cuts and a decisive defeat in the balanced budget battle.

From the most theoretical discussion of military doctrine—featuring terms like "digitized battlelabs," "center of gravity," "operational art," and "commander's intent"—to the very practical use of the Army's standard field manual, Gingrich, ever the history professor, is the most eager of students, the tapes and other documents show.

One military-style lesson, Gingrich told the TRADOC senior officers in May 1995, was applied in the much-touted "Contract with America," which the Speaker said was not a political public-relations effort as much as a basic training document.

"Nobody fully understands this," he confided to the generals and other officers, "but if you think of the 'Contract with America,' it was, in fact, a training implementation document masquerading as a public relations device which allowed us—and it was designed for this purpose—it was designed, because we felt we were in control. It was designed as a training implementation document so the freshmen when they arrived and the brand new chairmen could not be normal."

"It guaranteed that from Election Day through April, early April, that the House Republican party would have to behave in a deviant manner from what it would normally be expected to do. The theory being is that if you could get them through the first 100 days being deviant, that the deviancy would become normal," Gingrich said.

Gingrich bolstered his staff with four military fellows, one from each of the four services, an unprecedented step for a sitting Speaker.

At the Pentagon, according to a source who declined to be identified, the fellows working in Gingrich's office were called "Shali's interns," referring to the favor by Gen. John Shalikashvili, chairman of the Joint Chiefs of Staffs, who sent up the fellows to Gingrich.

One of the Army fellows, Gingrich said in the tapes, is "in any meeting I have that he wants to be and he is working directly with my staff in understanding the rhythm of what we're doing."

Military-style "after-action reviews," assessing the performance of an operation, were conducted on the battles over the 1995 spending bills and the razor-thin vote this year on the budget. Another after-action review, GOP sources said, is being contemplated by the leadership to assess this session.

Gingrich ordered the GOP leadership staff as well as junior Members to attend training seminars at Fort Monroe and other bases around the country.

The project, led by Rep. Pete Hoekstra (R-Mich), "represents Speaker Gingrich's-Majority Planning Group that the Speaker wants to act as a TRADOC," according to an Army memo.

The group, which attended sessions on the "operational art of war," included Reps. Chris Shays (R-Conn), J.D. Hayworth (R-Ariz), Sue Myrick (R-NC), and James Talent (R-Mo). Gingrich, according to Army documents, wanted to train the Members to the level of "a good captain."

"He is always fascinated with questions of methodology, technique, style, and it is his belief that using and learning the methods often employed in the military as management tools can be beneficial to us."

The study of military strategy, said Tony Blankley, Gingrich's spokesman, "is an important part of his life."

In the tapes, Gingrich says that his relationship with the Army's doctrine center took off in 1979, his first year in Congress, but even then, he had a general's long-term view of a military campaign. "I first came down here as a freshman in 1979 because I figured it would take a generation," he said last year.

"He's been coming down here for 15 or 20 years," said Joel Hedenstrom of TRADOC's Congressional liaison office. "Newt has had a great interest in TRADOC for many, many years. He has steeped himself in military doctrine. I think it stems from his being a historian and a military brat."

In 1993, as he prepared for the final drive that routed the Democrats from their entrenched position as the House majority, Gingrich told the TRADOC senior officers that "my interest in what you're doing is at a passionate level of the user. You talked earlier about being able to provide assets to people who are sent to combat environments. I am in combat every day, so I have a real user desire to figure what's the state of the art on training, what is the state of the art on doctrine, the state of the art on technology, because I will literally take that back and transfer it back into the civilian system as rapidly as I can figure out how to do it."

And Gingrich has been true to his plan. Not only the contract, but also nearly every significant event of this Congress has been framed by the Speaker in military terms.

Gingrich, in the tapes, said he studied the battles of Arthur Wellesley, the Duke of Wellington, "because I think our budget fight is a lot like the Peninsular Campaign," a campaign in Portugal and Spain in the early 1800s that eventually led to Wellington's ascendance and Napoleon's abdication.

In another "quick war story" for the officers, Gingrich described how he pushed his GOP Congressional allies to accept the idea of balancing the budget by 2002.

At Fort Leavenworth, in Kansas, Gingrich said he had to relearn his thinking about

"small unit cohesion" because "I wasn't doing it right." But eventually, he got it right and used the concept to ensure victory after victory in the first months of the new Congress.

And Gingrich ordered his troops about like the most seasoned of generals. He told GOP Whip Tom DeLay (Texas), who had just beaten Gingrich's best friend, Rep. Bob Walker (R-Pa), for the job, that "it's not your job to count votes. It's your job to ensure victory."

The strategy, Gingrich recalled, had worked.

"Just one quick war story. The Whip wanted a huge office space in the Capitol. I mean, it was the Taj Mahal of all of our [office space]. And I looked at him, and he said, 'I've got to have this much space because I don't have enough money, and I'm going to convince each of my deputy whips that they have a little office in the Capitol if they will then assign one of their staff from their personal office, so we can have this massive vote-counting system.'

"And I said, 'Understand this. I will have your ass if we lose a vote.' And he looked at me, he said—he got a big grin, and he said, 'Deal.' And so I gave him the things. And we came a couple of times close, I just stared at him when we had a couple of very close votes.

"And I said, 'I am watching you.' He said, 'We are going to win.'"

For Gingrich, it was a demonstration that the "ultimate responsibility of the commander" is to define victory.

"And he shouldn't accept the command if he can't get to a definition of victory or success that he believes—it is professionally irresponsible."

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 21, 1996.

Hon. WILLIAM PERRY,
Secretary, Department of Defense,
Washington, DC.

DEAR SECRETARY PERRY: I am extremely troubled by the disclosure in the current issue of Business Week that Speaker of the House Newt Gingrich "has asked three officers on loan from the Pentagon to help assess strategy and tactics for maintaining party unity."

Would you be so kind as to tell me (1) why the Pentagon is detailing officers to the Speaker; (2) how many officers have been detailed; (3) what duties the officers have been given by the Speaker; and (4) what are the estimated annual salaries of these officers.

Second, I request copies of any and all communications between the Pentagon and Speaker Gingrich concerning this arrangement. I also request copies of any written communications, memoranda, etc., on the aforementioned "party unity" project.

Third, I would like to know, for the record, whether it is a legitimate use of taxpayer funds for military personnel to be providing advice on "maintaining party unity," which is clearly a partisan objective.

Please respond at your earliest convenience.

Sincerely,

PAT SCHROEDER,
Congresswoman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 24, 1996.

Hon. WILLIAM PERRY,
Secretary, Department of Defense,
Washington, DC.

DEAR SECRETARY PERRY: On June 21 I wrote to you concerning a report in Business Week that the Pentagon has loaned House Speaker Newt Gingrich several military officers "To help assess strategy and tactics for maintaining party unity." On Friday, according to the Associated Press, the Speaker's press aide confirmed that four officers are assigned to his office, but denied that they have any "responsibilities in connection with achieving 'party unity.'"

That denial notwithstanding, Roll Call reports in today's edition that Speaker Gingrich "has ordered a military-style review to help the House leadership determine how they nearly lost this month's budget vote." Assisting in the review, the story continues, are "several military officers on loan to the Speaker's office from the Pentagon." The officers' involvement was confirmed by several Members of Congress and GOP staff, according to Roll Call.

The use of military officers for partisan political activity is, in my view, totally improper.

I would like an answer by COB Thursday, June 27, to the questions I raised in my June 21 letter.

Sincerely,

PAT SCHROEDER,
Congresswoman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 25, 1996.

Hon. WILLIAM PERRY,
Secretary, Department of Defense,
Washington, DC.

DEAR MR. SECRETARY: In reference to my inquiries of June 21 and 24 concerning the military officers detailed to the office of Speaker Newt Gingrich, I would like to bring to your attention an article, "General Newt," that prepared in the Wall Street Journal on December 18, 1995.

According to the Journal story, the "U.S. Army Training and Doctrine Command has the mission of helping develop a force to fight the battles of the next century. It is also helping Speaker Newt Gingrich fight the political battles of today."

The story details how "members of the Republican leadership and their staff" have been studying "military planning and training methods" at the "Tra-Doc" centers at Fort Monroe and Fort Leavenworth. More significantly in light of the disclosures of the past week, the story quotes a Lt. Col. David Perkins, who was at the time working out of Speaker Gingrich's office "helping the leadership run military-style 'after-action reviews' to identify lessons learned from the handling of major bills."

The Journal story indicates that the use of military officers by the Speaker has much deeper and more complex roots than simply the odd officer who happened to wander onto Capitol Hill to brush up on a civics lesson. Needless to say, I reiterate my serious concerns about the appropriateness of using military officers to assist in the partisan activities of the leadership of the house.

I would like to add to my requests of June 21 and 24 that you provide me with the requested information for the entire period of Mr. Gingrich's speakership. I would also like to have copies of any and all "after-action review" memoranda or reports written by the military officers.

Sincerely,

PAT SCHROEDER,
Congresswoman.

SCHROEDER FILES FOIA REQUEST ON
MILITARY FELLOWS

Representative Pat Schroeder (D-CO) today filed a Freedom of Information Act request for copies of all documents pertaining to the military personnel on loan to members of the House and the Senate.

Schroeder has questioned the use of military personnel by members of Congress after reports that the Speaker of the House, Newt Gingrich had used officers on loan from the Pentagon to study how to maintain Republican party unity. Schroeder filed the FOIA request after three letters to Secretary of Defense, William Perry sent last June went unanswered.

"Assigning military personnel to work in Congressional offices raises some serious conflicts of interest. Moreover, the Pentagon has no idea how many people are over here, or what they are doing," Schroeder said. She added, "this lack of accountability is ridiculous and is costing the taxpayers millions."

The letter, which appears below, was sent to the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and the Secretaries of the Army, Navy, and Air Force.

"Pursuant to the Freedom of Information Act and the Privacy Act I hereby request copies of any and all documents including, but not limited to, letters, memoranda, and e-mail, for the period January 1993 to date between members of congress (both House and Senate) and [DOD/Army/Navy/Air Force/Joint Chiefs] concerning the assignment of interns, fellows, or detailees to congressional offices. The request includes any documents between [DOD/Army/Navy/Air Force/Joint Chiefs] officials in reference to congressional requests for such assignments.

"I also request copies of any and all [DOD/Army/Navy/Air Force/Joint Chiefs] regulations on the subject of interns, fellows, and detailees."

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 28, 1996.

Hon. WILLIAM PERRY,
Secretary, Department of Defense,
Washington, DC.

DEAR SECRETARY PERRY: The disclosure in the September 30 Roll Call that military personnel and facilities have been and are continuing to be used for partisan political purposes is extremely troubling. These activities are no doubt a violation of DoD and House regulations, not to mention federal law.

But instead of taking action to do something about this scandal, you have ignored it.

As you are well aware, I asked you for information about these activities last June, three months ago. Not only have you not answered my letters, I haven't even received the courtesy of an acknowledgement. As a result, six weeks ago I filed a series of Freedom of Information Act requests. I am sure your staff is doing its best to bury these requests. In fact, one of your staff members recently told a reporter—"oh, she's retiring, we'll just wait her out."

Your stonewalling on my inquiries into the use of military personnel comes in the wake of a string of troubling disclosures involving the defense department: the abandonment of POW's in North Korea; the bungling of the investigation into the Gulf War syndrome; the negligence in Saudi Arabia that resulted in the deaths of 19 Americans; and the discovery of certain U.S. army training manuals that advocated torture, blackmail, and other illegal, immoral activities.

I would like a full report about the use of military personnel in the Congress and I would like it now.

Sincerely,

PAT SCHROEDER,
Congresswoman.

APPOINTMENT AS MEMBER OF LIBRARY OF CONGRESS TRUST FUND

The SPEAKER. Pursuant to the provisions of section 1 of 2 U.S.C. 154, as amended by section 1 of Public Law 102–246, the Chair appoints the following member on the part of the House to the Library of Congress Trust Fund Board:

Mr. Edwin L. Cox, Dallas, TX, to fill the unexpired term of Mrs. Marguerite S. Roll.

IT'S OFFICIAL: CLINTON BREAKS PROMISE ON BOSNIA DEADLINE

The SPEAKER. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, I had come over here to talk about something that was very alarming to me, and certainly to the gentleman from Pennsylvania, Mr. WALKER, about the Clinton administration's shielding a report that is critical of the Clinton administration on antidrug policy, particularly using executive privilege to bury politically damaging information, which talks about a lack of leadership in the fight against drugs. That, to me, is alarming, considering the seriousness of the situation. But on the way over, I happened to be approached by others who pointed out something even more alarming.

Mr. Speaker, it has just come to me that President Clinton is going to try to keep our troops in Bosnia longer than he told the American people. What many of us have been predicting all year long was confirmed yesterday by Pentagon spokesman Kenneth Bacon when he reported that 5,000 new, and I repeat new, troops were being deployed to Bosnia from Germany and would stay there until mid-March, way beyond the December 20 deadline for bringing our troops home.

Mr. Speaker, the American people are certainly capable of recalling that last year, when President Clinton ordered this ludicrous mission, he told us all that our troops would be home by December 20. It was not believable then, and the mid-March deadline is not believable now. I am afraid this thing is going to turn into another Vietnam, going on and on and on.

Mark my words: If President Clinton is reelected, he will immediately move to extend this new deadline, further exposing our troops to harm, and further squandering our precious military resources that are defense budgeted and which the American taxpayer can ill-afford.

Mr. Speaker, American troops have no business being in Bosnia beyond that December 20 deadline. The Bosnian tragedy was always and remains mostly a civil war. American foreign policy has never been based on inserting our own military personnel into the middle of these civil war situations, until the Clinton administration took office. Rather, our policy has always been preserving peace through strength by maintaining our alliances, our treaties with other countries, and only deploying troops when sovereign allies were under external attack or vital American interests were at stake; in other words, when other countries were being invaded by another country, like in Kuwait, that was reason for us to defend our treaty allies. This certainly is not. Bosnia does not meet this test, and it never did.

Mr. Speaker, we must bring those troops home, as the President promised.

PARTING REMARKS

The SPEAKER pro tempore (Mr. WALKER). Under the Speaker's announced policy of May 12, 1995, the gentleman from Oregon [Mr. COOLEY] is recognized for 60 minutes as the designee of the majority leader.

Mr. COOLEY. Mr. Speaker, this will probably be my last presentation in the House of Representatives, as I am not returning for the 105th Congress. I would like to kind of wrap up my career and put a few things straight on the RECORD.

I have learned a lot and gained a lot of knowledge. I am a product of public education. I was born in Central Los Angeles back in 1932, and it was a tough town then in 1932, as it is now. I was always taught to believe that you will be responsible for things you do and things you do to one another, and you have to pay the consequences when you have violated somebody else's either personal or private rights.

This country has changed a great deal since 1932, all the way through the thirties and forties and fifties, until today you do not have a right to retaliate in any way, manner, shape or form, no matter how many people cast disparaging remarks upon you, insult you, even go as far as trying to spit on you today.

I was reminded, and I have made a lot of press lately for using a gesture to the Sierra Club, and one of my Congress friends here reminded me that before Nelson Rockefeller became Vice President of the United States, he used the same gesture one time in his frustration.

I am from a different time and I am in a different place, and I would like to go back to the old days when people were responsible for their reactions and paid the consequences when they tread upon another individual's rights.

I came to Congress with a very interesting background. I spent most of my private life in the corporate world. I am, as I said before, a product of public education. I went off in 1952 during the Korean conflict, I was a Special Forces agent in the 10th and the 77th Special Forces and Airborne, and got out and went, through the GI bill, through El Camino College and eventually to Southern Cal and graduated.

I never believed I was going to Congress, I never wanted to be a politician. I think I probably still have the same thought today as I did when I was growing up, that politicians have a real difficult time relating to the real world they live in.

I am a firm believer in term limitations. I think term limitations are necessary in order to reform this system we have here. Not that the system is bad, but when you are out of touch with the real world, you get distorted a little bit.

I am a firm believer about the process we go through here. We talk about Republicans and Democrats. I am not sure that there is such a thing as a Republican or a Democrat, except after the first vote in the House of Congress and the U.S. Senate, which determines who is going to lead this body and who is going to run the committees.

I think what we do is, we really are either conservatives or we are liberals, and of course we have some people in the middle who have no conviction whatsoever and just go with whatever way they think is to their advantage.

I think the conservative Members of Congress we have are more Jeffersonians than anybody else and really truly believe in small government, less government, more responsibility back to the States and individuals; and I think the liberal aspect of Congress is more in the vein of, let us say, Roosevelt and others who believe in the large central government, that government, big central bureaucracies know best and can control you better than you can control yourself at the Federal level.

People do not understand the code of CFF'S. Literally we pass laws that basically control every single thing you do in your life. We just do not enforce all of them. If we did, we would have major protests, so we just let that go.

The problem is, is that government has passed intrusive laws, punitive laws, laws that control and restrict us. If we look in the old Webster's dictionary, not the new, if we look up the word "law," the first word in the dictionary says "harmony." I do not think our laws have created harmony in this Congress or any Congress preceding this one.

We have developed an attitude here that we are going to help you, if you like it or not, and we are also going to control you, whether you like it or not.

I leave Congress, though, with a lot of good thoughts. Our Speaker here spoke on the very last day before we adjourned about how our Founding Fathers developed this system in such a way as to make sure that no dictator ever could take over control of this country, and that is why it is complicated and has the intricate parts working in it. Well, I agree with him, and I believe that we need to turn this country back to our basic constitutional principles.

But I also want to remind the Speaker and the people listening here today that through the evolution, through 9 individuals that make up the Supreme Court, we have reinterpreted the original meaning of the Constitution. And we have a lot of things today that make the original Founding Fathers I think probably turn over, as they say, in their graves to see what has happened to the Constitution and what has happened to this country through interpretation by individuals, 9 individuals to be exact, and how this country is managed and run today.

I think we should stick to our charter. I think we should stick to the Constitution, and we are not really basically doing that in many cases.

Getting back to the Constitution, I am a firm believer in the Constitution. I am even a firm believer in the First Amendment, which is freedom of speech. But I think that we have allowed the freedom of speech process to go way beyond what our Founding Fathers really thought of the first amendment. The area we have allowed that to exceed is the area of media or communications.

The media today, other than talk radio, has an open blanket. They can say anything they want to about any individuals without ever any reprisal whatsoever. They have actually adopted a very good tactic by a very infamous individual, Joseph Goebbels. Hitler learned a long, long time ago that if you control the media, you control the minds and the thought of the people. And they did a very, very good job.

What has happened over the evolution of time is the American media has developed some of the same tactics. If you tell a lie long enough and frequent enough, believe it or not, people start to believe it, if it is true or not. And if you try to stop the lie, you end up in court, they keep running it. And then if you win, they run a retraction. And they run a retraction and always kid about running it on the back page in 7-point type, and that is pretty much what happens in this country.

People wonder why the media is looked at with a lot less confidence. The media makes news, they do not report the news anymore. We have very few publications in this country that are very, very conservative, that really try to report the news objectively. It is always slanted in one way or another, depending on what political spectrum you come from.

☐ 1430

It is a sad state of affairs. We see newspapers going out of business, and rightfully so. People are really kind of tired of it in a way and we see the popularity of talk radio. Under talk radio what happens is you have the ability to call in and challenge the one who is making the statements and try to get some kind of a dialogue going back and forth in order to change that.

Overall, I would say that the 104th Congress has accomplished a great deal, and I think this is a historical Congress. You heard earlier on, if you heard some of the earlier speakers, some of the things that were discontinued in the Congress. These different entities that were discontinued by the 104th Congress were really paid for by taxpayers, using your money for special interest groups. We did not just discontinue them, we just said we are not going to fund them any longer, and I think we have done that all down the road.

I was sad to see I was one of the 36 to vote against the continuing resolution last week because I do not believe we should have spent, and there is an argument, some were saying $6.5 billion, now I hear $7 billion more than we proposed to spend. I want to tell you that we are already $22 billion over budget and now we are $7 billion or $6.5, whatever you want to believe, over budget. So that means we are about $28 billion.

If we continue this trend, by the year 2002 we will be $6 trillion and not $5 trillion in debt, and this balanced budget amendment is going to go down just like the Gramm-Rudman and everything else. The American public cannot afford this kind of a debt load.

Remember that we almost have a billion dollars a day in interest only. We could do a lot with a billion dollars. If you are socially inclined, just think of what we could do to help education, people on the street, the homeless, and those people who really need help if we had an extra billion dollars a day to spend on these efforts.

In Congress many people have opinions about me. Some of them are very good, and of course some of them are very bad. I will take a quotation out of Kennedy's old book, and I believe that this is very true, that you forgive your enemies but you never forget their names. And I think that is a good policy to follow through.

I know the public, the way it has been characterized that the public has looked upon the 104th Congress, in the media at least, that we have not accomplished anything, we have done a great deal to hurt everything and that, therefore, we should not be deserving to come back again. I want to tell you that the leadership, the Republicans, good or bad, deserve to come back.

We need to carry on what we are trying to do. Even though we have not accomplished everything we wanted to do, I think we have went a long way toward that accomplishment. If nothing else, we have at least added to the debate and made the American public aware of what is happening as far as their finances are concerned, as far as welfare is concerned, as far as Medicare is concerned, and some of the other social issues that are very important to the American public.

I think in this body you really do not have, quote-unquote, enemies. You really have people who have different philosophical opinions. And I think those that are very, very far to one way or the other, everybody respects those people. Probably the people in the middle, which I call the middle-of-the-roaders, the get-along, go-alongs, they have no opinions about anything, just whoever is leading the charge, they jump into it. It is kind of sad that we have people like that in Congress because I think we should all be standing up to be counted, and sometimes that does not happen.

In closing, I want to say that I think the toughest thing on Congress people, individuals, both the male and the female in Congress, is spouses. It is very, very tough on the spouse. We work long hours. We spend a lot of time here and do not spend a lot of time at home, and it is really a sacrifice. I will be glad to get back to my little house and my home and my little ranch in Oregon after spending 2 years here.

At one time I spent about 6 months and only talked to my wife on the phone, which is not very pleasant, especially at my age. I also want to tell you that their support is very necessary in making sure that you have some kind of stability because otherwise you really start doubting yourself; am I really doing what I should be doing, am I really serving the constituents, am I voting for what my people sent me here for.

A lot of people in Congress do not realize this, but I am an employee. The people of the Second District of Oregon hired me to come here and represent them, and, therefore, as an employee, I should be doing whatever I can do to benefit them, trying to pass laws, making sure they are not overtaxed, to benefit them and make sure their lives are better for me being here than they were before I came.

Sometimes that is difficult. As you know, a lot of us vote against legislation and you wonder why. Because part of the legislation is good and it is lumped in with things that are not so good. I would very much prefer to see every bill stand on its own and not be lumped together so, therefore, you could really be accountable. But a lot of times we vote for things because there are three or four good pieces of legislation and there is a couple we do not agree with, but you go ahead and vote for it because you want the good and so, therefore, you have to accept the bad.

We have been taught and told here and you have been taught and told yourself that politics is an art of compromise. Well, I think we have compromised ourselves into $5 trillion worth of debt. We have compromised ourselves into a way of life where people have lost the work ethic. I think we have compromised ourselves into a way of life where people believe someone, quote-unquote, the government, owes them something or should give them something and they are not responsible for themselves. That is what we have done in the art of compromise.

There is no such thing as the government. You are the government. It is not a third entity. So every time you see a social program and you say, "gee, isn't that nice," remember you are paying for it. And if you are willing to do that, that is fine, but Congress, the Senate, and the administration should be willing to tell you the facts, and a lot of times we really do not. And you do not get the facts from the media because the media has a different agenda as well.

So you need to make sure the people you send to Congress are accountable to you and you know where they stand on issues and you evaluate them before you hire them to come here and represent you.

In closing, I want to thank not only my wife for her support but for the people on the floor here that supported me and some really good Americans I think that are really here. I listened to the gentleman from California, Congressman DORNAN, the other night talk about the military. We have a lot of people, but nobody talks about the military as eloquently as Congressman DORNAN does, really a good American and understands what the Constitution is about and what our responsibilities really are. But he has been criticized very deeply for this, not only by the media, by the executive branch, but even by people in his own party, the more moderate part of the party.

I have a great staff of people who have dedicated and stuck by me through a lot of tough times. We have had about 6 months of living hell and my chief of staff, Brian MacDonald, the guy who runs my office; Brian Hard, my legal man; David Spooner; Doug Badger, natural resources; Chris Matthews. Chris handles PR and also our press releases. Jason Vaillancourt. Jason is kind of a handyman in the office. And Merrick Munday, who handles all of our computer work.

Out in Medford we have Duane Bales, who runs the office; Terry Haines handling our GI stuff and the VA stuff; Ryan Beckley and Teri Thornburg.

These kids, and I say kids because to me they are young people, they are in their thirties really, really will make you feel good about America. And in fact all the people working here on both sides of the aisle in the way of staff, these are really dedicated, bright young people. When you look at them, no matter what you hear in the media or what you read in the papers about children graduating and cannot read and write and really are not set up for the labor market, you look at the young people who come to Congress, and maybe they are the brightest we have, but I will tell you, they are really sharp and they need a lot of praise and they need a lot of nourishment and encouragement. And I think we are doing that here because I think those will be the leaders in the future of this country, and I think we are probably leaving it in some pretty good hands.

You will hear in the next 40 some odd days, what we have running in the Presidential debates, a lot of things. I think you need to really make sure you weigh those things out and understand what is coming, who is saying what about whom and where we are really headed and what we want to try to do.

One of the most critical things in this country I think today is to make sure that we do not leave a huge debt for our children and our grandchildren. And I think that was one of the primary objectives of this 104th Congress, and hopefully it will be of the 105th Congress. We cannot continuously spend more than we bring in. The debt load will literally cut down and shut down the economic value of this country and destroy it. And I think this is the main focus. I think the 104th has done a good job on this. I think the 105th will as well.

So in parting from Congress, I want to say basically I came here not as a politician, but I came here hopefully to learn something, to participate in the legislative process. I have done that. I have been here. I am sad to leave this year, but everything worked out probably best for everybody. I think that we need to have term limits. I think we need to bring more people into the system to understand it.

No one has ever captured Congress in the written word. I have read every book anyone has written recently on Congress. They have never really captured Congress. I am not sure anybody totally understands this process. It is complicated, it is very decisive, there is a lot of things that go on that people do not know about, not even we in Congress know about, that come up out of the ground, and it is pretty tough sometimes to be able to perceive all these things going on.

It is the best system in the world. Our Founding Fathers did a pretty good job of setting it up. We have messed it up a little bit through the Supreme Court decisions, but I think that all in all we have a pretty good country. I am very, very concerned about the lack of support by many, many people in this country of what is happening to them personally, how the laws have been, like I said before, more punitive than encouraging. We should be passing laws that benefit people and not laws that restrict them and prohibit them from doing what they can do best in the free enterprise system.

So, Mr. Speaker, it has been a great time, I have enjoyed it.

CALLING FOR A COMPLETE INVESTIGATION OF JUDGE REINHARDT'S CHARGES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DOOLITTLE] is reallocated the reminder of the majority leader's hour.

Mr. DOOLITTE. Mr. Speaker, let me say to my friend and colleague from Oregon, he is someone who I very much have enjoyed working with, someone who truly has stood tall for the Constitution and sometimes has been alone or nearly alone in taking those positions, and I always found him to be a very reliable voting Member of the U.S. House of Representatives, both here on the floor and in committees, where he has served both in the Committee on Agriculture and in the Committee on Resources, where he could always be counted upon to stand for the interests of the American people no matter what the power of any given special interest that might be arrayed against him on any given issue. So I say to my friend that you will be missed, and I wish you and your wife well in the coming years.

Mr. Speaker, I would also like to comment upon a couple of items that were brought to my attention, and it was sufficiently late in the session, I regret, that I have not been able to fully act upon this information, but I thought I would set the stage today for later on in the year or in the first part of next year.

I had provided to me an article from the San Francisco Daily Journal, dated July 18, 1996, entitled "Reinhardt's Lament," by Michael Rushford, president of the Criminal Justice Legal Foundation.

This article examines a speech that Judge Reinhardt delivered on June 4 to the Beverly Hills Bar Association at a luncheon honoring the justices of the California Supreme Court.

☐ 1445

The article in the San Francisco Daily Journal dated July 18, 1996, by Michael Rushford is subtitled "Did Federal Jurist's Speech Impugn the Integrity of Other Judges?"

Mr. Speaker, Judge Reinhardt gave, I thought, some very disturbing remarks, one portion of which, or the central portion of which I am now going to quote from. Keep in mind, this speech was given before a body containing many distinguished lawyers and judges at the highest levels from throughout the State of California.

In this speech Judge Reinhardt attacked the habeas corpus law—which was enacted during the 104th Congress and which was called the Effective Death Penalty Act. This law basically made dramatic reforms which will affect the length of time between arrest and execution upon conviction for a capital offense. It will result in a much quicker handling of matters such as Richard Allen Davis, the brutal murderer of little Polly Klaas out in California. As the Speaker may know, the average time between arrest and carrying out of the sentence has been about 7 years. Actually in California the average has been 11 years because we were afflicted with a very liberal court appointed by former Governor Jerry Brown, and they used every contrivance possible to drag out the imposition of the death penalty.

So this reform that we enacted is a very important one. It certainly upholds the 10th amendment and gives due deference to the decisions of State courts in death penalty matters, while allowing for legitimate exceptions where there is clearly a case in which the Constitution was violated. But it will not allow Federal judges with life terms to step in and manipulate for political purposes these sentences handed down by juries and judges throughout the country.

Whether one is liberal or conservative—and Judge Reinhardt is a self-avowed liberal and makes no bones about it—the judge's statement is not very liberal to say the least. In fact, it stands really in a class by itself. Let me just quote that statement.

Reinhardt announced:

> I have spoken with judges who must stand for election, and I have heard them say that they cannot afford to reverse capital convictions in cases that engender heated community passions.

Let me quote Mr. Rushford, who I think very effectively comments upon what Judge Reinhardt is saying. Mr. Rushford wrote in this July 18 article:

> In making this statement, Judge Reinhardt admitted personal knowledge of the most serious form of judicial misconduct: condemning an unjustly convicted defendant to death because of political pressure.
>
> Considering the magnitude of such disclosures, one wonders why Judge Reinhardt did not immediately report the judges who made them to the State authorities charged with judicial discipline rather than discussing them at a luncheon. In any event, in order to protect hundreds of elected State appellate and Supreme Court justices from falling under suspicion, the names of the judges he has implicated and the improperly decided cases should be made public.

Mr. Speaker, this is of grave concern to me, where you have a Federal judge of the second highest court in the United States who makes this kind of a statement and basically is admitting personal knowledge of judges who have countenanced people going to their death because they were not willing to stand up for the Constitution and the law of this land and stand up for that which is right.

I think Judge Reinhardt owes us an explanation. I think he needs to give the proper authorities the names of those judges of whom he has personal knowledge. I think this is absolutely outrageous that we can have a high judge who is basically telling us, people are going to their deaths who are innocent, and that these things are happening because State judges are intimidated by the very electorate they will have to face.

Mr. Speaker, I have spoken to the chairman of our House Committee on the Judiciary about this. I will be sending the gentleman from Illinois, Mr. HYDE, a letter, and I will send such a letter to Senator ORRIN HATCH, chairman of the Senate Committee on the Judiciary. I am going to include these articles, and I am going to ask for their investigation.

I do not think we can tolerate this kind of gross judicial misconduct in the United States. I call for a complete investigation of Judge Reinhardt's charges and of the underlying information that he has supporting those charges.

I think it is time to restore justice and integrity to our system. I am not so sure Judge Reinhardt is right, but in order to tell you that he is wrong, then we are going to have to have either an admission from him that he overstated the case or we are going to have to have the names of the corrupt, spineless, immoral, anticonstitutional judges that he was referring to so we can get the records and look into this matter immediately. In a country that makes justice and the equal protection of the law and holds sacred life and liberty, we can do no less.

Mr. Speaker, I include for the RECORD the articles to which I referred:

[From the San Francisco Daily Journal, July 18, 1996]

REINHARDT'S LAMENT—DID FEDERAL JURIST'S SPEECH IMPUGN THE INTEGRITY OF OTHER JUDGES?

(By Michael Rushford)

Ninth U.S. Circuit Court of Appeals Judge Stephen Reinhardt was back in the news recently. In a June 4 luncheon address to the Beverly Hills Bar Association, Reinhardt found serious fault with a host of evils that have limited the authority of federal judges and tarnished the image of lawyers generally.

It was not surprising that Reinhardt, who has been characterized in the press as a "crusading liberal judge," would complain about the arbitration industry, cuts in federal funding for poverty lawyers and "intemperate and inexcusable attacks" on judicial independence by politicians (see "Fall From Grace," Forum, June 6). His criticism of O.J. Simpson prosecutors Marcia Clark and Christopher Darden, while a cheap shot, simply added his name to the scores of other pundits who have never prosecuted a celebrity on national television.

But Reinhardt's lament about the impact of newly enacted limits on federal habeas corpus went somewhat beyond bombast. While asserting that the new rules will "prevent federal courts from overturning unconstitutional state convictions," Reinhardt announced, "I have spoken with judges who must stand for election, and I have heard them say that they cannot afford to reserve capital convictions in cases that engender heated community passions."

In making this statement, Judge Reinhardt admitted personal knowledge of the most serious knowledge of the most serious form of judicial misconduct condemning an unjustly convicted defendant to death because of political pressure.

Considering the magnitude of such disclosures, one wonders why Jude Reinhardt did not immediately report the judges who made them to the state authorizes charged with judicial discipline rather than discussing them at a luncheon. In any event, in order to protect hundreds of elected state appellate and Supreme Court justices from falling under suspicion, the names of the judges he has implicated and the unproperly decided cases should be made public.

By not doing so, Judge Reinhardt leads one to believe that either he values the confidence of these unnamed judges more than the Constitution he has sworn to uphold or he has fabricated the whole thing to advance his own political agendas.

In reality, elected state judges, particularly on the appellate courts, have demonstrated time and again that political consideration do not influence their decisions. Examples include the 1992 case of State v. Middlebrooks, where the Tennessee Supreme Court overturned the state's felony murder rule, initially on federal grounds. Later, when the U.S. Supreme Court seemed poised to reverse, the Tennessee court reconsidered, insulating its holding on independent state grounds.

The Wisconsin Supreme Court went way out on a limb to anger voters with its 1992 decision to overturn that state's hate crime law (State v. Mitchell). In 1995 Montana's law prohibiting the use of voluntary intoxication as a defense to murder was (incorrectly) found to violate federal due process by the state supreme court (State v. Egelhoff).

Political pressure certainly didn't play a role in the California Supreme Court's recent decision to void the mandatory sentencing provision of the "Three strikes and you're out" law in People v. Superior Court (Romero).

Examples like these may not matter to Judge Reinhardt. In the interest of elevating the "public standing and reputation" of the courts, he has, in both his written opinions and public statements, attacked the motives and integrity of the U.S. Supreme Court, the state courts, the other branches of government, the electorate and any law or legal precedent with which he does not agree.

In doing so he has shown the public that some federal judges, who are appointed by politicians and serve life terms, feel free to exercise their judicial power to further their political views. Apparently the irony of this is lost on him.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following members (at the request of Mr. RICHARDSON) to revise and extend their remarks and include extraneous material:)

Mr. RICHARDSON, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SOLOMON, for 5 minutes, today.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills, and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 543. An act to reauthorize the National Marine Sanctuaries Act, and for other purposes;

H.R. 1734. An act to reauthorize the National Film Preservation Board, and for other purposes;

H.R. 2579. An act to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States; and

H.J. Res. 198. Joint resolution appointing the day for the convening of the first session of the One Hundred Fifth Congress and the day for the counting in Congress of the electoral votes for President and Vice President cast in December 1996.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 640. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes;

S. 811. An act to authorize the Secretary of the Interior to conduct studies regarding the desalination of water and water reuse, and for other purposes;

S. 1044. An act to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes;

S. 1467. An act to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes;

S. 1505. An act to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes;

S. 1711. An act to amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans Affairs to provide for a study of the Federal programs for veterans, and for other purposes;

S. 1965. An act to prevent the illegal manufacturing and use of methamphetamine;

S. 1973. An act to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes; and

S. 2153. An act to designate the United States Post Office building located in Brewer, Maine, as the "Joshua Lawrence Chamberlain Post Office Building", and for other purposes.

ADJOURNMENT

Mr. DOOLITTLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 51 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, October 3, 1996, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5409. A letter from the Secretary of Transportation, transmitting the annual report on the status of the public ports of the United States for calendar years 1994–95, pursuant to 49 U.S.C. 308(c); to the Committee on Transportation and Infrastructure.

5410. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Importation of Fruit Trees from France [Docket No. 94–102–3] received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5411. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Safety Standards for First Aid at Metal and Nonmetal Mines (RIN: 1219–AA97) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5412. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Protection of Human Subjects; Informed Consent (RIN: 0910–AA60) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5413. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [ID #96–005] received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5414. A letter from the Chairman, U.S. International Trade Commission, transmitting the third annual report on the impact of the Andean Trade Preference Act on U.S. industries and consumers and on drug crop eradication and crop substitution, pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2740. Referral to the Committee on Commerce extended for a period ending not later than October 4, 1996.

H.R. 2923. Referral to the Committee on Ways and Means extended for a period ending not later than October 4, 1996.

H.R. 2976. Referral to the Committees on Ways and Means, Economic and Educational Opportunities, and Government Reform and Oversight for a period ending not later than October 4, 1996.

H.R. 4012. Referral to the Committee on Ways and Means extended for a period ending not later than October 4, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII,

Mr. RICHARDSON (for himself, Mr. JOHNSON of South Dakota, and Mr. MILLER of California) introduced a resolution (H. Res. 556.) expressing the intentions of the House of Representatives concerning the universal service provisions of the Telecommunications Act of 1996 as they relate to telecommunications services to native Americans, including Alaskan Natives; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2651: Mr. BALDACCI.

H.R. 2734: Mr. SALMON.

H.R. 2900: Mr. FUNDERBURK.

H.R. 3466. Mr. MENENDEZ.

H.R. 3837: Mrs. MALONEY, Mr. TORRICELLI, Ms. BROWN of Florida, and Mr. BALDACCI.

H.R. 4072: Mr. DOOLEY.

H.R. 4092: Mr. WYNN.

H.R. 4105: Mr. SALMON.

H.R. 4170: Mr. PORTMAN.

H.R. 4274: Mr. TORRES.

H.R. 4305: Mr. POMEROY.

H.R. 4334: Ms. NORTON.

H. Res. 510: Mr. BURTON of Indiana.

H. Res. 555: Mr. DEFAZIO, Mr. NEY, Mr. SPRATT, and Mr. WAXMAN.

SENATE—*Wednesday, October 2, 1996*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of hope, we need Your vibrant optimism. Our own optimism is like a teabag: we never know how strong it is until we get into hot water. It is in times of frustrations or adversity that our optimism is tested. When the process of human efforts grinds slowly and people disturb our pace of progress, our attitudes are given a litmus test. Often our realism too soon turns to resignation. We expect far too little and receive it. Transform our experienced pessimism into expectant hope. So often we live as if we had to carry the burdens alone. Today we relinquish any negative thoughts to You and receive a fresh infusion of Your hope. Hope through us today, O God of hope. Make us people who are a lift and not a load, a blessing and not a burden. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Good morning, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be conducting a period of morning business until the hour of 2 p.m. this afternoon. Beginning then at 2, the Senate will begin 3 hours of further debate on the FAA reauthorization conference report. In accordance with the previous agreement, a cloture vote will occur on the conference report at 10 a.m. tomorrow morning. I urge all my colleagues to plan their schedules accordingly. This is a very important matter. I hope all Members will be present for this key cloture vote.

Of course, we expect that there is a likelihood that there will be a final vote later on in the day. Perhaps that will wind up being a voice vote, but we have to assume at this point it will be a recorded vote. I hope if cloture is invoked Thursday, the Senate will be able to complete the action certainly in a timely manner.

Senators should be aware that rollcall votes are still possible during today's session on any other legislative matters that are in the clearance process. I hope that we will be able to get some noncontroversial issues cleared. That process has slowed down markedly, but we are still hoping and working so that we can get some done that are supported on both sides of the aisle. We are working on that as we speak.

It is also my hope that an agreement can be reached with respect to the parks legislation. Meetings have been occurring this morning. There is communication underway between Senator MURKOWSKI, Democratic Senators, and the administration. We are hoping that we can add some bills that should have been included in the package that passed the House by an overwhelming margin. Certainly some of those that were knocked out should have been included, and there is no justification for them not being there. We are trying to identify those and get an understanding as to how we will handle it in the Senate and the House and with the administration.

As developments occur and as we clear bills, we will be back to the floor to deal with those.

Mr. President, I have no further need of time, so I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with Senators permitted to speak therein for not to exceed 10 minutes each.

THE OMNIBUS PARKS BILL

Mr. BINGAMAN. Mr. President, I will not take a full 10 minutes, but I would like to speak briefly about this so-called parks bill or Presidio package which is being considered here in the Senate this week and urge my colleagues who are engaged in negotiations on this to come to some resolution so that we can move ahead with this important piece of legislation.

My home State of New Mexico will be greatly benefited if this package of legislation becomes law. There are many provisions in it that I believe would be important to many constituencies around the country.

I notice in the October 1 CONGRESSIONAL RECORD, the RECORD that we received on our desks today, there is a list on page—let us see—it is 26975, a listing of the various titles which are included in the bill. I can honestly say there is probably something in here for every State in the Union. This is a catch-all piece of legislation which is intended to make necessary boundary adjustments and to make necessary provisions for the protection of our public lands in a great many areas. These are noncontroversial provisions.

This is a summary I refer to here, a summary of the legislation that has already passed the House of Representatives. I wish, Mr. President, we could call this legislation up and pass it in the Senate. Today would be a good time to do that while we still have enough Senators here to get a quorum. I could go through and will indicate the various titles.

The first title relates to the Presidio of San Francisco which, of course, has been the reason that the package was designated the Presidio package. The second title is on boundary adjustments and conveyances. The next title is on rivers and trails and exchanges of lands, then historic areas, and it goes on to describe the various administrative and management provisions including the National Coal Heritage Area, the Tennessee Civil War Heritage Area, the Augusta Canal National Heritage Area, Steel Industry Heritage Project, Essex Heritage Area, South Carolina National Heritage Corridor, America's Agricultural Heritage Partnership, the Ohio and Erie Canal National Heritage Corridor, the Hudson River Valley National Heritage Area.

Mr. President, to my knowledge, all of these are meritorious provisions and ones which we should enact before we leave town. I think it would be a great shame if we were not able to do that. This is of particular interest in my home State for several provisions, but particularly there has been a longstanding problem of great concern to the Taos Pueblo which we are proposing to resolve in this legislation.

The Taos Pueblo land transfer provision would transfer 764 acres in northern New Mexico which is now located in the Wheeler Peak Wilderness of the Carson National Forest to the Taos Pueblo, adjacent to the Taos Pueblo.

The area has spiritual significance to the people in the Taos Pueblo. The bottleneck area continues to be used by the Taos Pueblo Indians for religious pilgrimages. The sacred Path of Life

Trail, connecting the Pueblo with Blue Lake, runs through this bottleneck. The Blue Lake Wilderness has been a source of spiritual strength to the Taos Pueblo for over 1,000 years. The bill pending before the Senate today is intended to complete the full transfer of the Blue Lake territory to the Taos Pueblo, a transfer that Senator Anderson pursued diligently while he was here representing our State. The bottleneck tract will be returned to its rightful owners under this legislation.

I would hate to see the legislation fail to pass because of a disagreement over some totally unrelated provisions. Again, I urge my colleagues to allow this land transfer in my home State and the many other important provisions in the Presidio package to become law. It is the right thing to do for the people of Taos Pueblo. I hope very much we can take that responsible action before we adjourn this session for this year.

I yield the floor.

UNFINISHED BUSINESS

Mrs. KASSEBAUM. Mr. President, as the 104th Congress draws to a close, I want to spend a few moments discussing what I believe are some important initiatives which are not going to make it into the statute books this year. Although I am deeply disappointed that the many months—and years—which have gone into these efforts have not borne fruit, I am confident that they have taken enough root that they will rise once again in the 105th Congress.

Unfortunately, the list of proposals falling into this category is much longer than I might wish. I will not go through the entire litany, but I do want to set out what I was attempting to accomplish with respect to the Food and Drug Administration [FDA], the National Institutes of Health [NIH], and our Nation's job training programs.

Legislation to reform the Food and Drug Administration, S. 1477, was reported by the Committee on Labor and Human Resources with strong bipartisan support. Members on both sides of the aisle spent long hours in negotiations, and I want particularly to commend the Senator from Maryland [Ms. MIKULSKI] for her unflagging efforts on behalf of reform. Unfortunately, these negotiations failed to produce an agreement which would not be filibustered, and it was therefore not possible to bring S. 1477 before the full Senate.

This legislation was designed to enhance the professionalism, stature, and effectiveness of the FDA. In developing the measure, I was motivated by a desire to assure that our Nation does not lose its leadership in new product development and by a desire to respond to the plight of countless individuals who have suffered needless delays in obtaining new therapies.

Through hearings, meetings, and other reviews of the issue, I concluded that the performance of the FDA could be substantially improved without sacrificing consumer confidence in the safety and efficacy of the products they purchase.

I would like to outline briefly the major principles underlying this legislation, because I believe they are important and should serve as the foundation for any FDA reform measure considered in the future:

First, as I stated, the major purpose of S. 1477 was to enhance the professionalism of the agency, and it attempted to do so by providing a clear statement of the agency's mission and by emphasizing performance standards and accountability.

Second, it attempted to improve the speed and efficiency of the product testing, review, and approval process by encouraging cooperation between the agency and the manufacturer from the very beginning. Too often, all the focus is placed on the back end of the process—FDA approval—without giving sufficient attention to steps which could be taken to improve the process during the many years leading up to that point.

Mr. President, as you know, it can take sometimes as many as 12 years or more before final approval is achieved. We felt strongly in the committee that process could be enhanced without hurting in any way safety, efficiency, and efficacy in order to bring that time span down.

There have been instances where the agency has implemented this type of cooperative approach—for example, with respect to the testing and review of AIDS drugs—and this measure attempted to encompass those practices which have been successful.

Finally, the measure put forward some new options, such as the contracting of review of certain medical devices. The point was not to take FDA out of the picture. The bill maintained the role of the FDA as the final arbiter of safety and efficacy. At the same time, it took steps to assure that, at the appropriate point, the agency does come to a decision.

Scientific methods and technology have changed dramatically over the past two decades, while our regulatory structures have barely budged. An incentive is growing for U.S. companies to move research, development, and production abroad, threatening our Nation's continued world leadership in new product development—costing American jobs and further delaying the public's access to important new products. We can address these issues through sound reform legislation, and we should.

Another important health care matter which deserves priority in the 105th Congress is the reauthorization of the National Institutes of Health. Last week, the Senate approved a reauthorization bill (S. 1897), and I had hoped the House of Representatives would take it up as well. Unfortunately, that will not happen.

As a consequence, we have lost—for the moment—an opportunity to reaffirm the importance of the biomedical research mission of the NIH and to enhance the effectiveness of the agency in performing that mission.

All Americans can take great pride in the exceptional contributions that the NIH has made. It has compiled an astonishing record of biomedical research advances which have transformed all of our lives. Vaccines against conditions which once crippled and killed are now routine, and drugs hailed as miracles at their inception are as well known as aspirin. These past successes against seemingly insurmountable odds have inspired confidence and offered hope to those who have nowhere else to turn.

In addition to reauthorizing the important work of the two largest institutes—the National Cancer Institute and the National Heart, Lung, and Blood Institute—the reauthorization bill approved by the Senate attempted to strengthen the ability of the NIH to respond to emerging issues in the biomedical research arena and in the larger health care environment in which it operates.

Among other things, this legislation authorized the creation of the National Human Genome Research Institute, in recognition that one of the biggest future frontiers is that of the human genetic code. The elevation of the National Center for Genome Research to institute status would serve to better focus NIH resources for this important work.

It recognized the need to invest in the education and training of the next generation of clinical researchers by providing for greater support for expert training of young biomedical scientists who have elected the difficult, and frequently less well-compensated, careers in scientific inquiry.

The bill streamlined the excess and often duplicative infrastructure that has grown up over time in the NIH. Every dollar saved from unnecessary administrative burdens is another dollar freed up for support of biomedical research.

It established a framework under which additional sources of funding could be tapped by creating a biomedical research trust fund within the Treasury.

This legislation included a significant initiative in the area of Parkinson's disease research. Based on separate legislation with broad bipartisan support in both the Senate and House, this initiative would establish up to 10 Morris K. Udall Centers for Research on Parkinson's Disease and provide for awards to neuroscientists and clinicians to support innovative research.

Turning to other issues before the labor committee this year, I think perhaps my greatest disappointment is the demise of the Work Force and Career Development Act. I say it is the greatest disappointment not only because its failure is a lost opportunity to bring about significant reform in an area where reform is sorely needed, but also because we came so close to achieving it.

This is not a bill which died in committee. It was not killed on the Senate floor; in fact, just about a year ago it was adopted by a vote of 95 to 2. It did not die in the House, where its companion measure was adopted with overwhelming bipartisan support.

This initiative, which has its roots in legislation I introduced with the Senator from Nebraska [Mr. KERREY], in the 103d Congress, moved step by step through the legislative process. Yet, the conference report, which was filed on July 25, has been sitting gathering dust due to the threats of dilatory action should it be called up.

I have addressed the Senate on many occasions regarding the need for fundamental reform of our Nation's job training programs. I think reform is absolutely essential if we are to provide the skilled job training which can best address the needs of the people in each of our States, because what might be necessary in Kansas might be very different in Alabama or in South Carolina. As I have mentioned before, the roughly $5 billion which the Federal Government invests in job training and related programs is small potatoes in our annual trillion-dollar-plus budget. Most probably feel, I think, that this is a boring subject and ask why should we focus our attention on this. It doesn't grab headlines. But if we wish to make welfare reform work, if we wish to provide a work force for the next century that is going to meet the challenging demands of developing new technology, we have to be more flexible in letting States design good job-training programs. I just worry, Mr. President, that by maintaining the status quo, we are saying that we are willing to live with inadequate programs and that we are not willing to step forward with the innovative ideas that I think are important, and that I believe the American people think are important. These are ideas that will help assure that Government spends money more effectively and wisely.

I contend that it is a travesty to continue to allow these billions of dollars to be thrown away on programs where good intentions are not sufficient to produce good results. We don't even have the data to know what works and what doesn't work.

That is what the Work Force and Career Development Act is all about. It would consolidate narrowly focused Federal categorical programs into a comprehensive statewide system—offering States the flexibility they need to focus resources where the need is greatest. It would encourage the development of true partnerships among educators, trainers, and the business community. And it would focus on getting results.

Many forces in our society are raising the stakes for the effective performance of job training programs. Technology has transformed the marketplace and the skills which employers seek from their employees. The recently enacted welfare reform legislation places a premium on job placement and retention.

My biggest regret at the failure to bring about job training reform is the fact that those Americans most in need of quality programs which have to continue to muddle their way through the current morass, will have to continue to be shuttled from one program to the next, our not knowing for sure what will work and where they will be able to find the answers they seek. I think it is a disappointment and a shame, our not being able to address the conference report before this Congress closes.

There are other reform efforts as well which I believe could have made Government programs work better. The Senator from New Hampshire [Mr. GREGG] and I developed legislation to reform the Occupational Safety and Health Administration [OSHA] in an effort to place greater emphasis on improving safety education and less on imposing fines for trivial violations. I worked with Representative J.C. Watts on the Youth Development Community Block Grant Act, an effort to consolidate scattered youth development programs into a locally controlled system of positive prevention activities.

A recent edition of Roll Call mentioned the interest of the majority leader in spending more time overseeing existing programs, rather than creating new ones. I wholeheartedly agree. We do a disservice to the American taxpayer to add to Federal obligations while ignoring the performance of those we have already made.

The process of oversight and reform is a long one. It does not happen overnight or even over the 2-year course of a Congress. I would like to think that the work which has gone into the initiatives I have mentioned today will make a contribution to efforts to be undertaken next year and the year after that. Although I will not be here to shepherd these initiatives through their next phases, I have confidence that they will flourish under the care of those who follow.

Mr. President, this is the last speech I will give on the Senate floor. I would just like to say it has been a great honor to represent the State of Kansas. I want to say a special thanks to my colleague from the State of Alabama, Mr. HEFLIN, who will be retiring in this Congress. It has been an honor to serve with him. I thank my colleagues and my staff and the support personnel. It has been a pleasure to serve with them for 18 years.

I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

CHALLENGES FOR THE FUTURE

Mr. HEFLIN. Mr. President, as America heads into the next century and millennium, it is crucial that a serious reevaluation of our role in the world occur. Our role in the world will largely be dictated, at least for the foreseeable future, by the fact that our Nation is the sole remaining superpower. This role carries with it added responsibilities with regard to international and even more localized foreign disputes.

In reevaluating our role as the sole superpower, there are some restraining factors that must be part of the equation.

The lessons of Vietnam, Korea, and Beirut, as they relate to public support, cannot be dismissed. We have to consider the attitudes of the population in this country if we are to pursue action in places like Bosnia. A key question is how many human casualties the public will tolerate. Will the public support the mission and to what degree will it be supported? The media is a key element, since it has a tremendous capacity for creating sentiment for or against a particular policy. Our role might increasingly be ad hoc in nature. Public attitudes are a potential internal threat that can't be dismissed. There is a strong feeling that America cannot be the world's policeman. There is a vocal sentiment of limited quasi-isolationism among many that can't be dismissed, and it has the potential to grow. The question of how best to manage this sentiment is important to the conduct of our foreign policy and in assessing our role in the world.

Scarce and limited resources on the part of our national government will also be a major determinant of our foreign policy. We are living in a world of shrinking government action. Both major political parties acknowledge this reality. It is a reality based upon budgetary constraints and a desire for less government, and dictated to some degree by the competition between domestic and foreign policy needs.

We have already seen over the last few years a tendency on the part of our allies to look to us for leadership and to put out fires. Our leadership of the NATO operations in Bosnia is a stark example. In this war-torn region, we have seen not only armed battles, but rape, torture, murder, and genocide. As a society which stands against such evils, we will be called upon to intervene. Budgetary constraints will continue to require a reevaluation of our role as a world policeman and as the rewarding arbiter of international disputes in places like the Middle East, Northern Ireland, and other areas.

A key part of the reevaluation of our role as a solver of conflicts will also be the reevaluation of our role in world disarmament as well as an arms merchant. As we rightfully pursue disarmament and restraints on the sale of arms, we must strive to retain a sensible balance and not go too far. A root cause analysis will serve us well; it is obvious that not much serious fighting takes place between two parties if there are no arms. Our own security, in the light of more ambiguous threats and potential terrorism, will continue to be paramount. Military technology and the feasibility and need of such programs as SDI will continue to demand attention. These questions will not recede just because the direct threat from a competing superpower has receded.

We must not only look at our role in securing human rights around the world, but also to the commercial and business opportunities in Asia, Africa, and Latin America, as well as in the former Warsaw Pact nations. Our international trade policies are important components of such development.

As far as our trade policy and how it affects our own citizens, we must carefully look at our trade deficits and how they will affect America's jobs if not reduced. There should be little doubt that many of our traditional jobs are going overseas or across borders. While new service jobs are being created, there is the increasing danger of a growing gap between the wealthy and, on the other hand, the economically disadvantaged and poor and a narrowing of the middle class. There is no question that Japan has emerged as a world economic power because of its successful trade policies. It is no secret that one learns from the successful. So far, we have not learned from Japan or come close to duplicating their success. What can be learned from them in making our own policies more beneficial to our national interests is an important question. One key component of their successful policy is that the corporate sector does not view the government as the enemy.

Another challenge will be the role of NATO in European security and outside Europe. It is currently being seriously reevaluated. The alliance's expansion by the end of the century appears to be a foregone conclusion. What will the exact mission of an expanded NATO be in the next century? In order to avoid some of the problems experienced by the United Nations, particularly in the "peacekeeping" realm, its mission will have to be reevaluated meticulously, defined precisely, and articulated forcefully. The Pacific Rim, a rapidly expanding area of trade, development, and expansion, is also one of potential security threats. The lessons of China's influence in the Korean and Vietnam conflicts must not be forgotten. Possible East Asian alliances, as well as our understanding of East Asian motivations, are puzzling and wrought with dangers. Considerable thought, patience, and insight must be given to security threats and trade relationships. The issue of whether NATO could or should be used outside Europe—even if the consent of the member nations were obtained—will be paramount. The role of the United Nations is a major component of this issue, particularly in view of China's veto in the U.N. Security Council. We know the future will continue to yield technological advances that we have not even thought of today. This is true both in terms of domestic and international policy. A renewed commitment to research and development will be crucial in keeping pace with the rest of the world. Think about the Internet and how it has already changed the ways in which we receive, transmit, and exchange news and information. This will only increase in the next century. Our space program has yielded some of the greatest benefits our nation has ever realized. Its bi-products have helped lead to advances in health care techniques. We must commit ourselves anew to NASA and its mission. We must help citizens see the direct links between advanced science and research and their relevance to their daily lives. How many unforeseen research triumphs are waiting to be realized in the next century?

Here at home, the delivery of health care is still a great concern to many of our citizens. As the National Institutes of Health and other government and private entities continue to increase the average life span of our population, the demand for health care services will only increase. The costs will rise. Access will continue to be an issue. We must evaluate these strains on the system and whether or not we will be able to meet the needs of a rapidly growing portion of the population that cannot partially or entirely meet the cost. There is still a consensus that reform is needed; still, after all the debate and controversy, we don't yet know what policy to pursue. The Kennedy-Kassebaum bill is a good first step, but only a first step.

The rising costs of higher education must be reevaluated. As college-level study and training become increasingly necessary to succeed in today's and tomorrow's complex world, what can be done about the rising cost? A huge percentage of a family's income goes toward educating its children, even at public institutions. How much can families realistically afford before talented, bright young people start falling through the cracks? Will it be the responsibility of the government to provide a safety net? How will government assistance programs have to be changed to meet increased demand?

Our success at meeting these many challenges and the many others that face us depends upon how serious we are in our evaluation of them. Perhaps as much as any time in history, our future success will depend on how hard we work, how thoughtful we analyze these challenges, and how serious we are in building partnerships for moving the country forward.

The PRESIDING OFFICER. The Senator from Montana is recognized.

UNANIMOUS-CONSENT REQUEST—S. 2187

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2187, which was introduced earlier today by Senator BROWN.

The PRESIDING OFFICER (Mr. ABRAHAM). Is there objection?

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ASHCROFT addressed the Chair.

Mrs. BOXER. Mr. President, I ask unanimous consent——

The PRESIDING OFFICER. The Senator from Montana has the floor. Does the Senator yield the floor?

Mr. BURNS. We withdraw it.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I want to make it clear that I have no objections to proceeding, and I regret that objection has been heard on this matter. I have released all holds that I had on legislation and regret that this matter cannot move forward.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

UNANIMOUS-CONSENT REQUEST—H.R. 3560

Mrs. BOXER. I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 3560 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. BURNS. On behalf of some Members on this side of the aisle, we object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, if I might say, H.R. 3560 would designate the Ronald H. Brown Federal Building in New York, and we are very hopeful we can do this in his memory today.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the quorum call be dispensed with and that I may address the Senate.

The PRESIDING OFFICER (Mr. ASHCROFT). Is there objection to the suspension of the quorum call? The Chair hears none, and it is so ordered.

Mrs. BOXER. Mr. President, in deference to the chairman of the Armed Services Committee, I would be happy to yield if he wished to address the Senate prior to my comments, which will take about 10 to 15 minutes. I will be delighted to step aside and allow him to speak if that is his wish.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

TRIBUTE TO SENATOR MARK HATFIELD

Mr. THURMOND. Mr. President, the U.S. Senate is an institution that has benefited greatly from the service of a number of individuals who have dedicated their adult lives to government. Among that group, one person in particular stands apart as a man of great intelligence, conscience, and contemplation, MARK O. HATFIELD of Oregon.

MARK HATFIELD arrived in Washington in 1966 well prepared to not only take his seat in the world's greatest deliberative body, but to almost immediately begin helping to shape and influence debate in this Chamber. Ever since his 1943 graduation from Willamette University, MARK HATFIELD has either studied, taught, or served government. During World War II, MARK donned the khaki uniform of a naval officer and participated in some of the most brutal campaigns we fought against the Japanese. After the war, MARK returned to school and earned a master's degree in political science from prestigious Stanford University. Following his time in Palo Alto, the young veteran and scholar returned to Willamette University where he taught political science and held the position of dean of students.

It was during his time at Willamette that MARK became active in politics, running for, and being elected to the Oregon House of Representatives in 1950. This was to be the beginning of a career in elected office that would take him to the Oregon State Senate, the Governor's Office, and ultimately to the U.S. Senate, where he has served for three decades and is Oregon's longest serving Senator.

During his tenure in this body, Senator HATFIELD has worked hard for his constituents, has fought for his beliefs, and has worked to make our Nation an even better place. He has been the architect of any number of legislative initiatives that sought to protect and expand wilderness areas in the Pacific Northwest, ensuring that this and future generations will forever know the majesty and beauty of that region. Additionally, he worked hard to help promote business in his State, and his efforts undoubtedly helped to make Oregon an important part of the dynamic international economy known as the Pacific rim.

Mr. President, I have always had the upmost respect for my colleague from Oregon. In his 30 years in the Senate, he has always voted his conscience and has done what he felt was in the best interests of the United States of America. One can only admire a man who places such a value on integrity. Indeed, MARK HATFIELD is a man of integrity, ability, and dedication, and we commend him for the great service he has rendered this Nation. I know that Senator HATFIELD will be greatly missed by all those who have served with him, and his successor will have to work hard to match the commitment made by this scholar and Senator. I know that all the Members of the Senate wish our friend MARK good health and great happiness in the years to come, and I am certain that he will excel at whatever endeavor he undertakes upon his retirement.

TRIBUTE TO SENATOR NANCY KASSEBAUM

Mr. THURMOND. Mr. President, I rise today to pay tribute to Senator NANCY LANDON KASSEBAUM, a leading lady of the Senate and one of the finest to ever represent the State of Kansas in the U.S. Congress.

Senator KASSEBAUM learned politics the old fashioned way at the knee of her distinguished father, Alf Landon, Republican Presidential nominee and Kansas Governor. She eventually followed in his footsteps to serve the State of Kansas in an exemplary and excellent manner.

In the early years she was a wife and mother, rearing four fine children, and then serving as a Senate staffer, before being elected to the U.S. Senate on the Republican ticket in 1978.

Senator KASSEBAUM brought to this body a keen interest in social issues, focusing on areas near and dear to her—the family, children, and education. Today, as chairman of the Committee on Labor and Human Resources, she has been able to affect greatly legislation in connection with her agenda in these and other important arenas.

On a broader scope, her work on the Committee on Foreign Affairs has been noteworthy and knowledgeable, especially her work on foreign aid and African issues.

Not only is she an able legislator, but she is a person of character, intellect, and dedication. She is truly a lady in every sense of the word, and what I believe we would say today "A Class Act."

Her sense and sensibility will be missed in the Senate, and her wit, grace, and style will long be remembered.

On a personal note, we are proud to claim NANCY KASSEBAUM as an honorary citizen of South Carolina. Her outstanding son, John, an attorney, is a resident of Charleston, and he had the good fortune and good taste to marry a lovely South Carolinian, Elizabeth Williams Kassebaum. They have two handsome children. Now that NANCY is retiring, we hope she will spend even more time in our State, where she is greatly admired.

The U.S. Senate is a better place because of NANCY LANDON KASSEBAUM, and her shoes will be hard to fill. She spoke softly, but wielded a big stick when standing up for her beliefs and principles. Her character was sterling and she has left a rich heritage for the future worth its weight in gold.

We shall miss her, and in the words of the Bard, "We shall not see her likes again."

RETIREMENT OF SENATOR HOWELL HEFLIN

Mr. THURMOND. Mr. President, I rise today to pay tribute to my good friend, Senator HOWELL HEFLIN, known by many of his colleagues and friends as "the Judge," who, regrettably, is retiring from the Senate.

On November 2, 1978, the U.S. Senate gained one of the most respected, intelligent and able Senators in HOWELL HEFLIN. HOWELL grew up as a son of a Methodist minister, and was educated at Birmingham Southern and the University of Alabama Law School. With a J.D. Degree in hand, he practiced law with wide recognition as a noted trial attorney, gaining numerous honors and awards among law societies and associations.

During his career, HOWELL has made many important contributions to our great Nation. In addition to being an attorney, HOWELL served as Chief Justice of the Alabama Supreme Court prior to his election to the Senate, and he brought to the Senate an extensive knowledge of the judicial process. During his tenure as Chief Justice, "the Judge" brought about an unprecedented judicial reform package for his State, which has been hailed as a model for the Nation and has been studied by numerous other courts throughout the United States. This extensive knowledge and background made HOWELL HEFLIN a natural candidate to serve on the Senate Judiciary Committee. For years we have served together on this committee, and have worked closely on a number of judicial reform initiatives and measures to fight crime and drug abuse. The members of the Judiciary Committee who have worked with HOWELL have undoubtably benefited from his insight on judicial matters.

As with many southern States, agriculture plays an important part in Alabama's economy, and in addition to his commitment to judicial issues, HOWELL has an equally strong interest in agricultural concerns. He has been called the spokesman for southern agriculture by the Associated Press, and makes his fight for farmers a national priority.

Senator HEFLIN, a former Marine who served in World War II, has a special interest in a strong national defense. His work with President Reagan on the Strategic Defense Initiative, and cooperation with President Bush on defense matters demonstrates his nonpartisan spirit and his commitment to the security of this great Nation.

Throughout his Senate service, HOWELL has maintained his Alabama roots and applied his down home, southern values of common sense and level headedness to his work in the Senate.

I have great respect for Senator HEFLIN's commitment to his work, his integrity, as well as his dedication to his constituents and to the United States of America. As he heads home to Alabama, I wish him well in his retirement, and trust that he will enjoy many years of health, happiness, and spending more time with his growing family.

TRIBUTE TO SENATOR WILLIAM S. COHEN

Mr. THURMOND. Mr. President, I rise to pay tribute to Senator WILLIAM S. COHEN, who is retiring at the end of the present year.

When one thinks of New England, many images come to mind. Lighthouses on rocky points, lobster and clam bakes on beaches, and men and women of few words but great wisdom. Our colleague from Maine, WILLIAM S. COHEN, is just one such person, a well-educated, well-read man with an impressive background in government who has done much to benefit our Nation.

Senator COHEN began his life in public service as an assistant county attorney for Penobscot County, and later went on to serve on the staff of the Governor of Maine's State Credit Research Committee. This experience in the public sector sparked BILL's interest in a career in elected office, and it was not long before he held a succession of local positions beginning with city councilor for Bangor, followed by mayor of that same locale. Soon BILL turned his attention from the responsibilities of a local official to the challenges that a seat in the House of Representatives presents, and in 1972, he was elected to Congress. For three terms, BILL represented the people of his district faithfully, but in 1978, he felt that he could better serve his State and Nation by being a U.S. Senator, and he was elected to the first of what would be three terms.

During his tenure in this body, Senator COHEN has served on both the Armed Services Committee and the Committee on Intelligence, working hard on a number of issues of great importance to the defense of the Nation. As the chairman of the Armed Services Committee, I can say without question that BILL approaches his responsibilities with great seriousness and purposefulness of mind. We have all benefited from the contributions he has made to the security of the United States and are grateful for his efforts.

I hope that BILL leaves the Senate with fond memories of his time here and a sense of accomplishment for his efforts. Knowing BILL, upon his retirement, he is going to pursue endeavors that will be interesting and challenging, and no matter what he undertakes, I am sure that he will enjoy great success. I have been pleased to serve with my good friend from Maine, and I wish him all the best in the years ahead.

TRIBUTE TO SENATOR HANK BROWN

Mr. THURMOND. Mr. President, I rise to pay a tribute to Senator HANK BROWN since he is retiring at the end of the current year.

If there is one image that people around the world have of a Westerner, it is that of an independent man or woman who rides tall in the saddle, stands up for what he or she believes is right, and is a person of great practicality and common sense. Without question, these are the type of attributes that one finds in our friend and colleague, HANK BROWN of Colorado, who is bringing his career in Congress to a close.

Though a Member of this body for only one term, Senator BROWN is no stranger to Capitol Hill as he served for 10 years in the House of Representatives. Throughout his tenure in both Houses of Congress, he demonstrated a commonsense approach to the issues before the Nation. As a conservative, he took a hard line against Government waste, an excessive Federal budget, and efforts by bureaucrats and environmentalists to impede the rights of land owners, ranchers, and those who seek to harness the riches of the West.

I had the good fortune to serve with HANK on both the Committee on the Judiciary and the Veterans' Affairs Committee over the past 6 years, and his commitment to his work and to serving the Nation impressed me greatly. Without question, my colleague from Colorado approached his duties seriously and sought to represent his constituents as best he could. As a veteran of the Vietnam war, HANK was especially sensitive and knowledgeable concerning issues that came before the Veterans' Affairs Committee, and he worked hard to ensure that America never forgets those men and women who have sacrificed so much to protect the interests and ideals of the United States. I have no question that should HANK BROWN have chosen to stand for reelection, the grateful voters of his State would have easily and overwhelmingly returned him to office.

Mr. President, in a case of life imitating popular lore, HANK BROWN is going to saddle up and ride west into the sunset at the end of the 104th Congress. As he makes his journey back to his home State with its glorious Rocky Mountains and crystal clean air, he can reflect on a distinguished and well respected career in the U.S. Congress. In the course of almost two decades, HANK worked hard to forge compromises, reach agreements, and to fight for what is right. His efforts benefited the people of Colorado and the United States, and his presence will certainly be missed in this Chamber. Some say that HANK may run for Governor, and if that is the case, the Mile High State, will be in good hands, but regardless of whether or not our friend seeks that office, we commend him for his service to the Nation and wish him great success in the years to come.

TRIBUTE TO SENATOR SHEILA FRAHM

Mr. THURMOND. Mr. President, I rise to pay a tribute to Senator SHEILA FRAHM, who is retiring at the end of the current year.

Many of our colleagues will be leaving us at the end of the 104th Congress. Some of these people have been here for decades, and some for only a very short time. Today, I rise to pay tribute to one Member of this body whose service has been brief, but in no way less than sterling, Senator SHEILA FRAHM of Kansas.

Senator FRAHM joined us just this year after being appointed to the seat vacated by the resignation of the former majority leader, Bob Dole. SHEILA FRAHM came to this position well prepared to carry out its duties as she held a number of important offices during her years in State government, including that of Lieutenant Governor.

I came to know Senator FRAHM through her membership on the Senate Armed Services Committee. I was impressed by the determined manner in which she took her duties and responsibilities as a member of the committee. She worked hard in an attempt to make informed and considered decisions on the matters that came before us and were critical to the defense of the United States. It would have been easy for someone in her position to simply bide her time until the end of the Congress, but I think Mrs. FRAHM knew that the men and women of the "Big Red One" at Fort Riley, KS, and that soldiers, sailors, airmen, and marines throughout the world were grateful for her excellent service.

Mr. President, Senator FRAHM will leave this Chamber at the end of the 104th Congress and return to her native Kansas. Though the duration of her service was short, it was critical. SHEILA FRAHM can be proud of the contributions she made to governing of the United States and we will certainly be sorry to see her go.

TRIBUTE TO SENATOR J. BENNETT JOHNSTON

Mr. THURMOND. Mr. President, I rise to pay a tribute to Senator J. BENNETT JOHNSTON who is retiring at the end of the current year.

As we all know, the South is a region that is rich in heritage and tradition, and one of its most time-honored practices is returning people to Congress year after year in order to build up power and seniority. For the past 24 years, J. BENNETT JOHNSTON has served his native State of Louisiana tirelessly and selflessly, and in the process, has gained great influence in the Senate, which he has masterfully used for the betterment of his constituents and his State.

First elected to the Senate in 1972 BENNETT JOHNSTON set immediately to work in behalf of the people who had sent him to Washington. He secured positions on several important committees, including the Committees on Appropriations, and Energy and Natural Resources, that were especially beneficial to the economy and people of Louisiana. For the next twenty-four years, Senator JOHNSTON dedicated himself to his efforts in this Chamber, accomplishing many significant things, including helping to create new jobs for Louisiana, spurring economic development in his State, helping to provide for the defense of the Nation, overseeing the creation of national parks and refuges in the Sportsman's Paradise, and having a significant role in the shaping of America's energy policies.

Mr. President, as many of our colleagues are doing this year, Senator JOHNSTON has decided to retire from this body. After more than two decades of commendable service, nobody can fault our friend for feeling his work here is done. As he heads back to Louisiana, BENNETT can take pride in his many accomplishments and the exemplary manner in which he has worked to make Louisiana and the United States better and stronger. Unquestionably, he is a man of integrity, ability, and dedication and we all appreciate the great service he has rendered this Nation. I join my colleagues in wishing him good health and great happiness in the years ahead.

I also wish to commend BENNETT's wife, Mary, for the great service she has rendered to the U.S. Botanical Gardens here in Washington. Additionally, she is involved in many activities that benefit our Nation and her native State including being an advocate for immunization and historical preservation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I revise my unanimous-consent request of a while ago so that, before commencing my 15 minutes, the Senator from New Jersey be given 15 minutes.

The PRESIDING OFFICER. Without objection, the Senator from New Jersey is recognized for 15 minutes to be followed by the Senator from California for up to 15 minutes.

ON MY RETIREMENT

Mr. BRADLEY. Mr. President, I always preferred moving to standing still. As a small forward with the New York Knicks, as U.S. Senator from New Jersey, I think I have had two of the best jobs in the world. Each kept me on the move, each offered a unique perspective on America, and in each there came a time to go.

Tomorrow, the Senate will probably adjourn and in a few months I will be leaving the Senate. I believe that U.S. Senator is the best elective job in the world. I thank the people of New Jersey who gave me their votes and their trust; each of my three senatorial races drew me closer to them and forced me to grow in new and different ways. Election day is democracy's most intimate and important ritual. For all the polling and media and political strategy, I believe that there is an essence in any campaign that conveys the bond between the candidate and the electorate on that particular election day. Ultimately, it is the bond that determines the outcome.

For nearly 17 years, almost 18 years now, my most memorable moments have come from the people that I have met. I thank those New Jerseyans who told me their stories through their letters and during our encounters along the shore, at commuter terminals and diners and town meetings and countless other settings. It is from the stories of people's lives that I have been moved and that I gained hesitancy about universal solutions. It is from their stories that I saw what a small role Government plays in most people's lives and, paradoxically, it is where I felt the impact of decisions taken here in Washington. I have received much more inspiration, insight, and good cheer than I could ever say. They reminded me daily of the resilience and the power of the human spirit.

Their New Jersey stories gave me substance and emotion, and lent both substance and emotion to abstractions about democracy. Now each of their stories has become a part of my own story. I have tried to listen to those I serve while using judgment that I believe they elected me to exercise. Sometimes they vented their anger and frustration, and just by my listening, they seemed to feel better. I have included young New Jerseyans in my activities as a Senator because democratic participation must burst forth anew in each generation, like flowers in the spring. Unless the seeds are watered there will be no blossoms.

I have paid attention to the religious community in my State because I believe the right policy always starts with the right values. I have respected those who disagreed with me, especially when they took time to write long letters detailing their disagreements.

Flying north from Washington in a small plane as the Sun is setting, you reach a point where the sunlight on the Delaware River turns it into a metallic-looking band extending all the way up from Trenton to the Delaware Water Gap. And there, lying before you, is the New Jersey Peninsula, bordered on the west by the Delaware River and on the east by the Atlantic. New Jersey offers unexpected beauty, it gives surprising economic opportunity and reveals vital human diversity.

I have achieved greater understanding of the world with all its mixture of religions and ethnicities by simply representing New Jersey. I have become deeply attached to the Jersey shore, to the mountains of the northwest, the flat farmland of the south, and even to certain places on the Garden State Parkway and the turnpike. These New Jersey places have rooted me and given my life a sense of permanence. It has been an honor to represent our State in the U.S. Senate.

I was not in an elective body before coming to the Senate. I had no frame of reference. And in the early months, I remember sitting in the Cloakroom one night late around 2 a.m. and looking around at my fellow Senators in that Cloakroom. One was reading, and one was pacing, and one was telling a joke, and one was sitting quietly, and one was arguing. I thought to myself, "This isn't a lot different than the Knicks locker room." In fact, it isn't. Both team play and successful legislating are about getting different people from different backgrounds with different personal agendas to come together and agree on a common objective, and then work toward it.

During my time in the Senate, I have tried to balance the private interests and the public interests, the rights of property owners and the needs of society, the big players and the forgotten players. I haven't always pleased everyone, but I have tried to be consistent on the big issues, such as economy, race, America's role in the world.

I have also tried to take the long view, often passing up an occasional headline, to make sure when I spoke I knew what I was talking about. Questions of structure, whether on taxes or trade or the environment, always interested me more than issues of marginal gain or questions of blame or strategies for partisan political advantage.

I am saddened on occasion when the media and politicians ourselves convey that politics is mean, cheap and dirty; that what we hold in common as Americans is somehow less than what we harbor in our hearts and minds as individuals. I have never believed that.

Commentators have remarked that so many Senators are leaving this year that somehow the Senate will have lost its moderate pragmatic center. I strongly disagree with that. Many talented Senators with distinguished records are leaving, but the Senate remains, and power in the Senate rests in the middle. Future Senators will be no less interested in exercising power than do those who are departing. Therefore, they will head to the center where knowing what you are talking about, listening carefully, seeking common ground are the winning attributes. The Senate does not reward extremes of either right or left. It rewards competence.

It is not possible, though, to sum up my 18 years in the Senate in a few words, particularly when I recently took 427 pages to do it in a book. But above all, the Senate is a human institution, shaped by the talents and values and personalities of the Senators who are here at any one time. I owe much to those fellow Senators over the years, to mentors, such as Scoop Jackson and Russell Long, to my able New Jersey colleague and good friend, FRANK LAUTENBERG, to ROBERT BYRD, to PAT MOYNIHAN, to Jack Danforth, to AL SIMPSON, to BILL COHEN, to DICK LUGAR, to NANCY KASSEBAUM, to PAUL SARBANES, to George Mitchell, to WENDELL FORD, to Tom Eagleton, to DAVID PRYOR, to HOWELL HEFLIN, to SAM NUNN, and many, many others.

Over the years, I have been lucky to be assisted by competent staff in ways that are important for a Senate office. I always regarded the newest intern in the mail room to be as relevant to the mission of representing the people of New Jersey as the most senior legislative aide. All of us were here for the same purpose. I gave my trust to many, many members of my staff during my 18 years, and they honored that trust. They represented me in countless meetings with other Senate and House staffers and appointees of four administrations. They always made sure I had the information I needed to be prepared, they amplified my voice, extended my reach, they knew my values, and used their own creativity to serve those same values.

The nature of a good Senator-staff/staff-Senator relationship lies somewhere between the realms of family and team, with the mutual caring and sense of purpose that we expect respectively from each. I am grateful to those "family" members and "teammates" who have enriched my time in the Senate with their intelligence, humanity, sense of humor and, above all else, hard, hard work.

We didn't win every battle with the bureaucracy on behalf of individual New Jerseyans, but we held our own and, in the process, gave Government a little more of a human face. We didn't adopt every amendment we wanted, but we were in the game, right there in the center, in the middle, where power is exercised and accomplishments accumulated in the U.S. Senate. By and large, and above all else, I believe those who served on my staff took public service seriously and believed they could make a difference in the life of our State and our Nation, and I believe we have.

So, Mr. President, I am leaving the Senate, but I am not leaving public life. The quest for a decent life and good wages for all Americans is shaped by many influences that work on many levels. The imperative to engage the world flows through many channels; the fight for justice occurs in many places.

I will continue to speak out and call it like I see it on race, on America's role in the world, on the economic plight of the middle class and the poor, and on the need for thoroughgoing reform that will remove special interest from elections and reduce their influence on Government. In the coming years, I will not lessen my efforts. To the contrary, I will increase them.

So, as I leave the familiar surroundings of the U.S. Senate, I don't know what the future will bring, but I recall the words of Robert Frost:

The woods are lovely, dark and deep.
But I have promises to keep,
And miles to go before I sleep;
And miles to go before I sleep.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from California.

Mrs. BOXER. Mr. President, before the Senator from New Jersey leaves the floor, I just want to thank him for coming to the floor to really put before us a very moving tribute to the Senate from the perspective of one great Senator. As he mentioned those greats that he looked up to when he came to the Senate, on the day that I leave here—and, of course, you never know if it is going to be voluntary or if it is going to be something you plan, as the Senator planned his departure—but whatever day that is for me, Senator BRADLEY's name will be on my lips.

I think he has just the right combination of hope and realism and intellect and heart and courage.

You will be missed, I say to my friend. For me to have had the privilege, in too short a time really, to work with you on environmental issues and children's issues, campaign finance, and other important legislation, I have always looked to you for leadership and for guidance. You do have many, many miles to go before you even take a nap, let alone sleep. Every one of us in the U.S. Senate—and really all the people in the country—I know I speak for California when I say—you are a hero to so many of my constituents—that we wish you well from the bottom of our hearts, and we look forward to working with you. I know I certainly do.

HONORING RON BROWN AND TED WEISS

Mrs. BOXER. Mr. President, when Senator BRADLEY spoke and he said he believed that this Senate would continue forward despite the fact that so many fine people on both sides of the aisle are leaving, it occurred to me that he is right, that the incredible strength of our democracy is the fact that we move forward. When there is a void to be filled, somehow, even though you think it never will be—and it may take more than one person to fill the void of one person's departure; it may take three, it may take four—I just hope that we will all read the comments of the Senator from New Jersey, because one point he made is that he tried to stay away from the meanness of it all that we sometimes face.

I hope in that spirit we will in fact pass two bills that were just objected to by the majority, one to rename a Federal building in New York after Ron Brown and one to rename a Federal building in New York for Ted Weiss. Both of these men served their country so well.

Ron Brown, as Secretary of Commerce, did so much in his lifetime to move forward the cause of economic justice and to bring prosperity to all the people of this country. He died serving just that cause, that human cause. He died in a tragic plane crash with some other quite wonderful people. It seems to me we ought to come together as Democrats and Republicans and make this tribute to him and to his family.

Ted Weiss, someone I served with for 10 years in the House of Representatives, the toughest fighter for health care for those who need it. The people of New York want to remember Ted this way. We ought to come together and make that possible.

THE OMNIBUS PARKS BILL

Mrs. BOXER. Mr. President, we ought to come together on this omnibus parks bill that is so important to 41 States. It seems to me that when the House sent us over a bill which passed virtually unanimously—I think it had four or five or six opposing votes—that was a statement that the controversial projects were dropped from the parks bill.

If Republicans and Democrats in the House could come together on a parks bill, my goodness, why cannot we bring it up here and get it done? The majority leader says he wants to get it done. I have no reason at all to doubt that. But I must say, Mr. President, that I understand the rules of the Senate. I know it is in his hands to bring this bill before the U.S. Senate. He has chosen not to do that. If he had brought this bill up like he did the FAA bill, we could have filed a cloture motion. Mr. President, I daresay we would have had 70, 80, maybe 90 votes in favor of bringing debate to a close and passing that parks bill.

How do I know this? Well, for one, I have spoken to most of my colleagues individually. I know that every single Democratic Senator is in favor of this bill, and I know that the vast majority of Republican Senators are in favor of this bill.

Forty-one States. Alabama has two important parks projects in the bill, a historic trail designation and funding for a historic black college. Alaska has 10 projects included in this bill. Arizona has four. Arkansas has two. California has 17. Colorado has nine. Florida has one. Georgia has two, Hawaii has one. Idaho has five. Illinois has two. Kansas has two, including the Tallgrass Prairie National Preserve, which is so important to the Senators from Kansas. Louisiana; Maryland; Massachusetts has four. Michigan has one; Mississippi two; Missouri one; Montana two; New Hampshire two; New Jersey two, and one of those is Sterling Forest, which is so important to make that land purchase.

New Mexico has five. I have spoken to both Senators from New Mexico, one a Democrat, one a Republican. They are most anxious to get this parks bill passed. New York has two projects. Ohio has one. Oklahoma has one. Oregon has eight. Pennsylvania has two; one each in Rhode Island, South Carolina, Tennessee, Texas; four in Utah, including the Snowbasin exchange, the Sand Hollow exchange, the Zion Park exchange, and a ski fees proposal. Virginia three; Washington State has three. West Virginia has one. Wisconsin has one. Wyoming has three.

Then there are several others, including Martin Luther King Memorial; American battlefield protection, which is so key; Japanese-American Patriot Memorial, and some very important national park agreements.

Mr. President, no one could ever stand up here and say that this bill is perfect. I daresay no bill is perfect. It may only be perfect to the bill's author. But in this case, so many people worked on this bill. In many cases it took 2 years to get some of these provisions together.

Why am I so concerned? We have the Presidio in San Francisco, a former military base with an extraordinary history. We want to set up a nonprofit public trust corporation to ensure that this magnificent sight becomes a jewel in the National Park System. We know we can do it with this trust. If we do not have this trust, we are going to have to do everything we can to have vision to make this work. But we know, just as the Pennsylvania Avenue rehabilitation took a trust, that a trust would be able to really do this job for the Presidio.

We have other things in here for California that I worked on, bills that I wrote for Manzanar which would preserve the very dark history of the days where our Japanese-American friends were placed into camps, internment camps during World War II. We want to preserve the history because we learn from history.

This bill is strongly supported by everyone in the House and in the Senate. We have a very important provision in here for the Cleveland National Forest. So we have many things in our State.

But I truly am not here simply because of what is in this bill for California, although clearly it is very important to our State. This bill is an excellent bill. It came over from the House with tremendous bipartisan support. There is no reason why we should not be voting on this bill.

The majority leader knows the rules, knows if he had brought it up, we could have filed cloture, we could have had the vote, and we would have had the bill.

He has chosen instead to say, I want to do this by unanimous consent. Well, that runs a bit of a risk, Mr. President, because just one Senator, in even an anonymous fashion, could object to this entire package. I just, frankly, do not think that is fair. Too much work has gone in, too much sweat, too many tears, too many expectations, too much work to allow, it seems to me, one Senator to stop this bill.

Now, I am hopeful that we can get every single Republican to support this bill. As I say, as far as I know, the vast majority do. I just want to say to those who would consider objecting to this bill because something they wanted did not get in it, the beauty of the legislative process is that you live to fight another day.

Now, this year I have been most fortunate in being able to accomplish a lot of my agenda. I am most appreciative of everyone, both in my State and on the committees here, who helped me do that on both sides of the aisle. I am most fortunate. It has been very productive for me. If this goes down, this will be a harsh loss to me, but I can truly say we will fight again. Why should 41 States be deprived of this bill? We have the votes here to do it. We should have seen the bill brought up. We should have had our vote. This bill should be on the way to the President.

Now, it can still happen by unanimous consent, but if one Senator takes a position that he or she is going to say, "I didn't get everything I wanted; I only got a few things for my State; I didn't get everything, therefore I am going to object," if one Senator does that, that is a harsh thing to do. I want to keep reminding the Senate about this. I know I will sound like a broken record, but that is a harsh thing to do.

For many years I have been working on an ocean sanctuary bill—started 14 years ago—to not allow the Federal waters off the coast of California to have additional oil drilling off that coast because of its dangers. I have a tremendous amount of support. Yet, there are some who believe that the oil industry should have their rights to do this, no matter what the consequence, and have blocked me from doing it. Now, I could stamp my foot and say I will object to every single bill that comes through here unless I get my way.

Another area on the environment I am working on is to make sure children are protected so that when health and safety laws are written, we take into account the vulnerability of our children, of our pregnant women, of our fragile senior citizens.

Now, I could hold up every bill that comes up and say, I didn't get my way and I'm not going to let anything go through here by unanimous consent because I think children should be protected. Let me tell you, I will fight for the children, I will fight for their safety, and I will fight every day that I live, but I also understand in the U.S. Senate where people come with different viewpoints there is a time when you come together on a bill that may not have every single thing you want.

Mr. President, this is the moment, this is the time. We could have a unanimous consent request made right now to pass the bill that was passed in the House, no changes. We are going to live for another day. Yes, a few of us will not be here next year, but as Senator BRADLEY has said, a lot of us will be, and there will be new people and a new parks bill and there will be a new day. But this parks bill that has all of these important items in it, not the least of which is the Sterling Forest in New Jersey and so many other important parks, it is incredible to me that we cannot resolve this.

One of the things I have been trying to do along with some of my colleagues—the Senators from New Jersey have been helpful, the majority leader, the Democratic leader, the White House—we have been trying to see if there is some way, without adding anything to this bill—because it is very tenuous and it was sent over in a certain form and we should pass it—some way to take care of some noncontroversial issues that do not involve our forests and do not involve our wetlands and do not involve the kinds of things we must keep out of this bill. We are working on that.

We are working to give respect to every Senator so that every Senator knows there is another day and this administration has respect for those Senators who may not agree with everything in this bill. That is what we are trying to do, to show good faith and a recognition that not every Senator is happy.

Mr. President, since the majority leader has decided not to call this bill up and he has tied our hands and we cannot file a cloture motion and we cannot vote on this, and we are losing time—if he insists on that particular procedure, which is his call to make, no one else could make the call for him, since the majority leader has set his course and has said, "I want a parks bill, but I am not bringing the bill up, but we will do this by unanimous consent," if that is the case, then let us come together in the spirit of the closing days of this Congress, in the spirit of the extraordinary Senators who are leaving this U.S. Senate who have fought hard, very hard, for items in this bill, whether it is Senator BRADLEY, Senator KASSEBAUM, just to name a couple, let us come together and without a problem pass this bill and not come to the floor saying, "Well, we want to add more things to this bill."

Yes, we are ending this Congress, but we are coming back in January. We can do many of the things, especially if there is good will and we are not taking up very controversial matters that have been, yes, purposely kept out of this package. We cannot put them back in this package. It is not going to fly. Not everybody got what they want in this package. Not everybody will be thrilled with this package.

As I stand here in the waning hours of this Congress, we have an opportunity to leave here with a parks bill that has not included controversial provisions in it, that will not include controversial provisions in it, but reaches out into this country, into rural areas, urban areas, into the most beautiful parts of this country, into those parts of this country where the beautiful parts are diminishing, and we must reserve them. We can leave this Congress and feel so good that we reached across party lines and passed this bill. If they can do it in the House with a few dissenting votes, we should be able to do it in this U.S. Senate.

I intend to keep the Senate apprised of this issue as often as I have updates.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALAN SIMPSON: A SENATE STALWART

Mr. DASCHLE. Mr. President, today I want to pay special tribute to the outstanding career of the senior Senator from Wyoming, ALAN SIMPSON.

Over the past 18 years, I have had the privilege of working with Senator SIMPSON in many different roles. His wit is unequaled. His passion for public life is inspiring. His commitment to the causes in which he believes—often regardless of their political implications—is unshakable.

Of course, during our shared 18 years in Congress, ALAN SIMPSON and I have sometimes disagreed. Neither of us has ever shied away from a healthy debate, so some of those disagreements have been relatively spirited. But I have always respected his skill and determination, and I have always considered him a friend.

Senator SIMPSON has won many legislative battles. He's also lost a few. But he has never allowed the odds against victory to discourage him from a battle he believed to be worth fighting, and he has never lost his sense of humor.

Senator SIMPSON's special blend of humor and policy interests is exemplified in the book he is about to publish: "Right in the Old Gazoo: Observations From a Lifetime of Scrapping With the Press."

ALAN SIMPSON was born in Cody, WY, to a family with a long tradition of public service. His grandfather, William, was a successful and respected attorney. His father, Mildred, was elected Governor and later served Wyoming in the U.S. Senate.

ALAN followed that tradition well. In 1958, he graduated from the University of Wyoming Law School. In 1966, he was elected to the Wyoming State Legislature, and, in 1978, he was elected to the U.S. Senate, where he will long be remembered as one of the most influential and effective Senators in Wyoming history.

After 30 years of public service, Senator SIMPSON will be remembered by many for countless different reasons. Some will remember his legislative accomplishments. Some will remember the eloquence of his words or the unique nature of his wit. Others will remember his friendship and the love that he and his wife, Ann, share for their family.

I will remember ALAN SIMPSON for all of those things. The Senate will be a very different place without him, but I am confident that his influence on national affairs will continue through his next challenge as a visiting professor at Harvard. Senator SIMPSON will assume the Lombard Chair at the John F. Kennedy School of Government. We know he will bring all of the talents he brought to this body as Senator to that responsibility as well. And all of those who are going to share the good fortune of having the opportunity to listen to him, to experience his wit, to experience his intellect, to experience his great vision about this country and the way he sees it today, will clearly be the beneficiaries. Linda and I wish him and Ann the very best.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FRAHM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FRAHM. Mr. President, we are in morning business. Is that correct?

The PRESIDING OFFICER. Yes.

Mrs. FRAHM. Mr. President, I request up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FRAHM. Thank you, Mr. President.

MY DEDICATED STAFF

Mrs. FRAHM. Mr. President, I rise today to express my gratitude for a group of individuals who all too often don't receive the credit that they deserve, but we all know in this Chamber that they help to make everything happen. I am speaking of the staff, and particularly the staff that has served and supported me since the day I was sworn in as Senator.

When Senator Dole departed this Chamber, among his rich legacy was a dedicated group of individuals totally committed to him and equally devoted to the State of Kansas. I was fortunate to inherit this group of professionals, and together we have completed much of the work for Kansas that Senator Dole had begun. Their experience, their knowledge, and their tireless efforts on behalf of our State has once again helped to make a difference.

To Bob Dole, public service has been both an honorable and a worthy pursuit. "Making a difference" is how Bob puts it. In the Dole lexicon, there is no higher compliment than to tell someone that they have made a difference. If he were here today, I know Bob Dole would join me and the U.S. Senate in thanking our Hart Office staff, Sarah Brown, Darren Dick, Keira Franz, Ruth Ann Komarek, Tom Lewis, Kevin Linskey, Megan Lucas, Nathan Muyskens, Lisa Reynolds, Ron Seeber, Janet Sena, Amy Smith, Dan Stanley, Erin Streeter, David Wilson, and Mike Torrey for all of the loyal service they have given this body and to Kansas.

As Bob Dole would put it, "You have made a difference."

As each of the Senators know, the people who work in our State offices provide that vital link between the people and their Government. They serve on the front lines. They help people in need, listen to their problems, receive the brunt of their frustrations, and in our absence these people toil daily in an effort to connect the Government to people's lives. I want to pay special tribute to our State office staff, Chuck Alderson, Judy Brown, Alan Cobb, Romona Corbin, Diana Dooms, Gale Grosch, Dave Spears, and Cathie Yeager. Kansas is proud and deeply appreciative of their service.

There are five other special people who have been with me from the beginning that I would also like to thank. They are Trent Ledouix, Bruce Lott, Jim Rowland, Gayle Shaw, and Dave Young. Their service to me and to Kansas will always be remembered and appreciated.

Mr. President, thank you.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I ask to be recognized to speak in morning business.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

SALUTE TO RETIRING SENATORS

Mrs. FEINSTEIN. Mr. President, I begin by paying my respects to those Senators who are departing this body. One of the great privileges for me has been to have worked with them. I think each in his own right has added considerably to the dimension of the Senate, and particularly one Senator, NANCY KASSEBAUM, I wish to salute her for her many additions. I have had the occasion to sit on the Foreign Relations Committee with her and to observe her and watch her and see her do her homework. For me as a woman this has been a very special experience. So I want to particularly salute her and also to thank the departing Senators for all of the courtesies they have extended to me and to the State of California.

REACHING ACCOMMODATION ON THE PARKS BILL

Mrs. FEINSTEIN. Mr. President, I echo the comments of my colleague, Senator BOXER, on the parks bill in the hopes that some accommodation can be formulated in the next few hours that will give us a bill.

One of the most difficult things about this body, and I suppose any other body, is that we do not always get what we would like to get or think we deserve in good conscience or what the body owes or what the Government should respond to. However, this is an important bill, and literally dozens of States are impacted, all of them positively, by this bill. For California, it is a particularly important bill.

I thank the chairman of the committee for his indulgence, and I hope in the next few hours there can be some conclusion to this which will bring before us a bill that is significant for every Member of this body.

PENDING JUDICIAL NOMINATIONS

Mrs. FEINSTEIN. Mr. President, I want to address my remarks today to pending judicial nominations. It is my understanding that there may be some agreement to bring forward some additional judicial appointments before this Senate adjourns. I certainly hope that is the case. I want to point out five specific judges, relating to California, some of which have been before this body for a substantial period of time, and the importance of those nominations.

We essentially have two appointments to the Ninth Circuit Court of Appeals which could be filled by this Senate in the next day. The first is William Fletcher. He is a Harvard College graduate. He is a Rhodes Scholar. He is a Navy officer. He is a graduate of Yale Law School. He has been a law clerk for Justice Brennan, and a law professor at the University of California at Berkeley since 1977. He actually received the university's distinguished teaching award in 1993.

I was sitting on the Judiciary Committee when he came up for review. He passed that committee with a favorable recommendation by a vote of 12 to 6. At that time there was some concern about his mother's service on the ninth circuit. An overture was made, as to whether his mother would be willing to either retire or take senior status. She has since said that she would be willing to take senior status to avoid any tinge of nepotism, should he be appointed to the Ninth Circuit Court of Appeals.

I might say this. The American Bar Association has unanimously rated Professor Fletcher, "well qualified." That is its highest rating. His academic colleagues have stated to us that he is fair minded and politically moderate.

Mr. President, I ask unanimous consent that a number of letters regarding Professor Fletcher's nomination be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. It is very hard to understand why he has been lingering on the Executive Calendar, essentially since May 16, without our having an opportunity to discuss his candidacy on the floor of the U.S. Senate. I hope we would have that opportunity. I think it is important that we do so.

Another candidate who has been waiting before this body since June 27, when she passed the Judiciary Committee on a unanimous vote, is Margaret Morrow, who has been nominated for District Judge in the Central District of California, in Los Angeles. She is a graduate of Bryn Mawr magna cum laude. She is a graduate of Harvard Law School, cum laude. She is a partner in a prominent Los Angeles law firm.

She has won the Bernard E. Witkin Amicus Curiae Award from the California Judicial Council in 1995. She has received the Ernestine Stalhut Award for the most distinguished woman lawyer in Los Angeles. She has received the President's award from the California Association of Court-Appointed Special Advocates. She has received the Pro Bono Advocacy Award from the Western Center on Law and Poverty. She has received a number of special awards.

She is the first woman president of the California Bar Association and served as president of the Los Angeles Bar Association. She was found also to be "well qualified."

Her nomination has been languishing in this body since June 27. I hope that in any arrangement that might be put forward, both Margaret Morrow as well as William Fletcher would be part of that arrangement. This is extraordinarily important to me.

Another Presidential nominee to the Ninth Circuit Court of Appeals is Richard Paez. Richard Paez has had a hearing on July 31. Action in the Judiciary Committee has not yet been taken. He was nominated by the President on January 25.

Judge Paez is a graduate of Brigham Young University and the University of California Law School. He has had a distinguished career in Los Angeles, where he served on the Los Angeles Municipal Court from 1981 to 1994. He was chairman of the Los Angeles County Municipal Judges Association in 1990. The Judiciary Committee held a hearing and this Senate did appoint him to the District Court for the Central District of California in 1994, so he has had a hearing by the Judiciary Committee. He has been approved by them, and he has been approved by this body for the district court.

Now the President has seen fit to recommend him for appointment to the Ninth Circuit Court of Appeals. I hope that action might be taken on his case prior to the end of this session.

There is one hardship case that I would like to raise at this time. The national average caseload for all cases is 448 cases per judge. The national average for criminal cases is 51 cases per judge. San Diego has a major caseload problem. In the Southern District of California, in San Diego, the average caseload is almost double that of the national average, 726 cases per judge. It is quadruple the national average in Federal criminal cases, with 213 criminal cases per judge.

Jeffrey T. Miller, who is one of my nominees, was nominated to be district judge for the Southern District of California. He is a sitting State superior court judge in San Diego, and has sat on that bench since 1987. Prior to that time, he was deputy attorney general in the California attorney general's office from 1968 to 1987. I took this up at the Judiciary Committee. I have asked for hearings to be able to consider his case. Judge Keep of the district court in San Diego has called and has indicated her concern about the caseload and asked if this body might be willing to take action to confirm this judge. With a criminal caseload that is quadruple the national average and overall caseload that is almost double the national average, I think on a hardship case that judge, as well, should be approved.

I would like to just end with one additional judge and that is Christina Snyder, nominated to be the U.S. district judge, District Court for the Central District of California, in hopes that her case might also be heard. I recognize she has not yet had a committee hearing and has been waiting for one to take place since May 15.

What I have tried to do is indicate two court of appeals judges who I think should be part of any final passage. Certainly, at the very least, one district court judge, Margaret Morrow, who has been waiting a long time, should be part of any final passage.

I wanted to make very clear to this whole body the importance of this to me, in considering any final passage of judicial appointments which might come before this body. I thank the Chair and I yield the floor.

EXHIBIT 1

UNIVERSITY OF TEXAS
SCHOOL OF LAW,
Austin, TX, September 28, 1995.

Hon. ORRIN G. HATCH,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HATCH: My expectation is that the letter I wrote Judge Mikva many months ago, urging the President to nominate William Fletcher for a seat on the Ninth Circuit, is a part of the file that your committee has in passing on that nomination. It occurred to me, however, that it might be useful for me to write you directly to say what a fine appointment that is and how much I hope that it will be confirmed by the Senate.

I do not doubt that Professor Fletcher is more liberal on many issues than I am. That seems to me almost entirely irrelevant. Over the years that I have known him and also read his writing, what has greatly impressed me has been that he has a quality that I regard as absolutely essential for a scholar and that I regard as equally important for a judge. This is the ability to put his own preferences aside and to hunt objectively to see what answer the law provides.

Too many scholars approach a new issue with preconceptions of how it should come out and they then force the data that their research uncovers to support the conclusion they had formed before they did any research. I think that is reprehensible for a scholar and it is dangerous for a judge.

I am completely confident that when Fletcher finishes his service on the Ninth Circuit we will say not that he has been a liberal judge or a conservative judge but that he has been an excellent judge, one who has brought a brilliant mind, great powers of analysis, and total objectivity to the cases that came before him.

Although you do not know me well, I believe that our acquaintance over a number of years has been enough for you to know that I would not say this merely because I think of Fletcher as a friend. I have spent a lifetime working for the improvement of the federal courts. I believe that the nomination of William Fletcher will add strength to the Ninth Circuit and I hope very much that he is confirmed.

It is wonderful to have you as Chairman of the Judiciary Committee. I wish you well in that challenging task. Anytime I can be of assistance to you or the Committee on the kinds of matters on which I have some expertness, I would be delighted to help.

Sincerely,

CHARLIE WRIGHT.

HARVARD LAW SCHOOL,
Cambridge, MA, October 18, 1995.

Senator ORRIN G. HATCH,
Chairman, Senate Judiciary Committee,
Dirksen Building, Washington, DC.

DEAR SENATOR HATCH: We understand that William A. Fletcher, Professor of Law at the University of California, Berkeley, has been nominated to the United States Court of Appeals for the Ninth Circuit. We write to express our exceptionally high regard for his abilities and our deep enthusiasm about the prospect of his confirmation.

One of us (Daniel Meltzer) has known Mr. Fletcher for more than 19 years, since the time they served together as clerks at the United States Supreme Court. Though they now reside on different coasts, they have maintained their friendship, and because they teach the same law school course (Federal Courts), they have been professional colleagues, discussing academic matters, reading each other's publications, exchanging manuscripts, and engaging in other forms of academic collaboration.

Mr. Shapiro also knows Mr. Fletcher. Like Mr. Meltzer, he too teaches Federal Courts and hence has long been familiar with Mr. Fletcher's scholarship. Mr. Shapiro also served as Deputy Solicitor General, from 1988–91, which gave him an additional vantage point on both the work of the federal courts and on Mr. Fletcher's contribution to scholarship in that field.

In our opinion, Mr. Fletcher is a scholar of the first-rank. His writing in the area of Federal Courts displays intellectual rigor, mastery of the subject, and very sound and balanced judgment about complex and controversial legal matters. His voice is an important one that is broadly respected by a wide range of scholars. His work reflects the abilities not only of a creative scholar, but also of a careful and thoughtful lawyer.

Mr. Fletcher's scholarly work extends also to the fields of federal civil procedure and federal constitutional law. Thus, the sphere of his interests and achievements as a scholar constitute ideal preparation for the work of a federal circuit judge.

Finally, Mr. Fletcher is a person of enormous integrity, unfailing decency, and great personal warmth and good humor. In light of those qualities, we believe that fellow judges of all viewpoints would find him a congenial colleague, and would develop for him the same professional admiration that he has earned across the academic spectrum.

We hope that his assessment is helpful. Please let us know if we can be of any further assistance.

Sincerely,

DANIEL J. MELTZER,
Professor of Law.
DAVID L. SHAPIRO,
William Nelson Cromwell Professor of Law.

UNIVERSITY OF PENNSYLVANIA,
THE LAW SCHOOL,
Philadelphia, PA, October 23, 1995.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: As you know, the President has nominated Professor William A. Fletcher to be a judge on the United States Court of Appeals for the Ninth Circuit. Because I have known Willy since we were college classmates and because I have such high regard for his character and abilities, I write to urge that you support his confirmation by the Senate.

By way of background, I was a law clerk to the late Chief Justice Burger in 1974–75 and have been on the faculty of the University of Pennsylvania Law School since 1979. I teach and write in the areas of civil procedure, conflict of laws and judicial administration. I had the pleasure of meeting and testifying before you and other members of the Subcommittee on the Constitution of the Senate Judiciary Committee, together with Chief Judge Clifford Wallace, in 1986. The subject of that hearing, Senate Joint Resolutions that would have altered in fundamental ways our arrangements for federal judicial discipline, subsequently occupied my attention as a member of the National Commission on Judicial Discipline and Removal. On the Commission I worked particularly closely with the Vice-Chair, Judge S. Jay Plager of the United States Court of Appeals for the Federal Circuit, and we co-authored an article about the Commission's work.

As I mentioned, I knew Professor Fletcher as a student at Harvard College, where he had a distinguished record, graduating magna cum laude in history and literature (then perhaps the most difficult major at Harvard) in 1968. He earned another degree at Oxford on a Rhodes Scholarship and then served on active duty in the Navy. Following law school at Yale and clerkships with Judge Weigel and Justice Brennan, Willy joined the faculty at Boalt Hall (Berkeley), where he has been ever since (with occasional visiting appointments at other schools).

Willy is a scholar of federal courts, constitutional law, and civil procedure. Because our interests overlap to a considerable extent, I have read almost everything he has written. His work is both analytically acute and painstaking in its regard for history. Indeed, love of and respect for history shine through all of his work, as the history itself illuminates the various corners of the law he enters. For instance, Willy's article on the Rules of Decision Act is a tour de force. He uses marine insurance cases from our early days to show how differently the judges and other lawyers of that period thought about law and hence to reveal current interpretations of that very important statute as the product of a philosophy (positivism) far removed from the minds of the First Congress. Of greater current interest are his writings on the Eleventh Amendment, which has attracted volumes of teleological scholarship—what is sometimes referred to as "law office history." Willy's work is, by contrast, scrupulous, balanced, and, I believe, persuasive.

If only because Willy has been nominated by this President, for whose campaign in Northern California he served as unpaid codirector, I wish to stress that the qualities of care and balance characterize all of Willy's scholarship. He is also a lucid writer. As a result, his Yale article on the "Structure of Standing" may well be the best treatment of that confusing subject in the literature, as well as the most faithful to the history of the doctrine. It is also far removed from the expansive approach of Justice Douglas and other members of the Warren Court.

In sum, as to Willy's legal qualifications, I second the views of Charles Alan Wright expressed in the enclosed article from the Los Angeles Times. I would add only the suggestion that, if you have any residual doubt, you solicit the views of my colleague, Geoffrey Hazard. Geof recruited Willy to work with him on his casebook in Civil Procedure, the best evidence of the high regard of a demanding critic. Of course you can make the judgment yourself.

Finally, believing as I do—particularly after service on the National Commission on Judicial Discipline and Removal—that character is of equal importance with intelligence as a desideratum in a judge, I can testify from thirty years of knowing Willy Fletcher that he will bring great distinction to the federal judiciary. He is a man of integrity and compassion but one who knows that the law cannot (and should not) solve all of society's problems.

Please let me know if I can provide any additional information.

I hope that you are well.

Sincerely,

STEPHEN B. BURBANK,
David Berger Professor for the Administration of Justice and Acting Dean.

[From the New Republic, May 22, 1995]

On the other hand: After two years of lamenting President Clinton's failure to appoint scholars to the federal courts, we're delighted to note that he last week nominated U.C.-Berkeley's William Fletcher to the United States Court of Appeals for the Ninth Circuit.

Fletcher is the most impressive scholar of federal jurisdiction in the country. His pathbreaking articles on sovereign immunity and federal common law have transformed the debates in those fields; and his work is marked by the kind of careful historical and textual analysis that should serve as a model for liberals and conservatives alike.

If confirmed, Fletcher will join his mother, Betty, on the Ninth Circuit but his judicial philosophy is more restrained than hers. We hope he is confirmed as swiftly as possible.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

STAFF TRIBUTE TO SENATOR CLAIBORNE PELL

Mr. KENNEDY. Mr. President, it is my very great privilege to honor a request from Senator CLAIBORNE PELL's staff to read a letter they have written to him, which will come as a great surprise to him. It is the following:

U.S. SENATE,
Washington DC, September 30, 1996.

Hon. CLAIBORNE PELL,
Russell Building,
Washington, DC.

DEAR SENATOR PELL: As your current Washington and Rhode Island staff—representing a collective total of 394 years of service—we want to let you know of our great esteem for you.

Each of us has developed our own relationship with you over the years; many of us know you very well. We all have tremendous affection and admiration for you. We admire you for your integrity and conscience, compassion and understanding, and for your devotion to Rhode Island and your constituents. You have been an exceptional and devoted public servant for 36 years, and in that, a constant example to all of us who served your cause.

You have always extended to each of us the greatest measure of respect, courtesy, and kindness. You have been sensitive and caring when we had personal problems or tragedies, and you have joined us in celebrating the good things that have happened in our lives. Even in the fast-paced, high pressure world of Capitol Hill, you never failed to say "please" or "thank you" and always had a word of praise for a job well done. Few, if any, of us have ever seen you lose your temper; most of us don't think you have one.

Those of us who have traveled around Rhode Island, and indeed the world, with you or on your behalf continue to be proud, though not surprised, at the love, affection, trust, and approval that greets you. But your overwhelming popularity should not be misconstrued as a failure to take unpopular positions; to the contrary, you have often cast votes which find you in the smallest minority, allowing your conscience and good judgment to be your guide. You were able to do this and not only survive politically, but thrive politically, because you are a leader, and the people of Rhode Island knew that you would lead, even if others were slow to follow.

Since your retirement announcement last fall, we have been touched, pleased, and proud of the many tributes of your colleagues and friends. In particular, there have been bipartisan accolades about your "civility" toward other Members, even in the heat of debate. We whole-heartedly agree with this assessment because we know your civility is universal. We know that what your colleagues know and what the world has seen is what we have experienced privately. For that we are deeply grateful.

We wish you a long, happy, and healthy retirement, filled with the love and laughter of your wonderful family. We thank you for your trust, loyalty, and affection over the years, and we look forward to staying in close touch in the years to come.

Bill Ashworth, 1972–79; 1981–96.
Joanne Berry, 1994–1996.
Claire Birkmaier, 1964–1996.
Bill Bryant, 1977–1996.
Susan Cameron, 1984–1996.
Suellen Carroll, 1992–1996.
Bonnie Coe, 1994–1996.
Jack Cummings, 1976–1996.
Jan Demers, 1972–1996.
Filomena Dutra, 1990–1996.
Jennifer Eason, 1995–1996.
David Evans, 1978–1996.
Jay Ghazal, 1985–1996.
Steve Grand, 1996.
Lauren Gross, 1987–1996.
Ed Hall, 1975–78; 1991–96.
Rosanne Haroian, 1989–1996.
Margaret Huang, 1995–1996.
Tom Hughes, 1971–1996.
Jane Jellison, 1979–1996.
Steve Keenan, 1995–1996.
Vanessa Lisi, 1995–1996.
Irene Maciel, 1988–1996.
Larry Massen, 1990–1996.
Ursula McMan, 1990–1996.
Paula Mollo, 1989–1996.
Carmel Motherway, 1995–1996.
Janice O'Connell, 1977–1996.
Diana Ohlbaum, 1993–1996.
Ken Payne, 1988–1996.
Orlando Potter, 1963–68; 1983–96.
Dawn Ratliff, 1992–1996.
Dennis Riley, 1973–1996.
Colleen Sands, 1995–1996.
Kristen Silvia, 1995–1996.
Dana Slabodkin, 1995–1996.
Nancy Stetson, 1981–1996.
Kathi Taylor, 1977–1996.
Rick Van Ausdall, 1995–1996.
Pamela Walker, 1995–1996.
Kevin Wilson, 1985–1996.

Mr. President, I join—I think all of us do—in that remarkable tribute, and I think if all of us had a similar comment from those who worked for us in the Senate over the years, we would be very fortunate, indeed.

Mr. PELL. I thank my colleague from the bottom of my heart. Thank you.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is a very fitting tribute to Senator PELL. Those of us who have worked with him and staff know the great relationship that exists between the Senator and his staff. I think it is a wonderful thing for staff to take the opportunity to have a statement read like that on the Senate floor.

SENATOR MARK O. HATFIELD

Mr. MOYNIHAN. Mr. President, quite the most notable, if at times little noted, fact about the American Constitution is that the Framers brought a wholly new conception of the nature of political man to the design of American Government. They were keenly aware of this fact, for it was crucial to their claim that a republic might work, given, as "The Federalist" remarks at some point, "the fugitive existence" of the ancient republics of Greece, and that of Rome. That history was familiar to what we would call educated persons in the 18th century, and it made for skepticism at best; pessimism in the main. But harken, said the Framers, we have developed a "new science of politics," which radically changes the assumptions on which those ancient governments were founded. We would not depend on virtue in our rulers; virtue was too rare, too fleeting, too unforeseeable. To the contrary, we would take man as he is and use his defects to perfect a new system of government that would endure by virtue of its recognition of how little virtue may be depended upon. Instead, we would build into our Government a system of checks and balances whereby the clash of interests would offset one another and make up, in that wonderful phrase, for "the defect of better motives."

Well, the Republic has endured. In the world today there are two nations and two only which both existed in 1800 and have not had their form of government changed since then. That is to say, the United States and the United Kingdom. And, of course, the case can be made that the Government of the United Kingdom is radically different, then from now. Ours is the very same in structure, with changes that only reaffirm the original purpose; reaffirm and enhance. And surely time has confirmed the Framers in their judgment that interest, not virtue, would rule the polity. Not unbridled, demonic interest; but interest withal.

The more, then, may we note and ought we note the appearance from time to time of a political figure singular for disinterestedness and for virtue, as the ancients would have understood it, and which is as singular today as ever, and immediately recognizable. Such a person is MARK HATFIELD of Oregon, who would never dream of calling himself the conscience of the Senate, although he has been just that for an astounding 30 years.

I state that he would never dream of thinking himself such, much less encouraging others to do. For he is singularly of that great Anabaptist tradition which condemned government involvement in religion and which eventually led to the idea of the separation of church and state. MARK HATFIELD would fear that conscience might too readily decline into dogma. And so, he has spoke but little of such matters. He has merely and singularly embodied them.

He came of age in the Second World War, and served in the U.S. Navy from 1943 to 1946. At the Navy Memorial on Pennsylvania Avenue there is carved in granite a wonderful line of John F. Kennedy: "Any man who may be asked in this century what he did to make his life worthwhile, can respond with a good deal of pride and satisfaction, 'I served in the United States Navy.'" I would simply say that this would surely be the case had he served with the like of MARK HATFIELD. A man of deep pacific conviction, serving his country in wartime withal.

He returned to become a professor of political science at his own Willamette University. There then began a political science lesson of dazzling deftness and direction. First, the Oregon House of Representatives. Next, the Oregon State Senate. Secretary of State; Governor. Thence to the U.S. Senate.

There is none of us in this body who does not treasure some aspect of his great, transcendent qualities. For my own part, may I record his dogged, affectionate, informed interest in the career of Herbert Hoover. Woodrow Wilson had two subcabinet members who would go on to the Presidency: Herbert Hoover and Franklin D. Roosevelt. Hoover was by far the more learned and experienced man, but fate was harsh. And it was a kind of fate, not so different from that of Wilson himself, as Hoover depicted it in a superb account, "The Ordeal of Woodrow Wilson." The book, first published in 1958, was reprinted in 1992. Naturally, a brilliant introduction was written by MARK HATFIELD.

And so he and his beloved Antoinette return to Oregon and to his chair at Willamette University. We must not say we will not see his like again. The Constitution does not call for such, but one doubts the Republic can be sustained without some such as he. One or two a generation: capable of gaining power not for power's sake, but for virtue's imperatives. In our time that man has been MARK HATFIELD.

COAST GUARD REAUTHORIZATION

Mr. LOTT. Mr. President, I rise today to commend Senator STEVENS for his hard work to reauthorize the U.S. Coast Guard [USCG]. This small but vital Federal agency has faithfully served our Nation since 1790. Considered by many to be a model agency, the USCG has been the guardian of safety and security for our Nation's maritime highways and sea links to the world. Under the joint leadership of Senator STEVENS and Representative BUD SHUSTER, a long-overdue reauthorization of this worthy agency has been completed. A difficult task. A real accomplishment.

Because almost all of our imports, exports and domestic freight are transported by water, the reauthorization of the USCG is of utmost importance. Approximately 90 percent of Americans live within 100 miles of the coast or a major waterway. Many Americans enjoy recreation near the water and many pursue their livelihoods using affordable products efficiently transported by water. Clearly, the Coast Guard protects these vital interests.

The Coast Guard has made great strides toward fostering our prosperity and safety. In my home State of Mississippi over the past 2 years, the USCG has conducted nearly 4,000 search and rescue missions, saving over 200 lives and $9 million in property. Let me tell my colleagues about a few noteworthy accomplishments made in the State of Mississippi.

Last fall, an overturned propane truck in Kiln, MS, was righted and the road was promptly reopened. This was due to the direct and coordinated efforts of the Coast Guard and the local volunteer fire department.

Last winter, the Coast Guard coordinated a 1-month cleanup plan in response to a slurry oil discharge between the levees and the batture in Vicksburg. This required a cooperative effort between the authorities in two States, Mississippi and Louisiana, leading to the development of contingency plans for interstate and railroad bridges should another barge-rail accident occur.

In 1995, Hurricanes Erin and Opal hit Mississippi's coastal towns. The Coast Guard's proactive approach to this situation mitigated countless small oil spills caused by sinking pleasure crafts.

When a chemical release in the Port of Bienville caused a significant fish kill, the Coast Guard served as the first response agency, taking immediate steps to contain the spill.

With 2 percent of America's imported oil coming through the port of Pascagoula, there is great potential for accident. Thanks to the vigilance of the Coast Guard, this lightering operation has been effective and environmentally safe. In fact, their recent mapping of the environmentally sensitive areas along Mississippi's coast and waterways has permitted the Coast Guard to respond to potential pollutants in a more effective and focused manner.

Mr. President, on behalf of the State of Mississippi, I would like to personally commend the hard work of the men and women serving the Coast Guard at Point Estero and Point Monroe in Gulfport, Patoka in Greenville, Greenbrier in Natchez, Kickapoo in Vicksburg and Pascagoula, as well as those who work at Station Gulfport, Aids to Navigation Team Gulfport, and the National Data Buoy Center at Stennis Space Center.

The Coast Guard may be one of the most productive agencies in the Government today. In lives and property alone, the Coast Guard returns a value to America equal to nearly four times its total cost. On an average day, the Coast Guard seizes illegal shipments of narcotics with a street value of over $7 million, interdicts 14 illegal migrants, responds to 38 oil or hazardous chemical spills, conducts 180 search and rescue cases, saves 12 lives and services 150 aids to navigation. The Coast Guard does this every day, all year round, for less than $4 billion annually. I believe that no other government investment can match the unique value of the Coast Guard.

Despite this heavy workload, however, the Coast Guard has aggressively sought to streamline its organization and reduce its overall budget. In the past 3 years, Adm. Robert E. Kramek, the Commandant of the Coast Guard, has reduced the service's work force by 4,000 positions and lowered it's annual budget by $400 million—all without reducing any services to the general public. While many agencies have failed to offer meaningful contributions to our efforts to balance the Federal budget, the Coast Guard has been a leader in fiscal responsibility.

Mr. President, I again commend Senator STEVENS and Representative SHUSTER for their dedication to reauthorizing the USCG. I would also like to recognize two staff members whose focused efforts were integral to the success of this reauthorization, Tom Melius of Senator STEVENS' staff and Rebecca Dye of Representative COBLE's staff. Their hard work has certainly paid off. This legislation will ensure that the Coast Guard will continue to do an excellent job of protecting our Nation's maritime highways for years to come.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 1, the Federal debt stood at $5,234,730,786,626.50.

Five years ago, October 1, 1991, the Federal debt stood at $3,674,303,000,000.

Ten years ago, October 1, 1986, the Federal debt stood at $2,125,302,000,000.

Fifteen years ago, October 1, 1981, the Federal debt stood at $997,984,000,000.

Twenty-five years ago, October 1, 1971, the Federal debt stood at $412,058,000,000 which reflects an increase of nearly $5 trillion ($4,822,672,786,626.50) during the past 25 years.

MAINTAINING OUR B–52 FLEET

Mr. DORGAN. Mr. President, I rise to comment on important steps taken in this year's defense appropriations bill to maintain our full fleet of 94 B–52H bombers. Many North Dakotans, particularly those who live and work at Minot Air Force Base, are very interested in the future of these aircraft.

My colleagues will understand the importance of these bombers when they recall that it was B–52's that recently struck at Saddam Hussein in retaliation for his violation of the Kurdish safe haven in northern Iraq. Those bombers flew from Guam, were refueled by KC–135 tankers, and launched 13 AGM–86 cruise missiles at air defense, command and communications targets in southern Iraq. Press reports suggested that the B–52's long-range capability was needed because no Middle Eastern country would allow the United States to use its bases or airspace in order to launch this air strike.

AUTHORIZATION ACT

My colleagues will also recall that the Congress recognized the importance of these bombers in the defense authorization act by including language that prohibits "retiring or dismantling, or preparing to retire or dismantle" any B–52H bombers.

The authorization bill also included an amendment offered by Senator CONRAD and myself that requires that the current fleet of B–52 bombers be maintained in active status and that the Secretary of Defense treat all B–52's identically when carrying out upgrades.

Lastly, the Armed Services Committees of the House and Senate agreed to authorize additional funding for B–52 modernizations, operations and maintenance, and personnel.

DEFENSE APPROPRIATIONS BILL

The fiscal year 1997 defense appropriations bill, which the Senate has just passed, fulfills the promise of the authorization act. The conference report includes $4.4 million for military personnel, $47.9 million for operations and maintenance and $11.5 million for procurement. This additional funding is vital if we are to keep all 94 B–52's modernized and flying. This number is the full fleet of our only bomber that can deliver both conventional and nuclear payloads.

I am pleased that the Congress has again recognized the wisdom of not trying to prejudge force structure studies now underway at the Pentagon. It makes no sense to retire B–52 bombers when the Deep Attack Weapons Mix Study and the next Quadrennial Defense Review may recommend that we keep them in the air.

STUDY OF NEW ENGINES

Lastly, report language accompanying this bill requires the Air Force to report to the Congress by March 15, 1997 on a proposal to put new, commercially-available engines on the B–52's. Some projections suggest that the new engines would save the Air Force 40 percent of the B–52's current fuel costs, would increase the plane's range and loitering capability, and would improve engine reliability and ease of maintenance. Over the planes' projected remaining life (through 2036), the new engines could save the Air Force $6.4 billion. These savings would likely be enough to pay for the costs of operating and maintaining the 28 B–52's that the Pentagon has sought to retire.

I applaud the defense appropriations conferees for recognizing the potential benefits of this innovative plan. And I look forward to reviewing the Air Force's analysis of this proposal.

Mr. President, in closing I would like to thank Senator STEVENS of Alaska and Senator INOUYE of Hawaii, the distinguished chairman and ranking member of the Defense Appropriations Subcommittee, for their recognition of the value of our B–52 fleet. I look forward to working with them to keep 94 B–52's flying for many years to come.

IRS WORKERS AND THE OMNIBUS APPROPRIATIONS BILL

Mr. DORGAN. Mr President, I rise to comment briefly on an aspect of the omnibus fiscal year 1997 appropriations bill that the Senate just passed.

My Senate colleagues will recall that the Internal Revenue Service has proposed a field office reorganization that would cut 2,490 employees, many of them from front-line taxpayer assistance jobs. These employees are now in field offices, where they provide needed services to taxpayers in North Dakota and other rural States. The IRS proposes to hire 1,500 new employees in its regional headquarters to do some of the same work now carried out at the field office level.

This IRS proposal puzzles me for a number of reasons.

First, we all know that taxpayers too often have trouble getting straight answers out of the IRS. The proposed reorganization would make it even more difficult for North Dakotans to have access to advice and assistance on how to comply with Federal tax law. I often hear from constituents who are frustrated at their inability to get sound tax advice from this agency. A 1–800 number, which may or may not be answered, is no substitute for the ability to walk into an IRS field office and receive advice in person.

Second, if the IRS is trying to save money, it could start by examining its personnel policies on the rotation of managers. My State staff tells me that no other Federal agency changes its management staff as constantly as does the IRS. Sometimes the North Dakota State director stays for only a year or so before moving on to the regional office in Saint Paul, or elsewhere. Besides harming institutional memory about tax matters in North Dakota, this rapid turnover means that the IRS must spend more on moving expenses. The IRS also has an arrangement with local real estate firms to buy managers' homes so that those leaving North Dakota do not suffer any loss as they leave. I am told that the IRS district that includes North and South Dakota and Minnesota has spent $300,000 on managerial moves in the past few years. None of the front-line employees who may be fired will be eligible for this sort of moving assistance.

Third, by moving jobs from North Dakota to St. Paul, the IRS will actually be increasing its payroll costs. A salary of $30,000 will go much further in a small city than in a large metropolitan area. The IRS is therefore likely to be able to attract more qualified people in my State than in the Twin Cities with the same salary level.

Given my concern with this IRS proposal, I am pleased that the omnibus appropriations bill contains a provision that would delay the reorganization plan until March 1997, at the earliest. In addition, before implementing its reorganization, the IRS will have to submit a report to the Congress justifying its plan on cost-benefit grounds.

This provision is not a perfect solution to this problem. I would have preferred the original language offered by Senator KERREY of Nebraska to the freestanding Treasury-Postal appropriations bill. That language would have delayed the reorganization until the National Commission on Restructuring the Internal Revenue Service had a chance to issue its final report.

Nevertheless, this provision buys us time to try to understand the proposed reorganization and to see whether the IRS can justify its plan. I look forward to working with the distinguished minority leader, Senator DASCHLE, and the ranking member of the Treasury-Postal Appropriations Subcommittee, Senator KERREY, to ensure that the IRS does not abandon rural States in a misguided attempt to achieve phantom savings.

Thank you, Mr. President. I yield the floor.

FEDERAL FIREARMS DISABILITIES PROVISION OF THE OMNIBUS APPROPRIATIONS BILL

Mr. SIMON. Mr. President, upon the passage of the omnibus appropriations package, I would like to take a moment to discuss a provision that will prohibit the expenditure of funds for the Bureau of Alcohol, Tobacco and Firearms' [ATF] disability relief program.

The background behind this simple provision is as follows. Under current Federal law, someone who has been convicted of a crime punishable by more than 1 year is ineligible, or disabled, from possessing a firearm—a sensible idea. However, Congress created a loophole in 1965 whereby convicted felons could apply to ATF to have their firearm privileges restored, at an estimated taxpayer cost of $10,000 per waiver granted.

We have fought to end this program and have succeeded in stripping the program's funding in annual appropriations bills since 1992.

This year, we faced an additional challenge in our efforts to keep guns out of the hands of convicted felons. A recent court case in Pennsylvania misinterpreted our intentions and opened the door for these convicted felons to apply for judicial review of their disability relief applications.

In this case, Rice versus United States, the Third Circuit Court of Appeals found that the current funding prohibition does not make clear congressional intent to bar all avenues of relief for convicted felons. By their reasoning, since ATF is unable to consider applications for relief, felons are entitled to ask the courts to review their applications.

This misguided decision could flood the courts with felons seeking the restoration of their gun rights, effectively shifting from ATF to the courts the burden of considering these applications. Instead of wasting taxpayer money and the time of ATF agents, which could be much better spent on important law enforcement efforts, such as the investigation of church arsons, we would now be wasting court resources and distracting the courts from consideration of serious criminal cases.

Fortunately, another decision by the fifth circuit in U.S. versus McGill found that congressional intent to prohibit any Federal relief—either through ATF or the courts—is clear. The fifth circuit concluded that convicted felons are therefore not eligible for judicial review of their relief applications.

Given this conflict in the circuit courts, it is important that we once again clarify our original and sustaining intention. The goal of this provision has always been to prohibit convicted felons from getting their guns back—whether through ATF or the courts. It was never our intention to shift the burden to the courts.

Congressman DURBIN and his colleagues succeeded in their efforts to include language in the House appropriations bill to make clear that convicted felons may not use the courts in their efforts to get their guns back. I applaud the House committee for its wise vote on this issue.

During the same markup, Congressman DURBIN's efforts were undermined by a related exemption offered by Congressman OBEY. This exemption would have allowed those individuals convicted of nonviolent felonies the ability to appeal for judicial review of their relief application.

According to Congressman OBEY's amendment, the opportunity to appeal to the courts would have been closed to those felons convicted of violent crimes, firearms violations, or drug-related crimes. All other felons would have been allowed to apply to the courts for review of their relief applications.

Mr. OBEY's exemption was clearly inconsistent with the original intent of this provision for three simple reasons:

First, one need only consider people like Al Capone and countless other violent criminals who were convicted of lesser, nonviolent felonies, to understand how dangerous this Capone amendment will be to public safety. Our intent when we first passed this provision—and every year thereafter—has been to prohibit anyone who was convicted of a crime punishable by more than 1 year from restoring their gun privileges via the ATF procedure or a judicial review.

Second, as Dewey Stokes, the former president of the Fraternal Order of Police noted, most criminals do not commit murder as their first crime. Rather, most criminals start by committing nonviolent crimes which escalate into violent crimes. An ATF analysis shows that between 1985 and 1992, 69 nonviolent felons were granted firearms relief and subsequently re-arrested for violent crimes such as attempted murder, first degree sexual assault, child molestation, kidnaping/abduction, and drug trafficking.

Third, there is no reason in the world for the taxpayers' money and court resources to be wasted by allowing the review of any convicted felons' application to get their guns back. It made no sense for ATF to take agents away from their important law enforcement work, and it makes even less sense for the courts, which have no experience or expertise in this area, to be burdened with this unnecessary job. Let me make this point perfectly clear: It was never our intent, nor is it now, for the courts to review a convicted felon's application for firearm privilege restoration.

I am pleased that the conference committee understood our original intention and did not allow the Obey provision to stand. As it stands, the omnibus appropriations law is consistent with our lasting desire to stop arming felons.

Mr. LAUTENBERG. I thank the Senator for clearly laying out the facts. As the coauthor of this provision, I share his interest and concern about this issue. I am also pleased that the conference committee understood our intent regarding the Federal firearms relief program. I agree with his analysis completely and intend to closely follow this situation in the coming year to see if any further legislation is necessary to clarify our intent. I would also like to take this opportunity to let my colleague know how much I enjoyed working on this issue with him as well as so many other matters. I want to thank him for his commitment to this issue, and for the excellent work of Susan Kaplan and Amy Isbell of his staff, and I want to ensure him that although he will not be here next year to continue his work in the Senate on this matter, I fully intend to carry on the fight for us both.

TRIBUTE TO SENATOR CLAIBORNE PELL

Mr. HOLLINGS. Mr. President, as others have noted, this is a season when we are used to witnessing the departure of some of our colleagues who have chosen to end their careers here in the Senate to pursue other interests. And again, as others have noted, this particular iteration of these departures is notable, not only because of the numbers of our friends who are going on to other pursuits, but more importantly because of the quality of their contributions while they were here, which we now face doing without. Our departing colleagues have distinguished themselves as statesmen and patriots, one and all. But even among giants, there are always those who stand even a little taller.

CLAIBORNE PELL has devoted much of his life in service to his Nation—4 years in the Coast Guard in World War II; 23 years in the Coast Guard Reserve; 7 years as a foreign service officer in Europe following World War II; all in addition to his remarkable 36 years of service to Rhode Island and this Nation as a U.S. Senator. In these historic 36 years, which have included some of our Nation's greatest and most contentious challenges, CLAIBORNE PELL has graced these Halls and the debates and legislative struggles therein, with reasoned insight, deft statesmanship, and calming counsel. In this body when even Will Rogers might, from time to time, have discovered the exception, CLAIBORNE PELL served with dignity, garnering the respect and affection of us all. We all owe him a debt of gratitude for his example, not only of service to his Nation, but for his dignity and demeanor in the conduct of that service. This body and this Nation will miss him. We wish him and his charming wife, Nuala, the very best.

TRIBUTE TO SENATOR J. BENNETT JOHNSTON

Mr. HOLLINGS. Mr. President, I rise today to pay tribute to one of the South's great men and one of the Nation's great legislators, Senator J. BENNETT JOHNSTON. Back in January 1995, when Senator JOHNSTON announced he would not seek a fourth term in the U.S. Senate, I thought then that we were about to lose a master of the legislative process and a true gentleman.

Whether working on the Naiton's energy policy or working to address the nagging problem of nuclear waste storage, you could count on Senator JOHNSTON, a master negotiator, to solve all but the most contentious problems before they reached the public eye. You could bet your boots that BENNETT JOHNSTON would not take an issue to the floor until he had those problems solved or knew the issue so well that no Senator could challenge him on the facts. As my colleagues know, he knows more than all of us combined about the intricacies and complex details of every energy issue, even the most complex and technical.

As chairman or ranking member of the Senate Energy and Natural Resources Committee and the Energy and Water Appropriations Subcommittee, Senator JOHNSTON has placed his stamp on Louisiana and the Nation. I remember his dogged determination in passing the National Energy Security Act, a major revamping of the Nation's energy policy. Time and time again, he defeated attempts to kill the legislation and shepherded the bill into law. I also remember his work on an issue which is of great importance to my State—that of nuclear waste disposal. BENNETT JOHNSTON has carried this program almost single handedly, and, although we still have a ways to travel before putting this problem to bed, without Senator JOHNSTON's work, we would be light years away from a solution. For all this, the people of Louisiana and the Nation are grateful.

I think the thing which the Senate will miss most is Senator JOHNSTON's ability to solve the most contentious problems in a congenial manner. In that sense, he reflects the best of the South—that of being a gentleman. No matter how heated the debate or controversial the issue, Senator JOHNSTON had a smile on his face and treated his opponent with respect. In today's political climate, it is this attitude which we will miss most.

As I mentioned earlier, Senator JOHNSTON amassed a long list of accomplishments during his career in the Senate. A career which began 24 years ago, and, if he had chosen to pursue reelection, could have continued indefinitely.

When Senator JOHNSTON announced to the Senate that he was leaving, he quoted the great Senator Russell M. Long of Louisiana who said, "It is important to retire as a champ, and to leave the stage when the crowd still likes your singing."

Mr. President, the Senate still likes Senator JOHNSTON's singing, and I hate to see him exit the stage. As Senator JOHNSTON leaves, I congratultate him for all his successes and wish him and his charming wife Mary the best. We will miss them.

TRIBUTE TO MARK HATFIELD

Mr. HOLLINGS. Mr. President, I am sad when thinking of the Senate's impending loss of so many Members, especially of Senator MARK HATFIELD. Senator HATFIELD and I have been friends since 1958, when we both were young Governors of our respective States. MARK HATFIELD is smart, tough, and independent and an unfailing gentleman. Although we do not agree on every issue, I know that when MARK HATFIELD votes he votes with his conscience. A man of conviction is a man of quality and as one, Senator MARK HATFIELD transcends all partnership.

It has been a pleasure and an honor to work with Senator HATFIELD. Although we are from opposite sides of the aisle and the country, we have many shared interests, including Coastal Zone Management and NOAA, that agency so essential to the well-being of Oregon, South Carolina, and other coastal States. However, Senator HATFIELD'S attention extends beyond the general populace to those who are most vulnerable and often lacking a strong voice. Time and again, MARK HATFIELD has put himself on the line in the fight for economic and social justice, often at political risk. He is willing to take a stand on the hard issues. One program to benefit under his watch is the Legal Services Corporation, an organization which provides legal counsel to the indigent.

Oregon and the Nation is losing a valuable public servant and statesman in Senator MARK HATFIELD. He and his lovely wife, Antoinette, will be missed by all. We wish them the very best as they return to the State they love so well.

TRIBUTE TO RETIRING SENATORS

Mr. ROTH. Mr. President, I want to take a few movements to salute all of our colleagues who are retiring from the U.S. Senate. These are individuals of uncommon character and devoted service—individuals who have strengthened their Nation and enriched each of us who has had the opportunity of serving with them.

We all know who these 13 Senators are. In retiring, they will undoubtedly affect the composition and character of this important legislative body. Over the weeks, these Senators have been recognized by their associates, colleagues, friends and constituents. Many tributes have been offered here on the floor.

Today, I would like to express my personal gratitude not only to all 13, but to several Senators who had a particular influence on me, the committees on which I serve, and our agendas in those respective committees.

Senator HOWELL HELFIN is retiring after three terms as the honorable Senator from Alabama. In our years of working together—getting to know each other in our service to the North Atlantic Assembly—I have grown to appreciate and admire this great gentleman. He has judicial temperament, one that I imagine was carefully cultivated in the many years which prepared him for his service here in Washington.

Senator HEFLIN has a keen understanding of diplomacy and America's eminent position in the world. His dedication to the North Atlantic Assembly, our international interests, along with his service in the Senate, and to his fellow Alabamans qualify him for that honored distinction of statesman. And I feel richly rewarded for the time I've been able to spend with him.

Senator DAVID PRYOR, also retiring after three terms, is another colleague I want to salute personally. He's the other half of the fly-before-buy duo. Together we worked to create the operational and live fire testing laws for weapons. He was critical in our efforts, instrumental to our success.

Many authors and military personnel have documented the lives saved as a result of problems discovered and corrected in operational live fire tests. In other words, there are men and women today who, perhaps unknowing, owe a great deal of gratitude to Senator PRYOR and his tenacity in seeing this legislation through.

Despite many attempts to ignore and circumvent these laws by the defense buying bureaucracy, Senator PRYOR and I provided rigorous oversight, regardless of which party controlled Congress. When the Democrats were in charge, Senator PRYOR chaired the hearings. I chaired when Republicans were in charge. Our objective was never lost, and the work moved forward. Our commitment was always to the courageous soldier in the field—the individual dependent on the weapon systems.

Another Senator with whom I've had the pleasure of working closely is SAM NUNN, one of the most honorable, fair and bipartisan leaders I've known. SAM and I have alternated between chairing and serving as ranking minority member on the Permanent Subcommittee on Investigations since 1981. On many occasions, our staffs worked together on joint investigations.

We launched the first congressional investigation identifying crack cocaine as a significant drug problem. We investigated airline safety, and explored the Justice Department's handling of the Jackie Presser ghostworkers issue. Senator NUNN has been a staunch opponent of waste, fraud, and abuse, and he has gained world renown as an expert in matters of defense and foreign affairs.

Most recently, he and I launched the first investigation of Russian organized crime activities in the United States, continuing PSI's longstanding history of being Congress' primary organized crime investigator.

I am also grateful to Senator NANCY KASSEBAUM and her leadership in health care. NANCY is another one of the profoundly thoughtful Senators who serve as the catalyst for important policies and laws. She was certainly a catalyst in the effort to successfully pass the medical savings account demonstration program, as part of our effort to make health care more accessible for Americans.

Another retiring Member of the Senate, after five terms in Senator MARK HATFIELD, a man whose dedication to principle has distinguished his career in the State House as well as on Capitol Hill. Among his many legislative successes, I'm grateful for Senator HATFIELD's work on behalf of Amtrak, as well as his objective analysis and contributions to debates and initiatives through the years.

Likewise, HANK BROWN, and his rugged, no-nonsense approach in promoting a strong foreign policy and fiscal responsibility. HANK and I have served together on the North Atlantic Assembly, and we have joined efforts to strengthen the North Atlantic Treaty Organization. His eloquence and clear logic make him unusually effective and a pleasure to work with—not to mention his love for St. Bernards—another devotion we share.

I appreciate BILL COHEN, our distinguished senior Senator from Maine. Senator COHEN is a noted novelist, a poet. I've found many of his speeches brilliantly enriching, especially a speech he gave a few years ago about the changing culture around us. BILL has been a dogged proponent of cutting waste, fraud, and abuse on the Government Affairs Committee, and he has been active in our efforts to understand and build relationships of trust with the nations of the Pacific. He will be remembered not only for his work with ASEAN, but for his efforts on behalf of NATO, and his chairing of the Munich Conference.

Finally, Mr. President, I want to recognize Senator ALAN SIMPSON, a good friend and revered colleague. There are few men who become legends in their own time, but AL is certainly one of them. His easy-going, affable manner and ready wit were equal to his majestic stature and trademark smile. There hasn't been a time when AL's opened his mouth to speak that I haven't waited in anticipation for some new sparkling gem of wisdom, a witty turn of phrase, or an outright joke.

AL taught us, as his mother taught him, that humor is the irreplaceable solace against the elements of life; hatred corrodes the container it's carried in. With his humor, he could diffuse even the most impassioned and tensely difficult moments.

It was AL who, during one very difficult period—a period of some contention on this floor—told us of the successful marriage philosophy he shares with his wonderful wife, Ann. It was a simple philosophy: "Never go to bed angry * * *" he said. "Always stay up and fight!"

During another heated moment, in the middle of the confirmation hearings on Judge Robert Bork, AL reminded us, with his western charm, the "Everyone's entitled to their own opinion, but not to their own facts."

And it was AL who taught us how to deal with the media. Once, when pressed for his church preference, he answered: "Red brick!"

Indeed, as the liberal commentator, Mark Shields, has recognized, "AL SIMPSON is a man of uncommon wisdom." With his retirement, he not only leaves behind a rich legislative legacy, and dear memories for friends, but a reputation akin to that which attends Will Rogers. I can only imagine that in the years and decades ahead, AL, like Mark Twain, Will Rogers, Winston Churchill, and other great wits, will come to inherit aphorisms and jokes that he never told. But then, those of us who know him, realize that he truly deserves such an honor.

It has been my pleasure to serve with Senators SIMPSON, COHEN, BROWN, HATFIELD, KASSEBAUM, NUNN, PRYOR, and HEFLIN—as well as with Senator SIMON, who we saluted with our bowties last week, Senator BENNETT JOHNSTON—four successful terms from Louisiana, Senator EXON, and Senator BRADLEY, who I've had the pleasure of serving with on the Finance Committee. And I appreciate Senator PELL, another fine leader who leaves a great legacy, both at home and abroad. Mr. President, I salute all those who are retiring this year. Each has lived a life in deeds, not words, and in their actions have written their legacy on tablets of love and memory.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FEDERAL AVIATION ADMINISTRATION—REAUTHORIZATION CONFERENCE REPORT

The PRESIDING OFFICER (Mrs. HUTCHISON). Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 3539, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 3539, an act to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, there shall be 3 hours for debate on the conference report, with the time to be equally divided between the two leaders.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, the Senate now is going to continue its work on the Federal Aviation Administration reauthorization bill.

TRIBUTE TO ADMINISTRATOR HINSON

As we start that, I want to take a moment to pay tribute to that Agency's leader, David Hinson.

As many Members of the Senate know, Administrator Hinson will be leaving his post later this year, and he will return with his wife, Ursula, to their home in Idaho.

I just called him Administrator Hinson. That is tough for me to say because over the last years, those of us who have worked with him always called him David. He is a very approachable guy and one who we understand. He comes from the West. In my State, where aviation is very critical and more than 75 percent of our communities can be reached only by air, David has become well known. He has been to Alaska several times. He had to cancel a recent visit with our air carriers because of the tragedy of TWA Flight 800.

But he is continuing to work on solutions to our problems, particularly the problems that we are experiencing at the Juneau International Airport. Two critical departures have been revoked, and David is working with safety personnel to try to find a way to make those departures safe for travelers in and out of our capital city.

As Administrator, Mr. Hinson has set the FAA on a good course, working with a very competent assistant and associate administrator, Linda Daschle. He has been able to urge Congress to address the FAA's future funding needs, and he has worked to improve commuter airline safety and, with the help of Congress, has streamlined procurement rules within the FAA.

He is someone I have found very interesting, because in his younger years, he flew in and out of my State as a commercial airline pilot.

He was flying for the old Pacific Northern Airlines. He knows what it means to be involved in commercial aviation. He knows the people who do the flying. I think that is the most important thing.

The FAA people have a tough job. When a plane crashes, we are all inclined to look for someone to blame. Often the finger pointing begins with the FAA itself. But the FAA's record of ensuring safety for us in our skies is unparalleled by any nation in the world. We move in an enormous number of planes and passengers every day, every week, every month, every year.

While no institution is perfect, and it is very difficult for any administrator to really get much of a hold on an entity that has such a long tradition as the FAA, David Hinson has worked with his team to really promote improvements to safety.

I am one Senator who has urged Administrator Hinson to stay on. But he has had a call that I think very few people can resist and that is from his grandchildren, I understand, and his wife and children. It is unfortunate that we are going to lose David Hinson as the Administrator of the FAA.

Madam President, he is honest, straightforward, clear thinking, and he deserves the thanks of the American people for what he has done.

The FAA, under his leadership, has brought about a great many innovations. One to me as a pilot that I find most interesting is the approach that has been given by the FAA during this period to utilizing new technology. He has moved forward through the terminal Doppler radar weather and Air Force surface detection equipment and brought us into the 21st century with a whole series of new innovations.

But above all, one of the things that has probably been the most startling has been the FAA's augmentation of the GPS system to enhance navigation signals throughout the United States.

The FAA's approach will allow the airlines to use GPS for precision approaches to airports even in bad weather when vision is severely limited by smog and bad conditions. They did the initial design and procurement work on the accelerated timetable, cutting at least a year off the delivery schedule. Early deployment of this system late in this decade will save airlines hundreds of millions of dollars annually due to more precise routings and fuel savings and increased airport efficiency.

I myself took a trip just recently with the GPS on a very small plane, and by virtue of using the GPS, together with our navigation system, we saved fuel, we saved time, and above all, we flew a safer route.

I think that the country ought to really realize what has happened in this period when David Hinson, a man with a background in aviation, has been the Administrator. He has brought us a new FAA, an FAA that is not afraid of competitiveness in the industry, who wants and understands growth in the industry, and it has been a period of time when even general aviation has expanded and the costs to general aviation have decreased.

It is now, I think, a challenge for whoever takes his place to find a way to really ensure that there will be a continued place for general aviation in our aviation programs in the United States. Some people want to sort of squeeze out the private jets, the private aircraft, the small planes and believe that they are inefficient and cause difficulty within the system.

That is not true, Madam President. There is room in our Nation's airline and airways system for every type of plane. I do believe that we will improve on what Administrator David Hinson has done to ensure that we have not only the best and the most active, but we have the safest transportation system in the world.

I do very seriously commend him for his actions. I wish him well. He has had a very great impact on the bill that is before us, Madam President, and has continually visited all of us to assure that we try to put aside differences that we might have and get this bill passed.

This bill, Madam President, contains many vitally important aviation safety and security provisions. No single provision is more important than title VII, which provides long overdue assistance to the families of victims of aviation disasters.

This provision absolutely must be adopted. It is one of the provisions where the survivors of victims of various aircrafts came to those of us on the Commerce Committee and urged us to have a hearing. We did have a hearing. We readily discovered that the families of victims of past air crashes have suffered a great deal.

The most recent tragedies, of course, involved ValuJet's flight 592, TWA's flight 800. Those brought forward the issue of the treatment of victims' families in the wake of aviation accidents. More and more of these accidents involve larger and larger jets, more people and more difficult circumstances.

As I said last week at the Commerce Committee hearing on the treatment of victims' families—I was pleased to be there with the distinguished Senator from South Dakota, Senator PRESSLER; the hearing was held at his request. He urged many of us to come and listen to these people.

We heard from family members who have lost loved ones in five aviation disasters. These witnesses eloquently shared their harrowing experiences. Each witness urged us the same thing, Madam President. That is my point for speaking about this. They urged that we include House bill 3923, the Aviation Disaster Family Assistance Act of 1996, in the reauthorization conference report.

After several hours of hearing, the FAA reauthorization conferees met and unanimously agreed to include H.R. 3923 in the compromise reauthorization bill as the families have requested.

This provision will improve the notification of families, protect the privacies of grieving families, improve the overall treatment of family members, and ensure family members have better access to accident-related information.

The family assistance title of this FAA bill, which is being blocked here now temporarily—I hope just temporarily—will require the National Transportation Safety Board to designate an NTSB, one of their own Board employees, as the family advocate for each commercial aviation disaster—they will designate an independent organization, such as the Red Cross, to coordinate care and support of the families—and to coordinate the recovery and identification of accident victims, to brief families before press briefings, and to—let me emphasize that—to brief the families before they brief the press. All of them said they have a right to know before they hear it on the television or over the radio or read in a newspaper what has happened.

This is one of the key provisions of this bill. It is one of the reasons the bill must be passed this year. We cannot wait until next year for that basic change. It tells people involved, in assembling information about these disasters, to brief the families involved first and inform the families of public hearings on the accident and allow those families to attend any public hearings.

The family advocate created by this legislation will assist grieving families by acting as the point of contact within the Federal Government for the families, acting as liaison between the families and the airlines and obtaining passenger manifests and providing manifest information to families who have requested it.

Madam President, I spoke to members of the airline industry. They welcome this concept. They welcome having someone who is known to be the person in charge of information for family information.

This family assistance provision in this legislation will also require the National Transportation Safety Board to designate an agency, such as the Red Cross, to assist grieving families, as I said. That agency would coordinate the care and support of families, meet with families who come to the scene and contact other families who cannot, provide counseling for the families, ensure privacy of the families from anyone, whether it is media or lawyers, whomever it might be, communicate with families about the role of Government and the agencies and airlines involved, and arrange for suitable memorial services when possible, obtain the passenger list, and use it to provide information to the families, and use the airlines' resources and personnel to the extent practical.

Now, this family assistance provision, Madam President, would require airlines to take a number of steps to compassionately work with families of aviation tragedies. Airlines would be required to publicize a reliable toll-free number and provide staff to handle calls from families, to notify families as soon as possible of the fate of their loved ones, in person if practical, using suitably trained individuals to give out that information, provide the passenger list to the NTSB family advocate and to the Red Cross immediately. Even if the names on the list have not been verified, they must start immediately working with the NTSB and the Red Cross.

Further, they must consult with families before disposing of the remains and personal effects of the passengers, and return the passengers' possessions to the family, retaining all unclaimed possessions for 2 years. In other words, they must keep them 2 years in order that family members who may finally get information about their loved one could reclaim possession for up to 2 years.

They must consult with the families about any monument for the accident and treat the families of nonrevenue passengers and victims on the ground the same as any other people involved. Finally, they are directed to work with the Red Cross to improve the treatment of families.

Madam President, these compassionate and comprehensive measures to assist families of aviation disaster victims are now in this bill. If the bill is changed in any way, and fails, it will be at least another year before we get back to this point. The pleas of families who very much want to ensure that families of victims of future aviation disasters are treated better than they were will be ignored if this bill is not approved at this session.

I think it is absolutely necessary for us to approve this conference report.

Madam President, I ask unanimous consent to have printed in the RECORD excerpts of statements and testimony of victims and their families that really moved the committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

TESTIMONY OF RICHARD P. KESSLER, JR., HUSBAND OF KATHLEEN PARKER KESSLER, A PASSENGER ON VALUJET FLIGHT 592

My name is Richard P. Kessler, Jr., a citizen of the United States and the husband of Kathleen Parker Kessler, a passenger on ValuJet Flight 592, who was killed on May 11, 1996, when Flight 592 crashed into the Everglades near Miami. I am also a practicing attorney in Atlanta. As I stated, I am a citizen of the United States, but the laws of the United States did not protect me, my daughter or the families of the other passenger victims.

It has been over four months since the crash, it doesn't seem that long. During the first two months following the crash, I witnessed the best and the worst of human behavior. The best of human behavior was demonstrated by the people of Miami; the federal, state and city agencies who assisted the families of the victims and conducted the search for the remains of the victims; the volunteers; the counselors; and especially one volunteer, Victoria Cummock, a victim's advocate and President of Families of PAN-AM 103 Lockerbie. The worst of human behavior was demonstrated by members of the press, the electronic media, and the members of my legal profession.

* * * * *

I urge the Senate to introduce and pass a Bill exactly like HR 3932 that has passed the House and attach amendments that provide for pilot vision equipment, passenger smoke protection and smoke detectors and fire extinguishers. I am told that pilot vision cost per ticket is less than one cent; passenger smoke protection is less than five cents per ticket and penny or two for smoke detectors. Given this cost which is recouped from the flying public, how can ValuJet or any other airline be allowed to fly citizens of the United States without outfitting their planes with such equipment that is available in the marketplace?

I am dedicating the next two years of my life to help bring about better treatment of families of victims and the change of the paradigm that is used in these personal injury disasters. My wife died on Flight 592, but she is in Heaven, I know, because she had God give me two signs that were witnessed by other people. As a trial lawyer she would want the paradigm that we now employ in these disasters to be changed to protect the interests of all parties.

I do not want the families of the victims of the next airline crash to endure the emotional rape that we had to endure following the crash of Flight 592. The next victim could be your wife, daughter, son or parents.

TESTIMONY OF KENDRA ST. CHARLES, OF USAIR #405

Chairman Pressler, it is with great pleasure that I appear before you and your fellow colleagues today. Hopefully, we can change the way families are treated after an airline disaster by enabling the NTSB to designate an independent nonprofit organization (like the Red Cross with professionally trained grief and disaster counselors) to give care and support during this horrific time. A key provision in the House Bill.

On March 22, 1992, I was a passenger aboard USAir #405. We had been delayed at New York's LaGuardia Airport as a snowstorm had begun. As we sat on the runway, I looked out the window watching the snow continue to fall and assured myself that "they" would never let us attempt to take off if it were not safe.

After a thirty-five minute delay, we were finally cleared for take off. Moments after we were in the air, the plane went violently out of control, cart wheeling down the runway crashing upside down with part of it in Flushing Bay. I survived the impact and subsequent explosion, I survived being projected through a fireball and landing in Flushing Bay. I survived nearly drowning, as my seat belt held me under the water. I unbuckled it and was able to wade through the fiery waters, not unlike the scene from TWA 800, to make my way to shore. I was one of the lucky ones. I had survived a living hell, but it did not prepare me for the treatment I was about to experience from the airline and insurance company.

Unconscious and barely clothed (my clothes had been ripped off during impact) I was taken to a hospital with no means of identification. As I was fighting for my life, my sixteen year old daughter was at home watching television waiting for me to return home. Suddenly the Sunday night movie was interrupted by a report of an airplane crash. Her worst fear was about to come true. She immediately called the 800 number that was flashed on the screen. It was busy. All alone she sat motionless in disbelief watching the media coverage of the crash she feared I was on. Rescue workers were shown pulling body bags from the wreckage. Still she was not able to get through to receive any kind of information. As my family arrived at my home to support my daughter, they too met with the frustration of not being able to receive any confirmation by either the 800 number or USAir directly. Finally, out of desperation, my brother drove to the airport in a blizzard to confirm that I was aboard the doomed flight.

In the hospital the doctors were unsure if I would live. I was hooked up to a respirator that forced oxygen into my punctured and burnt lungs for three days. I spent three weeks in the burn unit until I able to return home. During my hospital stay the person that I was to rely on for assistance and to help coordinate my needs as well as my family's needs was an untrained USAir ticket agent whose main concern was to find any pre-existing conditions that I might have for the purpose of future litigation. To expect that the same people who had almost killed me were now going to be my caretakers was very confusing. Not only were they not trained for any kind of crisis intervention, but there was a direct conflict of interest. They were more interested in what kind of disability insurance I might have—to know how long I could afford to live without an income. In other words, how desperate I was to settle any damage claim.

My physical and emotional recovery continued for several years. During that time I was under the care of doctors and physical therapists whose services were to be paid for by the insurance carrier. Several months would pass without any kind of payment. Clearly the airline was attempting to put pressure on me in any way that they could. I soon realized that once the media stopped filming the "sympathetic airline officials" that they were actually more like a brand of angry pit bulls waiting to attack the victim for a second time.

Unfortunately, I have witnessed this same inhumane treatment of families by the airline in other aviation disasters. USAir 427-American Eagle 4184-Valu Jet 59—and now TWA 800. The need for change is long overdue. There will be another snowstorm. There will be another delay—whether it be at LaGuardia or another airport. Regretfully, there will be another crash. I implore you to act now before another family suffers the horror that mine did. Our children deserve better, we the people deserve better.

Thank you for your consideration.

TESTIMONY OF VICTORIA CUMMOCK, PRESIDENT, FAMILIES OF PAN AM 103/LOCKERBIE

My name is Victoria Cummock. Today, I have come to present testimony as the widow of John Cummock, a 38 yr. old passenger who died along with 269 people, during the terrorist bombing of Pan Am 103 over Lockerbie, Scotland. I have also come here to present testimony as President of Families of Pan Am 103/Lockerbie and as "a long time observer" and victims advocate having been involved in disaster response work over the past 8 years and most recently with the families of TWA 800, Valujet 592 and the Oklahoma City bombing. Although, I am a Commissioner on the White House Commission on Aviation Safety & Security, which was formed on July 25 by President Clinton and is Chaired by Vice President Gore, please note that my testimony here today does not reflect the views of the White House Commission.

* * * * *

Over the past year the House Aviation Sub-Committee has worked very closely with families of numerous air disasters. After holding various hearings, legislation was drafted to specifically address these issues. HR 3923 embodies what air disaster victims families have cried out for, time and time again . . . for years. It provides families of air disaster victims, the same quality of professional disaster care, currently given to all Americans during all other types of disasters, whether natural or man made. This legislation expands the role of the NTSB by placing the NTSB in the lead coordinating role, to manage all aspects air-disaster response and victims' family care.

HR 3923 enables the NTSB to designate an independent nonprofit disaster organization (like the Red Cross, with certified grief counselors and disaster professionals to care for the families). This will insure humane and uniform treatment, by providing a professional disaster response thus avoiding future mis-handling, conflicts of interest or abuse of authority by airlines. We strongly support this change and respectfully ask the Senate to adopt the House language and pass this legislation on to the President desk to sign. More planes will go down for different reasons. Let's not wait for another disaster before we implement this change.

* * * * *

STATEMENT OF DARIO J. CREMADES, FLIGHT 800

Good morning Mr. Chairman and Members of the Committee. I wish to thank you for allowing me to present my views on S.R. 253 and H.R. 3923, the Aviation Disaster Family Assistance Act of 1996. Although the testimony I am presenting are my personal views, they are shared by many other families of victims of flight 800.

In spite of all the ink that has flown since TWA flight 800 exploded and fell into the Atlantic, these are things that have remained unsaid and which deserve to be told. Because the wounds that this disaster has left in its victims will only heal if adequate measures are taken to prevent it from ever happening again.

Our story really started on the eve of July 17th, 1996 when, after having supper, we sat to watch television in our apartment's living room in Manhattan. The scheduled programs were interrupted by news briefs, informing us that an accident had occurred at about 8 pm, off the coast of Long Island shortly after the plane departed from JFK. Our mood was somber and concerned about the tragedy, keeping in the back of our minds the departure of our nephew Daniel, 15 years of age, bound for Paris that same evening.

* * * * *

In light of the prior statement, our family feels H.R. 3923 and S.R. 253 combined and expanded reflect the needs of the families of TWA flight 800 and tries to correct some of the issues presented in this testimony and we support its implementation into law. But we also propose the following specific recommendations to consider.

HANS EPHRAIMSON, FAMILIES OF KOREAN AIRLINES 007

Mr. Chairman: Your initiative to hold a Hearing on air crash passenger issues at short notice is welcomed. We thank your Committee and its hard working staff.

We endorse H.R. 3923 as passed by the House of Representatives and regret not to have had the opportunity to participate in the legislation contemplated by the Senate, hoping that the issues, that have to be urgently addressed in the wake of the TWA 800 tragedy be incorporated in the forthcoming legislation.

Mr. STEVENS. For instance, Kendra St. Charles, who was a passenger aboard the USAir flight 405 appeared before us, just an incredible statement concerning her personal survival from that crash. She was taken unconscious and barely clothed to a hospital, and had no means of identification. She found her 16-year-old daughter was at home watching television and had the Sunday night movie interrupted with a report of the airplane crash. When she called the 800 number that flashed on the screen, she had no way to find out what was going on.

She said, "Hopefully, we can change the way families are treated after an airline disaster by enabling the NTSB to designate an independent nonprofit organization—like the Red Cross, with professionally trained grief and disaster counselors—to give care and support during this horrific time."

I commend to all the testimony of Kendra St. Charles.

We heard from Victoria Cummock, a dedicated woman whose husband was a survivor of the Pan Am 103 Lockerbie disaster. She has been responsible for working with various people throughout the country to try and urge a different way of dealing with the survivors of victims of air disasters. She specifically came to our committee and urged we look at H.R. 3923. She said, this "embodies what air disaster victims have cried out for time and time again * * * for years. It provides families of air disaster victims the same quality of professional disaster care currently given to all Americans during other types of disasters, whether natural or manmade."

She made a great impression on me. We should all thank her for the work she has done to bring about the Coalition of Families of Aircraft Disasters.

We also heard from Richard Kessler, Jr., who was the husband of Kathleen Parker Kessler who was a passenger on ValuJet flight 592. He came to us on the Commerce Committee and made this statement:

> I urge the Senate to introduce and pass a bill exactly like H.R. 3932 that has passed the House, and attach amendments that provide for pilot vision equipment, passenger smoke protection and smoke detectors, and fire extinguishers.

We did not have the time to do that because of the situation that existed at the end of Congress, but we have adopted that bill, H.R. 3932, as an amendment to this conference report. It is in this bill.

We also heard from Dario Cremades. He appeared with regard to the treatment of families of aviation disaster victims. He particularly referred to the TWA flight 800. He had some very difficult problems. I commend his statement, likewise. He said:

> In light of the prior statements, our family feels H.R. 3923 combined and expanded reflects the needs of families of TWA Flight 800 and tries to correct some of the issues presented in his testimony.

He urged us to support that House bill.

Lastly, Hans Ephraimson-Abt is one of the members of the families of the Korean Airline 007 disaster, an aircraft that took off from my home city, and we all know was shot down as it went westward from Alaska. He told us that his group supported the passage of House bill 3923, and he very much wanted to have us enact as quickly as possible that and other matters. The other matters, unfortunately, will have to wait until next year.

The point, Madam President, is that this bill contains the whole bill H.R. 3923, which is very much sought by all of those who have come before the Congress who represent families of those who have already suffered so much as a result of airline disasters. I think it would be a travesty if we have to go back and start all over next year and have it be more than a year before we get this legislation passed. Aviation welcomes it, the Red Cross welcomes it, the people who have been involved in these instances in the past welcome this legislation, and it is absolutely a must that we pass this bill this week without amendment and get it to the President.

I yield the floor.

Mr. FEINGOLD. Madam President, I thank the Senator from Massachusetts for his tremendous leadership on the issue before the Senate today, and of course for his leadership on all issues relating to working people.

I come to the floor today to speak about the issue that is holding up the passage of the FAA reauthorization bill. As the Senator from Alaska was just indicating, that is the problem we have, the bill is held up and it does need to go forward. The problem that some of us have is with the item that has been added to the conference report. What I am talking about is an effort to give special treatment to one company—the Federal Express Co.—by subverting standard labor law requirements in order for this company to be able to avoid unionization.

Maybe this is just part of a larger agenda. I think it is part of a larger agenda, symbolized by aspects of the Contract With America, which represented an assault on the working people of this country. In a sense, this is one more kick from that contract at working people.

Like all of my colleagues and all of us on this side of the issue have said, we understand the importance of reauthorizing the FAA. No one, absolutely no one, wants to jeopardize in any way the safety of our Nation's air travelers and personnel. I, like all of my colleagues, supported this critical bill when the Senate passed it earlier this year. But as we have heard repeatedly now, the bill that passed the Senate did not contain—did not contain—the controversial antiunion provision that has now been inserted into the conference report.

The other side of this debate has conveniently mentioned over and over again the unanimous vote in the Senate, but has also conveniently failed to mention the fact that this controversial provision was not part of the bill when that unanimous consent vote was held in the Senate. Also, Madam President, this provision was nowhere to be found in the House version of the bill, either. So it truly has no place in the conference report that is before the Senate today.

Now, I realize, having been here for nearly 4 years now, that inserting material into a conference report which has not been considered by either body has become almost commonplace in the Congress.

Madam President, that doesn't make it right, and it doesn't make it the right place for the sponsors of the Contract With America to administer one more blow to the working people of this country.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. FEINGOLD. I yield to the Senator from Massachusetts.

Mr. KENNEDY. As a matter of fact, the House Parliamentarian said it was outside the scope of the conference, and it was the only item that required an independent vote in the House of Representatives, other than the conference report, just to point out the validity of the Senator's statement. The Parliamentarian, who does not have a special interest in this particular matter, who neither favors it being in or out, but who is just ruling on the basis of an objective standard, said this is outside of the conference and, therefore, it is the only item beyond the conference report to require a special vote.

I just wanted to ask the Senator, does that not help sustain the point he is making that this particular item was nowhere, either in the House or Senate bill, and just came at the very last moment?

Mr. FEINGOLD. I thank the Senator from Massachusetts. It does that and more, because it ties in with other facts that the other side can't deny. Not only was this item treated in the way the Senator indicated, not only was it not part of the Senate bill, or the House bill, but we have also had analysis by the CRS, an independent agency that we rely on, saying that the deletion of the term "express carrier" in the ICC Termination Act of 1995 does not appear to be a technical error. I will say more about that in a moment.

These are the slender reeds that the other side are resting on—that everybody voted for this bill originally, even though this provision was not in it, and it was somehow a technical error. This is not much to rely on. When you have a special interest provision of this magnitude, maybe that is what you do.

Madam President, this provision would help Federal Express resist the efforts of its workers to unionize. That is the purpose of it, whether you call it technical, or whether you call it a drafting error. The fact is that the purpose of it is to stop possible unionization. It has already been rejected by the Senate Appropriations Committee. Let me repeat, the Appropriations Committee rejected the amendment. Yet, somehow it reappeared on the table during the bill's conference, and it was inserted into the conference report, where proponents felt it was well protected from attack. I want to repeat that phrase: Where it was well protected from attack.

Again, I have been here almost 4 years. I know about the idea of trying to put the stuff that you want through on what is called a must-pass bill. People back home are catching on to it, too. I watched it when we had the legislation to help out the folks in California after the earthquake. That wasn't one of the bills we weren't sure was going to become a law. We knew we had to help the people in California. So money was tacked on for Pennsylvania Station, the space station, and so on. It is a vehicle you use to try to avoid having items have to stand on their own weight in front of the Congress. When this item was placed before separate votes in the Congress, it didn't make it. So the American people are catching on to this kind of abuse of the legislative process.

Madam President, this is another similar vehicle, another must-pass bill. It wasn't chosen by chance. You will notice that a separate bill to correct this so-called technical error wasn't going anywhere. No chance. Proponents put it on the FAA authorization bill and said, "We are sorry it was snuck in there, but we have to pass the bill." That is the game. It is an insider game. But people are catching on.

This one was just a little too much, and to have it thrown on such a very, very important bill for our airports across the country seems like just a bit too much to me. Some may say, well, as of January, we have a line-item veto. The President can line out something like this. Of course, the new line-item veto authority does not extend to this kind of provision, but though I have never advocated extending the line-item veto authority beyond removing excess spending items, if the President had a broader authority, this is certainly one situation where it would be a good policy to take this piece of special interest legislation out of this bill.

So the practice will continue, unless we here and people across the country say, wait a minute, we don't want laws made this way. We don't want one company to be able to push its weight around and shove this provision into a bill and say it absolutely has to pass, regardless of the merits of the provision, because otherwise we won't be able to help our airports.

Madam President, this is one of the most clear examples of special interest treatment I have ever seen. You know it, and I know it, and every Member of this body knows it. It's offensive and it doesn't belong on this bill. To accuse Members of the Senate of not caring about airport safety and the welfare of air passengers just because we object to this subversion of the rules is just disingenuous. We know what is going on here, and nobody can say this particular provision has anything at all to do with airline safety.

Supporters of the provision claim that it is simply a technical correction, to correct the accidental deletion of the term "express carrier" from the Railway Labor Act, which was amended in the Interstate Commerce Termination Act of 1995—a technical error.

My colleagues, does this look technical to you? Does all the controversy and anger on this issue look technical to you? It is not technical. The term was intentionally removed by the Congress last year, and has now been intentionally inserted into the FAA conference report by the Members of the conference committee. In fact, researchers in the bipartisan American Law Division of the Congressional Research Service say that the deletion of that term "express company" does not appear to have been inadvertent or mistaken. To the contrary, the deletion appeared to be consistent with the statutory structure and the intent of Congress. Moreover, it appears unlikely that Federal Express would constitute an express company, as that term is used in the proposed amendment.

That is the CRS analysis, Madam President, not a labor union. CRS is the Congress' own nonpartisan research service. Although the report and its author have been maligned here on the floor, I think those accusations have been unfair. We all rely on CRS for unbiased analyses of the facts. They say that this provision does not merely make a technical correction. It is a significant, substantive change. If there is one thing it is not, it is technical. This is a significant policy change, Madam President. It does not belong on this bill.

Moreover, it is interesting to note that Linda Morgan, Chair of the Surface Transportation Board, formerly the ICC, confirmed CRS's opinion that Federal Express would not qualify as an express carrier. In a recent letter to Congressman JAMES OBERSTAR, Ms. Morgan stated that when the term "express carrier" was in use, the ICC considered Federal Express to be a motor carrier, not an express carrier, as the company claims it was and would like to be considered in the future.

Let me just read briefly from that letter:

> The ICC considered FedEx to be a motor carrier.

She continued later:

> In a decision in 1934, the ICC concluded that express company operations wholly by rail, or partly by rail and partly by water, were subject to ICC regulation, but that an express company's motor carrier operations were not.

So this is a special interest provision, designed to protect the interest of one company. Now, we see these kinds of provisions often in tax bills, where one single company is given a tax preference like a special depreciation break or a tax credit. This provision, however, in my mind, is way out in front of the pack in terms of special interest benefits.

This provision, I want to reiterate, is designed exclusively for this single company, Federal Express, to allow it to impose special barriers to block unionization efforts among employees who transport cargo by truck. Other motor carriers, including FedEx's major competitor, UPS, are, in contrast, subject to the National Labor Relations Act and organize at specific localities. If FedEx truckers in Pennsylvania want to form a union, they should have that right, under the NLRA. But if this provision goes through, FedEx truck drivers across the Nation would all have to agree to a single nationwide bargaining unit or forfeit the right to organize. They would have to forfeit the right to organize. It is an awfully big hurdle. It is a hurdle intended to prevent unionization. That is not what the NRLA provides for millions of workers across the Nation. But under this provision FedEx would have the more stringent rules of the National Railway Labor Act applied to its truck drivers.

Supporters of the FedEx provision also claim that if we do not pass this bill this week, without amendment, that the safety of air travel will be significantly threatened. Again, this is a kind of blackmail attempt to stick a special interest provision in a bill and say that it can't be removed without jeopardizing the underlying vital legislation and then shift the burden to those who want to get the special interest provision out.

It is a good trick. But we are here today to say that it is unfair and that we have been willing and will continue to be willing to come out here on the floor of the Senate to indicate that it is not justified.

Let me just refer to a similar occurrence not too long ago on another item for which the distinguished Senator from Massachusetts was taking the lead on a bipartisan basis with the Senator from Kansas to try to get some semblance of health care reform in this country. Another provision like this got stuck in the Kennedy-Kassebaum bill. It was not until Members of the Senate objected loudly, strenuously, and publicly to that special interest provision that the proponents, with some embarrassment, suddenly agreed to have it dropped through a correcting resolution. That is what should happen right here. It should happen right now. This provision should be dropped so that we can get the FAA bill passed and signed into law in the next few hours.

Let me stress once again—because this is the whole heart of the opposition's argument—that they want to pretend inaccurately and unfairly that we oppose the underlying bill. We do not oppose the underlying bill. I would like to see the FAA be reauthorized before this Congress adjourns.

My colleagues, the Senators from Massachusetts and Illinois, have a bill ready—it is at the desk—that I support wholeheartedly. That is the bill we should be considering. It is the conference version of the FAA bill minus just this one offensive FedEx provision. But the other side will not agree to bring up that bill. It is they, not we, who are holding up the reauthorization of these important aviation programs.

So again, let us ask: Why is it so important to supporters of this provision that it remain in the bill? How can it be so important? After all, they keep saying over and over and over again that this is a minor technical amendment. Well, then why does Federal Express care so much that it be considered an express carrier? The reason is clear: They want to avoid unionization. That is the benefit to this so-called technical correction. Federal Express, and my colleagues who support their provision, understand how much more difficult it would be for Federal Express' truck drivers to unionize if they have to organize all of their employees nationwide as opposed to being able to form local unions.

In fact, Madam President, Federal Express' antiunion sentiment is, unfortunately, well documented. Federal Express Co. produces a manual called the Manager's Labor Law Book, which states that its corporate goal is to remain union-free. Of course, we all know that if Federal Express is able to maintain its union-free status, it will be easier for it to remain competitive with UPS. Like Federal Express, UPS' airline operations are covered under the Railway Labor Act. However, UPS' truck drivers are covered by the National Labor Relations Act, and they have been members of local Teamsters unions for decades.

Interestingly, Federal Express' trucking operations expanded in recent years. Some of their drivers have been attempting to organize, but they have, not surprisingly, met resistance from the company's management. The issue of whether the company's trucking operation is most appropriately covered under the NLRA or the RLA is currently in litigation.

So what is this? What is this provision today? This is a backdoor effort to win that dispute. This amendment has no business in this bill.

Mr. KENNEDY. Will the Senator yield on that point, because I think it is a very, very important one; that is, as the Senator is pointing out, this is a matter that is in litigation at the present time. This is a matter that is in litigation at the present time. What we are being asked to do is superimpose a legislative resolution on what is basically a judicial determination and thereby deny the rights of workers to make a judgment and decision under the existing law.

Does the Senator not agree with me that most people would understand that that is sort of changing the rules of the game, changing the goalposts in the third quarter, and that this is basically saying that for people who are trying to play by the rules of the game, "Well, it is just too bad, you tried to play by the rules of the game, and we are not going to take a chance that you may reach a positive result. We are going to shortchange you and really stick it to you by undermining your legitimate interests by legislative solution"?

Is the Senator's opposition to this also based on his belief that we should not, at a time when there are matters in litigation, impose a legislative solution that would directly affect the outcome of that litigation?

Mr. FEINGOLD. Madam President, I thank the Senator from Massachusetts for his question.

Let me say, first of all, that I have the great honor and pleasure of serving with him not only on the Senate floor but particularly on the Senate Judiciary Committee. For one concerned with the independence of our judiciary and the relationship between the Congress and judiciary, this is a threatening prospect. I suppose incidents like that have occurred in the past in this great country. When the power of one single company cannot only move a Congress like this to jeopardize the reauthorization of a bill but do it in such a specific and targeted way as to try to undo the process in the courts is even more frightening.

It is not only a question for working people; it is a question for anyone. They should have the opportunity to go to court and have a matter resolved without some company being able to flex its muscles in the waning days of the Congress to undo their right to their day in court.

So I do think that this is an extremely important aspect of my opposition. I am opposed to it anyway, but it seems particularly inflammatory when this matter is being litigated at this time, as the Senator from Massachusetts has indicated.

It makes me want to just sort of add on to something that he has said to me earlier. This is part of a broader agenda. This isn't just an isolated moment where somebody decided to insert a provision to help a company. This is part of a broader agenda to shove back working people in this country so they can't get as organized as they need to be in order to protect themselves and their families. It is a broader agenda. It is a broader agenda that was very clearly articulated in that Contract With America about which we will have a referendum in a few weeks. So let us not just view it in isolation.

It is inappropriate. It does not belong here. It is a special interest item but part of a broader agenda that is willing not only to push its weight around in the Congress but to also try to override the procedure in our courts.

What we are faced with here today is a situation in which many Members of this body have worked very, very hard to craft a good bill. I praise all of them. I think they have succeeded. But, unfortunately, the conferees allowed a corporate special-interest provision to be attached to this good bill, and now we are being pressured to pass the bill and its offensive add-on quickly because the end of the fiscal year has come and because, as we all know, it is an election year and everyone wants to go back to their home States.

But to conclude, I think we would be making a larger mistake than usual if we do not remove this provision.

I urge my colleagues to support the Simon-Kennedy substitute, which will provide a clean FAA reauthorization. If the proponents of this provision would let us pass a clean bill, this measure not only could but I imagine would be signed within a few hours. It is the proponents of this special interest treatment for one big company, not the opponents, who, I am afraid, have subverted the legislative process.

So let us drop this provision, let us drop it now, and let us get a clean FAA bill passed.

Madam President, I yield the floor.

Mr. DOMENICI. Madam President, I ask unanimous consent that Peter Folger and Jessica Korn, fellows in my office the past year, be granted floor privileges for the remainder of the discussion today on this bill.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, under the crunch of time, particularly during yesterday, we did not get an opportunity to recognize the comments of the distinguished Presiding Officer. I had the distinct privilege of serving with Wallace Bennett, of Utah. There is certainly no finer gentleman, certainly no finer Senator.

We lived in the same neighborhood and exchanged greetings over the weekends, and those kinds of things. I was powerfully interested, because I do remember the FAA bill at that particular time, as the distinguished Senator from Alaska recalls, when we worked on this with Senator Magnuson and others. This is a good bill. I acknowledge the contribution that the now-Senator BENNETT of Utah, the Presiding Officer, made to that legislation in its formative days. Hopefully, after tomorrow's vote, we can make gains in continuing to beef up air service, particularly in the area of safety.

I also did not get an opportunity to thank the distinguished Senator from Alaska. He and I have worked on this over the years. And I particularly am thankful for the leadership of the Senator from Arizona, JOHN MCCAIN. Senator MCCAIN has been like a tiger for a couple of years, trying to bring some changes to the Federal Aviation Administration.

I have come all the way around in my own mind to thinking in terms of a separate Federal Aviation Administration, a separate board, outside the department, because I am sure it would receive better attention and I am sure it would receive better performance.

The Presiding Officer was talking about John Volpe. I remember when John Volpe came on as the Secretary of Transportation. He and I had both served as Governors together. A lot of people have been working on this for a long time.

Let me get right to the point here with the distinguished Senator from Wisconsin, who gets really far afield talking about blackmail, sticking it to them, power grab and all of that. He asked, why is it important? It is very important to this Senator. None other than Mark Twain said, years ago, that the truth was such an important item, it should be used very sparingly.

The truth is that we made a mistake. Why is it important? It is a matter of honor. I am trying my dead level best to correct the mistake. It was on our watch last December. I was the ranking member, and the facts should be stated and the truth given accurately.

The Senator from Wisconsin said when it was voted for, the provision was in it—absolutely false. The language "express company" was in the Interstate Commerce Act when we voted for the termination act, and thereafter, the staff was writing it up and those kinds of things, they thought the term "express company" was not necessary and deleted that phrase. So it was a drafting error made.

So, when they say it was dropped out and that this amendment is part of a broader agenda, this Senator says: part of the contract with America? Come on. Everybody back home would break out laughing if they heard. I have been talking against that contract for 4 years now. I did not think much of it as politics. It was all applesauce: Get rid of the Department of Education, the Department of Commerce, get rid of the Department of Energy, repeal—get rid of public television, get rid of the Park Service—just get rid of it all? Come on. This is not any part of the contract. It is part of my particular watch, and I am going to get it corrected. Do not give me this stuff about procedure now.

They said, back in my law school days, if you have the law you argue the law as strongly as you can. If you have the facts with you, you argue the facts. And if you do not have the facts or the law, you beat on the desk, and yell about procedure. And that is what we are listening to. "It was in the House bill, it was not in the Senate bill"—heavens above, we passed an omnibus appropriations and continuing resolution earlier this week with hardly a dissenting vote. I would think one-third of it was not in there before or had ever been seen or whatever else. I know the new things that were put in, we were glad to get them in. That is the nature of the process. Any of that, "sneaking around, pulling the rug out, sticking it to them, blackmail"—that is tommyrot and they know it. They are the ones trying to pull the rug out because they continually falsely report the situation.

I read again the statement of the Senator from Massachusetts, talking about that Philadelphia case: "Federal Express challenged the petition, arguing the entire company, including its truck drivers, is covered by the Railway Labor Act and not the Labor Relations Act, and therefore the bargaining unit for its truck drivers must be nationwide. The board has not yet decided the issue."

Absolutely false. The board decided the issue on November 22 of last year. In Re: Federal Express, 23 NMB, No. 13. And I quote what they decided unanimously:

> The board is of the opinion that Federal Express Corporation and all its employees sought by the UAW's petition are subject to the Railway Labor Act.

But the Senator from Massachusetts says—"a man convinced against his will is of the same opinion still"—and I quote yesterday again, "The Senator from South Carolina still cannot show where Federal Express is an express company under the Railway Labor Act."

I just did. That is one of the most recent decisions. I laid it in the RECORD and enumerated some 31 decisions. Maybe we ought to ask it in reverse. Find me a single decision since 1973, when Federal Express went in business, in which it was not held to be an express company under the RLA. It has always been held that it is under the Railway Labor Act.

Mr. President, let me move on. Right here they say you are not playing fair, that they are playing by the rules of the game. We are trying a new case here that we have not had a hearing on or anything, they say—it makes me go to the RECORD.

They say the United Parcel Service has so many planes and trucks, Federal Express has so many planes and trucks, United Parcel Service plays by the rules and Federal Express ought to play by the rules.

Oh, boy, that has been raised by the best of the best lawyers. There is not any question that the Teamsters and the United Auto Workers both have the best of the best lawyers.

In the Board case: United Parcel Service, Timothy J. Gallagher and the International Brotherhood of Teamsters, National Committee intervenor, decision and order of August 25 of last year by Chairman Gould and members Stephens, Browning, Cohen and Truesdale, and I quote:

> Approximately 92 percent of the packages picked up, processed and delivered by the respondent travel exclusively by ground.

Ninety-two percent; 85 percent of Federal Express travels by air, and that case, interestingly, appeared in an argument made by the teamster attorney on May 9, 1996, in the United States Circuit Court of Appeals for the District of Columbia Circuit. United Parcel Service petition, National Labor Relations Board. Mr. Muldolf, the lawyer, was answering a question.

> Mr. Muldolf: Well, the case now pending before the NLRB is a FedEx case which has been referred back. There has not been a decision there, but if you take the NLRB's decision in UPS and you take the NMB's advisory opinion in Federal Express, you see—and I can't tell you what the NLRB is going to do—these companies are like night and day. Ninety-two percent on the ground, 15 percent on the ground—

That is the language of their own lawyer. But you get the politician lawyers who appear on the floor of the Senate and they want to try a different case. I don't know if they have ever been in the courtroom before. This Senator has made a living at it. We are not going to let them get by with this bum's rush, because exactly what they accuse me of—inserting this language, of pulling the rug and sticking it to them—is exactly what they are trying. They know when they say "litigation pending" that there is none. The NLRB has been sitting on the finding of the National Mediation Board since last November. I have searched the record, and in the last 50 years of 100 cases where the National Mediation Board has given its opinion, the NLRB has yet to reverse it.

So they know it is a given. If they tried to rule otherwise, it would be appealed and reversed right away. So there is nothing pending. But what they are trying to do is come in after the rules of the game, after November 22, after the full hearing over a 5-year period. It wasn't started until the end of 1990, the first part of 1991. After 5 years and with all the lawyers, they were unanimously ruled against, and they try now to change the rule by saying, "Oh, they made that error. We can get this organized, and we can get the votes, we can control it."

They have been blocking correcting this mistake every way they can. Yes, they blocked it in the Appropriations Committee because I wasn't prepared. I thought an honest error would be respected by Senators as gentlemen. I went in, explained exactly what happened. We called the roll, and it was 10 to 10. I hadn't even bothered to get the proxies. However, later on, we did include it in the conference report. It has been debated, affirmed in the House by a rollcall vote. We are ready to vote now, and they are claiming we are filibustering.

It reminds me, I say to the Senator, of a young lad who went to the psychiatrist, and she drew a line on the board and said, "What do you think of?"

The young lad said, "Sex."

She drew some crosses.

He said, "Sex."

She drew circles.

He said, "Sex."

She said, "Young man, you're the most oversexed, depraved person I've ever seen."

"Doctor, me depraved?" he said. "You're the one drawing the dirty pictures."

Come on. Are we doing the filibustering? We are ready to vote, have been ready to vote. They are the ones who moved to postpone. I haven't heard that motion in the 30 years I have been here; never heard it. But I heard it from the Senator from Massachusetts for the first time. Then they wanted to read the bill. And they say we are the ones filibustering?

Why is it important? Because the truth is important. It was not part of the bill when it left the Senate. It was not a part of the bill when it left the House. We know it wasn't in there. Look at what we voted on on Monday. I can give you ad nauseam a list of things that were never in the House, never in the Senate that appeared there.

They say this is "one more blow to the working people." It is not any blow to the working people. I am not engaged in that kind of work. I am not forestalling the entire Congress for a broader agenda. I could comment further but in the interest of time let me go down to a couple of other things.

The intent. Oh, yes, the Congressional Research Service. The comment was made he was demeaned, the lawyer. If I could get him, I would wring his neck. I couldn't demean him enough. Why? Because he was asked about this provision and said it was put in intentionally, when he knows otherwise. He failed and refused to quote the intent of the Congress.

This is in the conference report, Mr. SHUSTER, of the committee of conference, submitted the following report:

> The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees and employers by the Railway Labor Act.

With the deleted language, that is the ambiguity we are trying to clarify. But when you look for intent, and we told them about it, the CRS letter continually disregards the intent with this letter to the Members. I can't get to all the Members and explain this. They have labor reps running all around. They say, "Stay home, they have to get the 60 votes."

It is so hard, as Twain says, to use the truth. It's so hard to develop it around this particular issue.

There has been an onslaught, Mr. President, against the company. I saw a part of the distinguished Senator from Massachusetts' press conference on TV. By the time I saw it, it was cut, but it was partially on C-SPAN that "it was a horrible company; they hadn't given a pay raise in 7 years," the FedEx employee was saying. I called, and we will get it in the RECORD. They have had, I was told, over the last 8 years, each year an average of 6.5 percent, for a total of a 50 percent wage increase. I said that very carefully because that is exactly what I was told, and I am going to get a copy of it.

Mr. President, we have in this book: "The 100 Best Companies to Work for in America" with special recognition in the following categories: One of the best 10 overall companies; one of the 10 best for job security; one of the 10 best for women; one of the 10 best for minorities; one of the 12 best with significant employee ownership; one of the 10 best training programs. We have the Minority Business Council; the Hispanic Council; the Good Housekeeping magazine's 69 top companies for working mothers, and on and on and on.

This book—we wouldn't want to put the book in the RECORD —is "The 100 Best Companies to Work for in America," by Robert Levering and Milton Moskowitz.

But when you get an outstanding company, and they are playing by the rules, and you get the bum's rush as a result of a drafting error, after the conference, that we have been trying to correct, and then they give you all this procedure and everything else like we are doing the sneaking—we have done nothing here in this particular provision in the FAA Reauthorization Act but put the parties back exactly where they were, which was the intent. None of the rights or responsibilities were either contracted or expanded for employees or employers.

We have not had hearings. When they talk about hearings, there was not any hearing when this was deleted, there was not any statement made. I cannot find—I said, "Where is the Senator, where is the Congressman who said, 'I wanted this. I put it in. I discussed it. I talked about it.'?" They cannot find one of 535; yet we get accused of blackmail.

I never heard of such outrageous fraud going on here trying to change the entire picture of what really is the case with respect to this particular matter.

Mr. President, one more time I ask unanimous consent to have printed in the RECORD excerpts of the National Mediation Board's opinion in re Federal Express case No. 4–RC–17698.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

NATIONAL MEDIATION BOARD,
Washington, DC, November 22, 1995.
Re NMB File No. CJ–6463 (NLRB Case 4–RC–17698) Federal Express Corp.

JEFFREY D. WEDEKIND,
Acting Solicitor, National Labor Relations Board, Washington, DC.

DEAR MR. WEDEKIND: This responds to your request dated July 17, 1995, for the National Mediation Board's (Board's) opinion as to whether Federal Express Corporation (Federal Express or FedEx) and certain of its employees is subject to the Railway Labor Act, as amended, 45 U.S.C. §151, *et. seq.* The Board's opinion, based upon the materials provided by your office and the Board's investigation is that Federal Express and all of its employees are subject to the Railway Labor Act.

I.

This case arose as the result of a representation petition filed with the National Labor Relations Board (NLRB) by the International Union, United Automobile Aerospace and Agricultural Implement Workers of America (UAW). The UAW initially sought to represent a unit of Federal Express's employees including "all regular full and part-time hourly ground service employees in the Liberty District."[1] On December 9, 1991, the UAW amended its petition to exclude "ramp agents, ramp agent/feeders, handlers, senior handlers, heavyweight handlers, senior heavy weight handlers, checker sorters, senior checker/sorters, shuttle drivers, shuttle driver/handlers, office clerical employees, engineers, guards and supervisors as defined in the Act [NLRA]." The titles remaining in the UAW's petition include: service agents, senior service agents, international document agents, couriers, courier/handlers, tractor-trailer drivers, dispatchers,[2] courier/non-drivers and operations agents.

The UAW argues that the employees it seeks to represent in Federal Express Liberty District are employees subject to the National Labor Relations Act (NLRA). The UAW acknowledges that pilots and aircraft mechanics employed by Federal Express are subject to the Railway Labor Act. However, the UAW contends that the two-part test traditionally employed by the Board to determine whether an entity is a carrier should be applied to the unit of employees it seeks to represent in Federal Express' Liberty District. According to the UAW, the employees it seeks to represent in the Liberty District do not perform airline work and are not "integral to Federal Express' air transportation functions."

Federal Express asserts that it is a carrier subject to the Railway Labor Act and, as a carrier, all of its employees are subject to the Railway Labor Act. Federal Express notes that the Board and the courts have repeatedly found it to be a carrier subject to the Railway Labor Act. According to Federal Express, the job classifications remaining in the petition are integrally related to Federal Express' air transportation activities. Federal Express contends that it is a "unified operation with fully integrated air and ground services." According to Federal Express, allowing some employees to be covered by the National Labor Relations Act and others to be subject to the Railway Labor Act would result in employees being covered by different labor relations statutes as they are promoted up the career ladder.

Federal Express contends that the two-part test suggested by the UAW is not appropriate in this case. According to Federal Express, the Board uses the two-part test to determine whether a company is a carrier, not to determine whether specific employees of a carrier perform duties that are covered by the Railway Labor Act. Federal Express cautions that adoption of the test suggested by the UAW "would drastically alter labor relations at every airline in the country." According to Federal Express, under the UAW's test, most categories of employees except pilots, flight attendants and aircraft mechanics would be subject to the NLRA.

The Board repeatedly has exercised jurisdiction over Federal Express. *Federal Express Corp.*, 22 NMB 279 (1995); *Federal Express Corp.*, 22 NMB 257 (1995); *Federal Express Corp.*, 22 NMB 215 (1995); *Federal Express Corp.*, 20 NMB 404 (1993); *Federal Express Corp.*, 20 NMB 394 (1993); *Federal Express Corp.*, 20 NMB 360 (1993); *Federal Express Corp.*, 20 NMB 126 (1993); *Federal Express Corp.*, 20 NMB 91 (1992); *Federal Express Corp.*, 20 NMB 7 (1992); *Federal Express Corp.*, 19 NMB 297 (1992); *Federal Express Corp.*, 17 NMB 24 (1989); *Federal Express/Flying Tiger*, 16 NMB 433 (1989); *Federal Express*, 6 NMB 442 (1978). There is no dispute that Federal Express is a carrier subject to the Railway Labor Act with respect to certain Federal Express employees (i.e. Pilots; Flight Attendants,[3] Global Operations Control Specialists; and Mechanics and Related Employees; Stock Clerks; and Fleet Service Employees). However, the Board has not addressed the issue raised by the UAW: whether or not certain Federal Express employees are subject to the Railway Labor Act.

The NLRB initially requested the NNB's opinion as to whether FedEx is subject to the RLA on July 1, 1992. However, on that date, the NLRB granted the UAW's request to reopen the record and the file was returned to the NLRB. The NLRB renewed its request on July 17, 1995 and the NMB received the record on July 31, 1995. The NMB received additional evidence and argument from FedEx and the UAW on August 17, 1995 and September 5, 1995.

II.

Federal Express, a Delaware corporation, is an air express delivery service which provides worldwide express package delivery. According to Chairman of the Board and Chief Executive Officer Frederick Smith, Federal Express flies the sixth largest jet aircraft fleet in the world.

Federal Express' jet aircraft fleet, currently includes Boeing 727–100's, Boeing 727–200's, Boeing 737's, Boeing 747–100's, Boeing 747–200's, DC 10–10's, DC–10–30's and McDonnell-Douglas MD–11's. Federal Express also operates approximately 250 feeder aircraft, including Cessna 208's and Fokker 27's. It has over 50 jet aircraft on order.

Federal Express currently serves the United States and several countries in the Middle East, Europe, South America and Asia, including Japan, Saudi Arabia and Russia. According to Managing Director of Operations Research Joseph Hinson, Federal Express does not transport freight that moves exclusively by ground to or from the United States.

* * * * *

III. DISCUSSION

The National Mediation Board has exercised jurisdiction over Federal Express as a common carrier by air in numerous published determinations. *Federal Express Corp.*, 22 NMB 279 (1995); *Federal Express Corp.*, 22 NMB 257 (1995); *Federal Express Corp.*, 22 NMB 215 (1995); *Federal Express Corp.*, 20 NMB 666 (1993); *Federal Express Corp.*, 20 NMB 404 (1993); *Federal Express Corp.*, 20 NMB 394 (1989); *Federal Express Corp.*, 20 NMB 360 (1993); *Federal Express Corp.*, 20 NMB 126 (1993); *Federal Express Corp.*, 20 NMB 91 (1992);

Footnotes at end of article.

Federal Express Corp., 20 NMB 7 (1992); *Federal Express Corp.*, 19 NMB 297 (1992); *Federal Express Corp.*, 17 NMB 24 (1989); *Federal Express/Flying Tiger*, 16 NMB 433 (1989); *Federal Express*, 6 NMB 442 (1978). In eight of those determinations, the Board exercised jurisdiction over ground service employees of Federal Express. The substantial record developed in this proceeding provides no clear and convincing evidence to support a different result.

A.

Section 181, which extended the Railway Labor Act's coverage to air carriers, provides:

"All of the provisions of subchapter 1 of this chapter except section 153 of this title are extended to and shall cover every common carrier by air engaged in interstate or foreign commerce, and every carrier by air transporting mail for or under contract with the United States Government, and *every air pilot or other person who performs any work as an employee or subordinate official of such carrier or carriers, subject to its or their continuing authority to supervise and direct the manner of rendition of his service*." 45 U.S.C. §181. (Emphasis added).

Federal Express is an air express delivery service which holds itself out for hire to transport packages, both domestically and internationally. Federal Express and the UAW agree that Federal Express and its air operations employees, such as pilots and aircraft mechanics, are subject to the Railway Labor Act. The disagreement arises over whether Federal Express' remaining employees are subject to the Railway Labor Act. The UAW argues that the employees it seeks to represent do not perform airline work and are not "integral to Federal Express' air transportation functions." Federal Express asserts that all of the employees sought by the UAW are integrally related to its air express delivery service and are subject to the Railway Labor Act.

Since there is no dispute over whether Federal Express is a common carrier by air, the Board focuses on whether the employees sought by the UAW's petition before the NLRB are subject to the Railway Labor Act. The Act's definition of an employee of an air carrier includes, "every air pilot or other person who performs any work as an employee or subordinate official of such carrier or carriers, subject to its or their continuing authority to supervise and direct the manner of rendition of his service". The Railway Labor Act does not limit its coverage to air carrier employees who fly or maintain aircraft. Rather, its coverage extends to virtually all employees engaged in performing a service for the carrier so that the carrier may transport passengers or freight.[4]

In *REA Express, Inc.*, 4 NMB 253, 269 (1965), the Board found "over-the-road" drivers employed by REA subject to the Act stating:

"It has been the Board's consistent position that the fact of employment by a "carrier" under the Act is determinative of the status of *all* that carrier's employees as subject to the Act. The effort to carve out or to separate the so-called over-the-road drivers would be contrary to and do violence to a long line of decisions by this Board which would embrace the policy of refraining from setting up a multiplicity of crafts or classes. As stated above, there is no question that this particular group are *employees* of the carrier." (Emphasis in original).

The limit on Section 181's coverage is that the carrier must have "continuing authority to supervise and direct the manner of rendition of . . . [an employee's] service. The couriers, tractor-trailer drivers, operations agents and other employees sought by the UAW are employed by Federal Express directly. As the record amply demonstrates, these employees, as part of Federal Express' air express delivery system, are supervised by Federal Express employees. The Board need not look further to find that all of Federal Express' employees are subject to the Railway Labor Act.

B.

In the Board's judgment, the analysis of the jurisdictional question could end here. However, Federal Express and the UAW have directed substantial portions of their arguments the "integrally related" test. Specifically, the participants discuss whether the employees the UAW seeks to represent are "integrally related" to Federal Express' air carrier functions. The Board does not find consideration of the "integrally related" test necessary to resolve the jurisdictional issue, however, review of the relevance of this test is appropriate.

The UAW argues that the employees it seeks to represent are not integrally related to Federal Express' air carrier functions and therefore are not subject to the Railway Labor Act. Federal Express asserts that the NLRB and federal courts have found its trucking operations integrally related to its air operations.[5]

However, the Board does not apply the "integrally related" test to the Federal Express employees sought by the UAW. Where, as here, the company at issue is a common carrier by air, the Act's jurisdiction does not depend upon whether there is an integral relationship between its air carrier activities and the functions performed by the carrier's employees in question. The Board need not consider the relationship between the work performed by employees of a common carrier and the air carrier's mission, because section 181 encompasses "every pilot or other person who performs *any* work as an employee or subordinate official of such carrier or carriers. . . ." (Emphasis added).

Even if the Board were to assume *arguendo* that the "integrally related" test applies to the facts in this case, the Board would hold in concurrence with the recent decision in *Federal Express Corp.* v. *California PUC, supra*, at note 10, that the "trucking operations of Federal Express are integral to its operations as an air carrier." 936 F.2d at 1078. Employees working in the other positions sought by the UAW perform functions equally crucial to Federal Express' mission as an integrated air express delivery service. As the record demonstrates, without the functions performed by the employees at issue, Federal Express could not provide the on-time express delivery required of an air express delivery service.

The Board has employed the "integrally related" test when it has examined whether to apply the trucking exemption under §151 of the Act. *O/O Truck Sales*, 21 NMB at 269; *Florida Express Carrier, Inc.*, 16 NMB 407 (1989). Specifically, the Board has applied the "integrally related" test when it has considered trucking operations conducted by a subsidiary of a carrier or a company in the same corporate family with a carrier. In *Florida Express, supra*, the Board found Florida Express, a trucking company which is a wholly-owned subsidiary of Florida East Coast Railroad, to be a carrier subject to the Railway Labor Act. In *O/O Truck Sales, supra*, the Board found O/O Truck Sales, a trucking and fueling company which is a wholly-owned subsidiary of CSXI (which is commonly owned with CSXT), to be a carrier subject to the Railway Labor Act. In contrast, Federal Express directly employs truck drivers, couriers and all other employees sought by the UAW's petition.

C.

The UAW argues that the Board should apply the two-part test used by the Board in other factual settings for determining whether an employer and its employees are subject to the Railway Labor Act. See, for example, *Miami Aircraft Support*, 21 NMB 78 (1993); *AMR Services Corp.*, 18 NMB 348 (1991). The Board does not apply the two-part test where the company at issue is engaged in common carriage by air or rail. The Board applies the two-part test where the company in question is a separate corporate entity such as a subsidiary or a derivative carrier which provides a service for another carrier. In those situations where the Board applies the two-part test, it determines: 1) whether the company at issue is directly or indirectly owned or controlled by a common carrier or carriers; and 2) whether the functions it performs are traditionally performed by employees of air or rail carriers. Under this test, both elements must be satisfied for a company to be subject to the Railway Labor Act. Federal Express is an admitted carrier and the employees at issue are employed directly by Federal Express. Accordingly, the two-part test does not apply to this proceeding.

Even if the two-part test were applicable, the employees at issue here would be covered by the Railway Labor Act. Federal Express, as a common carrier, has direct control over the positions sought by the UAW. In addition, the Board has found that virtually all of the work performed by employees sought by the UAW's petition is work traditionally performed by employees in the airline industry. For example: couriers, *Air Cargo Transport, Inc.*, 15 NMB 202 (1988); *Crew Transit, Inc.*, 10 NMB 64 (1982); truck drivers; *Florida Express, Inc.*, 16 NMB 407 (1989); customer service agents; *Trans World International Airlines, Inc.*, 6 NMB 703 (1979).

CONCLUSION

Based upon the entire record in this case and for all of the reasons stated above, the Board is of the opinion that Federal Express Corporation and all of its employees sought by the UAW's petition are subject to the Railway Labor Act. This finding may be cited as *Federal Express Corporation*, 23 NMB 32 (1995). The documents forwarded with your letter will be returned separately.

By direction of the National Mediation Board.

STEPHEN E. CRABLE,
Chief of Staff.

FOOTNOTES

[1] The Liberty District includes portions of southeastern Pennsylvania, southern New Jersey and Delaware.

[2] The dispatchers at issue do not dispatch aircraft.

[3] FedEx no longer employs Flight Attendants.

[4] Two courts have held that certain employees of a carrier who perform work unrelated to the airline industry are not covered by the Railway Labor Act. *Pan American World Airways v. Carpenters*, 324 F.2d 2487, 2488, 54 LRRM 2487, 2488 (9th Cir. 1963); *cert. denied*, 376 U.S. 964 (1964) (RLA does not apply to Pan Am's "housekeeping" services at the Atomic Energy Commission's Nuclear Research Development Station); and *Jackson v. Northwest Airlines, Inc.*, 185 F.2d 74, 77 (8th Cir. 1950) (RLA does not apply to Northwest's "modification center" where U.S. Army aircraft were reconfigured for military purposes). Work functions described in *Carpenters* as "substantially identical" to those before the Ninth Circuit were held by another court to be within the "compulsive" jurisdiction of the Railway Labor Act. *Biswanger v. Boyd*, 40 LRRM 2267 (D.D.C. 1957). The Board has not

had the occasion to make a final determination regarding the appropriate application of this line of cases.

[5] *Federal Express Corporation v. California Public Utilities Commission*, 936 F.2d 1075, 1078 (9th Cir. 1991). *Chicago Truck Drivers v. NLRB*, 99 LRRM 2967 (N.D. Ill. 1978); aff'd 599 F.2d 816, 101 LRRM 2624 (7th Cir. 1979).

Mr. HOLLINGS. This goes into every detail that was raised. Because when you finally corner them one place, they squirt out like quicksilver in the palm of your hand, talking about integrally related tests and so forth. All of that was considered in this particular decision. TRENT LOTT, NEWT GINGRICH, a letter to the majority leader and the Speaker, where we had to hear from certain Members on yesterday's debate, signed by BUD SHUSTER, chairman; SUSAN MOLINARI; chairman of the Railroad Subcommittee. And it is not you, HOLLINGS, saying it was a mistake. Anybody intimately connected will not say otherwise, and has not said otherwise.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 1996.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, The Capitol, Washington, DC.
Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, The Capitol, Washington, DC.

DEAR MR. MAJORITY LEADER AND MR. SPEAKER: We are writing to you to set out the facts regarding a technical error in the ICC Termination Act of 1995, Public Law 104–88. The mistake concerns the context in which the ICC Termination Act addressed the relationship between the economic regulation of transportation under Subtitle IV of Title 49, United States Code, and the Railway Labor Act (45 U.S.C. 151 et. seq.).

The ICC Termination Act abolished the former Interstate Commerce Commission, reduced economic regulation substantially in both rail and motor carrier transportation, and transferred the reduced but retained regulatory functions to a new Surface Transportation Board, part of the Department of Transportation.

One form of ICC regulatory jurisdiction under the former Interstate Commerce Act was exercised over "express carriers"—as defined in former 49 U.S.C. 10102, a person "providing express transportation for compensation." This was part of the ICC's jurisdiction, since express service originated as an ancillary service connecting with rail freight service.

The Railway Labor Act included in Part I coverage of "any express company . . . subject to the Interstate Commerce Act." [45 U.S.C. 15].

In the ICC Termination Act, economic regulation of express carriers was eliminated from the statutes to be administered by the new Surface Transportation Board, on the ground that this form of regulation was obsolete. (Another category of ICC and Railway Labor Act "carrier"—the sleeping-car company—was similarly eliminated from STB jurisdiction.)

In light of the abolition of economic regulation, the ICC Termination Act contained a conforming amendment (Section 322, 109 Stat. 950) which also struck the term "express company" from the Railway Labor Act definition of a "carrier." Although unaware of any possible effects of this conforming change on the standards applied under the Railway Labor Act, Congress plainly delineated its intent in new Section 10501(c)(3)(B) of Title 49, U.S. Code [109 Stat. 808]: "The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employers and employees by the Railway Labor Act."

The apparent contradiction between the legislative intent stated in Section 10501(c)(3)(B) and the conforming Railway Labor Act in Section 322 could be interpreted to alter the legal standards by which companies are determined to be governed, or not governed, by the Railway Labor Act. Therefore, a technical correction is necessary to restore the former Railway Labor Act terminology and thus avoid any inference that is at odds with the clearly stated legislative intent not to alter coverage of companies or their employees under the Railway Labor Act.

We hope that this brief summary of the facts will provide you with information useful in your future deliberations.

Respectfully,

BUD SHUSTER,
Chairman.
SUSAN MOLINARI,
Railroad Subcommittee Chairwoman.

Mr. HOLLINGS. Mr. President, there are some other things to be touched upon as we move through this. I think one of the important things is the particular charge that they come bringing about something being unfair and not according to the rules, or whatever else.

I reiterate as positively, as affirmatively as I can, ever since 1973, when the Federal Express Co. was organized, it has been under the Railway Labor Act, the Railway Labor Act. All of its matters, I am finding out as a lawyer, are automatically referred by the NLRB to the National Mediation Board. The matter that is now being discussed, what is being "fair" and "unfair" and those kinds of things, and "Why can't we change that?" it could be if we had some hearings, if we had it brought before the Congress.

But the best of the best has just served on what we call the Dunlop Commission. When President Clinton came to town, he got the former Secretary of Labor under Gerald Ford, President Ford, and said, study and see what needs to be done under labor, the labor statutes.

None other than Doug Fraser, the former president of the United Auto Workers, served on that commission. And that commission determined that the Railway Labor Act should not be modified.

We can be ready to argue that and go in length on it. But I think when you find the UAW lawyer, and they know about this decision of the Mediation Board that I already put in the record, when you find a Teamster lawyer, in his arguments before the circuit court, when you find the Dunlop Commission—if we had just started this thing, we would have weighted support by all the particular studies and lawyers who have been in the particular field.

But like the sheep dog that had tasted blood, when they saw this particular mistake, they went to gobble up the entire flock. They said, "We can do it. All we need to do is have everyone anxious to go home, and we'll just show them, and we'll move to postpone. We'll say, 'Read the conference report. Read it.'" And then after reading it for 2 days—the distinguished Senator said he did not know why we were here for 2 days. The 2 days is so the union crowd can work around the clock.

I cannot do any work when I am on the floor trying to defend the truth. Yet we are getting blamed for blackmail and that kind of thing. I think it is totally out of character with the service here in this particular body. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry. How much time remains on this side?

The PRESIDING OFFICER. The Senator from New Mexico controls 56 minutes 20 seconds. On the other side, it is 37 minutes 54 seconds.

Mr. KENNEDY. Mr. President, are you suggesting we have only 36 minutes on our side? We had one speaker, Senator FEINGOLD. He was our only speaker.

Mr. HOLLINGS. I just got through speaking.

Mr. KENNEDY. Whose time?

Mr. HOLLINGS. Our time on this side.

Mr. KENNEDY. With all respect, I did not yield any time to the—I thought the Senator was opposed to the position. The way it was divided up, we are entitled to at least have time for the Senators in opposition, the position of the Senator from Massachusetts and the others. I did not understand the time agreement was to be between—I am always glad to accommodate, but I mean we have had one speaker against it. Now it is 20 until 4. We have been here since 2 o'clock. We have had 15 minutes on one position.

I ask, how was the time allocated?

The PRESIDING OFFICER. The time was under the control of the respective leaders. Therefore, the time on the part of the Democratic Senators is charged to the Democratic leader, and the time on the part of the Republican Senators charged to the Republican leader.

Mr. KENNEDY. Well, Mr. President, that is a surprise to me. Was that the way it was done yesterday, Mr. President?

As I understand, I had the control of the time yesterday.

The PRESIDING OFFICER. The Senator from Massachusetts is correct, that was the procedure yesterday. There is a different time agreement in place today.

Mr. KENNEDY. Well, parliamentary inquiry. When was that time agreement entered into?

The PRESIDING OFFICER. The Chair is incorrect. It is the same agreement.

Mr. KENNEDY. Well then, could I ask the Chair then to correct the time allocation?

Mr. STEVENS. Mr. President, there is no correction due. This time was divided across the aisle, an even amount of time for the Democrats and an even amount for Republicans. After all, we do have more Senators on this side of the aisle than that side of the aisle, and yet we split the time evenly. Three hours each day is to be split evenly between the two sides.

Mr. KENNEDY. Or their designees, as it was yesterday, Mr. President. I was here all day yesterday.

We talk about a "jamming." We were here yesterday, and we had it divided up evenly between those for it and against it. We have had one speaker who has spoken for 14 or 15 minutes against this provision, and now we are told we have 38 minutes left. That is not the—that is very, very clear. That certainly supports what we have been saying about this particular provision, Mr. President. We did not divide the time yesterday that way. It is unacceptable to say you are to change the rules of the game overnight without anything to demonstrate it.

The PRESIDING OFFICER. The Chair was mistaken in suggesting there was a change in the time agreement. The Chair is advised by the Parliamentarian that the agreement has been followed in this pattern ever since it was entered into.

Mr. STEVENS. Mr. President, I ask the Senator from Massachusetts to look at the order. It is ordered that at 2 p.m., Wednesday, October 2, there is to be 3 hours for debate only, to be equally divided between the two leaders. That is what we are doing.

If the Senator seeks any more time, I am prepared to stay here as long as he wants to have more time.

Mr. KENNEDY. I have every intention to have time to do that, Mr. President.

Mr. STEVENS. This time is to be equally divided between the two leaders.

Mr. KENNEDY. It was my understanding——

Mr. STEVENS. Mr. President, 46 Senators over there have an hour and a half, and 53 Senators over here have an hour and a half. I do not see anything unfair.

Mr. KENNEDY. I will take what time I shall need at the appropriate time, Mr. President. This is the first time that I can remember in the time I have been in the Senate when there has been a division on an issue with those Members that are for a proposal and those that are against, and when there is a time agreement to divide the time equally, and then have it interpreted the way it has been interpreted—this is the first time in my recollection this has happened.

I made it clear, both to our leader, and he indicated to the majority leader as well, as to what we were asking for, and that is to have an hour and a half on each side to make the presentation evenly divided. This is a convoluted interpretation of that understanding.

I will take such time as I might need later on.

Mr. STEVENS. Mr. President, I yield such time as the Senator from New Mexico desires.

The order is specific, to be equally divided between the two leaders. The Senator from Massachusetts has been assuming he has been designated by the leader that he is to assume the time. I have not been advised.

Mr. DOMENICI. How much time, Senator MURRAY, did you want?

Mrs. MURRAY. Less than 10 minutes.

Mr. DOMENICI. She has been waiting longer. I will yield if they take it out of their time, and then ask that the Senator from New Mexico be recognized after Senator MURRAY completes her remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico will be recognized at the conclusion of the remarks of the Senator from Washington. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise today as a strong proponent of the bill before us H.R. 3539, the Federal Aviation Administration reauthorization bill. This legislation does provide critical aviation safety and reform efforts and it is the principle authority for aviation infrastructure investments.

The importance of this bill only underscores the time and serious attention, Members in this Chamber have given to the legislation's express carrier provision. I have listened closely over the last few days to colleagues whom I deeply respect, on both sides of this issue and both sides of the aisle.

As much as I want to see the FAA bill pass, I believe we must focus on the question of fairness. Did this provision, we are now debating receive enough public comment and undergo hearings necessary to adequately judge the change? Is this provision so insignificant, that it can be quickly addressed in the rush to adjourn? Are we creating a priority system that places specific companies above others?

These questions are serious and far-reaching. This provision raises too many concerns and justifies this Chamber's serious examination of the language. First, one must look at the legislative history of this rider. There has never been a hearing on this provision in a House subcommittee or full committee. Neither have there been any hearings on this provision in a Senate subcommittee or full committee.

There have been previous attempts to attach the rider to omnibus appropriations bills, the National Transportation Safety Board reauthorization and the Railroad Unemployment Act. All of these attempts to insert this controversial language have failed.

The rider was not on this bill as it passed the House and was not included in the Senate's original FAA reauthorization bill until it reached the conference committee. There are even jurisdictional questions to be answered as the House required a special rule just to consider the provision. In the end, 198 Members of Congress opposed the FAA bill with this added rider.

Second, as debate continues on this provision, it becomes clear that this is not simply a technical correction. The term "express carrier" has been obsolete for years and was purposely removed from the Railway Labor Act and the Interstate Commerce Act when Congress passed the ICC Termination Act last year. Express carrier was removed, simply because no express carrier existed since the mid-1970's.

Congress is charged with promoting an equal playing field for all. Unfortunately, what appeared to be an innocuous correction has become a dangerous reclassification. We must ensure that employees of one company have the same opportunities as those employees in other similar organizations.

Many will try to boil this issue down into another labor battle. I prefer to look at the provision as one that denies a specific group of employees, basic rights in the workplace. These opportunities are already granted to these employees' colleagues.

All of us are ready for adjournment. Many have felt that they've become hostage to an insignificant technical correction with little impact. Our 4 days of debate will one day, however, appear insignificant. Especially in contrast to the thousands of workers who will forever be held hostage by this language.

Mr. President, let's act reasonably. Let's act rationally and by all means let's adjourn. But let's leave this session with a clear conscience and a bill we can all live with, confident that we did not act in haste or shortsightedness.

In the interest of good Government and good public policy, let's remove the provision and re-examine it through the normal legislative process. In the interest of good Government and good public policy, lets pass the FAA bill without this express provision. This legislation is strong enough on its own merits. I am certain the House will recognize its responsibility to come back and finish a job, so critical to America's workers.

The PRESIDING OFFICER. Under the previous order the Senator from New Mexico is recognized.

TRIBUTE TO RETIRING SENATORS

SENATOR BENNETT JOHNSTON

Mr. DOMENICI. I have not had occasion to speak on the floor with reference to some of my close friends, retiring Senators, other than some remarks I made with reference to BENNETT JOHNSTON. We came to the Senate together, and I addressed my thoughts on BENNETT JOHNSTON. He is my ranking member and I have been his.

Now I will take a few minutes to talk about a number of Members. I do not know that I will be able to comment on all my fellow colleagues that are leaving, but I will briefly state my remarks, and I hope brevity is not taken by any of the departing Senators as an indication of my heartfelt feelings. In a few minutes I will cover a lot of them with some observation that I remember most specifically about each Senator.

SENATOR PAUL SIMON

I start with a Democrat Senator, Senator PAUL SIMON from the State of Illinois. I perceive, as I look at Senator SIMON, that he was a quiet man, who acquired a great deal of respect in this Chamber and became very effective because he has been very forthright in the manner that he does business and carries out his initiatives and efforts.

He has always put all his cards on the table, even in cases where not all the cards were on his side. I think his reputation for integrity and honesty, along with his articulate manner of presenting things in a low-key manner, have gained him a significant reward in this institution by way of his accomplishments. We will miss him.

Obviously, he has done work in mental illness parity, the Genetic Privacy Act, the balanced budget amendment for which he will be known, line-item veto, some work on homelessness, problems of violence on television, and the programming that he has deemed indecent and not worthy of presentation. I commend him for his time in the Senate and wish him and his wonderful wife the very best.

SENATOR HANK BROWN

Second, I take a few moments to talk about Senator BROWN from the State of Colorado. I wanted to say right up front, I have been in this Chamber now for 24 years, 4 terms. I have not seen a Senator make as much of an impact in 6 short years as has the distinguished Senator, Senator BROWN, from the State of Colorado. He is a man with great talent, a marvelous wit, and a great knack for making the complicated simple. He has helped us present very complex issues in ways that the American people understand, and he has done that wherever he chose in whatever committee work or here on the Senate floor.

No one was more effective in defeating the 19 billion dollars' worth of so-called stimulus package proposed by President Clinton which would have been $19 billion more added to the deficit. Senator BROWN provided clear, powerful examples and straightforward and practical reasons as to why we should not do that. His ideas were contagious, and I believe among the many things he can take credit for, it is this example of clarity that he gave to all of us which permitted an issue that clearly, clearly, should not have gone the way the President asked. Because of him, it did not.

SENATOR JIM EXON

Let me take just a moment to talk about another Senator. First of all, I wish I had more time to talk about my cohort on the Budget Committee, Senator EXON, of the State of Nebraska. But as I indicated, I do not have enough time to say all that I would like, and I don't believe I will find enough time; but here are the three things I recall most vividly about the Senator. First and foremost—and only people who work with the budget will appreciate this—I think Senator EXON should be commended because, as he took over the Budget Committee, he was fully aware that you can't do that work without the very best staff. He retained and added to the fine staff, and, as a consequence, the work and combat of budgeting was done in a professional manner, in a manner clearly calculated to present the facts and the truth.

Obviously, he has been a leader in budget matters, a strong Senator in favor of fiscal control. While we may differ, there is no question that in my chairmanship and his ranking membership of that committee, we clearly set the tone for the country that a balanced budget was absolutely necessary for the future of our children and our country. He has gained expertise, obviously, in some special areas of armed services, for which I commend him. Those who are in agriculture and farming in his State know how hard he worked to maintain the right things, as he saw them, for that part of America's marketplace mix. Much of that was directed at his State, but it helped many farmers everywhere.

SENATOR HOWELL HEFLIN

Mr. President, I have just a few remarks about the distinguished Senator, Senator HEFLIN. I think we all know this Senator came here as a renowned judicial reformist from his State, where he presided in a masterful way over reorganizing the judicial system and putting honesty and integrity back front and center in that system in Alabama. He brought to us his very sharp mind on legal matters, and he has been consistently well-prepared on a wide diversity of issues, for which he will be remembered as much for the clarity of purpose and the clarity of expression as for the issues themselves.

He also deserves our accolades, because anybody who chairs the Ethics Committee of the U.S. Senate for any sustained period of time deserves our highest esteem. Not only did he do that, but he did it during the most difficult of modern times in terms of that Ethics Committee. I believe the matters before him took a long time because of their complexity and personal nature, but things came out fairly well. I believe he is entitled to a great deal of respect for that.

SENATOR DAVID PRYOR

Mr. President, I want to say a few words about a Senator on the other side of the aisle, Senator PRYOR. Let me just say that this Senator, as I view it, has been a marvelous, quiet, strong advocate for the issues that concern him. Whether it was the Taxpayers Bill of Rights, which he proposed, or whether it was his advocacy for small business, he obviously did it with a kind of calm and calmness that many of us wish we could have every day we come to the floor of the Senate.

I also want to commend him, because it fell to him—and I assume it was with relish on his part—to be the principal defender in many instances of the current occupant of the White House, President Bill Clinton. They are from the same State. Senator PRYOR had been Governor, as had Senator BUMPERS, of that State. I think his efforts to support the President and fellow Arkansas resident was done eloquently and articulately. But I also believe that he had the ability to do that, which puts him in an extremely partisan mode, without ruffling the feathers of those of us on this side of the aisle because of the way he did it. It seems to me that he added some great character to his personality, because he did it in a way that was not intended to offend us on this side of the aisle, and he did it in great, good spirit. I commend him for that. He had a heart attack and came close to death in that episode. He brought a great deal of calmness to all of us, as he shared going through the rigors of that incident. I thank him for the personal way he has affected all of us in a positive manner.

SENATOR ALAN SIMPSON

Mr. President, I would like to say a few words about Senator SIMPSON. I don't know what we can say to label him. We all, in a very strange way, sort of smile when we think of Senator SIMPSON. I guess it is fair to say that he is our cowboy philosopher. He has educated and delighted the Members of this Chamber with his unmatched sense of humor and his sharp wit, with his fine mind and his broad knowledge.

He has helped lead the charge in so many areas that are so desperately in need of reform. While he didn't yet accomplish his goal of reforming the entitlement programs of this country, it is clear that he never backed away from calling things exactly as he saw them, whether or not that would lead to his adulation or to, as he has indicated to many of us, clamor by many, or to being chastised by many groups because of the way he presented issues, which was in the forthright manner that he believed in.

He took a lead in such matters as immigration reform. I think it is fair to say we would not have major immigration reform signed into law by this President but for this Senator. He was courageous in that regard, and he will be very much missed.

There will be a few Senators whom I will mention before we adjourn. I will try to find time without burdening the Senate. At a time when perhaps there is nothing else to do, I will try to find another 15 or 20 minutes to comment on a few other Members. Those I have commented on and talked about will be missed. I trust that we will all get to see each other again, and frequently. But I understand that may not be the case, for as you leave the Senate, sometimes you don't see each other for years. We will miss them dearly.

I yield the floor.

FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION—CONFERENCE REPORT

The Senate continued to consider the conference report.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I want to take the bulk of my time to talk about really the underlying fundamental issue, which is how we are going to treat working families, because we have heard a great deal about technical amendments, nontechnical amendments, holdings, committee reports, and all of the others. I will just reference some of those items very, very quickly and then get to what I think is really the fundamental issue. That is the issue of fairness. Are we, by the action that has been included in the legislation, really denying some fundamental justice to scores of American workers who have been playing by the rules and believe that they ought to have their rights considered and adjudicated under the National Labor Relations Act, a process and procedure which is being considered at this very time?

Mr. President, just to reiterate the points that have been made by Senator FEINGOLD, Senator MURRAY, Senator SIMON yesterday, and others, all of us are for the FAA conference report—without this particular provision. We were prepared to offer the FAA conference report without this provision as an amendment to the continuing resolution and do it within a 5- or 10-minute time limit. That would have been over and been accepted in the House of Representatives, and we would not be here this afternoon discussing this particular amendment. Or we could follow another procedure by just calling a clean bill up from the calendar this afternoon and acting on that this afternoon and doing that by voice vote, and our colleagues and friends would not have to inconvenience themselves by being here tomorrow.

There is a question then about whether the House would accept it or not. But the precedent is quite clear that the House has taken favorable action in such situations in the past and are still acting on some measures, even as we are here.

There is really very little reason to doubt that they would accept it, particularly when you look back over the debate and discussion in the House of Representatives when they were considering the FAA conference report.

So that is where we are, Mr. President, and that is why we continue to maintain that it is those who are continually committed to this provision who are the ones that are really holding up the Senate. It is not those of us who want to move along into other endeavors but feel compelled to protect the rights of working families to make this case.

Mr. President, just very briefly, the National Mediation Board has ruled 12 times since 1978 on cases involving Federal Express. There has been a discussion of that by my friends and colleagues, the Senator from South Carolina and others. These cases involve requests for union elections, unfair labor practice charges, and other labor-management issues. In one case involving the Airline Pilots Association, the court Board found that FedEx had engaged in unfair labor practices that tainted the election so badly that a new election was ordered.

In all 12 of these cases the National Mediation Board exercised its jurisdiction over Federal Express as an airline. Federal Express argued over and over to the National Mediation Board that it was an express company too. The National Mediation Board ignored this argument every single time. No court or board has ever held Federal Express is an express company under the Railway Act.

That is the statement I made yesterday. Individuals can quote various cases and draw various conclusions. But those statements remain uncontroverted.

Mr. President, just again very briefly, was this really an oversight, or was this just a technical question? If we accept the arguments that have been made by my friend and colleague from South Carolina—he interprets the cases favorably to Federal Express, and states that the National Mediation Board ruled that all of its trucking operations would be considered under the Railway Labor Act, there is no real reason why we have to even be in the situation that we are in. You can't have it both ways. You can't say they have all ruled in all of these cases to include it and, therefore, they would achieve what Federal Express wants to achieve, and that is to get all of their trucking operations under the coverage of the Railway Act so that there will not be the possibility of the workers to get together to pursue their grievances. We are not under any illusion—and nobody should be—about exactly what the issue is really all about. So if it is, as the Senator said, they should not really need this measure. But, nonetheless, they have fought tooth and nail, tooth and nail in order to get it, which basically sustains the point that I have made.

How did we come to this situation? I refer just to the ICC Termination Act of 1995. That act struck the term "express company" from the Interstate Commerce Act. In the conference report, by Senate amendment it said "Outdated references to express and sleeping car carriers, which no longer exist, would be removed." A conforming amendment struck the same term from the Railway Labor Act.

This is the conforming measure in the ICC Termination Act. You have it specifically in the legislation, and specifically in the conference report. And that conference report was signed by my friend and colleague, Senator HOLLINGS, and many others.

So it is difficult again for us to perceive that this was somehow just a hyphen that was overlooked. Those are the facts. There may be different conclusions drawn from this fact. But, nonetheless, that is so.

Mr. President, the fact remains that when we asked an independent review board to review and evaluate whether this was a technical correction, or whether it was a substantive correction, the Congressional Research Service reviewed the history, reviewed the legislative history, reviewed the various documents, and indicated that it was not. It was a substantive issue. I know the Senator from South Carolina is unwilling to accept the Congressional Research Service's independence in its review of this and its conclusion. But, nonetheless, they have found and supported the same position that I have taken. Senator FEINGOLD, Senator MURRAY, Senator SIMON, and I have not taken the position of the Senator from South Carolina. I can understand why he differs with it. But, nonetheless, the Congressional Research Service again supports our position.

If you review what the debate was over in the House of Representatives—

where the members of the House Transportation Committee and Aviation Subcommittee, Democratic members, indicate very compellingly their view—they never viewed this as a technical amendment. And, as a matter of fact, the House Parliamentarian ruled it was outside of the scope of the conference itself because it was nontechnical and required an independent vote. The House Parliamentarian is not under the purview nor under the control of the Senator from Massachusetts, nor our other colleagues. He made a judgment that it was outside of the scope of it and required the House of Representatives to vote on it. Virtually all of the Democrats voted in opposition—30 Republicans voted in opposition, and 15 Democrats voted in favor of it.

So, I took time yesterday to review the relevant statements of the members of the House Transportation and Aviation Committee that made comments on this, that are basically in support of the Congressional Research Service and others that this is not a technical correction. It is an effort by Federal Express to have this growing operation of the utilization of trucks considered under the Railway Labor Act, and thereby be able to have a competitive advantage over any of their competitors. Make no mistake about it. This provision is only for one company.

I mean the idea that we are making a technical correction out here like it was generic and it was going to apply to a whole class defies any kind of logic, or understanding, or truthfulness, as has been used here on the floor of the Senate. It only affects one company; and that is Federal Express.

So, let us try to at least not to misrepresent exactly what the significance of all of this is. The reason for that is Federal Express currently has 560 aircraft, and 37,000 vehicles, according to the fiscal year 1997 earnings statement, Federal Express makes no secret of its plans to increase its trucking-only operation.

In May 1996, a top Federal Express official told a House staffer preparing a paper on Federal Express for a graduate school course that FedEx's ultimate goal is to send 80 percent of its packages by truck. In the future, according to this Federal Express official, only overnight packages traveling more than 400 miles will be flown, and all others will travel on the road.

So this business shift is the real reason Federal Express wants "express company" reinserted in the Railway Act.

To date, Federal Express has successfully argued that the Railway Act applies because the company is an airline. But, as Federal Express looks less and less like an airline and more and more like a trucking company, its argument that the Railway Labor Act applies becomes much weaker.

That is what this is all about. Those facts have never been really disputed or argued with, and that is because this is the essence of what this whole special interest provision is all about. Federal Express wants assurance that its workers will forever be covered by the Railway Labor Act, thus requiring nationwide bargaining units and making union organizing far more difficult. If "express company" is reinserted in the Railway Labor Act, Federal Express can argue in the future that its trucking operations qualify and, therefore, block its employees' efforts to organize.

Mr. President, that, all respects to the contrary, I think is the fair representation as to the reasons that we are here and why this particular provision has been put into this legislation.

Mr. President, I have here the letter from the Executive Office of the President, the Office of Management and Budget. I will include the whole letter in the RECORD.

I ask unanimous consent that the whole letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 2, 1996.

Hon. LARRY PRESSLER,
Chairman, Committee on Commerce, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: I am writing to express the Administration's position on the conference report to H.R. 3539, the Federal Aviation Authorization Act of 1996.

Let me begin by stating that there are many positive aspects of the conference report including many vital provisions which we strongly support. The bill authorizes Federal Aviation Administration's (FAA) programs, including the Airport Improvement Program, which enables the award of critical safety, security, and capacity expansion grants to airports throughout the country. H.R. 3539 also includes several important aviation safety and security initiatives, including many recommended by the Vice President's Commission on Aviation Safety and Security. In addition, the bill provides for many important reforms to the FAA that will enhance air travel safety

Unfortunately, the conferees to this bill also added a new controversial provision which would reinstate coverage of "express companies" under the Railway Labor Act. The provision appeared in neither bill and was agreed to without hearing or public debate. Congress deleted express companies from the scope of the Railway Labor Act last year in the Interstate Commerce Commission Termination At (P.L. 104-88) believing that the last express company went out of existence years ago.

The Administration believes that the provision is not a "technical amendment" to transportation labor law. In fact, it could result in a significant shift of the relationship between certain workers and management. We hope Congress will not jeopardize aviation safety, security, and investment initiatives as it comes to closure on this issue.

Accordingly, the Administration opposes inclusion of this extraneous "express company" language in H.R. 3539, and urges the Senate to complete action on this important authorization bill.

Sincerely,

FRANKLIN D. RAINES,
Director.

Mr. KENNEDY. Mr. President, I will just review it very quickly.

I am writing to express the administration's position on the conference report on the Federal aviation authorization.

There are many positive aspects of the conference report, including vital provisions, which we strongly support. The bill authorizes the Federal Aviation Administration's program, including the Airport Improvement Program, which enables the award of critical safety and security capacity expansion granted to the airports throughout the country.

H.R. 3539 also includes several important aviation security initiatives including many recommended by the Vice President's Commission on Aviation Safety and Security. In addition, the bill provides for many important reforms to the FAA that will enhance air travel safety.

Unfortunately, the conferees to this bill also added a new controversial provision which would reinstate the coverage of "express companies" under the Railway Labor Act. The provision appeared in neither bill and was agreed to without hearing or public debate. Congress deleted express companies from the scope of the Railway Labor Act last year in the Interstate Commerce Commission Termination Act believing that the last express company went out of existence years ago.

That is the REA.

The administration believes that the provision is not a technical amendment—

I will stress, "not a technical amendment." "Not a technical amendment."

to transportation labor law. In fact, it could result in a significant shift of the relationship between certain workers and management. We hope Congress will not jeopardize aviation safety, security and investment initiatives as it comes to closure on this issue.

Accordingly, the Administration opposes inclusion of this extraneous "express company" language in H.R. 3539, and urges the Senate to complete action on this important bill.

Mr. President, there you have it as well. They understand us. I do not know how much more we have to do. I do not think much more because anybody who has followed this discussion or debate can see and understand very clearly that this is not a technical amendment. Here it is in the administration's review, Congressional Research Service independent review, members of the various committees who understand the history and the background of this review, that it is substantive, and as the administration's own letter points out, "the provision is not a technical amendment to transportation. In fact, it could result in a significant shift in the relationship between certain workers and management."

That is the issue. That states the issue. It affects the relationship between workers and management. Now, let us get to what that really means in terms of the workers and the management.

Mr. President, I regret very much that we are facing the impasse, but an important issue of principle is at stake—whether a large and powerful corporation can abuse its power and misuse its influence and obtain an unjustified benefit that flagrantly undermines the basic rights of employees. Let us get to the real issue, and that is the rights of working families. That is what is at stake, the rights of these workers' families who have pursued their interests under what they believed would be the law under the National Labor Relations Act, and that is the trucking operations would be under the National Labor Relations Act. They have not been able to get the final judgment and decision but the matter is in litigation. They believed they would be under that National Labor Relations Act. I think any fair evaluation, looking at UPS and other examples of holdings, would say they would.

Now, the issue at stake here has nothing to do with aviation security. It has everything to do with special interest legislation of the worst kind. The Senate Republican leadership is cynically using the aviation bill to conceal their antiworker payoff to the Federal Express Corp. The delay in the vote gives us time to shine the spotlight of public opinion on this unacceptable antilabor rider. I am optimistic that in the coming days we can succeed in passing a clean aviation bill without the Republican personal interest provision. That provision is designed solely to deny employees of a single corporation their right to join a union.

Truck drivers employed by the Federal Express Co. in Pennsylvania began organizing a union because they had not received a raise in more than 7 years. It is unconscionable for the Senate to intervene on the side of management to deny those men and women their rights.

Federal Express is a company that has grown rapidly in the past 20 years. The original motto of the company was, "People, Service and Profit." But as the company grew the rank and file men and women who contributed so much to the growth of the company found that they were being left further and further behind.

In 1991, truck drivers at Federal Express in Pennsylvania began organizing to address the same economic issues that face most working families. Not only had Federal Express truck drivers been denied a pay increase for over 7 years but the drivers also were concerned about company decisions subcontracting their routes, hiring temporary drivers instead of full-time regular employees, and reducing their hours on the job.

The organizing effort started with a group of 12 employees in Pennsylvania. After months of preparation, the workers filed a petition with the National Labor Relations Board for an election to form a union of 1,200 truck drivers in Federal Express' Liberty District in Pennsylvania.

The corporation, with its intense antiunion bias, has used legal maneuvers ever since to block those employees' efforts, and 1,200 truck drivers still have not been granted a chance to vote on whether to have union representation. Federal Express' delay has not cooled the drivers' commitment to work together to improve their conditions of work. In fact, more and more Federal Express employees are standing together and standing up to management. Employees are organizing not just in Pennsylvania but in 48 other States as well.

Now in desperation Federal Express has come crying to Congress to obtain this special interest rider to block their employees' efforts.

Now, who are these workers? Let me tell about some of the people at Federal Express, people who have worked hard year after year, people who want nothing more than to provide for themselves and their families. They are loyal workers. They are proud of Federal Express and the work they have done to build the company into a national powerhouse but they want to join together to better themselves. They want a voice. They want the ability to organize and address issues that are of concern to them.

Let me tell you about some of them. We heard from Leanna Cochran, from Indiana, who worked for Federal Express for 14 years as a courier, truck dispatcher and, in her own words, "anything else that needed to be done."

When she joined there were 80 employees in the area. Now there are 4,000. She told us how proud she was to wear the uniform.

> We dedicated our lives to making Federal Express what it is. In the late 1980's, I often worked over 100 hours per week. My friends say I have purple blood.

Meaning the symbolic color of the Federal Express.

> My friends say I have purple blood. Now there is no overtime because the company is contracting out more and more of its work. As Federal Express grew, management stopped caring about the people. The company's President, Fred Smith, has said there will never be a general pay increase in Federal Express, only performance standards that are impossible to meet. Even Fred Smith could not meet them.

Joe Carney, a tractor-trailer driver at Philadelphia station for 16 years, is 1 of the 12 original employees who met in 1991 to try to start a union.

> I've always given 150 percent of my effort loyally to the company, and I still am. I'm a team player, but I feel strongly that we need to have a union to help the workers. As a senior employee, I've seen my wages, benefits and other conditions steadily erode. At one point I didn't have a raise for nearly 7 years.

He explained that Federal Express' success, growing from 5 to 17 truck terminals in the Philadelphia area while he has worked there, has not translated to better wages or job security for the workers.

> We are all dismayed by what is happening in Congress. It's difficult for us to understand why any Senator would support a special interest provision for Federal Express that will undermine our efforts to get a union or try and build a better life for ourselves and our families.

Elizabeth Tucker, 42 years old, has been paying taxes for 24 years. She is a Vietnam era veteran. She enlisted in 1973. She served her country. She was a married mom for a number of years but was divorced and had to go to work to support herself and her 10-year-old daughter. She took a job at Federal Express in 1987. She started as a package handler, then a service agent, then become a truck driver, which she is today—a hard working, loyal employee since she started.

Last year, her mother was diagnosed with cancer. She asked the company to work with her so the family could help her mother with cancer treatments. She asked to use all of her own time, her vacation time, and her personal time to arrange her schedule with her sister and four brothers so that their mother would not have to go through the cancer treatment alone. Federal Express told her she could use her own time and arrange it with her sister and brothers so that they could take care of her mother.

They all arranged their schedules to take care of their mother, but 7 days before she was to take the time off to take care of her mother, Federal Express said they were not going to honor their agreement with her, they were not going to let her take the time off to take care of her mother. She had to rearrange everything with her sister and brothers so that their mother did not have to undergo cancer treatment by herself. To make matters worse, her daughter had recently had an infectious intestinal disease which required her to take time off to care for her. She was also exposed to the disease and therefore could have been contagious.

What did Federal Express do? Just before they finally agreed to let her go to take care of her mother, they gave her a disciplinary letter due to her absenteeism—because she missed work because she and her daughter were sick. Imagine the stress. Her mother has cancer, her daughter is sick, all she wants to do is use her own time to take care of her mother. Her employer finally lets her, but sticks a disciplinary letter in her hand.

Her job is stressful also. Her truck has to make 100 stops a day. Federal Express gives a money-back guarantee if a package is not delivered before

10:30 a.m. Drivers are required to deliver packages within 3 minutes of each other during the morning. From the time they hand one customer a package they only have 3 minutes to get the next package delivered. This is not only stressful, but raises serious, serious safety issues because it requires the drivers to drive as fast as possible to get to the next stop. If drivers take more time than the company requires, they can be denied performance pay, or get a letter that they are not working up to par—or it could lead to a disciplinary letter. The pressure is intense.

The company has asked drivers to shorten their time between deliveries and asked for them to get there at 90 percent of the time they had last year, and are asking for it to be done in only 87 percent of the time this year. They can only drive so fast.

Elizabeth Tucker has been working hard for Federal Express, driving and meeting the demands of her employer for many years now. She is trying to meet her family needs also. She is doing her best.

Bill Chapin lives in Indianapolis, has a wife and two children, a boy and a girl; he served 6 years in the Navy, enlisted. He is a Vietnam-era veteran. He has been working for Federal Express for 13 years as a truck driver; works with another 125 truck drivers at his shop. He is very proud of his work. He worked 96 hours one week, did everything to build the company, did everything he was asked to do, did whatever it took to get the job done. "Now the focus is all on profits, not people," he says. "They have been reducing the hours, hiring more and more part-time and temporary employees. No pay raise for many years."

But pay is not the only issue. Bill was chairman of the safety committee in his shop, and there were numerous workplace injuries and accidents. Most of these resulted from the requirement to meet very, very strict time deadlines. People injured themselves trying to meet these deadlines. People also got into car accidents trying to meet the deadlines.

Bill talked about the danger created by drivers who had to make the 10:30 money-back deadline. He said that from 10:15 to 10:30 every morning, people's lives are in danger as drivers go as fast as possible to meet the deadline. He said if a driver is late, he could get written up or he could lose his job. These drivers have families. They cannot afford to lose their jobs.

Unfortunately, that means people get injured, and it means that there are truck accidents. Bill heard about these at the safety committee meetings he attended. He remembered one meeting in particular, in 1993, when a truck driver in Chicago was trying to meet a 10:30 deadline. It was about 10:28 or 10:29 and the driver was trying to find the address of his next stop and did not see a 70-year-old woman crossing the road, and the driver hit her.

After listening to this report at a safety meeting, Bill quit the committee. Pay is important and Bill wants better pay and benefits, but Bill also wants a safe workplace and wants a voice to talk about these issues. He wants to organize. He served his country in the Navy. He is a good and loyal employee. He has worked hard to support his family. He just does not understand why the U.S. Senate would help his employer prevent him from joining with his fellow workers.

Ros Ranamon has a wife and a 21-month-old daughter. He is a truck driver in Washington, DC. He works with 300 other truck drivers, and has been with Federal Express since 1992, but he is considered a senior employee because the turnover is so high. He started as a part-time employee with Federal Express. When he was part-time, he was sick with the chicken pox, but the company had no disability benefits for part-time employees. He had only 5 sick days. After they started to organize in the company, the company began a part-time disability program for its part-time employees.

So it is not just pay. Sure, pay is important, and he would like better pay. But the employees need better benefits also.

There are other parts of the job that they need to organize for. For example, the company requires them to take a job knowledge test every 6 months. If you fail the test you could lose your performance pay. You get written up or lose your job, but no employee has a right to see the tests or the answers. Some were told they failed the test and would suffer the consequences, but they found out the test scoring system did not always work right. Sometimes it failed people who passed the test. He just works hard to raise his family. He is just trying to make a decent wage. He is just looking for fair treatment.

Ros Ranamon talked about how Federal Express gives all its employees nice, sharp uniforms, but employees' pockets are empty. They just do not give the employees raises, not until some of the employees tried to organize a union.

These workers, and thousands more like them, deserve better.

We had these people who commented today in our committee room, and behind them another 20, from Federal Express. These are individuals who need those jobs, and talked about their own personal experience. They talked about the sickness and illness of members of their family, about their children. It is a very difficult thing to do.

They were willing to share that. Frankly, it takes a good deal of political and moral courage, because there is no question that those individuals are going to be targeted. I hope not. I hope I am wrong. We will watch very closely those workers who are loyal, dedicated to Federal Express, each and every one of them. They indicated dedication to Federal Express, but that they wanted fairness and decency in the workplace to deal with some of these grievances. They wanted at least the opportunity to be able to see if they could convince other members to be able to join a union.

Maybe they could not, but they were trying to play by the rules of the game that are defined under the National Labor Relations Act. Their case is moving ahead since 1991.

But after this amendment that we are talking about here on the floor of the U.S. Senate, effectively you are wiping out their efforts to play by the rules. Men and women who have served in Vietnam, have been working since childhood, who have children of their own, playing by the rules—but, nonetheless, the big company comes in, planning to expand its trucking operation, trying to get an inside deal, trying to get an inside advantage. One company benefits and its name is Federal Express, and we are being asked to go ahead and continue with that, which is no more technical than a man in the Moon.

CRS recognizes it, the administration recognizes it, the House Members who are members of this committee recognize it. And any fair reading of the history of this measure and the actions that were taken would understand that as well.

These workers, and thousands more like them, deserve better. They deserve the right to decide for themselves whether and how they want to organize and deal with their employer. They should be allowed to join with other Federal employees in their area to form a union to protect their interests. There is no reason whatever for Congress to intervene on the side of management to block that effort.

Make no mistake about it, that is what this is about, tilting the scales for management. That is what the purpose is, to give them a leg up against those workers. Federal Express is determined to deny these Pennsylvania workers and other groups of employees in other States across the country the right to organize on a local basis. That is what this antiworker rider is all about.

So, I say: Shame on Federal Express for their pursuing this, and on our Members of Congress, in the final hours, for including it. Let us fight to reject cloture and reject this special interest rider, and permit employees of this company to decide for themselves whether and how to bargain with their employer.

The aviation bill will pass in a second once this antilabor rider is removed. There is no threat whatever to the aviation bill. The Republican Senate is knee deep in Republican hypocrisy as

Republican Senators talk about the importance of the aviation bill. We all agree on its importance.

What we don't agree on is that this bill should be used by the Republican leadership in the House and the Senate to sneak through into law a special interest antiwork payoff to Federal Express at the expense of the corporation's deserving, long-suffering employees.

Few things more vividly illustrate the antiworker bias of the Republican Congress than this shameful antiworker rider. Republicans say, "Who cares about a handful of truck drivers in Pennsylvania?"

We reply, "We do. Democrats do. Democrats are on their side."

We make no apology fighting for them against this shameful Republican maneuver. Those Pennsylvania workers are a symbol of what is wrong with this Republican Congress. A farewell gesture by the Republican-controlled Congress as we adjourn for the election is to try to enact a law, one more in their long line of antiworker proposals. The American people understand what happens here. There will be two votes on this issue: one is on Thursday in the Senate, and another on election day in communities across this country.

Mr. President, as I mentioned, these will be the final actions that will be taken by the Congress, and in thinking about this particular measure and listening to those who hold a different position, I was thinking back over the period of the last 2 years and what has been the record with regard to working families by the leadership in the House and Senate of the United States.

I step back to the early part of this Congress, to the period in February and March of a year ago, and see one of the first actions that was being put forward in the Congress and the Senate of the United States was the repeal of what we call the Davis-Bacon Act. That is to use a prevailing wage, whatever the average wage is in a particular labor market area, on the building of Federal construction, so that the fact the United States is contracting in a particular geographic area will not either raise or depress the wages of working families. That applies to the construction industry, which is the second most dangerous industry—mining, No. 1, construction, No. 2.

The average wage across the country and in my State of Massachusetts under the Davis-Bacon work for construction workers is $27,500—$27,500. I was asking myself, what do our Republican friends have against workers who are working in one of the most dangerous occupations making $27,500, individuals who have acquired skills, have gone through various training programs? What is it about those workers, given the range of different challenges that we are facing in this country, what is it about those workers in the construction industry that we are going to say, "We're going to undermine and we're going to make sure they are not even going to average $27,500."

Nonetheless, that effort was made not just once, not just twice, not just three times, but on a whole series of pieces of legislation. They added the repeal of Davis-Bacon to the National Highway System, and we blocked that. Then they tried to include the repeal of Davis-Bacon in their budget bill in 1995, but, once again, we forced them to remove it.

Time in and time out, not just to raise this issue and let the Senate judge it and then say, "All right, so the decision has been made that we are not going to repeal it," but relentless—relentless—to try to undermine working families that are going to make $27,500 in the construction industry.

So we said, "All right, that is just the beginning. That is just the first program." But it was just about that time that we had the Republican budget, and the Republican budget was going to provide over a 10-year period an additional $4 trillion for what would be considered corporations and individual tax benefits. There was only going to be one area where there were going to be tax increases—$4 trillion for companies and the wealthiest individuals, but only $20 billion of raising the taxes.

One could say, "Look, out of all of those tax loopholes, certainly we ought to be able to find $20 billion in there." I can think of several of them. They come to mind now about the issues of deferral or title transfer, and other items, which are just gimmicks which work to an unfair advantage for those who take advantage of them.

We thought we might be able to recover the $20 billion. The answer to that was no. The Republican leadership wanted to increase the taxes on working families, again, by reducing the earned income tax credit. Who benefits from the earned income tax credit? Workers who make below $28,000 who have children. They are the principal beneficiaries. As the income goes down, they are able to participate in the program, and it is actually phased out at about $30,000. Here we have a $20 billion tax increase on working families that are below the $30,000.

Cutting back on construction workers, cutting back on workers who have children with the earned income tax credit.

Mr. President, it did not take long right after that when I, Senator DASCHLE, and a number of our colleagues—my colleague, Senator KERRY, Senator WELLSTONE, Senator LEVIN, and many others—introduced an increase in the minimum wage for working families, for individuals who work 40 hours a week, 52 weeks of the year.

Since the late 1930's, Republicans and Democrats have come together to make sure those people who are going to work are going to be able to acquire sufficient income so they do not live in poverty. We were going to honor work in America.

In 1980, a family of three was at the poverty line. But over the last 5 years, we have lost the purchasing power. It is at a 40-year low. All we wanted to do was to try and bring that purchasing power just about close to what the poverty line would be for a family of three.

All we found out was the strong opposition of the Republican leadership. This is what House Majority Leader DICK ARMEY said on January 24, 1995:

> I will resist any increase in the minimum wage with every fiber in my being.

This is what the Republican whip, TOM DELAY, said:

> Working families trying to get by on $4.25 an hour don't really exist.

Well, Mr. DELAY, why don't you talk to the approximately 4 million families that got the 50-cent addition yesterday?

The increase in the minimum wage is a woman's issue. Sixty-six percent of those who get the increase in the minimum wage are women. It is a children's issue, because of the millions of children living in families that are dependent on that increase in the minimum wage. It is an adult issue. Seventy-seven percent of those who receive it are adults.

Mr. President, not according to our Republican leadership. Here is our Republican conference chairman, JOHN BOEHNER:

> I'll commit suicide before I vote on a clean minimum wage bill.

And so they went on, refusing to permit at least our committee to have a hearing on the increase in the minimum wage so we could review whether it is inflationary or whether there is going to be a job loss. Important studies indicate in a number of instances an expansion of the job market, because more people, who had gotten out of the job market, will come back because they want to participate because they think it is well worth their efforts to work at that figure. We wanted to have a hearing to put some of those issues to rest, but we were denied even an opportunity to have the hearing.

Then we came to the floor, and time in and time out, the Republican leader, Senator Dole, resisted every single effort that we made in order to get a minimum wage increase scheduled on the floor of the U.S. Senate and went to extraordinary heights to make sure we were not going to get it.

We finally did get it, and after we got it, what did the Republican leadership try to do? Tried to reduce it, No. 1, and delay its implementation, No. 2. It was supposed to go into effect July of this last year. It went in effect in October. There were talks about trying to do it in mid-January or February.

You know, the interesting reason why it was that time was so that the large commercial stores could have the lower wages during the Christmas period. That was the reason. Thinking about working families? Thinking about those people that are out there trying to make a living? That was the position with regards to working families.

That is why, Mr. President, when we are coming with the last action of this legislation, many of us are not surprised of the virtual uniform support for this provision on the other side and the virtual Republican unanimity in the House of Representatives. We have seen what that record has been and what value they have placed on the interests and the grievances of working families—working families.

Another area, of course, that they have great interest in the working families is the——

Mr. STEVENS. Will the Senator yield?

Mr. KENNEDY. I would like to continue.

Mr. STEVENS. I think the Senator's time has expired some time ago.

Mr. KENNEDY. I asked consent to be able to proceed, and I was granted consent to be able to proceed.

Mr. STEVENS. When was that?

Mr. KENNEDY. When I started.

Mr. STEVENS. I don't remember the Senator being granted extra time. I was very indulgent. The Senator has been speaking for 40 minutes.

Mr. KENNEDY. I don't believe it has been that long.

Mr. STEVENS. I have not spoken on this issue now for 2 hours.

Mr. KENNEDY. I was here at 2 o'clock. And we know, at least in the earlier time, you indicated that you were prepared to see that I was going to be able to be given time.

Mr. STEVENS. That is true.

Mr. President, isn't the Senator from Alaska entitled to half of his time?

Mr. KENNEDY. I ask for the regular order, Mr. President, to be able to proceed.

The PRESIDING OFFICER. The Senator from Massachusetts is acting 10 minutes over his time. And I am not aware of the consent before I took the Chair.

Mr. KENNEDY. Well, Mr. President, as we found out earlier in the afternoon—I mean, the Senator from Alaska has pointed out—my good friend and colleague, Senator HOLLINGS, spoke using other time yesterday, and using, allegedly, our time today under the interpretation that was made on this. I had understood that I was going to be able to have the chance to speak. And I will ask for 10 more minutes to be able to conclude my remarks.

Mr. STEVENS. I do not have any objection if the Senator wants additional time, but I would like some time now. I mean, I thought this was equally divided. The Senator has spoken for now almost an hour this afternoon. It is very interesting, a Democratic campaign speech, Mr. President. But I have not heard much about the bill before us for the last 40 minutes.

So I do not have any problem giving the Senator extra time to speak on the bill, but why should I listen to this bunch of stuff that is going on over here that is not true? We can speak all night and half run the campaign from here. We are the only ones listening to the campaign here. But I have been hearing about nothing but a bunch of stuff about taxes.

Mr. KENNEDY. Regular order.

The PRESIDING OFFICER. If I could interject here, the Chair asks that Members to address other Members through the Chair.

The Senator from Massachusetts has made a request to be granted 10 more minutes. Do I hear an objection?

Mr. STEVENS. I object, unless after this Senator gets to use some of his time.

Mr. KENNEDY. I withdraw the request, Mr. President.

Mr. STEVENS. I ask unanimous consent that the Senator from ——

Mr. KENNEDY. I asked earlier to be able to proceed without interruption. I was granted recognition for that. I would ask, is the Chair going to respect that or not going to respect it? I will be glad to abide by whatever the Chair says. I intend to sometime be able to make this talk, whether it pleases the Senator from Alaska or not. I intend to make it. And I know that he might not want to hear it. But I will be glad to do it at one time or the other.

The PRESIDING OFFICER. If the Senator from Alaska would withhold, the Chair is not aware of any arrangements prior to my tenure in this chair. The Chair advises, the Senator from Massachusetts has gone 9 minutes over his time, and he has asked for 10 more minutes, and I did hear objection.

Mr. KENNEDY. Mr. President, I withdraw the request.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I ask to be added to the Senator's time that he has previously been allowed such time as he seeks now, 10 minutes.

Is that what the Senator seeks?

Mr. KENNEDY. I am not making any—I will take my chances when I—I know the rules of the Senate, and I will get a chance to speak tonight. I will take my chances and get the floor when I can.

Mr. STEVENS. That is what I am afraid of.

Mr. KENNEDY. That is too bad.

Mr. STEVENS. I have no desire to be here all night because the Senator is piqued now.

I want to ask how much time he wants so we have some understanding. We were supposed to have 3 hours equally divided. We had 3 hours equally divided. How much more time does the Senator want?

Mr. KENNEDY. Such time as I might use. And I yield the floor at the present time.

Mr. HOLLINGS. Mr. President, I would like in on this discussion.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. When the Senator from Alaska and the Senator from Massachusetts have completed, I think I ought to be able to answer the charges about my amendment.

The PRESIDING OFFICER. Who seeks recognition?

Mr. STEVENS. How much time does the Senator seek now?

Mr. HOLLINGS. Ten minutes.

Mr. STEVENS. Mr. President, first, let me ask unanimous consent that the time of the Senator from Massachusetts be extended for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. How much time does the Senator wish?

Mr. KENNEDY. I appreciate the sincerity of the Senator's inquiry on this, but I will take—under the rules of the Senate, I will be able to get recognition at an appropriate time. I will take such time as I will use. We were all set to have an hour and a half divided, as we did yesterday, Senator. We would have finished this whole debate at 5 o'clock. And then we have had the jiggling of what I consider rules by skewing the time between those that either favor the amendment or not. I know the Senator has a different time. But since that has been the case, I know my rights under the Senate rules. And at the appropriate time I will regain the floor and complete my statement.

Mr. STEVENS. Mr. President, I again read, "on Wednesday, October 2, there be 3 hours for debate only, to be equally divided between the two leaders." And we are trying to do that. I would be willing to, in view of the misunderstanding, to extend that time for the Senator from Massachusetts. But as I understand it, this is the only debate today. Maybe the Senator knows something I don't know. But at the present time, the Senator from Massachusetts objects to the extension of time to meet his needs.

I will yield 10 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 10 minutes.

Mr. HOLLINGS. I thank the Senator.

Mr. STEVENS. Will the Senator withhold for just a minute?

Mr. HOLLINGS. Yes.

Mr. STEVENS. Let me try it this way.

Mr. President, I ask unanimous consent that the Senator from Massachusetts be given the time following the time that the Senator from South Carolina has asked, equal to the time that the Senator from South Carolina uses—it's 24 minutes, I understand.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. I yielded time to the Senator from South Carolina time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, aside from the procedure, the allocation of time where you can't even move at this particular point to satisfy the distinguished Senator from Massachusetts, let me refer immediately to the chart that is behind the Senator.

As you know, irrespective of the time allocation, Mr. President, the subject allocation was clear. And the subject allocation was an amendment by the Senator from South Carolina governing Federal Express or express companies in the Federal Aviation Authorization Act.

And if the TV could go around, they could come right to this, "Why? Pay for tax cuts for the rich, help Republican special interests." "Republican attack on the middle class, slash Medicare, slash education, slash college opportunities, slash wages for working families."

I think, Mr. President, of the octopus method of defense, whereby the octopus, once cornered, squirts out this dark ink around the waters and then escapes within his own dark ink. I can tell you here and now by the references of the—and I quote—"Republican special-interest provision" that nothing could be further from the truth. Nothing could be further from the truth.

This Senator from South Carolina has been a Democrat since 1948.

I am not yielding to the Senator from Massachusetts on who is the Democrat and what is the Democrat's proposal. I proposed this, I proposed it proudly, I proposed it fairly, and exactly as the Senators and House members on the committee, by a vote of 8–6, would have it proposed, and by a majority vote in the U.S. House of Representatives, and has been approved.

I am not coming here with this talk about the Republican special interest provision, "Shameful Republican maneuver." I put it in there. Why is it important? To answer the question of the Senator from Wisconsin, it is a matter of honor. We made the mistake. Federal Express did not make a mistake. Federal Express did not ask for anything. I was told that we left out the reference "express company" inadvertently—not at the time we voted; it was after we voted. This particular ICC Termination Act, back in December, and after it was voted out, Mr. President, in the drafting of the final measure that we automatically signed, it was eliminated as I related earlier.

To come up with an antiworker charge, an issue of fairness and fundamental justice and all of that—they are ready to vote everything else. They are holding it up, after they moved to postpone, after they asked the entire report be read, and then make again the categorical statement, "No court has held Federal Express as an express company under the Railway Labor Act."

Well, we have some U.S. court decisions since commencing operations 23 years ago, and I ask unanimous consent that this listing, Mr. President, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL EXPRESS IS COVERED BY THE RAILWAY LABOR ACT—THE TECHNICAL CORRECTION DOES NOT CHANGE THAT STATUS

Since commencing operations 23 years ago, Federal Express and its employees consistently have been determined by the federal courts, the National Mediation Board and the National Labor Relations Board to be subject to the RLA. *See e.g., Chicago Truck Driver, Helpers and Warehouse Workers Union v. National Mediation Board*, 670 F.2d 665 (7th Cir. 1982), *Chicago Truck Drivers, Helpers and Warehouse Workers Union v. National Labor Relations Board*, 599 F.2d 816 (7th Cir. 1979); *Adams v. Federal Express Corp.*, 547 F.2d 319 (6th Cir. 1976), *cert. denied*, 431 U.S. 915 (1977); *Federal Express Corp.*, 22 N.M.B. 57 (1995); *Federal Express Corp.*, 22 N.M.B. 157 (1995); *Federal Express*, 22 N.M.B. 215 (1995); *Federal Express Corp., 22 N.M.B. 279 (1995); Federal Express*, 20 N.M.B. 666 (1993); *Federal Express*, 20 N.M.B. 486 (1993); *Federal Express*, 20 N.M.B. 404 (1993); *Federal Express*, 20 N.M.B. 394 (1993); *Federal Express*, 20 N.M.B. 360 (1993); *Federal Express*, 20 N.M.B. 7 (1992); *Federal Express*, 20 N.M.B. 91 (1992); Federal Express Corp., 17 N.M.B. 24 (1989); *Federal Express*, 17 N.M.B. 5 (1989); *Federal Express Corp, and Flying Tiger Line, Inc.*, 16 N.M.B. 433 (1989); *Federal Express Corp., 6 N.M.B. 442 (1978); Federal Express*, N.L.R.B. Case No. 22-RC-6032 (1974); *Federal Express*, N.L.R.B. Case No. 1-CA-22,685 (1985); *Federal Express*, N.L.R.B. Case No. 1-CA-25084 (1987); *Federal Express, N.L.R.B. Case No. 10-CCA-17702 (1982); Federal Express Corp., N.L.R.B. Case No. 13-RC-14490 (1977); Federal Express, N.L.R.B. Case No. 13-CA-30194 (1991). The charges filed with Region 13 in Chicago, Case No. 13-CA-3019 and Region 1 in Boston, Case No. 1-CA-22,585 were withdrawn after we presented the above evidence of our jurisdictional status.*

The National Mediation Board (NMET) recently ruled on Federal Express RLA status by stating unequivocally that "Federal Express and all of its employees are subject to the Railway Labor Act." *Federal Express Corporation*, 23 N.M.B. 32 (1995).

The term "employer" under the National Labor Relations Act excludes "...any person subject to the Railway Labor Act:" 29 U.S.C. §152 (2). Excluded from the definition of "employee" under the National Labor Relations Act is"...any individual employed by an employer subject to the Railway Labor Act..." 29 U.S.C.§152 (3). The Railway Labor Act defines "carrier" as "... (including) every common carrier by air engaged in interstate or foreign commerce..."45 U.S.C. §151, First and §181. Federal Express is a common carrier by air engaged in interstate and foreign commerce, and is certificated pursuant to Section 401 of the Federal Aviation Act.

That interpretation of the statute consistently has been applied by the NMB. Section 201 of the RLA, 45 U.S.C. Section 181, provides that the Act "shall cover every common carrier by air engaged in interstate and foreign commerce . . . and every air pilot of *other person who performs any work as an employee or subordinated official of such carrier or carriers*, subject to its or their continuing authority to supervise and direct the manner of rendition of his service." (Emphasis added). In accordance with that legislative directive, anyone employed by an air carrier engaged in interstate or foreign commerce is covered by the RLA. As was explained in *REA Express, Inc.*, 4 N.M.B. 253, 269 (1965):

"It has been the Board's consistent position that the fact of employment by a "carrier" is determinative of the status of *all* that carrier's employees as subject to the Act. The effort to carve out or separate the so-called over-the-road drivers would be contrary to and do violence to a long line of decisions by this Board which embrace the policy of refraining from setting up a multiplicity of crafts or classes. As stated above, there is no question that this particular group are *employees* of the carrier."

The United States Court of Appeals for the District of Columbia Circuit noted in regard to the NMB's *Federal Express* case that "the NLRB had 'never' asserted jurisdiction over" (Federal Express'." *United Parcel Service, Inc.*, v. *National Labor Relations Board*. 92 F.3d 1221 (D.C. Cir. 1996). Federal Express has participated in five union representation elections conducted under the auspices of the National Mediation Board, the most recent in 1995, and presently is participating in a sixth RLA election.

The Ninth Circuit Court of Appeals in *Federal Express Corp.* v. *California Public Utilities Commission*, 936 F.2d 1075, 1978 (9th Cir. 1991), *cert. denied*, _____ U.S. _____, 119 LEd.2d 578 (1992) found:

"The trucking operations of Federal Express are integral to its operation as an air carrier. The trucking operations are not sonic separate business venture; they are part and parcel of the air delivery system. Every truck carries packages that are in interstate commerce by air. The use of the trucks depends on the conditions of air delivery. The timing of the trucks is meshed with the schedules of the planes. Federal Express owes some of its success to its effective use of trucking as part of its air carrier service."

That court also stated:

"Federal Express is exactly the kind of an expedited all-cargo service that Congress specified and the kind of integrated transportation system that was federally desired. Because it is an integrated system, it is a hybrid, an air carrier employing trucks. Those trucks do not destroy its status as an air carrier. They are an essential part of the all-cargo air service that Federal Express innovatively developed to meet the demands of an increasingly interlinked nation."

It clearly has been established that Federal Express is a carrier subject to the Railway Labor Act. Its employees are likewise subject to the Railway Labor Act. No court or agency has ever determined that Federal Express or any of its employees are subject to the National Labor Relations Act.

Mr. HOLLINGS. Mr. President, citing just a few, Chicago Truck Driver, Helpers and Warehouse Union, 670 F.2d 665 in the 7th circuit; *Chicago Truck Drivers, Helpers and Warehouse Workers Union* v. *National Labor Relations Board*, 599 F.2d 816. Go right on down the list, *Adams* v. *Federal Express Corporation*, 547 F.2d 319, Federal Express Corp. 22 N.M.B.—that is not the court decision, but I can continue to cite them.

Court after court, board after board, and on the contrary, the distinguished Senator from Massachusetts refuses to acknowledge the truth, refuses to acknowledge that fact, and continually, the first day, yesterday, and now again today, stating, and I listened to him clearly, "No court has held Federal Express as an express company under the Railway Labor Act."

Absolutely false. Mr. President, that is the whole point about the modification here—this is a technical amendment. This is an important amendment. It was an important error because it was very, very clear, the intent, as I read from the ICC Termination Act of 1995 conference report the following sentence: "The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees and help employers by the Railway Labor Act." So they were covered at that particular time. They were covered under a 5-year proceeding, under that Philadelphia case, finally found unanimously on November 22, 1995, and we said our intent was not to change it. Through the drafting error, we found out, months later, in 1996, that it was changed.

They do not ever ask and they do not want to find out. Mr. President, there is a letter relative to the Office of Management and Budget. They got a spurious one from the Congressional Research Service. Now, October 2, 1996, Franklin D. Raines says:

> Congress deleted express companies from the scope of the Railway Labor Act last year in the Interstate Commerce Commission Termination Act believing that the last express company went out of existence years ago.

Where did he get that? I was there. You were there. Come on. We said specifically, "The enactment of the ICC Termination Act of 1995 shall not expand nor contract coverage of employees and employers by the Railway Labor Act."

So he never called me. I could have told him, as far as I know, it was an innocent mistake. He says, "This particular Hollings amendment and the FAA was agreed to without a hearing or public debate." Where was the public debate? Where was the hearing? Where was the Members' knowledge? At least the Members know of my particular amendment. We never knew of the dropping of the language there. So they want to get so official there "that could result in a significant shift of the relationship."

Why do they not call you up and find out what really went on, and why the positive interest? They continue to make these false statements. The Railway Labor Act was not to be modified in any way and the board has decided when they continue to say it has not decided, why it is as important a matter, I reiterate again and again, a personal matter with us and members of the committee that we would correct this. It is not for any special interest corporation. Federal Express had nothing to do with it when it was knocked out, and it certainly does not have anything to do with it other than trying to help me get some votes, I hope, now, but it is not being done for them; it is being done for our particular consciences. Maybe some in the Senate do not have any conscience left anymore.

Mr. President, there was another point. They keep on talking, all that about Davis-Bacon and minimum wage. I was going to come in and get the good Government award because I voted for Davis-Bacon, and I believe the Senator from Massachusetts was trying to give me the good Government award and get on my good side, but it had nothing to do with this particular amendment.

A list of the board of directors of Federal Express is here and we find that Howard Baker, the former majority leader on the other side of the aisle, and George Mitchell, the former majority leader on this side of the aisle are among the current board—I do not believe they would go along with that particular picture of a Federal Express truck, unfair or antiworker corporation.

I have so many things to go down and begin to correct because they are just running a touchdown in the wrong direction, part of a broader agenda, and all of these things that they put in, they have yet, since the very beginning, given me the name of the Senator or the name of the House Member that knew about this particular mistake being made.

This letter, as indicated from OMB that we thought the term express company was out, a staffer over there at the ICC apparently thought that, and that is why he left it out. It was not any part of our staff, it was not any Senator, it was not any House Member, it was not any hearing, it was never discussed. Does not anyone feel, as a matter of honor, we ought to correct the mistake?

It is not technical or superfluous. It is important. You can see how they are trying to roll the U.S. Congress, how many in here with fairness and tax cuts for the rich and Republican special interests and making it a partisan thing, so we can get a partisan vote if we cannot get the 60 votes to go to cloture. It is an embarrassment. They just do not have the facts on their side. They do not have the truth on their side. They do not have the decisions on their side.

Their rights, the rights of all workers, have been protected over the many, many years, long before the Senator from Massachusetts came and the Senator from South Carolina came. But they are trying a political gimmick here with news conferences and workers, and going down the list of the workers.

I thanked the Senator from Arizona yesterday. He happened to be attendant to the particular cases. He went down to those workers. I can't keep up with the number of workers they continue to bring. I guess with over 120,000 workers the world around, they can find a few. But the "best of the best" labeling of the 100 best companies to work for in America puts Federal Express at the very top in every regard. It is an outstanding company. They have nothing to do about taking advantage. I have something to do about not being taken advantage of and correcting the mistakes that were made, never heard, never discussed, never talked about, and put it where it is. So this crowd can't come in here rolling with their getting letters written from OMB. They have political power. I know their influence. They have influence over the CRS. The poor lawyer can write, except for the sentence he was asked about. Some say he ought to be fired from the Congressional Research Service, saying it was done intentionally, when the language says affirmatively, word for word, it wasn't done.

The PRESIDING OFFICER (Mr. GORTON). The time yielded to the Senator has expired.

Mr. HOLLINGS. I thank my colleague from Alaska.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I intend to get back now to talking about the bill that is before us. I am saddened that the Senator from Massachusetts has seen fit to attack the Republicans on the floor because of the situation we are in right now. As my friend from South Carolina said, the amendment being objected to by the Senator from Massachusetts is the amendment of the Senator from South Carolina. It is not a Republican plot. I don't know what all that stuff is over there. As a matter of fact, I don't think it complies with the rules. You can have billboards, as I have here, of a certain size, in order to illustrate a point pertaining to the matter pending before the Senate, which is the FAA bill.

In any event, Mr. President, I want to make sure that everyone understands this is probably the most far-reaching bill in the history of the United States dealing with aviation security and safety. It is a bill that, if it does not become law, is going to make us next year go back to square one and start the process all over.

Meanwhile, any tragedies that happen in this country, in terms of aviation safety or security, are going to be laid right at the feet of the people who prevent this bill from becoming law. There is a possibility that tomorrow a point of order will be raised against the bill even if we shut off debate, on the basis of the scope of this conference report.

In the conference report, we have included a series of matters that we thought were absolutely essential to the outcome of this process. The President appointed a commission. It was called the Gore Commission. That commission represented a series of things. In the things that were recommended, we have tried to include in this bill provisions that were in either the House bill or Senate bill to respond to the Presidential Commission on Airport Security and Safety.

For instance, there is the child pilot safety provision, Mr. President. That is title VI of this bill. I spoke earlier today about the family assistance provision, which was H.R. 3923. That is title VII of this bill. They are beyond the scope of the conference, there is no question about it. It takes the forbearance of the Senate to pass the bill that the House has already passed, recognizing the emergency that exists in our country coming out of recent tragedies in the aviation field.

Now, we have in this bill a provision that requires the FAA to study and report to Congress on whether some security responsibilities should be transferred from airlines to airports. That is in section 301. The FAA is directed now to certify companies that provide security screening. No longer is that going to be just an airport activity. It is an FAA responsibility now. We have provisions to bolster weapons and explosive-detection technology. Money for that is in the appropriations bill that passed now. It passed on Monday. The authorization to spend the money is in section 303. Unless the bill passes, that will not be done. There will not be explosive-detection facilities at our airports until Congress gets around to passing the bill again in the next year—hopefully. It has taken us 2 years to get it in this Congress. I predict that it will take at least 18 months in the next Congress to get back to this point.

This bill requires that background and criminal history records checks be conducted on airport security screeners and their supervisors, on those people, airport security screeners and supervisors. In other words, we are not going to let the fox in the henhouse in terms of the security of the aviation facilities.

We require the FAA to facilitate the interim deployment of currently available explosive-detection equipment. That means they will do it immediately. It is going to happen immediately if this bill passes.

We require the FAA to audit the effectiveness of criminal history records checks and encourage the FAA to assist in the development of the passenger-profiling system. We permit the Airport Improvement Program and passenger facility charges funds to be used for safety and security projects at airports. That is direct availability of funds for that purpose.

The FAA and FBI must develop an aviation security liaison agreement. They must lay out in advance how they are going to work together on security problems. FAA and FBI must carry out joint threat assessments of high-risk airports. That begins immediately when this bill passes. There is money in the appropriations bill to do it. It requires the periodic assessment of all airport and air carrier security systems, and it requires a report to Congress on recommendations to enhance and supplement screening of air cargo.

Mr. President, this bill is absolutely essential to the future security of our airports and our airway systems.

Further, let us talk about aviation safety. This bill reiterates in section 401 that safety is the highest priority of the FAA. It facilitates the flow of FAA operational and safety information primarily. It authorizes FAA to establish standards for the certification of small airports so as to improve safety at those airports.

The NTSB and FAA must work together to improve the system for accident and safety data classification so as to make it more accessible and consumer friendly. It requires the sharing of pilots' employment records between former and prospective employers to ensure that marginally qualified pilots are not hired. That is one of the basic defects in our laws today. This mandates that a new employer has the right to the pilots' records from all prior employers. Now, Mr. President, if there is any reason, above all, to pass the bill, it is right there, title V: No more defective pilots being hired by someone who does not know of the prior record of the pilot.

This will discourage attempts by child pilots to set records or perform other aeronautical feats. Unfortunately, that is required because of the recent problem we had with regard to a child pilot. Beyond that—look at this, Mr. President—this provides the authority to expend $1.46 billion on airports through this AIP program. That money can't be spent until this bill passes.

I have a whole list of things that are underway, Mr. President—underway now—and they are items that ought to proceed. I want to put some of them in the RECORD. Let me talk about some of them.

In northwest Arkansas there is a grant for the replacement of a commercial service airport. If these funds are not available the new regional airport will cease until grant funds are made available in the early next year.

In Reno at Lake Tahoe, the international airport there, they have completed a major parallel runway. But they have to have additional funds in order to complete that runway, and that must be available in the next 30 days.

They are in this bill.

The Sacramento International Airport just completed reconstruction of another parallel runway system. The immediate need is for the entitlement and discretionary funds to pay the debt for that process.

In other words, that can't be finished.

Over in Rhode Island at Providence, the Teddy Green State Airport, there is money in this bill. And if it is not available immediately the Rhode Island Airport Corp. will suffer financial hardship, and cash flow problems, if this grant is not made by the end of this first quarter of fiscal year 1996.

In Philadelphia, there is a runway under construction;

In Ithaca, NY, another runway construction;

Albany, NY, construction;

Clarksburg, WV;

Buffalo, NY;

Right here in Washington, the Metropolitan Washington Airport Authority;

Danville, VA;

Roanoke, VA;

The State airport in Baltimore;

Charlottesville, VA;

Out in Portland;

In Denver;

And, the Seattle-Tacoma Airport which is very familiar to people from my State and the occupant of the chair.

Mr. President, this is a national bill. It is money that is spent from a trust fund. It does not come from the Treasury. It comes from the trust fund. In order to take money out of the trust fund it must be specifically authorized. And this is the authorization right here. This is the bill before us.

If a point of order is made tomorrow against this bill and allows the bill to be destroyed, the whole conference report falls—the whole conference report.

From there on, you can only operate by unanimous consent; unanimous consent. This whole bill will then be dependent upon unanimous consent. Any one Senator can say, "No. I do not want go along."

Now we have three or four Senators right now who say they don't want the bill to go forward as it is. And we are flying people back here from all over the country to get 60 votes. We will get 60 votes to stop this filibuster.

That is what it is. It is a filibuster against FAA security and safety legislation because of one small provision, and the Senator from South Carolina stated what it is. It is to correct an error that was made when a bill was passed here last December.

Under the circumstances, all this business—I am a very patient man normally. At least I think I am. Some people may disagree. But I think I am patient with regard to expressions of opinion here on the floor. But I never thought I would come out here and listen to this campaign speech from the Senator from Massachusetts when we agreed to 3 hours equally divided today to debate this conference report.

Suddenly, it has developed into a campaign debate. If it is to continue, I am going to call for the campaign people to come out here and conduct the debate. I was prepared to debate this bill, and the reason this bill must become law.

I want to say, Mr. President, in all seriousness now, if this bill is to be destroyed by a point of order on a technicality tomorrow, we are going to be around I think a long time next year, and we are going to be hearing the charges that will come out of the terrible calamity that will happen in the event there is another serious airline crash, and we end up with the same laws—the same inadequate laws—trying to deal with them. Because that has been the problem—whether it is the ValuJet in Florida or the crash over New York, these crashes now are involving so many different problems; problems of recovering the remains of the aircraft from deep water off our shores, or to try to get it out of a terrible swamp down in Florida, and all of the various problems particularly of the victims.

I think I am about ready.

What is the time situation?

The PRESIDING OFFICER. The Senator from Alaska has 13 minutes and 50 seconds remaining. The Senator from Massachusetts has no time remaining.

Mr. STEVENS. Does the Senator from South Carolina wish any more time?

Mr. HOLLINGS. Just a minute.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Senator because on the subject here, the point of order, I remind all of my colleagues. That is what is required under this unique session that we had here in the U.S. Congress this year. We could not complete our work on six of the very important appropriations bills. Many of the provisions here early on Monday and all of Tuesday were included. I got upset with all kinds of provisions that never appeared in the House side and never appeared in the Senate side.

So I am very careful not to roll anybody, or pull any tricks. And I am rather taken aback that they are trying to talk and use the expression "blackmailing," and everything else, when that is exactly what has occurred—all through the very organized Senator trying to say "blackmail" this body. And the reason the Senator from Alaska has all of this documentary evidence up here to help the Republican special interests is to, by cracky, do their dead level best to make it a partisan issue when it is not; and making it a partisan issue requiring some 60 votes; all the time clothing themselves as being so reasonable; so interested in issues of fairness; fundamental justice; and, all of that. They are clothing themselves in those garments, and then come around and gut you. We know what is going on.

With respect to pay—and then I will yield—the statement was made earlier that the young lady, or someone, who had not had a pay raise in 7 years took me aback. So I called. And I will now read what was delivered to me by Federal Express, and I quote.

> The average pay growth of the entire FedEx work force with over 1 year of service, including over 30,000 couriers, has exceeded 50 percent over the last 8 years, and has averaged in excess of 6.5 percent per year over that same time period. The officers of Federal Express are excluded from this calculation.

So the smearing of the corporation—the company—the smearing of the sponsor with the charge of "blackmail" and "jamming" it, and running around the end, and trying to pull the rug out in the middle of the game, those are all smear tactics. They know it. They know I wouldn't engage in it. I am taking exception to it as strongly as I know how.

We will stand here with the rest of them because we have the truth on our side. Hopefully the truth will prevail tomorrow in spite of these labels and machinations that go on here trying to adulterate the process. That is what they are trying to do because they don't have fairness on their side.

We are not changing any fundamental law with the Hollings amendment in the FAA bill. Rather, we are restoring the parties to where they are, we think, at the moment, but certainly where they were in December of last year before this drafting error was made at the time of the termination of the Interstate Commerce Commission.

I thank the distinguished Senator.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am informed that approximately 75 percent of our people who travel between cities in this country now go by air. In my State, as I have said before, over 75 percent of the communities in my State can be reached only by air. No one, I think, here is more sensitive to the problems of aviation safety and security than those of us from Alaska. It is an area one-fifth the size of the United States. We literally are one-quarter the size of the continental United States. When you look at our problems in terms of aviation, we live and sleep and some of our people are born and many of them die on airplanes. We have to have aviation security. I have worked long and hard on this bill. We have had some disagreements over funding of the future expansion and modernization of our airports and airway system, but I must tell the Senate there has never been a disagreement in our committee that we had to have a bill this year. It has to be done.

When we got in conference and we started adding other issues —as I have said, we added the victims rights, victims assistance legislation, the rights of families legislation, we added a couple other items here and the measure obviously was opened beyond the original scope. The Senator from South Carolina offered his amendment. I believe it was the last amendment to be adopted——

Mr. HOLLINGS. Right.

Mr. STEVENS. In the conference, and it was adopted. There was a debate on it but an overwhelming vote, bipartisan vote in the conference.

I have to tell the Chair I never suspected that we were going to have this kind of delay on this bill. To me and to the people I represent, it is the most important bill of the whole Congress. I thought that the fishing legislation, extension of the 200-mile limit bill, the Magnuson Act was important—I still think it very important—but this bill affects the lives of every Alaskan several times a week. I cannot tell the Senate how strongly I feel about getting it passed, and how sad I am to learn that in all probability there is going to be a point of order raised on this bill tomorrow.

Incidentally, we must have 60 votes here tomorrow, and we are sending throughout the country alerts to everyone to come back and vote. I think there is an obligation of all Senators to be here, but obviously it is going to take at least 60 here tomorrow to terminate this filibuster. If the filibuster is not terminated, obviously the conference report fails. If the point of order is granted, obviously, the conference report fails also. It is not going to be an easy thing to explain to the country if we are not able to pass this bill.

So, again, I urge Senators to come back, that they be informed about this bill, to understand what it is. It is not part of the chart that is behind the Senator from Massachusetts. It has nothing to do with taxes or any Republican attack on anybody. It is the most serious bill in the aviation era that has ever been passed by Congress. I hope it becomes law.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent there now be 30 minutes under the control of Senator

KENNEDY, 30 minutes under the control of Senator HOLLINGS, and 30 minutes under the control of Senator NICKLES, and following the conclusion or yielding back of the time, the Republican whip be recognized to make appropriate consents for the Senate to adjourn until 9 a.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 20 minutes.

Mr. CHAFEE. I wonder if the Senator will yield?

The PRESIDING OFFICER. Does the the Senator from Massachusetts yield?

Mr. KENNEDY. I will be glad to yield for a question. We have had some exchange on the question of how we are going to proceed now. If it is agreeable, I would like to take just a few moments. We have been working through this process.

Unless it is a brief comment, I think I will proceed.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. Mr. President, I do not want to take the additional time to repeat the fundamental core issue, whether this was the technical amendment or whether it was a substantive amendment. I think that case, although there is a difference in the expression of the Members on our side on this issue, particularly the Senator from South Carolina and myself, I will let the record stand. I think the independent evaluation by the Congressional Research Service, the administration's own position, the different statements made by the Members of the House of Representatives, and the history of the debate on this issue, the conclusions that one can draw from the conference committee when that measure was addressed—all indicate quite clearly that the measure was dropped with the abolition of the Interstate Commerce Commission. And since there had not been any entity that lived up to the old railroad—REA requirements, it was an anachronism and was effectively dropped. I think that case, hopefully, has been made to the satisfaction of the Members.

Mr. President, I just want to add, this measure, with all respect to the comments that have been made around here, has been out there in a number of forms over the period of this last Congress, being pursued by Federal Express, by the Republican leadership, BUD SHUSTER over in the House of Representatives and later it was put forward by the Senator from South Carolina.

But there were more than three or four instances where this was attempted by Republican leadership in the House of Representatives. The final action on this legislation came to 203 Republicans for the bill, 15 Democrats; 168 Democrats, 30 Republicans, so it is 218 to 198, the overwhelming majority of the Democrats opposed; the overwhelming majority of the Republicans in support. I believe that is what we are going to see tomorrow. So, whether it was advanced by the Republicans or Democrats in the caucus—clearly this is a provision that is strongly, strongly supported by our Republican friends.

I want to just finally point out, as I was mentioning earlier, we should not be surprised that it is being so strongly supported by our Republican friends because I feel that the fundamental issue is the issue of fairness and equity to these workers who are trying to follow precedent as truck drivers and to be considered under the National Labor Relations Act. They were following that precedent. The precedent most visible, I think, for most of us, was UPS, where the truck drivers are effectively doing the same thing. They are the principal competitor, as well as the Post Office. And there, the truck drivers are considered under the National Labor Relations Act. The issue is whether these truck drivers will be able to be so considered. The purpose of this amendment is to make sure that they are not.

That is the bottom line on this. By not covering them, we see what the authority and the power is of Federal Express in dealing with their employees. I reviewed earlier in the day, some really extraordinary instances of grievances that Members have. I will put in the RECORD as well the pay rates that are significantly different from those that have been advanced.

Nonetheless, if the workers were so happy the company would not have to worry about having a union for them. That is the bottom line.

If everything is hunky-dory, they are not going to go ahead. That is what happens around here. It is only when there are legitimate grievances focused on pay and other grievances that there is a consideration of a union. All we are saying is let the workers make that judgment and make that decision and don't foreclose them. That happens, we believe, to be the current state of the law, and with this action, the interest of those workers would be circumvented, would be compromised. It is not the Senator from Massachusetts. We have had the CRS, the administration has said it, and those members of the Transportation Committee in the House have reaffirmed it.

Mr. President, I wanted to take a final few moments to put this into some kind of perspective.

Should we be surprised that the overwhelming majority, in this instance it will be the Republicans in the Senate, as it was in the House, are supporting a provision that would effectively undermine the legitimate interests and rights of those truckers? Should we be surprised with it?

The point I was making earlier in the presentation is I don't think we should be surprised when we look at what the record has been over the period of these last 2 years on economic issues, minimum wage, EITC, other issues affecting income, the Davis-Bacon Act, or whether it has been the interest of workers versus the powerful special interests when we came to opening up the pensions.

Here are legitimate funds paid in by workers, and the corporate world is trying to get its hands into those pension funds. We have seen the abuses in the 1980's and the attempt, again, that was being made, in spite of votes here in the U.S. Senate saying we shouldn't do it, to open up those pensions to the corporate raiders. That is a matter of fact. Senators might not want to listen to this. Senators might disagree with this fact. But the fact of the matter is, we took action here in the U.S. Senate that would have compromised the savings of workers. We have compromised their income, and we have compromised their savings they put away for a life's dream.

Then we came back to issues that would have affected their health, their safety, and, under the fine leadership of Senator KASSEBAUM, I thought we had a bipartisan effort, virtually unanimous by our committee, unanimous here, eventually, on the floor, and we were delayed a period of 8 months before we were even able to bring this measure up.

Who would that measure have affected? Working families playing by the rules, paying the premiums, that might have some preexisting condition and might want to go to another job or to be able to continue the payment of their premiums and retain their insurance to deal with some of the most important things. Who was delaying that? Many of the major insurance companies at the cost of the workers.

That has been the history, Mr. President. Our friends on the other side might not want to hear it, they might not like it, but that happens to be the record.

When we had a bipartisan effort to do something about mental health under the leadership of Senator DOMENICI and Senator WELLSTONE, it was passed here on the Kassebaum-Kennedy bill.

Who weighed in against that provision in terms of mental health? The insurance industries. And who would have benefited from it? Working families. Who would have benefited from the leadership that Senator BRADLEY showed in trying to deal with the, I think, unfortunate restrictions that are placed upon expectant mothers and their babies after delivery and putting a time limitation of 24 hours, 48 hours with more complicated births. Who would benefit? It would be the mothers in working families, the wives in working families. Who opposed it? The insurance industry.

Our friend and colleague, the Senator from New Jersey, had difficulty with that, and eventually it was accepted in the final hour.

Whether it has been on what we call the baby bill, or whether it has been on mental health, or whether it has been even on the proposal Senator WYDEN advanced to try and remove the gag on the doctors in this country in HMO's to give consumers full information—who are the consumers? Workers. Who is on the other side? The insurance industry. Because of the resistance we had on that, the proposal of Senator WYDEN was not agreed to.

All I am pointing out is time in and time out, over this period of time, whether it is working families, children of working families with the large cuts in the education programs—who benefits from those programs? It is the sons and daughters of working families. They are the ones who qualify for the Pell grants or the Stafford loans.

You have to be under a certain income. It can get as high as about $62,000, if you have three or four children in school. But it is, basically, for the children of working families to try and permit them to go. Nonetheless, we saw the cutbacks on the Pell grants and the cutbacks in the loan programs.

Whose children are going to benefit? It is the sons and daughters of working families.

We have the assault on the incomes, wages of workers, we saw the reduction in the education program, we saw the reduction of Medicare, which would have meant $2,400 per couple over a period of 5 years they would have had to pay out, and if they weren't able to pay it under Social Security, who would have ended up paying it? It would have been the working families who want to make sure their parents have some degree of respect and dignity.

It is with regard to cuts in the income of working families, the cutback in Medicare, or increase in the premiums of copays and deductibles, which, if the senior can't pay for it, will be paid for by those working families. There were even cuts in the Medicaid Program. We have 18 million children on Medicaid; 4.5 million under the Republican proposal would have been knocked off Medicaid. Two-thirds of the children on Medicaid have parents who are working. They are the poorest of the poor.

What is going to happen with those cuts? It slashes the wages to working families, a slash in college, slash in education, slash in Medicare, for what? To pay for the hundreds of billions of dollars in tax cuts. For whom? For the wealthiest individuals. That happens to be the fact. There are people on the other side who don't want to hear it. There were attempts to silence us on this side of the aisle from making those speeches. That was true yesterday, when my good friend, Senator MCCAIN, said, "We don't have to listen to this, we don't want to listen to it," and left the floor. Or the attempt to try and silence us here on the floor this afternoon. Those are the facts. Our Republican friends may not want to hear it, but those are the facts.

To come back to the core issue, what we are talking about is the legitimate interests, rights, and grievances of those workers in Pennsylvania, and we referred to those earlier. Should we be surprised that in the final hours, we are going to give short shrift to those workers based upon what has been the Republican leadership in the House and the Senate over this period? We should not be surprised, Mr. President. We should not be surprised.

Should we speak for those individuals? I think that we should speak for those individuals.

Should we support the FAA conference report? Sure, we should support it. The Senator from Alaska knows we could call up a clean bill, and it would pass in 5 minutes—5 minutes. No one has to come back. That issue is resolved. Turn the lights down in the U.S. Senate and let's go back and have the debate with our constituents across the country on what kind of future the American people want to support.

Do they want someone who is going to represent working families, or do they want someone who is going to be involved in the special interests? We do not have to bring all our Members on back. All we have to do is have the clean bill, take the conference report without those provisions that undermine the legitimate interests of working families in Pennsylvania. We could have passed that, and we would not be here this evening.

But, oh, no. We are not going to do it that way. We are just going to insist that those provisions are going to be included in any provision. "We don't care whether you're going to stay here or not and speak for them." I have welcomed the opportunity to speak for those families.

I think they have rights and they have interests, and they are entitled to someone to speak for them. I welcome the opportunity, and I consider it an honor to be able to speak for them.

Mr. President, I ask unanimous consent that a letter and a news release from Public Citizen detailing the practices of Federal Express and their impact on public safety be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 2, 1996.

DEAR SENATOR: Tomorrow you will vote on an amendment to the Federal Aviation bill that will limit the ability of Federal Express workers to organize under the labor laws. This amendment has not been subject to any hearings or legislative debate but is a last minute add-on to the conference report.

We urge you to vote against cloture for the following reasons:

(1) If this anti-labor amendment passes, Federal Express workers will have no ability to organize to protect their safety on the highways. This is a particularly critical issue because in 1995 Federal Express (and some other companies) rammed through an amendment to the National Highway System (NHS) legislation that eliminates all federal motor carrier safety requirements for most of the trucks their employees drive—10,001 to 26,000 pound trucks. Among the highway safety standards that were abolished are hours-of-service, driver qualifications, equipment standards, and inspection requirements. This amendment was opposed by the insurance industry, highway safety organizations, the fire fighters and the Administration. Without the ability to organize for their own protection, and with a hole blown through the fabric of federal motor carrier safety requirements, these workers lives literally are on the line.

Between 1991 and 1994, the fatal injuries and crashes involving trucks in this vehicle class increased by 50% with 1,400 people killed in 1994 and thousands injured. In addition to the operators of these trucks, of course, the public at large is also at risk. UPS opposed this amendment on the NHS bill because many of the federal safety requirements are already part of their labor contracts.

(2) This is not the first time or the second time that Federal Express has used last-minute tactics to gain passage of controversial amendments to law. In the 1990 aviation authorization bill, with no hearings, exemption from local noise requirements for aircraft were pushed through. In the 1994 aviation authorization bill, Federal Express was involved in getting preemption of state regulation of truck prices, routes and services through the Congress with no hearings in the Senate where the amendment was added to an unrelated bill and only a last minute hearing in the House during the conference negotiations. State officials were outraged at the way this was maneuvered. In 1995, motor carrier safety standards were eliminated for Federal Express type trucks in the National Highway System legislation. In 1996, the anti-labor provision Federal Express seeks to get enacted in the aviation authority conference report is the most recent in a long string of such maneuvers.

These issues are major public policies that deserve appropriate hearings and evaluation. The public is already angry about the way wealthy business interests dominate the congressional decision-making process. This history of Federal Express sponsored legislation, combined with the millions of dollars it spends each year on lobbying, campaign contributions, and providing air transportation services to key members of Congress, undermines our democratic system. Federal Express has a long history of opposition to government regulations. But when they want to block their employees' efforts to form a union and gain an unfair advantage over their competitors, the sky's the limit on money and political muscle they will use to get their own customized regulatory protection made into law.

(3) There have been concerns raised on the Senate floor about the need to pass the aviation bill for protection of public safety. But many Americans also will be endangered if Federal Express workers cannot negotiate safety protections (now that federal rules are abolished) as do the UPS workers. And the limits on Federal Express workers will be permanent while the aviation system will merely experience a small delay and it is already fully appropriated. Please remember as many people die on the highway every day as die in one airline crash.

(4) The labor amendment on the aviation bill which overrules pending litigation should be fully debated in the labor committees of the Congress and subject to the same review and procedural rules that most legislation receives. If this means that the House of Representatives has to return to Washington to repass a clean aviation bill, that is a small price to pay. Hopefully, it would discourage future manipulation of this sort.

In sum, for the safety of Federal Express drivers and the driving public at large, for fairness and integrity of the legislative process, and for the workers of the Federal Express company, we urge you to vote against the cloture petition and pass a clean, unadulterated federal aviation bill.

Sincerely,

Joan Claybrook.

[From the Public Citizen, Oct. 2, 1996]

Public Citizen Supports Effort to Block Sweetheart Deal for Federal Express; Commends Senator Kennedy's Principled Stand

Washington, DC, October 2.—The consumer advocacy group Public Citizen today applauded Senator Edward M. Kennedy's (D–MA) efforts to block an attempt to add a special "Federal Express protection" clause that was slipped into the Federal Aviation Reauthorization bill.

"Federal Express has a long history of opposition to government regulations," said Joan Claybrook, president of Public Citizen. "But when they want to block their employees' efforts to form a union and gain an unfair advantage over their competitors, the sky's the limit on money and political muscle they will use to get their own customized regulatory protection made into law."

Federal Express is one of the most active lobbying companies in Washington, and this attempt is a text-book example of how Washington works to benefit fat cats at the expense of ordinary citizens. In the first six months of this year alone, Federal Express reported lobbying expenses of $1,149,150 and the use of nine outside lobbying firms. And Federal Express backs up its lobbying with generous campaign contributions. In the 1993–94 election cycle, Federal Express gave over $800,000 to 224 candidates for federal office. And it's given well over half a million dollars to members of Congress so far in the 1995–96 election cycle, with $543,000 reported to the Federal Election Commission as of July 1, 1996. And just to make sure the major political parties don't forget Federal Express, they've given at least $159,900 in soft money to the Republican National Committee, and at least $100,000 to the Democratic National Committee.

To make sure its voice is heard in the Capitol, the FedEx board of directors includes high political profile members such as Former Senate Majority Leader George Mitchell, former Senator Howard Baker and former DNC Chair Charles Manatt. There are also reports of Federal Express making its corporate jets available to members of Congress and other political figures, and accepting the equivalent of commercial air fare as payment. Public Citizen is currently asking Senators and their staff to disclose any use of Federal Express aircraft for their personal, official or campaign travel.

Federal Express has used its political clout lobbying muscle and its campaign contributions to get numerous special provisions inserted into various legislation. In 1995, Federal Express was able to get exemption from federal motor carrier regulations for its delivery trucks in the National Highway System legislation. This exemption for trucks from 10,000 to 26,000 pounds was granted even though the number of fatalities from crashes of trucks in this size range increased by 50% from 1991 to 1994, when 1400 people died.

The exemption of these delivery trucks from federal motor carrier standards leaves Federal Express drivers and other motorists less protected. If the drivers had union representation, they could address safety concerns in contract negotiations. Federal Express now wants regulatory aid to make that possibility more difficult for employees to achieve.

In other years Federal Express used language slipped into aviation bills to win exemptions from state noise requirements and exemption from state price, route and service regulations. The stage for the current eleventh-hour battle was set earlier this year when Congress rejected similar amendments.

"What we are seeing is simply another flagrant example of a politically active and well-connected corporation trying to use its influence and connections to make an end run around the legislative process," concluded Claybrook. "Federal Express is trying to get it's special interest protection written into law without hearings, discussion or debate. Fortunately, Senators Kennedy, Harkin, Simon, Feingold and others who support working families are making sure the public knows exactly what is going on, and we commend them for it."

Mr. KENNEDY. Mr. President, on tomorrow we have, as I understand it, an hour of time before the vote, which will be evenly divided. I would like to ask the Chair now, who controls, just so I will know what steps, if any, to be taken this evening to be given assurance that at least those who are opposed to this amendment will have an equal time with those who are in favor of the amendment. What is the understanding of the Chair at the present time?

The PRESIDING OFFICER. The vote on the motion to invoke cloture on the conference report will occur at 10 a.m. on Thursday. There will be 1 hour of debate to be equally divided between the majority leader and the minority leader prior to the cloture vote, with the mandatory quorum call under rule XXII waived.

Mr. KENNEDY. Well, Mr. President, I am satisfied that both the majority and minority leader will work out an arrangement to ensure that the time divided will be fairly divided between those who support and those who oppose.

So I have no further requests. I thank the Members for the opportunity to make these presentations here this afternoon, and I look forward to tomorrow and hope that we can, by assuring that we are not going to gain the cloture—I hope that right after that we, if we are successful, will move to a clean bill and pass it overwhelmingly. I have every expectation that by noontime the House will be willing to accept it, as they have at other times actions which we have taken on this measure, and that we will have done justice to many workers who have been playing by the rules of the game.

The PRESIDING OFFICER. Does the Senator wish to reserve the remainder of his time?

Mr. KENNEDY. I will reserve it.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Under my allotted time I want to make certain that I relinquish at least 5 minutes to the Senator from Rhode Island, who has been waiting to speak on an entirely different subject. So if the Chair will counsel me. But I do not think I am going to take but about 10 to 15 minutes here.

Specifically, Mr. President, when the distinguished Senator from Massachusetts ends up on this important thing with pay for tax cuts, help Republican special interests, and all those other things—they are removing the charts now—talking about mental health, Pell grants, anything and everything to make it a partisan issue, I have learned in the early days, like my black friends, how to interpret.

I will never forget the story they had in the earliest days in politics when we used to have the literacy tests given. The poor black presented himself at the polls to vote. The poll watcher says, "Here. Here. Read this," and showed him a Chinese newspaper. He took that newspaper, and he turned it up there, and he then turned it around, and then he turned it on the side, and everything else. He said, "I just read it." He said, "What does it say?" He said, "No poor black is going to vote in this State today."

I read the Senator from Massachusetts. He knows that truth and the facts and the conscience is on the side of the Senator from South Carolina. What he is saying—translated—is, this is horrendous Republican conduct concurrent with the contract, like they said to the black male, and doesn't take care of mental health, Davis-Bacon, minimum wage, Pell grants, all these other things, so that the substantial Democrat vote needed for the cloture vote in the morning will stay home.

I know substantial Democrat votes who listened and have told me that they will support this opportunity to correct the mistake.

Let me emphasize, that it was a mistake. They try, in the opinion of the CRS, to say it was intentional or in the opinion of the Office of Management and Budget to say that it was intentional. But we read time and time again—every time I have to continue to turn to it—I said, here is the intent, if you really want the intent. Because we all agreed the enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees and employers by the Railway Labor Act.

So according to intent, nothing was changed. But now they come and say it was. So I said, "Well, like me, why don't you try to find a Senator who suggested it? Why don't you try to find a House Member who even discussed it? Why don't you find anybody in that conference or before or after who suggested it? Then some staffer may say, "Oh, I remember my Senator or my Congressman wanted to make sure." Not to be found whatsoever.

The truth is that the counsel at the ICC, which does not certify express carriers like Federal Express air carrier, where 85 percent of their packages are carried by air, intimated since the Railway Express Agency had gone bankrupt and their rights had been transferred, there was no need for the language.

But they all now agree, 2 months later in 1996, when we learned about it, it was an inadvertence, because it was a hotly contested thing over a 5-year period in the Philadelphia case used by the distinguished Senator from Massachusetts.

The distinguished Senator from Massachusetts says that here the poor workers are right in the middle of trying to get their rights and are being cut off at the pass by the Senator from South Carolina. Not at all. Their rights are the same as under that 5-year case on November 22, 1995, under this particular amendment.

What we are trying to do is make sure that all rights of all parties, as expressed in the ICC Termination Act, are unchanged, neither expanded nor contracted.

So we are not pulling the rug out. On the contrary, we are preventing the rug from being pulled out. We are not changing the rules of the game. On the contrary, we are trying to prevent the rules from being changed after the game. For what it was is, on November 22, by a unanimous opinion of the National Mediation Board, Federal Express was an express carrier under the Railway Labor Act. It was not until December 15 that we marked up that conference report on the termination of the ICC. That is wherein they dropped the two words, "express company." That is wherein the ambiguity is, in spite of the expressed intent. That is the ambiguity that the Hollings amendment intends be corrected.

I am proud, because we have used that device ad infinitum here this particular week in the adoption of six appropriations bills. And matters included in those bills were never in the House, never in the Senate, included for the first time, and we voted overwhelmingly for them. So do not come with procedure and technicality.

Not a special interest in the sense of giving a corporation something they never had. A special interest in the light of the truth. The truth is a special interest of the Senator from South Carolina. It is a matter of honor and conscience. When we found this mistake was made on our watch, we wanted to make every reasonable effort to make sure it was corrected.

Don't give me about hearings. The mistake was made without any hearings, without any discussion, without any knowledge. So we need not have any hearings or knowledge now. However, we did have knowledge. We did argue it in the conference. We voted 8 to 2 on a 4-to-1 vote to include it. It passed the House, and has been ready to pass the Senate since the beginning of the week, except for the motion to postpone, the requirement of the reading of the bill, for all of these machinations where they say they are not for filibuster and are engaging in a filibuster.

That is not the matter of an issue never litigated. The Teamster case in 1993 which I referred to in the Record stated that it had nothing to do with Federal Express, but in a unanimous opinion by the National Labor Relations Board, an opinion by the chairman stating that the United Parcel Service has 92 percent of their packages delivered on the ground, did not qualify, in contrast, as Federal Express has since its initiation or beginning in 1973.

On the contrary, it is entirely different, quoting the Teamster lawyer, "As night and day." But they come with the oozing argument, trying to get the foot in that door—what is the matter; United Parcel Service operates under the rules, why cannot Federal Express? Federal Express is operating under the rules. It has operated under the rules. There is no court decision other then holding it should operate under the rules of the Railway Labor Act.

Yet, my distinguished colleague from Massachusetts continues to say again and again and again there is no court decision finding that Federal Express is an express company to operate under the Railway Labor Act. He could not show me one decision when I asked. I asked for the grounds. Where is the decision that he finds otherwise? It is not an issue unstudied.

We formed the Dunlop Commission here at the beginning of the year under the former Secretary of Labor under President Carter, and that commission found that the provisions of the Railway Labor Act should not be changed. I emphasize the fact that Mr. Doug Fraser, former president of the United Auto Workers, was a member of that commission.

Now, Mr. President, there is no reason to waste the time of the Senate here about Federal Express being antilabor. We know Howard Baker, the former majority leader, is not antilabor. We know George Mitchell, former majority leader on this side of the aisle, is not antilabor. They are both on the board. I put in more good Government awards for recognition for Federal Express than you could possibly imagine—continuous—over the years.

In "the 100 Best Companies To Work for in America," they rated at the top in every respect for workers' rights, good housekeeping, for working men. Who is the best company for working women? They won that. For minorities, for Hispanics, in any particular regard, you find Federal Express is diligent, working, growing, and paying.

I finally have to put in, when we heard we had not had a pay raise; to the contrary, for the past 8 years, all Federal Express workers, including 30,000 couriers—not including their board members, but including 30,000 couriers—all have received an average of 6.5 percent over the past 8 years or over a 50-percent increase in their wages. That is the fact. No use to come out here and slam and paste antiworker signs with a big old Federal Express truck on them and begin a diatribe against the Republican Party. That is the worst performance I have ever seen.

I yield 5 or 10 minutes to the distinguished Senator and reserve the balance of my time.

Mr. CHAFEE. First of all, I want to thank very much the distinguished Senator from South Carolina for letting me proceed.

I ask that I might proceed for 8 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIRING SENATORS

Mr. CHAFEE. Mr. President, there are 13 Senators who have chosen not to run for reelection. Each one I consider a friend. With each one, I have had extremely enjoyable experiences—whether it be traveling abroad, as with Howell Heflin; working on the centrist coalition, as with Hank Brown, Bill Cohen, Nancy Kassebaum, Sam Nunn, and Al Simpson; long hours spent together on the Finance Committee with Bill Bradley and David Pryor; friendly times in this Chamber with Bennett Johnston, Paul Simon, and Jim Exon; a long time friendship that goes back over 30 years with Mark Hatfield; and working together for our State with Claiborne Pell.

Claiborne Pell has been here the longest, 36 years. His splendid achievements on behalf of education will long be recognized for their benefits, not just to millions of young people, but also to our Nation.

His years on the Foreign Relations Committee have been devoted to obtaining treaties to foster a long term peace.

Our Nation's cultural life has been enhanced by his originating the National Endowment for the Arts. By any measure, his Senate career has been a splendid one.

It is always risky to single out any individuals from a star studded group such as the 13 who are retiring, but I would like to make a few additional comments regarding six of those with whom I have worked especially close.

The first five Senators I will mention were for the past 4 years in our bipartisan mainstream coalition and our bipartisan centrist coalition. We spent scores of hours together in room S–201 here in the Capitol working together to forge legislation first on health care and then on the budget.

Ever since BILL COHEN came to the Senate, he and I have exchanged views on legislation. I've listened especially careful to his thoughts on national defense and matters pertaining to the aging. It has been a joyful relationship and his penetrating appraisal of senatorial actions has been a continuous leavening to some tiring sessions that we have had. Above all, I will remember his willingness to take difficult votes in attempting to put our fiscal house in order.

As do all Senators, I have tremendous respect and affection for NANCY KASSEBAUM. That quiet manner and lovely smile hides a spine of steel. She takes courageous positions and sticks by them. She was always there when challenging budget votes had to be taken.

AL SIMPSON is noted for his humor, occasionally earthy and always pertinent. But, never should we forget the difficult subjects he has dealt with, forged into legislation, brought to the floor and achieved passage. Whether it be immigration, veterans affairs or Medicare matters, AL SIMPSON has the courage to tackle the tough issues.

Likewise, HANK BROWN has dealt with these budgetary matters that, if unrestrained, will bankrupt our country and leave no Medicare, and a Social Security System that is a shambles. His constant cheerfulness and quiet determination will be greatly missed.

The final retiree from our centrist group is SAM NUNN. Everyone knows of SAM as a defense expert, whether it's ICBM's or troop numbers in NATO, he is the leading expert. But his courageous efforts to control the Federal budget should receive equal billing. Like the other members of the centrist group, he was willing to take the tough votes. He has been a giant in this Senate.

Finally, to longtime friend, MARK HATFIELD, a special farewell. Calm, determined, devoid of side or slickness, always courageous, willing to withstand tremendous pressure if his principles were under attack; he stands as a model Senator.

All 13 of these Senators will be greatly missed and our Nation will be hard pressed to replace them with their equals.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION

The Senate continued with the consideration of the conference report.

Mr. WYDEN. Mr. President, with the conference report on S. 1994, the FAA bill, is still pending before the Senate, I want to take a moment to run through the provisions dealing with air safety. Having authored these with Senators MCCAIN and FORD, I want the legislative history to be clear about how we got here and what we expect.

When we began the process, this was a relatively modest reauthorization bill, no safety measures to speak of. But we have come a long way: with this legislation, we are going beyond all the talk about safety.

The conference report includes two central provisions on air safety; the first eliminates the FAA's so-called "dual mandate" to make safety paramount at the FAA; the second requires the NTSB to make airline safety information available to the public.

Just as the American public relies on the FDA to assure that the food supply is safe, the flying public relies on the FAA to make sure aviation is safe. This is the FAA's most important and fundamental mission. Building an infrastructure for an ever-increasing demand for air travel is not.

The problem is that until today, the law gave the FAA a dual mandate. It said to the FAA, go out and promote air commerce but keep an eye on safety as well. Mr. President, that simply isn't acceptable.

The dual mandate created a dilemma for the Agency. If, for example, an FAA official believed new safety equipment, like better flight data recorders, would greatly improve safety, but it carried a huge price tag, what should that official do? That official would have to decide whether the safety benefits outweighted the costs to the aviation community. That is not the type of cost-benefit analysis I find acceptable.

That is why I sponsored the amendment, adopted unanimously by the Commerce Committee, to eliminate the Agency's dual mandate and make safety paramount. The FAA should not have to choose between safety and promotion of the industry.

The genesis for second provision on aviation safety information is my long-held belief that one thing Government can and should do is give American consumers access to good, unbiased information. It is time to adopt new policies that empower the consumer, to make it possible for consumers to get critical information about aviation safety in our country.

Everyone who flies should be able to make informed choices about the airlines they fly and the airports they use. This legislation will enable consumers to do that.

Right now, it is possible for consumers to find out if their bags may be crushed and whether their flights will arrive on-time. But it is pretty darn hard for consumers to find out if the airline they are flying on has been fined for violating a major safety law.

Back in July, Senator FORD and I wrote the FAA asking them to work with the NTSB, industry, labor and others to come up with a way to make aviation safety information available to the public.

I have talked to people in all parts of the aviation community—the FAA, NTSB, airlines, labor, manufacturers, pilots, and consumer groups—about the best way to do this. While there are certainly differences over how to do it, everyone agrees that it should be done. And I agree with those in the industry who say that anything involving safety should not be part of competition. But by having uniform definitions, standards, and public access to this information, I believe we will move safety out of the shadows and into the sunshine.

To get this kind of information today, consumers have to go through the legalistic torture of the Freedom of Information Act. I do not think that's good enough.

In addition, the kind of safety information gathered by the FAA and the NTSB is also a problem. It is pretty tough to figure out what's an accident and what's an incident. It is certainly unfortunate if a flight attendant trips and breaks a leg during a flight, but that shouldn't be recorded in the same way as an engine losing power in mid-air.

The intent of the provision in this bill is to have the NTSB make accurate information available to the public about aviation safety, including accidents and violations of safety regulations. This particular provision focuses on the NTSB, and I expect the NTSB effort to parallel the FAA's ongoing project of looking at how to make its information on accidents as well as violations of its regulations available to consumers.

In a few weeks, the FAA will be reporting back to Senator FORD and myself on the best way to handle a broader task: getting the FAA's more comprehensive safety information on accidents and fines for violations of safety regulations out to consumers. I look forward to this report.

Mr. President, there are many other important elements in this legislation, but I wanted to take this time to explain in greater detail those relating to aviation safety. These are critical components of this bill. I hope my comments will provide some guidance to the NTSB and the FAA as they proceed to put them into practice.

Mr. ASHCROFT. I wish to congratulate Senator PRESSLER on his efforts and those of the other Senate conferees to work out a beneficial aviation bill in conference. The conference report before us covers airport grants for the fiscal year beginning yesterday, as well as a continuation of FAA programs, new aviation security measures, and other matters. The bill also establishes a process by which Congress can get recommendations from outside experts on how much funding FAA will need in future years for FAA programs, including airport grants, and who should be paying greater or lesser user taxes or fees. In this respect, I had hoped the conference report would have made clear that this blue ribbon commission should look at the issue of user taxes or charges from the viewpoint of the metropolitan areas where they are generated as well as indicating which user groups provided them. I believe that this blue ribbon commission should generate information as to the annual amount of Federal aviation user taxes that are collected or attributable to aviation activity within each metropolitan area in the United States and to compare these metropolitan area totals to the annual amounts of Federal airport grants that are annually received within each of these metropolitan areas.

This data would be highly useful to airport sponsors and metropolitan planning organizations for assessing the probable impacts of any recommended changes to the existing aviation user tax structure. The data which I wish to have developed would be for the latest year for which the information is available, and could involve estimates when actual data about the geographic source of specific aviation user taxes can't be determined precisely.

When the next FAA authorization bill is presented to us, this information would be useful in helping us make important judgments as to the equity of user taxes or fees in comparison to the airport grants our metropolitan areas have received.

Mr. PRESSLER. I agree with the Senator. The information you request should have been included within the charter of the blue ribbon commission that will be looking into these matters under this legislation. After this legislation is enacted, I will talk to the Secretary of Transportation to make sure that the Senator's request is satisfied and that the data he requests is assembled and timely made available to all of us. I appreciate his bringing this oversight to our attention.

Mr. ASHCROFT. I thank the Senator. I very much appreciate his efforts to follow through on this matter and I look forward to voting in favor of the conference report before us.

Mr. FRIST. Mr. President, when the Federal Government enacted laws regulating the trucking industry, it created the Interstate Commerce Commission [ICC] to administer regulations pursuant to these laws. These regulations were repealed during the Carter administration. However, it was not until last year that Congress finally got around to eliminating the ICC.

The purpose of the ICC Termination Act of 1995 was simply to eliminate a bureaucracy that had outlived its usefulness. By its express terms, it was in no way intended to change the labor law.

Unfortunately, a technical error in the act—if left uncorrected—could have a serious impact on labor law.

Since 1934, the interests of employees of express carriers such as FedEx have been protected under the Railway Labor Act.

Unfortunately, the ICC Termination Act inadvertently dropped the term "express carrier" from the Railway Labor Act.

This was not a deliberate change of law. In fact, the ICC Termination Act expressly states that its enactment "shall neither expand or contract coverage of the employees and employers of the Railway Act."

The provision included in the FAA Reauthorization Act that has become the target of such rhetoric and controversy is nothing more than a technical correction.

If this technical flaw in the ICC Termination Act had been detected before its enactment last year, Congress would have corrected it without fanfare.

The debate today is not about being pro-union or pro-management.

The debate today is not about wages in America.

The debate today is not about anything except making a technical correction to clarify that express carriers are in the same position today with respect to the Railway Labor Act as they were last year prior to enactment of the ICC Termination bill.

We are not plowing new ground here. We are simply clarifying that what was law for over 60 years continues to be the law of the land.

All the heat and bluster of this debate cannot change this simple fact.

I hope my colleagues will join me in bringing this debate to a close, passing the FAA reauthorization bill and righting a technical wrong.

Mr. HOLLINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes.

Mr. HOLLINGS. Mr. President, if the Senator from Massachusetts has completed, then I have completed.

TRIBUTE TO RETIRING SENATORS

SENATOR HOWELL HEFLIN

Mr. HOLLINGS. Mr. President, I have already spoken and put in the RECORD various praiseworthy notes of my association over the years with these outstanding Senators, both Republican and Democrat, who are leaving us. None have been closer to me, on the one hand, over on this side than HOWELL HEFLIN of Alabama. We have been in each other's States several times. I have gotten to know him and his distinguished wife, Mike—Elizabeth, I think, is her full name, if I am not mistaken. He is what someone would call a Senator's Senator. He had to serve in the role as chairman of our Ethics Committee. You can see the sensitivity of a Senator's Senator in the regard in any kind of local matter. I see they all have picked up the same thing I thought, or I picked up what they thought, relative to being the peanut Senator. The agricultural community in Alabama is going to be missing in representation, to a degree, because no one really can replace HOWELL HEFLIN.

We in the law field otherwise are going to be penalized because he, as a former chief justice of the Alabama Supreme Court, has had profound judicial knowledge and also judicial feel for the particular statutes and the issues before this particular body.

So I just cap it off by saying that this Senator is going to miss his humor. He has always had a good way of taking these complex human problems and issues and bringing them right down to the ground with some humorous story about someone he remembered back down in Alabama.

SENATOR NANCY KASSEBAUM

We are fortunate in South Carolina to have the grandchildren of NANCY KASSEBAUM. I have always admired her for what the Senator from Rhode Island just said. She is a woman of steel, who makes up her own mind and takes the very difficult stands for her politically, because sometimes her very colleagues and others around may be voting otherwise. But you can bet your boots Senator KASSEBAUM of Kansas has studied, from all angles, a particular problem and made her own judgment as to what is fair and right in the interest of the people.

With respect to our friend, BILL COHEN, he is the one literate Senator that we have. I envy him, because in the evenings when we would be attending the various parties and receptions for the different groups visiting from your home State, and otherwise, we would always miss BILL. You would find out BILL is writing another book, reading some important document, or something else. We have read and not only heard his poetry and his books, but his sum-up talk here. Just this past week, I am getting a copy of that one for the good of the Senate and getting it printed, because I think it more or less sums up what has been occurring here in Government and politics, particularly in the U.S. Senate, good and bad, over the past 20-some years. We are going to miss him most of all, in my opinion.

SENATOR SAM NUNN

Mr. President, My neighbor is SAM NUNN. No one knows the defense budget better. No one is more conscientious about the Nation's security. No one has studied, in depth, the disarmament problem, and no one has worked to solve these particular problems, and no one has a greater respect for integrity amongst his colleagues than SAM NUNN of Georgia.

SENATOR DAVID PRYOR

Mr. President, I now want to mention my friend, DAVID PRYOR. I hope we can get him back here by morning. As we all know, his wonderful son has been under surgery down in Texas. And, of course, that is his first obligation, and we all understand that. We need every vote we can possibly get, but the most popular, obviously—and everybody will agree—was DAVID PRYOR's, because PRYOR always had a good word for everyone, and he centered on those things, such as the taxpayers' relief from the IRS, and something about the drug companies, or whatever it was. He went into it and stuck with it and then listened to the other Senators with respect to their particular interests. That is the value of service in the U.S. Senate—education. We are supposed to learn. And that is why I have always stayed in politics, because I learn something new every day. I have also learned when to hush when the hour is past 6 o'clock and staff is looking at me like an aberration.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which was referred to the Committee on Governmental Affairs.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At noon, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 543. An act to reauthorize the National Marine Sanctuaries Act, and for other purposes.

H.R. 1734. An act to reauthorize the National Film Preservation Board, and for other purposes.

H.J. Res. 198. Joint resolution appointing the day for the convening of the first session of the One Hundred Fifth Congress and the day for the counting in Congress of the electoral votes for the President and Vice President cast in December 1996.

The enrolled bills and joint resolution were signed subsequently by the President pro tempore [Mr. THURMOND].

At 2:29 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2579. An act to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States.

S. 640. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

S. 811. An act to authorize the Secretary of the Interior to conduct studies regarding the desalination of water and water reuse, and for other purposes.

S. 1044. An act to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes.

S. 1467. An act to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes.

S. 1505. An act to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1711. An act to amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans Affairs to provide for a study of the Federal programs for veterans, and for other purposes.

S. 1965. An act to prevent the illegal manufacturing and use of methamphetamine.

S. 1973. An act to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes.

S. 2153. An act to designate the United States Post Office building located in Brewer, Maine, as the "Joshua Lawrence Chamberlain Post Office Building", and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

At 5:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that pursuant to the provisions of section 1 of 2 U.S.C. 154, as amended by section 1 of Public Law 102-246, the Speaker appoints Mr. Edwin L. Cox of Dallas, TX, as a member from private life on the part of the House to fill the unexpired term of Mrs. Marguerite S. Roll to the Library of Congress Trust Fund Board.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 2297. An act to codify without substantive change, laws related to transportation and improve the United States Code.

H.R. 3005. An act to amend the Federal securities laws in order to promote efficiency and capital formation in the financial market, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation.

H.R. 3118. An act to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs, to authorize major medical facility construction projects for the Department, to improve administration of health care by the Department, and for other purposes.

H.R. 3159. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes.

H.R. 3815. An act to make technical corrections and miscellaneous amendments to trade laws.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 2, 1996, he had presented to the President of the United States, the following enrolled bills:

S. 640. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

S. 811. An act to authorize the Secretary of the Interior to conduct studies regarding the desalination of water and water reuse, and for other purposes.

S. 1044. An act to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes.

S. 1467. An act to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes.

S. 1505. An act to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1711. An act to amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans' Affairs to provide for a study of the Federal program for veterans, and for other purposes.

S. 1965. An act to prevent the illegal manufacturing and use of methamphetamine.

S. 1973. An act to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes.

S. 2153. An act to designate the United States Post Office building located in Brewer, Maine, as the "Joshua Lawrence Chamberlain Post Office Building," and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 1010) to amend the "unit of general local government" definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska, and for other purposes (Rept. No. 104–396).

Report to accompany the bill (S. 1889) to authorize the exchange of certain lands conveyed to the Kenai Natives Association pursuant to the Alaska Native Claims Settlement Act, to make adjustments to the National Wilderness System, and for other purposes (Rept. No. 104–397).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BROWN:

S. 2187. A bill to reauthorize appropriations for the Civil Rights Commission Act of 1983, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMPSON:

S. 2188. A bill to provide for the retention of the name of the mountain at the Devils Tower National Monument in Wyoming known as "Devils Tower", and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2189. A bill to enhance the administrative authority of the president of Southwestern Indian Polytechnic Institute, and for other purposes; to the Committee on Indian Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMPSON:

S. 2188. A bill to provide for the retention of the name of the mountain at the Devils Tower National Monument in Wyoming known as "Devils Tower", and for other purposes; to the Committee on Environment and Public Works.

THE DEVILS TOWER NATIONAL MONUMENT ACT OF 1996

• Mr. SIMPSON. Mr. President, I introduce a bill which will enable Devils Tower National Monument to retain its historic name.

This national monument—indeed, our Nation's first national monument—has been known as "Devils Tower" for over 120 years. It is known the world over as perhaps one of the most distinguishing natural features of my State and is universally known for providing some of the best crack climbing in the world.

In short, Mr. President, Devils Tower—and worldwide recognition of it, even through such movies as "Close Encounters of the Third Kind"—is vitally important to my State, which depends so heavily on our tourism industry. But, to no one's surprise, there are always those out there who cannot leave a perfectly good thing alone. William Shakespeare said it well in "King Lear": "Striving to better, oft we mar what's well."

According to a July 17, 1996 release by the U.S. Board of Geographic Names, the National Park Service has advised the Board that several native American groups intend to submit a proposal—it may already have been submitted—to change the name of the monument. The intention—and a perfectly worthy one—is to find a name that is less offensive to native Americans, many of whom regard the monument as sacred.

Mr. President, I am fully sensitive to the feelings of those involved with this initiative. My great-grandfather, Finn Burnett, was asked to be the "boss farmer" for Chief Washaki of the Shoshone Tribe. And my great uncle Deck married a full-blooded Shoshone. However, I do join my House counterpart, Congresswoman BARBARA CUBIN, in earnestly believing that little will be gained from a name change, and much history and tradition could be lost.

Be aware that there is no obvious traditional Indian name standing as the obvious alternative designation. The disparate native American groups behind this proposal cannot even agree on what the proper name should be. They seem only to agree on what it should not be—Devils Tower.

The number of suggested "aboriginal names" is as numerous as the number of different groups clamoring for the change. Among the candidates are Bear's Lodge, Grizzly Bear's Lodge, Bear's Tipi, Bear's Lair, Bear Lodge, Bear Lodge Butte, Tree Rock, and many others. So we should all understand that this is not a matter of changing the name of Devils Tower back to another which would be widely agreed upon and recognized by most native Americans. Instead, this initiative seems to accomplish little more than to dredge up age-old conflicts and divisions between descendants of European settlers and descendants of native Americans. This is most unfortunate and would result only in economic hardship for the area's citizens—"Indian" and "non-Indian" alike. My legislation would prevent such hardship and preserve the name of Devils Tower, a name widely recognized and certainly the furthest thing from being offensive to any particular ethnic group. I urge my colleagues to support this measure.•

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2189. A bill to enhance the administrative authority of the president of Southwestern Indian Polytechnic Institute, and for other purposes; to the Committee on Indian Affairs.

THE SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE ADMINISTRATIVE SYSTEMS ACT OF 1996

• Mr. BINGAMAN. Mr. President, today, with Senator DOMENICI, I am introducing the Southwestern Indian Polytechnic Institute Administrative Systems Act of 1996.

The Southwestern Indian Polytechnic Institute [SIPI] is a first class community college in Albuquerque, NM. It offers vocational and academic courses to Indian students from across the country and from all tribes. SIPI has recently celebrated its 25th anniversary, and has developed a long-term plan for expansion of its physical plant and its instructional program.

SIPI is currently operating as a BIA-funded organization governed by the personnel rules of a Federal agency. These rules are not appropriate for an academic institute. For the last year and a half I have been working with the Committee on Indian Affairs to find a way to give the president and board of regents of SIPI control over their own personnel policies.

The purpose of this act is to enhance the authority of the president and board at SIPI to hire and promote faculty appropriately, allowing them to function more like other academic institutions. I applaud Senator KASSEBAUM for the excellent work she has done to develop similar legislation for Haskell Indian Nations University, offering Haskell the same kind of improvements in their personnel policies. Senator DOMENICI and I hope to work with her and Senator INOUYE and others to ensure that both of these institutions are provided administrative authority to operate their personnel policies well and appropriately. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southwestern Indian Polytechnic Institute Administrative Systems Act of 1996".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the provision of culturally sensitive experiences and vocationally relevant curricula at Southwestern Indian Polytechnic Institute is consistent with the commitment of the Federal Government to the fulfillment of treaty obligations to Indian tribes through the principle of self-determination and the use of Federal resources; and

(2) giving a greater degree of autonomy to Southwestern Indian Polytechnic Institute, while maintaining the institute as an integral part of the Bureau of Indian Affairs, will facilitate the administration and improvement of the academic programs of the institute.

SEC. 3. DEFINITIONS.

For purposes of this Act the following definitions shall apply:

(1) INSTITUTE.—The term "institute" means the Southwestern Indian Polytechnic Institute, located in Albuquerque, New Mexico.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. PERSONNEL MANAGEMENT.

(a) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Chapters 51, 53, and 63 of title 5, United States Code (relating to classification, pay, and leave, respectively) and the provisions of such title relating to the appointment, performance evaluation, promotion, and removal of civil service employees shall not apply to applicants for employment with, employees of, or positions in or under the institute.

(b) ALTERNATIVE PERSONNEL MANAGEMENT PROVISIONS.—

(1) IN GENERAL.—The president of the institute shall by regulation prescribe such personnel management provisions as may be necessary, in order to ensure the effective administration of the institute, to replace the provisions of law that are inapplicable with respect to the institute by reason of subsection (a).

(2) PROCEDURAL REQUIREMENTS.—The regulations prescribed under this subsection shall—

(A) be prescribed by the president of the institute in consultation with the appropriate governing body of the institute;

(B) be subject to the requirements of subsections (b) through (e) of section 553 of title 5, United States Code; and

(C) not take effect without the prior written approval of the Secretary.

(c) SPECIFIC SUBSTANTIVE REQUIREMENTS.—Under the regulations prescribed under this subsection—

(1) no rate of basic pay may, at any time, exceed—

(A) in the case of an employee who would otherwise be subject to the General Schedule, the maximum rate of basic pay then currently payable for grade GS–15 of the General Schedule (including any amount payable under section 5304 of title 5, United States Code, or other similar authority for the locality involved); or

(B) in the case of an employee who would otherwise be subject to subchapter IV of chapter 53 of title 5, United States Code (relating to prevailing rate systems), the maximum rate of basic pay which (but for this section) would then otherwise be currently payable under the wage schedule covering such employee;

(2) the limitation under section 5307 of title 5, United States Code (relating to limitation on certain payments) shall apply, subject to such definitional and other modifications as may be necessary in the context of the alternative personnel management provisions established under this section;

(3) procedures shall be established for the rapid and equitable resolution of grievances;

(4) no institute employee may be discharged without notice of the reasons therefor and opportunity for a hearing under procedures that comport with the requirements of due process, except that this paragraph shall not apply in the case of an employee serving a probationary or trial period under an initial appointment; and

(5) institute employees serving for a period specified in or determinable under an employment agreement shall, except as otherwise provided in the agreement, be notified at least 30 days before the end of such period as to whether their employment agreement will be renewed.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect—

(1) the applicability of any provision of law providing for—

(A) equal employment opportunity;

(B) Indian preference; or

(C) veterans' preference; or

(2) the eligibility of any individual to participate in any retirement system, any program under which any health insurance or life insurance is afforded, or any program under which unemployment benefits are afforded, with respect to Federal employees.

(e) LABOR-MANAGEMENT PROVISIONS.—

(1) COLLECTIVE-BARGAINING AGREEMENTS.—Any collective-bargaining agreement in effect on the day before the effective date specified under subsection (f)(1) shall continue to be recognized by the institute until altered or amended pursuant to law.

(2) EXCLUSIVE REPRESENTATIVE.—Nothing in this Act shall affect the right of any labor organization to be accorded (or to continue to be accorded) recognition as the exclusive representative of any unit of institute employees.

(3) OTHER PROVISIONS.—Matters made subject to regulation under this section shall not be subject to collective bargaining, except in the case of any matter under chapter 63 of title 5, United States Code (relating to leave).

(f) EFFECTIVE DATE.—

(1) ALTERNATIVE PERSONNEL MANAGEMENT PROVISIONS.—The alternative personnel management provisions under this section shall take effect on such date as may be specified in the regulations, except that such date may not be later than 1 year after the date of the enactment of this Act.

(2) PROVISIONS MADE INAPPLICABLE BY THIS SECTION.—Subsection (a) shall take effect on the date specified under paragraph (1).

(g) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the alternative personnel management provisions under this section shall apply with respect to all applicants for employment with, all employees of, and all positions in or under the institute.

(2) CURRENT EMPLOYEES NOT COVERED EXCEPT PURSUANT TO A VOLUNTARY ELECTION.—

(A) IN GENERAL.—An institute employee serving on the day before the effective date specified under subsection (f)(1) shall not be subject to the alternative personnel management provisions under this section (and shall instead, for all purposes, be treated in the same way as if this section had not been enacted, notwithstanding subsection (a)) unless, before the end of the 5-year period beginning on such effective date, such employee elects to be covered by such provisions.

(B) PROCEDURES.—An election under this paragraph shall be made in such form and in such manner as may be required under the regulations, and shall be irrevocable.

(3) TRANSITION PROVISIONS.—

(A) PROVISIONS RELATING TO ANNUAL AND SICK LEAVE.—Any individual who—

(i) makes an election under paragraph (2), or

(ii) on or after the effective date specified under subsection (f)(1), is transferred, promoted, or reappointed, without a break in service of 3 days or longer, to an institute position from a noninstitute position with the Federal Government or the government of the District of Columbia,

shall be credited, for the purpose of the leave system provided under regulations prescribed under this section, with the annual and sick leave to such individual's credit immediately before the effective date of such election, transfer, promotion, or reappointment, as the case may be.

(B) LIQUIDATION OF REMAINING LEAVE UPON TERMINATION.—

(i) ANNUAL LEAVE.—Upon termination of employment with the institute, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with section 5551(a) and section 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed under this section shall not be so liquidated.

(ii) SICK LEAVE.—Upon termination of employment with the institute, any sick leave remaining to the credit of an individual within the purview of this section shall be creditable for civil service retirement purposes in accordance with section 8339(m) of title 5, United States Code, except that leave earned or accrued under regulations prescribed under this section shall not be so creditable.

(C) TRANSFER OF REMAINING LEAVE UPON TRANSFER, PROMOTION, OR REEMPLOYMENT.—In the case of any institute employee who is transferred, promoted, or reappointed, without a break in service of 3 days or longer, to a position in the Federal Government (or the government of the District of Columbia) under a different leave system, any remaining leave to the credit of that individual earned or credited under the regulations prescribed under this section shall be transferred to such individual's credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Office of Personnel Management.

(4) WORK-STUDY.—Nothing in this section shall be considered to apply with respect to a work-study student, as defined by the president of the institute in writing.

SEC. 5. DELEGATION OF PROCUREMENT AUTHORITY.

The Secretary shall, to the maximum extent consistent with applicable law and subject to the availability of appropriations therefor, delegate, to the president of the institute, procurement and contracting authority with respect to the conduct of the administrative functions of the institute.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1997, and for each fiscal year thereafter—

(1) the amount of funds made available by appropriations as operations funding for the administration of the institute for fiscal year 1996; and

(2) such additional sums as may be necessary for the operation of the institute pursuant to this Act.●

ADDITIONAL COSPONSORS

S. 1189

At the request of Mr. DEWINE, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1189, a bill to provide procedures for claims for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products.

S. 2136

At the request of Mr. D'AMATO, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Alabama [Mr. HEFLIN], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 2136, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the breaking of the color barrier in major league baseball by Jackie Robinson.

SENATE RESOLUTION 292

At the request of Mr. PRESSLER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Resolution 292, a resolution designating the second Sunday in October of 1996 as "National Children's Day," and for other purposes.

AMENDMENTS SUBMITTED

THE CIVIL RIGHTS COMMISSION ACT OF 1983 APPROPRIATIONS REAUTHORIZATION ACT OF 1996

ASHCROFT (AND MOYNIHAN) AMENDMENT NO. 5425

(Ordered referred to the Committee on the Judiciary.)

Mr. ASHCROFT (for himself and Mr. MOYNIHAN) submitted an amendment intended to be proposed by them to the bill (S. 2187) to reauthorize appropriations for the Civil Rights Commission Act of 1983, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . VOLUNTARY RETIREMENT INCENTIVE PLANS OR ARRANGEMENTS.

(a) IN GENERAL.—Section 4(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(l)) is amended by adding at the end of the following new paragraph:

"(4) It shall not be a violation of subsection (a), (b), (c), (e), or (i) solely because a plan or arrangement of an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) offers employees who are serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) benefits upon voluntary retirement that are reduced or eliminated on the basis of age.".

(b) CONSTRUCTION.—

(1) APPLICATION.—Nothing in the amendment made by subsection (a) shall be construed to affect the application of section 4 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623) with respect to—

(A) any employer other than an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965); or

(B) any plan or arrangement not described in paragraph (4) of section 4(l) of such Act (as added by subsection (a)).

(2) RELATIONSHIP TO PROVISIONS RELATING TO VOLUNTARY EARLY RETIREMENT INCENTIVE PLANS.—Nothing in the amendment made by subsection (a) shall be construed to imply that a plan or arrangement described in paragraph (4) of section 4(l) of such Act (as added by subsection (a)) may not be considered to be a plan described in section 4(f)(2)(B)(ii) of such Act (29 U.S.C. 623(f)(2)(B)(ii)).

(c) EFFECT ON CAUSES OF ACTION EXISTING BEFORE DATE OF ENACTMENT.—The amendment made by subsection (a) shall not apply with respect to any cause of action arising under the Age Discrimination in Employment Act of 1967 prior to the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, October 2, 1996, at 9 a.m. to discuss renewable fuels and the future security of U.S. energy supplies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10:30 a.m. on Wednesday, October 2, 1996, in open session, to receive testimony on the impact of the Bosnian elections and the deployment of U.S. military forces to Bosnia and the Middle East.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, October 2, 1996 beginning at 9:30 a.m. in room 216 of the Hart Senate Office Building to conduct an oversight hearing on the regulatory activities of the National Indian Gaming Commission [NIGC].

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR WETLANDS, PRIVATE PROPERTY AND NUCLEAR SAFETY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct an oversight hearing Wednesday, October 2, 1996, at 9:30 a.m.—hearing room SD-410—on the Federal Emergency Management Agency's response to Hurricane Fran.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet during the session of the Senate on Wednesday, October 2, 1996, at 10:00 a.m. to hold a hearing on INS oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

• Mr. GORTON. Mr. President, I would like to clarify an issue with regard to the fiscal year 1997 Interior and Related Agencies Appropriations Act, as printed in the conference report accompanying H.R. 3610, the Department of Defense Appropriations Act (House Report 104-863). In section 317 of the Interior appropriations chapter, a reference is made to title VII of the Alaska National Interest Lands Conservation Act [ANILCA]. The correct reference should be to title VIII of ANILCA, which was the reference included in the official papers transmitted to the White House. I simply want to make my colleagues aware of this printing error, and clarify that the correct reference is incorporated into the enacted version of the omnibus appropriations bill.•

CONGRATULATIONS TO BILL SCHIMMEL

• Mr. WELLSTONE. Mr. President, I rise to pay tribute to William (Bill) H. Schimmel, an individual who has served the State of Minnesota for 51 years with dedication and distinction.

In December 1996 Bill will retire as a Nicolett County Commissioner. He ran for county commissioner in 1980, winning five straight elections. During his time on the board he made many contributions to his community and to his State.

Many contributions have been made to his community during his terms as a county commissioner. They include bringing the computer age to the local courthouse and library. The building of a new jail which will be paid for next year, and expanding the park system and improving the highways.

For 33 years Bill taught high school government and civics to students at Mankato High and Mankato West. Bill is a firm believer in the good of government, and feels that it is the public's responsibility not to take our democracy for granted. And, he practices what he preaches. You participate in a democracy by voting, by keeping informed, and in Bill's case, running for office in order to make things change.

His public service has also included 2 years in the U.S. Armed Forces in the U.S. Army. Throughout his life, Bill's career has been interspersed with athletic coaching, baseball umpiring and police reserve and civil defense work, as well as dedicated church and community service.

I commend Bill Schimmel on his many contributions over the years, and join with his family, friends, and colleagues in extending my warmest wishes for a well deserved retirement.

Indefagitable, Bill will continue to remain active in the community he loves.

Congratulations Bill, you're an inspiration.●

FRANKLIN DELANO ROOSEVELT HISTORY MONTH

● Mr. LEVIN. Mr. President, one of Franklin Roosevelt's most famous speeches is commonly referred to as the "four freedoms" speech. He said:

> We look forward to a world founded upon four essential human freedoms. The first is freedom of speech and expression—everywhere in the world. The second is freedom of every person to worship God in his own way—everywhere in the world. The third is freedom from want—everywhere in the world. The fourth is freedom from fear—everywhere in the world.

These optimistic words were spoken less than 1 year before the Japanese attack on Pearl Harbor. It was an anxious time for America. The United States was very reluctant to get involved in another war, but the spread of Hitler's empire across Europe and into northern Africa demanded a call to action. The U.S. Army was so unprepared for any conflict that it was training with broomsticks for machine guns and sacks of flour for mortar fire.

In the wake of Pearl Harbor, the country was in shock and fearful of attack. Guns were placed on top of Washington, DC, buildings and Army units in American cities were put on alert to be on the lookout for enemy planes. However, President Roosevelt's confidence in the face of adversity was contagious. He called on the country to put down everything and concentrate on beating the enemy. Millions of men enlisted to defend freedom. Roosevelt mobilized the country to make weapons of war at levels that many critics called unrealistic. Women flocked into the workplace at unprecedented levels to fill the labor shortage. On the homefront, everything from Sunday automobile drives to meat and butter were sacrificed to provide for the men on the front lines. The greatest sacrifice among the many sacrifices which America gave for the war effort was the loss of many lives among a generation of the country's finest young men and women.

Roosevelt kept the country updated on the war effort through his fireside chats. They were so popular that stores ran out of world maps because so many citizens were following along with the President at home. The President had a unique ability to convey to the American people the seriousness and grave nature of the situation that America found itself in, while at the same time showing unqualified confidence in the American people to get the job done.

One cannot properly speak of Franklin Roosevelt without considerable mention of his wife Eleanor. When President Roosevelt was struck with polio, Eleanor Roosevelt represented him in places that he could not reach. She toured the country and reported back to her husband on what she had heard. She was one of his closest and most trusted advisers.

While not an adviser, the Roosevelt's dog, Fala, provided companionship for the President in very difficult times. It was reported that the President was rarely seen without the dog trailing close behind. Even the Roosevelt dog was not immune from political attacks, however. Following one such attack, Roosevelt remarked, "Well, of course, I don't resent attacks, and my family doesn't resent attacks, but Fala does resent them—his Scotch soul was furious. * * * He has not been the same dog since."

Roosevelt was elected President in 1932 at the depth of the Great Depression and he died while serving as President in April 1945, shortly before the surrender of Germany in World War II. During those years, the world underwent a tidal change, which touched the lives of everyone then and since. It is the ultimate testament to President Roosevelt that he was reelected an unprecedented three times during such a turbulent era, proving both his effectiveness and immense popularity.

In fighting the Depression, he was able to use the Federal Government as an effective tool in getting people working again. Through the U.S. victory in World War II, Roosevelt positioned the United States in a leadership position in world affairs that has lasted for over 50 years. We continue to reap the benefits of his leadership today.

Yesterday, October 1, 1996, marked the first day of Franklin Delano Roosevelt History Month. During the next month, the life and times of Franklin and Eleanor Roosevelt will be celebrated across the country through symposia, exhibitions, and documentaries. I encourage everyone to take part in observing the contributions FDR made to our Nation.●

THE REMARKABLE SAGA OF SIGMUND NISSENBAUM

● Mr. MOYNIHAN. Mr. President, I rise today to share with my colleagues the inspiring story of Sigmund Nissenbaum of Warsaw, Poland, which was brought to my attention by a group of distinguished American Rabbis—headed by Grand Rabbi Shmuel Teitelbaum and Rabbi Hertz Frankel of Brooklyn—who recently returned from Poland where they helped rededicate three historic Jewish cemeteries which had been almost completely destroyed by 50 years of neglect and vandalism.

Sigmund Nissenbaum, a survivor of the Warsaw Ghetto uprising, has devoted his life to keeping alive and protecting the one-glorious Jewish heritage of Poland. For almost 1,000 years before 1939, Poland had the world's largest Jewish population. The vast majority of Poland's 3 million Jews were killed by the Nazis, and most of the survivors were driven into exile by the post-war Communist regime. During these trying days, Sigmund Nissenbaum—often almost singlehandedly—battled against overwhelming odds to protect Poland's Jewish cemeteries.

The collapse of the Communist government in 1989 allowed Mr. Nissenbaum to solicit support for his endeavors from Jews residing in the United States and Israel, leading to the creation of the Nissenbaum Foundation. For the past 7 years, this foundation has institutionalized the life work of Sigmund Nissenbaum, erecting memorials to the victims of the Holocaust in several Polish cities and restoring over a dozen historic cemeteries.

Rabbi Hertz Frankel reports that he has:

> . . . personally observed Mr. Nissenbaum gathering skeletons from cemeteries which had been trampled by hooligans. His compassion, care and conscience are an inspiration to Jews throughout the world, and to Polish non-Jews as well. The current Polish government and Catholic Church leaders have noted his historic role in helping to restore a measure of dignity to the final resting place of so many of his people.

I know I speak for the entire Senate when I congratulate Sigmund Nissenbaum, who recently celebrated his 70th birthday, and wish him many more years of success in his life's sacred work.●

CHEMICAL WEAPONS CONVENTION

● Mr. SARBANES. Mr. President, last week marked the 35th anniversary of the U.S. Arms Control and Disarmament Agency, whose purpose is to reduce threats to the United States through arms control, nonproliferation, and disarmament. It is the only agency of its kind in the U.S. Government, or, in fact, the world.

This is a bittersweet anniversary for the agency. On the one hand, it just has witnessed the signing of the Comprehensive Test Ban Treaty in New York. ACDA was at the forefront of advocating and negotiating this treaty, which represents an historic achievement by banning all nuclear explosions worldwide.

On the other hand, however, arms control efforts have just been dealt a great setback by virtue of the Senate's decision not to take up the Chemical Weapons Convention this year. I would like to take this opportunity to express my strong support for the Chemical Weapons Convention [CWC] and my concern over the delay in giving advice and consent to its ratification.

The Chemical Weapons Convention is an unprecedented international agreement designed to eliminate an entire class of weapons of mass destruction. Unlike earlier protocols which prohibit only the use of chemical weapons, this Convention aims at stopping their production, transfer, and storage by providing incentives to participation, verification of compliance, and penalties for violation. It now has been signed by 160 countries and ratified by 64. The United States is the only G–7 country not to have ratified it. All of our major trading partners have done so. And many of the countries whose adherence is most important will not ratify it if the United States does not.

The CWC has been before the Senate for consideration for nearly 3 years now. During that period, Senators from every relevant committee have had ample opportunity to examine the convention and to address the issues that have been raised in connection with it. The Foreign Relations Committee, for example, has held 8 public hearings and 1 closed hearing, with 31 separate witnesses, along with numerous briefings in open and closed session, since the spring of 1994. The Armed Services Committee has held three hearings on the military implications of the treaty, and additional hearings have been held in the Intelligence Committee, the Governmental Affairs Committee, and, more recently, the Judiciary Committee. On April 25, 1996, the Foreign Relations Committee reported a bipartisan resolution of ratification, addressing all the major issues that were raised during the course of consideration of the convention.

This treaty will not make the threat of chemical weapons automatically disappear from the face of the earth. But it will constrain the proliferation of chemical weapons, it will establish international norms and standards against them, and it will make it harder for rogue regimes and terrorists to gain access to them. It will deter covert chemical weapons programs by making them much more difficult and expensive—legally, morally, and financially—to maintain. There is currently no legal regime prohibiting the development, production, storage, and transfer of chemical weapons, and therefore no legal basis on which to challenge chemical weapons programs.

I believe there are three major reasons why this treaty will serve American interests, and why a failure to ratify it could have devastating repercussions.

First, the CWC requires others to join us in doing something we already plan to do. As a matter of U.S. policy we have already decided to destroy our current stockpile of chemical weapons. There is a provision in law, first signed by President Reagan, that we eliminate our chemical weapons by the year 2004. We are going to do that regardless of what happens with this treaty, because we think that is a wise thing to do. The leaders of our military services have agreed that we can effectively deter the use of chemical weapons without threatening retaliation in kind. In short, we don't need chemical weapons and we don't want them.

The value of this treaty is that it brings along many other countries in agreeing to do the same thing. So rather than taking a unilateral action, we will be establishing a basis for others to take similar action. As Lt. Gen. Wesley Clark, Director of Strategic Plans and Policy in the Office of the Chairman of the Joint Chiefs, told the Foreign Relations Committee:

> The convention's imposition of an internationally recognizable obligation to destroy all chemical weapons essentially places all other CW capable state parties on an equal footing with the United States. Because of the convention's trade restrictions and provisions, proliferators outside the convention will find it increasingly more difficult to acquire the chemical precursors essential to building a chemical weapons stockpile.

Similarly, Stanley Weiss, chairman of Business Executives for National Security, wrote in the Washington Times:

> Without the treaty, the United States can only act unilaterally against nations like China, believed to be assisting Iran to develop chemical weapons. With the CWC in force, those countries who do business with rogue nations run the risk of being cut from nearly every trading nation on the planet.

The second major reason this treaty is in our interests is because it will provide us with better information about what other countries are doing in the area of chemical weapons. We know that the verification regime in this treaty is not perfect. There will probably be countries or agencies that will cheat on this agreement, and there are others who may not sign it. But if we are party to the treaty, we will have an opportunity to investigate and inspect potential violations. We will have access to information about what those countries are doing. In fact, Secretary of Defense Perry argued:

> . . .while we recognize that detecting illicit production of small quantities of CW will be extremely difficult, we also recognize that would be even more difficult without a CWC. In fact, the CWC verification regime, through its declaration, routine inspection, fact-finding, consultation and challenge inspections, should prove effective in providing a wealth of information on possible CW programs that simply would not be available without the convention.

Likewise, then-CIA Director James Woolsey noted that "We will know more about the state of chemical warfare preparations in the world with the treaty than we would know without it."

The point is that we are going to have to monitor potential violations in either case. Regardless of whether there is a treaty or not, regardless of whether we ratify it or not, our intelligence agencies will need to collect information about chemical weapons production and possession by other countries. But if we participate in the Convention, we will have more avenues to learn about those violations, and we will have an opportunity that we otherwise would not have to conduct challenge inspections.

Moreover, any violations that are discovered will be made known to the world and receive universal condemnation. The treaty in effect creates an international mechanism for identifying and exposing violators. As Secretary of State Christopher pointed out to the Foreign Relations Committee, "By ratifying the Convention, we will add the force and weight of the entire international community to our efforts to assure the destruction of Russian chemical stocks. Our action will also spur other nations such as China to ratify and join the regime." An op-ed by Amy Smithson in the Baltimore Sun last year noted that "the Senate's consent to ratification of the CWC would help open Russian storage sites to international scrutiny, allowing inspectors to inventory and secure these weapons. If the Senate ratifies the treaty, which will ban the development, production, stockpiling and use of chemical weapons, pressure will increase for Russia to do the same."

Third, a failure to ratify would put U.S. interests at a distinct disadvantage. If the CWC enters into force without us, then U.S. chemical manufacturers will immediately find themselves under economic sanctions. They will immediately have to obtain end-user certificates for the sale of certain chemicals abroad, and after 3 years they will not be able to export them at all. Indeed, a letter signed by the CEO's of 53 of the largest chemical firms in the country warns as follows:

> Our industry's status as the world's preferred supplier of chemical products may be jeopardized if the U.S. does not ratify the Convention. If the Senate does not vote in favor of the CWC, we stand to lose hundreds of millions of dollars in overseas sales, putting at risk thousands of good-paying American jobs.

So the consequences of not approving the treaty will be very considerable both on U.S. industry and for our overall national interests. Unfortunately, this appears to be a situation in which partisan political considerations have played an important role. On this point, I ask that three editorials, from the Washington Post, the New York Times, and the Baltimore Sun, be inserted in the RECORD at the conclusion of my remarks.

Some of the arguments that have been made against this treaty are very difficult to follow. On the one hand, opponents have argued that it does not allow anytime, anywhere inspections, and thus that some violations might go undetected. But it was the Bush administration that decided, as a matter of protecting U.S. national interests, that we did not want to have anytime, anywhere inspections because that would jeopardize our trade secrets and national security, and possibly violate constitutional rights. So it was the United States, under a Republican administration, that decided not to include unrestricted inspections.

On the other hand, opponents contend that the treaty is too intrusive and allows international investigators too much latitude in inspecting U.S. facilities. I find this argument surprising when the chemical manufacturers themselves are strongly supporting this treaty. In the letter that I cited earlier, the CEO's state:

> Our industry participated in negotiating the agreement and in U.S. and international implementation efforts. The treaty contains substantial protections for confidential business information (CBI). We know, because industry helped to draft the CBI provisions. Chemical companies also helped test the draft CWC reporting system, and we tested the on-site inspection procedures that will help verify compliance with the treaty. In short, our industry has thoroughly examined and tested this Convention. We have concluded that the benefits of the CWC far outweigh the costs.

How can it be argued that the inspections regime is too rigorous, and at the very same time that it is not rigorous enough? Both the Bush administration and the Clinton administration, after thorough review, have concluded that the balance obtained in this treaty is fair and reasonable. As former President Bush wrote in a letter to Senators PELL and LUGAR in July 1994:

> The United States worked hard to ensure that the Convention could be effectively verified. At the same time, we sought the means to protect both United States security interests and commercial capabilities. I am convinced that the Convention we signed served both objectives, effectively banning chemical weapons without creating an unnecessary burden on legitimate activities.

Mr. President, this is a Convention that was negotiated and signed by Republican administrations and has received broad bipartisan support. We have heard testimony from the Pentagon and the Joint Chiefs of Staff about the importance of this treaty to U.S. national interests. Gen. John Shalikashvili testified that "from a military perspective, the Chemical Weapons Convention is clearly in our national interest." Secretary of Defense William J. Perry, along with Attorney General Janet Reno, wrote in a recent op-ed for the Washington Post:

> The case for ratification is compelling on both military and law enforcement grounds. . . . Destroying existing chemical weapons and preventing potential enemies from obtaining them will unmistakably strengthen America's defense, which is why both Presidents Reagan and Bush, together with America's military leaders, have strongly supported the conclusion of such a treaty. . . .By moving forward on the Chemical Weapons Convention, the United States also will greatly improve its law enforcement capabilities for investigating and prosecuting those who plan chemical-weapons attacks. . . . To increase the battlefield safety of our troops and fight terror here and around the globe, the Senate should ratify the Chemical Weapons Convention now.

I think it is unfortunate that the treaty has been deferred until next year. Here we had an opportunity to move forward on an agreement that clearly would promote American interests, increase American security, and preserve American leadership. I regret that was not done, and I urge that it be taken up promptly in the next Congress.

The articles follow:

[From the Washington Post, Sept. 15, 1996]

TREATY TURNABOUT

For the better part of a decade Sen. Robert Dole was a part of the legion of Republicans, including Ronald Reagan, George Bush, James Baker, Brent Scowcroft, Colin Powell and Richard Lugar, who supported writing a treaty to outlaw poison gas. Last week, on the eve of a Senate vote on ratification, Mr. Dole indicated that he had changed his mind and joined the opposition to the treaty of his former Senate colleagues Trent Lott, Jesse Helms, Jon Kyl and others.

It is hard to believe the political campaign had nothing to do with the candidate's flip-flop, although Mr. Dole does cite reasons. He suggests he had reservations about the treaty's coverage—the rogue states that are its prime target will surely reject it—and about its enforceability, which under the best of circumstances will not be foolproof. Others who are not running for office have also cited these views, but we think there are strong arguments against them. The treaty does not immediately reach the rogues, but it does create a legal and political framework in which they can be better isolated and pursued. The implicit opposition alternative of a treaty with full coverage simply does not exist. Again, enforcement will not be total under this treaty, but here is a case where the best is the enemy of the good. Enforcement will be better than it is without a treaty, and practice can make it better still.

Mr. Dole cites the situation of American chemical companies which, he believes, would suffer under unacceptably intrusive inspection obligations. But the companies themselves have greeted the treaty as a welcome and bearable liberation of their exports from the onus of contributing to rogue chemical stocks. The former majority leader seems unaware that the "unilateral chemical disarmament" that he now opposes was begun by President Reagan. The American military does not want a weapon that is irrelevant to deterrence and more dangerous to handle than any conceivable battlefield benefit warrants.

The treaty has been pulled, not killed. In other political circumstances, it can be sent back up to the Senate. But meanwhile, the ratifications of other states will bring it into effect. As a result, the American government will be frozen out of the treaty's initial application—this can only warm the poison gas crowd—and the American chemical industry will risk a cutoff of tens of billions of dollars in exports. We don't believe that's in the United States' national interest or Mr. Dole's, for that matter.

[From the New York Times, Sept. 15, 1996]

MR. DOLE BUMPS A GOOD TREATY

It is not uncommon for election-year politics to contaminate Congressional lawmaking, but a vitally important international treaty should not be cynically sacrificed for political advantage. That is what happened last week when Bob Dole reached back into the Senate to block the expected approval of an agreement banning the development, production, stockpiling, sale and use of chemical weapons.

In so doing, Mr. Dole derailed a treaty negotiated by the Administrations of his Republican brethren Ronald Reagan and George Bush, and supported by Republicans and Democrats. Though Mr. Dole offered many policy objections, the real point was to pick a fight with President Clinton and deny him the afterglow of a diplomatic achievement.

As the Senate vote approached last week, Mr. Dole, who had not previously opposed the agreement, chimed in with a letter to the majority leader, Trent Lott, urging that approval be withheld until the accord had been accepted by virtually every other country in the world and there was assurance that even the smallest violations could be detected. Fearing they could no longer count on the 67 votes needed for approval, treaty sponsors pulled the measure, dooming it in this Congress. It can be brought back for a vote next year.

No treaty can absolutely prevent terrorists and other outlaws from smuggling small quantities of chemical weapons. But the Chemical Weapons Convention, already signed by 160 nations and ratified by 63, could make it much harder for countries like Iraq, or criminals like the group that unleashed lethal sarin gas in the Tokyo subways last year, to obtain toxic chemicals or their ingredients.

American military leaders, responsible politicians of both parties and the American chemical industry all favor the treaty.

The convention, including its verification system and severe restrictions on chemical purchases from countries that have not ratified, is now likely to go into effect without the United States, potentially costing the American chemical industry billions of dollars in lost exports.

Mr. Dole complained that the convention imposed intrusive paperwork on American industry and risked the trade secrets of American chemical manufacturers. But the agreement's inspection and paperwork provisions were negotiated in close cooperation with the chemical industry.

The United States is already destroying most of its own chemical weapons arsenal, and current Pentagon doctrine excludes the use of these weapons even in response to a chemical attack.

Mr. Dole's new scorched-earth strategy in Congress was not limited to the chemical weapons treaty. To insure that the President cannot claim credit for enactment of an immigration bill this year, Mr. Dole is now pressing to give states the right to deny a public education to the children of illegal immigrants. He knows that provision would lead either to defeat the bill in the Senate or to a Clinton veto.

At least this particular maneuver would do little harm since the immigration bill is filled with other unacceptable provisions. But imperiling the Chemical Weapons Convention is trifling with the national interest. It is a measure of his desperation that Mr. Dole would seek to stir his becalmed campaign by blocking such an important and beneficial treaty.

[From the Baltimore Sun, Sept. 14, 1996]

DOLE'S RE-ENTRY INTO SENATE AFFAIRS

So great is the Republican impulse to deny President Clinton bill-signing ceremonies before the November election that his opponent, Bob Dole, has slipped into a negative posture that strikes us as dumb politics. Acting somewhat as Senate majority leader in absentia, Citizen Dole has used his influence with some former colleagues to ditch two key pieces of legislation—a wide-ranging reform of immigration laws and ratification of a Chemical Weapons Convention crafted during the Bush administration.

Both measures are believed to have fairly wide public support. Both are now in coma due to poison pill amendments prescribed by Mr. Dole. One can only hope that after election passions wane, wiser counsels will prevail.

The roadblock on immigration reform is due to a Dole-backed amendment that would allow states to deny public schooling to children of illegal immigrants. "I can't believe they are doing this," lamented Sen. Alan Simpson, R-Wyo., an ally of the GOP nominee for president.

The treaty dealing with poison gas was put on the back burner after the Clinton administration spurned killer amendments that would have prevented its implementation until Iraq, Libya and North Korea ratify it, thus giving these rogue states veto power. Another Republican, Sen. Richard Lugar of Indiana, said the whole process has been "politicized" in ways harmful to U.S. foreign policy.

The Chemical Manufacturers Association, fearful of setbacks in international trade, complained that treaty opponents have "disfigured and distorted [it] beyond recognition." But hard-line unilateralists, such as Sens. Jesse Helms and Jon Kyl, contend that international controls under the convention would add to the costs of small chemical companies.

It is a shame that a treaty aimed at reducing stockpiles of mustard gas, nerve agents and other deadly chemicals has fallen victim to U.S. domestic politics. This country was its foremost advocate, not least because an estimated 30,000 tons of Russian chemical weapons are vulnerable to theft and misuse by terrorists and pariah governments. Now Moscow can continue to abstain. Now the votes of only a handful of foreign nations can put the treaty into effect without U.S. participation.

Just as the U.S. needs to control immigration, so it needs to play a leading role in policing a treaty that would ban manufacture as well as use of chemical weaponry. Once the election is over, both issues require resurrection.●

INTERNATIONAL FAMILY PLANNING ASSISTANCE

● Mr. LEAHY. Mr. President, the Senate version of the Foreign Operations bill included my amendment to provide $410 million for international family planning assistance, an increase of $54 million above last year's level. That amendment also deleted a House provision which would have penalized private organizations that use their own funds for abortions, even where abortion is legal.

This is the remaining issue to be decided in the conference on this bill, and it is now in the hands of the White House and the House and Senate leadership. I appreciate the White House's support for my position. This is an issue of critical importance to the welfare of hundreds of millions of women around the world, especially in poor countries where family planning services are often lacking or inadequate.

Last year, after going back and forth with the House several times on this same issue, the House sent us a provision that resulted in a drastic cut in funding for family planning. Chairman HATFIELD, who has consistently voted pro-life, opposed that provision, as did I, because it cut family planning services to millions of women with the inevitable result that there would be an increase in unwanted pregnancies and abortions.

But the House recessed immediately after, and in order to avoid another Government shutdown the Senate reluctantly acquiesced in the House provision. I, and I know others feel likewise, do not want to see a repeat of that fiasco.

This year, the House included a provision which not only continues the one-third cut in funding for family planning, but it also included a version of the Mexico City policy by imposing restrictions on what private organizations can do with their own money in order to receive U.S. Government funds.

Why we would want to do that when there are hundreds of millions of people who want family planning services but cannot get it, and the world is struggling with the enormous pressures of over a billion people living in poverty already, is beyond me.

I understand the herculean efforts that Congressman CALLAHAN and others on the House side have made to try to resolve this matter in a way that does not damage the Agency for International Development's family planning program. I also greatly appreciate the tireless efforts of Senator HATFIELD, who has tried every conceivable approach to reconcile the House and Senate provisions.

However, I urge the administration to stand firmly on the side of women, on unrestricted access to family planning, and on the right of private organizations to use their funds as they see fit—including for abortions, consistent with the laws of the countries where they operate. At a time when the world's population will double in the next 50 years and 90 percent of the new births will occur in countries that cannot even feed and care for their own people today, there is no more pressing issue for American leadership.●

GLENORA G. ROLAND

● Mr. LEVIN. Mr. President, I rise today to honor Glenora G. Roland of Flint, MI, who is celebrating 50 years of community service. Ms. Roland moved to Flint with her family in 1936.

Ms. Roland has always been a leader in the revitalization of the Flint community. In 1977, Glenora joined several other committed members of the community to found the Flint neighborhood improvement and preservation project, and the Flint neighborhood coalition. These two organizations have contributed greatly to the rebuilding and strengthening of the community. Ms. Roland served as the Flint NIPP's first secretary, as well as naming the organization. She has also served as the executive director of the Flint neighborhood coalition. The coalition's mission is "to reverse neighborhood decay by teaching residents to be self-sufficient."

I know my Senate colleagues join me in honoring Glenora G. Roland on her 50 years of service to the Flint community and Michigan.●

NOTE

Page 25429 of the RECORD of September 27, 1996, shows an incorrect headline and bill title for H.R. 1014, a bill to authorize extension of time limitation for a FERC-issued hydroelectric license. The permanent RECORD has been corrected accordingly.

ECONOMIC ESPIONAGE ACT OF 1996

Mr. NICKLES. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on (H.R. 3723) the bill to amend title 18, United States Code, to protect proprietary economic information, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3723) entitled "An Act to amend title 18, United States Code, to protect proprietary economic information, and for other purposes", with the following House amendment to senate amendment:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Espionage Act of 1996".

TITLE I—PROTECTION OF TRADE SECRETS

SEC. 101. PROTECTION OF TRADE SECRETS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 89 the following:

"CHAPTER 90—PROTECTION OF TRADE SECRETS

"Sec.
"1831. Economic espionage.
"1832. Theft of trade secrets.
"1833. Exceptions to prohibitions.
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"§1831. Economic espionage

"(a) IN GENERAL.—Whoever, intending or knowing that the offense will benefit any foreign government, foreign instrumentality, or foreign agent, knowingly—

"(1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains a trade secret;

"(2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys a trade secret;

"(3) receives, buys, or possesses a trade secret, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;

"(4) attempts to commit any offense described in any of paragraphs (1) through (3); or

"(5) conspires with one or more other persons to commit any offense described in any of paragraphs (1) through (4), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined not more than $500,000 or imprisoned not more than 15 years, or both.

"(b) ORGANIZATIONS.—Any organization that commits any offense described in subsection (a) shall be fined not more than $10,000,000.

"§1832. Theft of trade secrets

"(a) Whoever, with intent to convert a trade secret, that is related to or included in a product that is produced for or placed in interstate or foreign commerce, to the economic benefit of anyone other than the owner thereof, and intending or knowing that the offense will, injure any owner of that trade secret, knowingly—

"(1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains such information;

"(2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys such information;

"(3) receives, buys, or possesses such information, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;

"(4) attempts to commit any offense described in paragraphs (1) through (3); or

"(5) conspires with one or more other persons to commit any offense described in paragraphs (1) through (3), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined under this title or imprisoned not more than 10 years, or both.

"(b) Any organization that commits any offense described in subsection (a) shall be fined not more than $5,000,000.

"§1833. Exceptions to prohibitions

"This chapter does not prohibit—

"(1) any otherwise lawful activity conducted by a governmental entity of the United States, a State, or a political subdivision of a State; or

"(2) the reporting of a suspected violation of law to any governmental entity of the United States, a State, or a political subdivision of a State, if such entity has lawful authority with respect to that violation.

"§1834. Criminal forfeiture

"(a) The court, in imposing sentence on a person for a violation of this chapter, shall order, in addition to any other sentence imposed, that the person forfeit to the United States—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(2) any of the person's property used, or intended to be used, in any manner or part, to commit or facilitate the commission of such violation, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property in the offense.

"(b) Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsections (d) and (j) of such section, which shall not apply to forfeitures under this section.

"§1835. Orders to preserve confidentiality

"In any prosecution or other proceeding under this chapter, the court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of trade secrets, consistent with the requirements of the Federal Rules of Criminal and Civil Procedure, the Federal Rules of Evidence, and all other applicable laws. An interlocutory appeal by the United States shall lie from a decision or order of a district court authorizing or directing the disclosure of any trade secret.

"§1836. Civil proceedings to enjoin violations

"(a) The Attorney General may, in a civil action, obtain appropriate injunctive relief against any violation of this section.

"(b) The district courts of the United States shall have exclusive original jurisdiction of civil actions under this subsection.

"§1837. Applicability to conduct outside the United States

"This chapter also applies to conduct occurring outside the United States if—

"(1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or a State or political subdivision thereof; or

"(2) an act in furtherance of the offense was committed in the United States.

"§1838. Construction with other laws

"This chapter shall not be construed to preempt or displace any other remedies, whether civil or criminal, provided by United States Federal, State, commonwealth, possession, or territory law for the misappropriation of a trade secret, or to affect the otherwise lawful disclosure of information by any Government employee under section 552 of title 5 (commonly known as the Freedom of Information Act).

"§1839. Definitions

"As used in this chapter—

"(1) the term 'foreign instrumentality' means any agency, bureau, ministry, component, institution, association, or any legal, commercial, or business organization, corporation, firm, or entity that is substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign government;

"(2) the term 'foreign agent' means any officer, employee, proxy, servant, delegate, or representative of a foreign government;

"(3) the term 'trade secret' means all forms and types of financial, business, scientific, technical, economic, or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, or codes, whether tangible or intangible, and whether or how stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if—

"(A) the owner thereof has taken reasonable measures to keep such information secret; and

"(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, the public; and

"(4) the term 'owner', with respect to a trade secret, means the person or entity in whom or in which rightful legal or equitable title to, or license in, the trade secret is reposed.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning part I of title 18, United States Code, is amended by inserting after the item relating to chapter 89 the following:

"90. Protection of trade secrets 1831

(c) REPORTS.—Not later than 2 years and 4 years after the date of the enactment of this Act, the Attorney General shall report to Congress on the amounts received and distributed from fines for offenses under this chapter deposited in the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

SEC. 102. WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting "chapter 90 (relating to protection of trade secrets)," after "chapter 37 (relating to espionage),".

TITLE II—NATIONAL INFORMATION INFRASTRUCTURE PROTECTION ACT OF 1996.

SEC. 201. COMPUTER CRIME.

Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "knowingly accesses" and inserting "having knowingly accessed";

(ii) by striking "exceeds" and inserting "exceeding";

(iii) by striking "obtains information" and inserting "having obtained information";

(iv) by striking "the intent or";

(v) by striking "is to be used" and inserting "could be used"; and

(vi) by inserting before the semicolon at the end the following: "willfully communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it";

(B) in paragraph (2)—

(i) by striking "obtains information" and inserting "obtains—

"(A) information"; and

(ii) by adding at the end the following new subparagraphs:

"(B) information from any department or agency of the United States; or

"(C) information from any protected computer if the conduct involved an interstate or foreign communication;";

(C) in paragraph (3)—

(i) by inserting "nonpublic" before "computer of a department or agency";

(ii) by striking "adversely"; and

(iii) by striking "the use of the Government's operation of such computer" and inserting "that use by or for the Government of the United States";

(D) in paragraph (4)—

(i) by striking "Federal interest" and inserting "protected"; and

(ii) by inserting before the semicolon the following: "and the value of such use is not more than $5,000 in any 1-year period";

(E) by striking paragraph (5) and inserting the following:

"(5)(A) knowingly causes the transmission of a program, information, code, or command, and as a result of such conduct, intentionally causes damage without authorization, to a protected computer;

"(B) intentionally accesses a protected computer without authorization, and as a result of such conduct, recklessly causes damage; or

"(C) intentionally accesses a protected computer without authorization, and as a result of such conduct, causes damage;"; and

(F) by inserting after paragraph (6) the following new paragraph:

"(7) with intent to extort from any person, firm, association, educational institution, financial institution, government entity, or other legal entity, any money or other thing of value, transmits in interstate or foreign commerce any communication containing any threat to cause damage to a protected computer;";

(2) in subsection (c)—

(A) in paragraph (1), by striking "such subsection" each place that term appears and inserting "this section";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting ", (a)(5)(C)," after "(a)(3)"; and

(II) by striking "such subsection" and inserting "this section";

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting immediately after subparagraph (A) the following:

"(B) a fine under this title or imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(2), if—

"(i) the offense was committed for purposes of commercial advantage or private financial gain;

"(ii) the offense was committed in furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States or of any State; or

"(iii) the value of the information obtained exceeds $5,000;"; and

(iv) in subparagraph (C) (as redesignated)—

(I) by striking "such subsection" and inserting "this section"; and

(II) by adding "and" at the end;

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking "(a)(4) or (a)(5)(A)" and inserting "(a)(4), (a)(5)(A), (a)(5)(B), or (a)(7)"; and

(II) by striking "such subsection" and inserting "this section"; and

(ii) in subparagraph (B)—

(I) by striking "(a)(4) or (a)(5)" and inserting "(a)(4), (a)(5)(A), (a)(5)(B), (a)(5)(C), or (a)(7)"; and

(II) by striking "such subsection" and inserting "this section"; and

(D) by striking paragraph (4);

(3) in subsection (d), by inserting "subsections (a)(2)(A), (a)(2)(B), (a)(3), (a)(4), (a)(5), and (a)(6) of" before "this section.";

(4) in subsection (e)—

(A) in paragraph (2)—

(i) by striking "Federal interest" and inserting "protected";

(ii) in subparagraph (A), by striking "the use of the financial institution's operation or the Government's operation of such computer" and inserting "that use by or for the financial institution or the Government"; and

(iii) by striking subparagraph (B) and inserting the following:

"(B) which is used in interstate or foreign commerce or communication;";

(B) in paragraph (6), by striking "and" at the end;

(C) in paragraph (7), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new paragraphs:

"(8) the term 'damage' means any impairment to the integrity or availability of data, a program, a system, or information, that—

"(A) causes loss aggregating at least $5,000 in value during any 1-year period to one or more individuals;

"(B) modifies or impairs, or potentially modifies or impairs, the medical examination, diagnosis, treatment, or care of one or more individuals;

"(C) causes physical injury to any person; or

"(D) threatens public health or safety; and

"(9) the term 'government entity' includes the Government of the United States, any State or political subdivision of the United States, any foreign country, and any state, province, municipality, or other political subdivision of a foreign country."; and

(5) in subsection (g)—

(A) by striking ", other than a violation of subsection (a)(5)(B),"; and

(B) by striking "of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb)" and inserting "involving damage as defined in subsection (e)(8)(A)".

TITLE III—TRANSFER OF PERSONS FOUND NOT GUILTY BY REASON OF INSANITY

SEC. 301. TRANSFER OF PERSONS FOUND NOT GUILTY BY REASON OF INSANITY.

(a) AMENDMENT OF SECTION 4243 OF TITLE 18.—Section 4243 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) CERTAIN PERSONS FOUND NOT GUILTY BY REASON OF INSANITY IN THE DISTRICT OF COLUMBIA.—

"(1) TRANSFER TO CUSTODY OF THE ATTORNEY GENERAL.—Notwithstanding section 301(h) of title 24 of the District of Columbia Code, and notwithstanding subsection 4247(j) of this title, all persons who have been committed to a hospital for the mentally ill pursuant to section 301(d)(1) of title 24 of the District of Columbia Code, and for whom the United States has continuing financial responsibility, may be transferred to the custody of the Attorney General, who shall hospitalize the person for treatment in a suitable facility.

"(2) APPLICATION.—

"(A) IN GENERAL.—The Attorney General may establish custody over such persons by filing an application in the United States District Court for the District of Columbia, demonstrating that the person to be transferred is a person described in this subsection.

"(B) NOTICE.—The Attorney General shall, by any means reasonably designed to do so, provide written notice of the proposed transfer of custody to such person or such person's guardian, legal representative, or other lawful agent. The person to be transferred shall be afforded an opportunity, not to exceed 15 days, to respond to the proposed transfer of custody, and may, at the court's discretion, be afforded a hearing on the proposed transfer of custody. Such hearing, if granted, shall be limited to a determination of whether the constitutional rights of such person would be violated by the proposed transfer of custody.

"(C) ORDER.—Upon application of the Attorney General, the court shall order the person transferred to the custody of the Attorney General, unless, pursuant to a hearing under this paragraph, the court finds that the proposed transfer would violate a right of such person under the United States Constitution.

"(D) EFFECT.—Nothing in this paragraph shall be construed to—

"(i) create in any person a liberty interest in being granted a hearing or notice on any matter;

"(ii) create in favor of any person a cause of action against the United States or any officer or employee of the United States; or

"(iii) limit in any manner or degree the ability of the Attorney General to move, transfer, or otherwise manage any person committed to the custody of the Attorney General.

"(3) CONSTRUCTION WITH OTHER SECTIONS.—Subsections (f) and (g) and section 4247 shall apply to any person transferred to the custody of the Attorney General pursuant to this subsection.".

(b) TRANSFER OF RECORDS.—Notwithstanding any provision of the District of Columbia Code or any other provision of law, the District of Columbia and St. Elizabeth's Hospital—

(1) not later than 30 days after the date of enactment of this Act, shall provide to the Attorney General copies of all records in the custody or control of the District or the Hospital on such date of enactment pertaining to persons described in section 4243(i) of title 18, United States Code (as added by subsection (a));

(2) not later than 30 days after the creation of any records by employees, agents, or contractors of the District of Columbia or of St. Elizabeth's Hospital pertaining to persons described in section 4243(i) of title 18, United States Code, provide to the Attorney General copies of all such records created after the date of enactment of this Act;

(3) shall not prevent or impede any employee, agent, or contractor of the District of Columbia or of St. Elizabeth's Hospital who has obtained knowledge of the persons described in section 4243(i) of title 18, United States Code, in the employee's professional capacity from providing that knowledge to the Attorney General, nor shall civil or criminal liability attach to such employees, agents, or contractors who provide such knowledge; and

(4) shall not prevent or impede interviews of persons described in section 4243(i) of title 18, United States Code, by representatives of the Attorney General, if such persons voluntarily consent to such interviews.

(c) CLARIFICATION OF EFFECT ON CERTAIN TESTIMONIAL PRIVILEGES.—The amendments made by this section shall not be construed to affect in any manner any doctor-patient or psychotherapist-patient testimonial privilege that may be otherwise applicable to persons found not guilty by reason of insanity and affected by this section.

(d) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section and the amendments made by this section shall not be affected thereby.

TITLE IV—ESTABLISHMENT OF BOYS AND GIRLS CLUBS.

SEC. 401. ESTABLISHING BOYS AND GIRLS CLUBS.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—The Congress finds that—

(A) the Boys and Girls Clubs of America, chartered by an Act of Congress on December 10, 1991, during its 90-year history as a national organization, has proven itself as a positive force in the communities it serves;

(B) there are 1,810 Boys and Girls Clubs facilities throughout the United States, Puerto Rico, and the United States Virgin Islands, serving 2,420,000 youths nationwide;

(C) 71 percent of the young people who benefit from Boys and Girls Clubs programs live in our inner cities and urban areas;

(D) Boys and Girls Clubs are locally run and have been exceptionally successful in balancing public funds with private sector donations and maximizing community involvement;

(E) Boys and Girls Clubs are located in 289 public housing sites across the Nation;

(F) public housing projects in which there is an active Boys and Girls Club have experienced a 25 percent reduction in the presence of crack cocaine, a 22 percent reduction in overall drug activity, and a 13 percent reduction in juvenile crime;

(G) these results have been achieved in the face of national trends in which overall drug use by youth has increased 105 percent since 1992 and 10.9 percent of the Nation's young people use drugs on a monthly basis; and

(H) many public housing projects and other distressed areas are still underserved by Boys and Girls Clubs.

(2) PURPOSE.—It is the purpose of this section to provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,000 additional local Boys and Girls Clubs in public housing projects and other distressed areas by 2001.

(b) DEFINITIONS.—For purposes of this section—

(1) the terms "public housing" and "project" have the same meanings as in section 3(b) of the United States Housing Act of 1937; and

(2) the term "distressed area" means an urban, suburban, or rural area with a high percentage of high risk youth as defined in section 509A of the Public Health Service Act (42 U.S.C. 290aa–8(f)).

(c) ESTABLISHMENT.—

(1) IN GENERAL.—For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Director of the Bureau of Justice Assistance of the Department of Justice shall provide a grant to the Boys and Girls Clubs of America for the purpose of establishing Boys and Girls Clubs in public housing projects and other distressed areas.

(2) CONTRACTING AUTHORITY.—Where appropriate, the Secretary of Housing and Urban Development, in consultation with the Attorney General, shall enter into contracts with the Boys and Girls Clubs of America to establish clubs pursuant to the grants under paragraph (1).

(d) REPORT.—Not later than May 1 of each fiscal year for which amounts are made available to carry out this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that details the progress made under this Act in establishing Boys and Girls Clubs in public housing projects and other distressed areas, and the effectiveness of the programs in reducing drug abuse and juvenile crime.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $20,000,000 for fiscal year 1997;
(B) $20,000,000 for fiscal year 1998;
(C) $20,000,000 for fiscal year 1999;
(D) $20,000,000 for fiscal year 2000; and
(E) $20,000,000 for fiscal year 2001.

(2) VIOLENT CRIME REDUCTION TRUST FUND.—The sums authorized to be appropriated by this subsection may be made from the Violent Crime Reduction Trust Fund.

TITLE V—USE OF CERTAIN TECHNOLOGY TO FACILITATE CRIMINAL CONDUCT

SEC. 501. USE OF CERTAIN TECHNOLOGY TO FACILITATE CRIMINAL CONDUCT.

(a) INFORMATION.—The Administrative Office of the United States courts shall establish policies and procedures for the inclusion in all presentence reports of information that specifically identifies and describes any use of encryption or scrambling technology that would be relevant to an enhancement under section 3C1.1 (dealing with Obstructing or Impeding the Administration of Justice) of the Sentencing Guidelines or to offense conduct under the Sentencing Guidelines.

(b) COMPILING AND REPORT.—The United States Sentencing Commission shall—

(1) compile and analyze any information contained in documentation described in subsection (a) relating to the use of encryption or scrambling technology to facilitate or conceal criminal conduct; and

(2) based on the information compiled and analyzed under paragraph (1), annually report to the Congress on the nature and extent of the use of encryption or scrambling technology to facilitate or conceal criminal conduct.

TITLE VI—TECHNICAL AND MINOR AMENDMENTS

SEC. 601. GENERAL TECHNICAL AMENDMENTS.

(a) FURTHER CORRECTIONS TO MISLEADING FINE AMOUNTS AND RELATED TYPOGRAPHICAL ERRORS.—

(1) Sections 152, 153, 154, and 610 of title 18, United States Code, are each amended by striking "fined not more than $5,000" and inserting "fined under this title".

(2) Section 970(b) of title 18, United States Code, is amended by striking "fined not more than $500" and inserting "fined under this title".

(3) Sections 661, 1028(b), 1361, and 2701(b) of title 18, United States Code, are each amended by striking "fine of under" each place it appears and inserting "fine under".

(4) Section 3146(b)(1)(A)(iv) of title 18, United States Code, is amended by striking "a fined under this title" and inserting "a fine under this title".

(5) The section 1118 of title 18, United States Code, that was enacted by Public Law 103–333—

(A) is redesignated as section 1122; and

(B) is amended in subsection (c) by—

(i) inserting "under this title" after "fine"; and

(ii) striking "nor more than $20,000".

(6) The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1122. Protection against the human immunodeficiency virus.".

(7) Sections 1761(a) and 1762(b) of title 18, United States Code, are each amended by striking "fined not more than $50,000" and inserting "fined under this title".

(8) Sections 1821, 1851, 1852, 1853, 1854, 1905, 1916, 1918, 1991, 2115, 2116, 2191, 2192, 2194, 2199, 2234, 2235, and 2236 of title 18, United States Code, are each amended by striking "fined not more than $1,000" each place it appears and inserting "fined under this title".

(9) Section 1917 of title 18, United States Code, is amended by striking "fined not less than $100 nor more than $1,000" and inserting "fined under this title not less than $100".

(10) Section 1920 of title 18, United States Code, is amended—

(A) by striking "of not more than $250,000" and inserting "under this title"; and

(B) by striking "of not more than $100,000" and inserting "under this title".

(11) Section 2076 of title 18, United States Code, is amended by striking "fined not more than $1,000 or imprisoned not more than one year" and inserting "fined under this title or imprisoned not more than one year, or both".

(12) Section 597 of title 18, United States Code, is amended by striking "fined not more than $10,000" and inserting "fined under this title".

(b) CROSS REFERENCE CORRECTIONS AND CORRECTIONS OF TYPOGRAPHICAL ERRORS.—

(1) Section 3286 of title 18, United States Code, is amended—

(A) by striking "2331" and inserting "2332";

(B) by striking "2339" and inserting "2332a"; and

(C) by striking "36" and inserting "37".

(2) Section 2339A(b) of title 18, United States Code, is amended—

(A) by striking "2331" and inserting "2332";

(B) by striking "2339" and inserting "2332a";

(C) by striking "36" and inserting "37"; and

(D) by striking "of an escape" and inserting "or an escape".

(3) Section 1961(1)(D) of title 18, United States Code, is amended by striking "that title" and inserting "this title".

(4) Section 2423(b) of title 18, United States Code, is amended by striking "2245" and inserting "2246".

(5) Section 3553(f) of title 18, United States Code, is amended by striking "section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 961, 963)" and inserting "section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 960, 963)".

(6) Section 3553(f)(4) of title 18, United States Code, is amended by striking "21 U.S.C. 848" and inserting "section 408 of the Controlled Substances Act".

(7) Section 3592(c)(1) of title 18, United States Code, is amended by striking "2339" and inserting "2332a".

(c) SIMPLIFICATION AND CLARIFICATION OF WORDING.—

(1) The third undesignated paragraph of section 5032 of title 18, United States Code, is amended by inserting "or as authorized under section 3401(g) of this title" after "shall proceed by information".

(2) Section 1120 of title 18, United States Code, is amended by striking "Federal prison" each place it appears and inserting "Federal correctional institution".

(3) Section 247(d) of title 18, United States Code, is amended by striking "notification" and inserting "certification".

(d) CORRECTION OF PARAGRAPH CONNECTORS.—Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (l), by striking "or" after the semicolon; and

(2) in paragraph (n), by striking "and" where it appears after the semicolon and inserting "or".

(e) CORRECTION CAPITALIZATION OF ITEMS IN LIST.—Section 504 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "the" the first place it appears and inserting "The"; and

(2) in paragraph (3), by striking "the" the first place it appears and inserting "The".

(f) CORRECTIONS OF PUNCTUATION AND OTHER ERRONEOUS FORM.—

(1) Section 656 of title 18, United States Code, is amended in the first paragraph by striking "Act,," and inserting "Act,".

(2) Section 1114 of title 18, United States Code, is amended by striking "1112." and inserting "1112,".

(3) Section 504(3) of title 18, United States Code, is amended by striking "importation, of" and inserting "importation of".

(4) Section 3059A(a)(1) of title 18, United States Code, is amended by striking "section 215 225,," and inserting "section 215, 225,".

(5) Section 3125(a) of title 18, United States Code, is amended by striking the close quotation mark at the end.

(6) Section 1956(c)(7)(B)(iii) of title 18, United States Code, is amended by striking "1978)" and inserting "1978".

(7) The item relating to section 656 in the table of sections at the beginning of chapter 31 of title 18, United States Code, is amended by inserting a comma after "embezzlement".

(8) The item relating to section 1024 in the table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by striking "veterans'" and inserting "veteran's".

(9) Section 3182 (including the heading of such section) and the item relating to such section in the table of sections at the beginning of chapter 209, of title 18, United States Code, are each amended by inserting a comma after "District" each place it appears.

(10) The item relating to section 3183 in the table of sections at the beginning of chapter 209 of title 18, United States Code, is amended by inserting a comma after "Territory".

(11) The items relating to section 2155 and 2156 in the table of sections at the beginning of chapter 105 of title 18, United States Code, are each amended by striking "or" and inserting ", or".

(12) The headings for sections 2155 and 2156 of title 18, United States Code, are each amended by striking "**or**" and inserting "**, or**".

(13) Section 1508 of title 18, United States Code, is amended by realigning the matter beginning "shall be fined" and ending "one year, or both." so that it is flush to the left margin.

(14) The item relating to section 4082 in the table of sections at the beginning of chapter 305 of title 18, United States Code, is amended by striking "centers," and inserting "centers;".

(15) Section 2101(a) of title 18, United States Code, is amended by striking "(1)" and by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(16) Section 5038 of title 18, United States Code, is amended by striking "section 841, 952(a), 955, or 959 of title 21" each place it appears and inserting "section 401 of the Controlled Substances Act or section 1001(a), 1005, or 1009 of the Controlled Substances Import and Export Act".

(g) CORRECTIONS OF PROBLEMS ARISING FROM UNCOORDINATED AMENDMENTS.—

(1) SECTION 5032.—The first undesignated paragraph of section 5032 of title 18, United States Code, is amended—

(A) by inserting "section 922(x)" before "or section 924(b)"; and

(B) by striking "or (x)".

(2) STRIKING MATERIAL UNSUCCESSFULLY ATTEMPTED TO BE STRICKEN FROM SECTION 1116 BY PUBLIC LAW 103–322.—Subsection (a) of section 1116 of title 18, United States Code, is amended by striking ", except" and all that follows through the end of such subsection and inserting a period.

(3) ELIMINATION OF DUPLICATE AMENDMENT IN SECTION 1958.—Section 1958(a) of title 18, United States Code, is amended by striking "or who conspires to do so" where it appears following "or who conspires to do so" and inserting a comma.

(h) INSERTION OF MISSING END QUOTE.—Section 80001(a) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by inserting a close quotation mark followed by a period at the end.

(i) REDESIGNATION OF DUPLICATE SECTION NUMBERS AND CONFORMING CLERICAL AMENDMENTS.—

(1) REDESIGNATION.—That section 2258 added to title 18, United States Code, by section 160001(a) of the Violent Crime Control and Law Enforcement Act of 1994 is redesignated as section 2260.

(2) CONFORMING CLERICAL AMENDMENT.—The item in the table of sections at the beginning of chapter 110 of title 18, United States Code, relating to the section redesignated by paragraph (1) is amended by striking "2258" and inserting "2260".

(3) CONFORMING AMENDMENT TO CROSS-REFERENCE.—Section 1961(1)(B) of title 18, United States Code, is amended by striking "2258" and inserting "2260".

(j) REDESIGNATION OF DUPLICATE CHAPTER NUMBER AND CONFORMING CLERICAL AMENDMENT.—

(1) REDESIGNATION.—The chapter 113B added to title 18, United States Code, by Public Law 103–236 is redesignated chapter 113C.

(2) CONFORMING CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code is amended in the item relating to the chapter redesignated by paragraph (1)—

*(A) by striking "**113B**" and inserting "**113C**"; and*

*(B) by striking "**2340.**" and inserting "**2340**".*

(k) REDESIGNATION OF DUPLICATE PARAGRAPH NUMBERS AND CORRECTION OF PLACEMENT OF PARAGRAPHS IN SECTION 3563.—

(1) REDESIGNATION.—Section 3563(a) of title 18, United States Code, is amended by redesignating the second paragraph (4) as paragraph (5).

(2) CONFORMING CONNECTOR CHANGE.—Section 3563(a) of title 18, United States Code, is amended—

(A) by striking "and" at the end of paragraph (3); and

(B) by striking the period at the end of paragraph (4) and inserting "; and".

(3) PLACEMENT CORRECTION.—Section 3563(a) of title 18, United States Code, is amended so that paragraph (4) and the paragraph redesignated as paragraph (5) by this subsection are transferred to appear in numerical order immediately following paragraph (3) of such section 3563(a).

(l) REDESIGNATION OF DUPLICATE PARAGRAPH NUMBERS IN SECTION 1029 AND CONFORMING AMENDMENTS RELATED THERETO.—Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating those paragraphs (5) and (6) which were added by Public Law 103–414 as paragraphs (7) and (8), respectively;

(B) by redesignating paragraph (7) as paragraph (9);

(C) by striking "or" at the end of paragraph (6) and at the end of paragraph (7) as so redesignated by this subsection; and

(D) by inserting "or" at the end of paragraph (8) as so redesignated by this subsection;

(2) in subsection (e), by redesignating the second paragraph (7) as paragraph (8); and

(3) in subsection (c)—

(A) in paragraph (1), by striking "or (7)" and inserting "(7), (8), or (9)"; and

(B) in paragraph (2), by striking "or (6)" and inserting "(6), (7), or (8)".

(m) INSERTION OF MISSING SUBSECTION HEADING.—Section 1791(c) of title 18, United States Code, is amended by inserting after "(c)" the following subsection heading: "CONSECUTIVE PUNISHMENT REQUIRED IN CERTAIN CASES.—".

(n) CORRECTION OF MISSPELLING.—Section 2327(c) of title 18, United States Code, is amended by striking "delegee" each place it appears and inserting "designee".

(o) CORRECTION OF SPELLING AND AGENCY REFERENCE.—Section 5038(f) of title 18, United States Code, is amended—

(1) by striking "juvenille" and inserting "juvenile", and

(2) by striking "the Federal Bureau of Investigation, Identification Division," and inserting "the Federal Bureau of Investigation".

(p) CORRECTING MISPLACED WORD.—Section 1028(a) of title 18, United States Code, is amended by striking "or" at the end of paragraph (4) and inserting "or" at the end of paragraph (5).

(q) STYLISTIC CORRECTION.—Section 37(c) of title 18, United States Code, is amended by inserting after "(c)" the following subsection heading: "BAR TO PROSECUTION.—".

(r) MANDATORY VICTIM RESTITUTION ACT AMENDMENTS.—

(1) ORDER OF RESTITUTION.—Section 3663 (a)(1)(A) of title 18, United States Code, is amended by adding at the end the following: "The court may also order, if agreed to by the parties in a plea agreement, restitution to persons other than the victim of the offense.".

(2) FORFEITURE.—Section 3663(c)(4) of title 18, United States Code, is amended by inserting "or chapter 96" after "under chapter 46".

(3) ANIMAL ENTERPRISE TERRORISM.—Section 43(c) of title 18, United States Code, is amended by inserting after "3663" the following: "or 3663A".

(4) SPECIAL ASSESSMENT.—Section 3013(a)(2) of title 18, United States Code, is amended by striking "not less than" each place that term appears.

(s) CLARIFICATIONS TO ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996.—

(1) JURISDICTION.—Section 2332b(b)(1)(A) of title 18, United States Code, is amended by—

(A) striking "any of the offenders uses"; and

(B) inserting "is used" after "foreign commerce".

(2) PROVIDING MATERIAL SUPPORT.—Section 2339A(a) of title 18, United States Code, is amended by inserting "or an escape" after "concealment".

(3) TECHNICAL AMENDMENTS.—Sections 2339A(a) and 2332b(g)(5)(B) of title 18, United States Code, are each amended by inserting at the appropriate place in each section's enumeration of title 18 sections the following: "930(c),", "1992,", and "2332c,".

SEC. 602. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18

(a) SECTION 709 AMENDMENT.—Section 709 of title 18, United States Code, is amended by striking "Whoever uses as a firm or business name the words 'Reconstruction Finance Corporation' or any combination or variation of these words—".

(b) SECTION 1014 AMENDMENT.—Section 1014 of title 18, United States Code, is amended—

(1) by striking "Reconstruction Finance Corporation,";

(2) by striking "Farmers' Home Corporation,"; and

(3) by striking "of the National Agricultural Credit Corporation,".

(c) SECTION 798 AMENDMENT.—Section 798(d)(5) of title 18, United States Code, is amended by striking "the Trust Territory of the Pacific Islands,".

(d) SECTION 281 REPEAL.—Section 281 of title 18, United States Code, is repealed and the table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to such section.

(e) SECTION 510 AMENDMENT.—Section 510(b) of title 18, United States Code, is amended by striking "that in fact" and all that follows through "signature".

SEC. 603. TECHNICAL AMENDMENTS RELATING TO CHAPTERS 40 AND 44 OF TITLE 18.

(a) ELIMINATION OF DOUBLE COMMAS IN SECTION 844.—Section 844 of title 18, United States Code, is amended in subsection (i) by striking ",," each place it appears and inserting a comma.

(b) REPLACEMENT OF COMMA WITH SEMICOLON IN SECTION 922.—Section 922(g)(8)(C)(ii) of title 18, United States Code, is amended by striking the comma at the end and inserting a semicolon.

(c) CLARIFICATION OF AMENDMENT TO SECTION 922.—

(1) AMENDMENT.—Section 320927 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103–322) is amended by inserting "the first place it appears" before the period.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 320927 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(d) STYLISTIC CORRECTION TO SECTION 922.—Section 922(t)(2) of title 18, United States Code, is amended by striking "section 922(g)" and inserting "subsection (g)".

(e) ELIMINATION OF UNNECESSARY WORDS.—Section 922(w)(4) of title 18, United States Code, is amended by striking "title 18, United States Code," and inserting "this title".

(f) CLARIFICATION OF PLACEMENT OF PROVISION.—

(1) AMENDMENT.—Section 110201(a) of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103–322) is amended by striking "adding at the end" and inserting "inserting after subsection (w)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 110201 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(g) CORRECTION OF TYPOGRAPHICAL ERRORS IN LIST OF CERTAIN WEAPONS.—Appendix A to section 922 of title 18, United States Code, is amended—

(1) in the category designated

"Centerfire Rifles—Lever & Slide",

by striking
"Uberti 1866 Sporting Rilfe"
and inserting the following:
"Uberti 1866 Sporting Rifle";

(2) in the category designated

"Centerfire Rifles—Bolt Action",

by striking
"Sako Fiberclass Sporter"
and inserting the following:
"Sako FiberClass Sporter";

(3) in the category designated

"Shotguns—Slide Actions",

by striking
"Remington 879 SPS Special Purpose Magnum"
and inserting the following:
"Remington 870 SPS Special Purpose Magnum";
and

(4) in the category designated

"Shotguns—Over/Unders",

by striking
"E.A.A/Sabatti Falcon-Mon Over/Under"
and inserting the following:
"E.A.A./Sabatti Falcon-Mon Over/Under".

(h) INSERTION OF MISSING COMMAS.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note; Public Law 103–159) is amended in each of subsections (e)(1), (g), and (i)(2) by inserting a comma after "United States Code".

(i) CORRECTION OF UNEXECUTABLE AMENDMENTS RELATING TO THE VIOLENT CRIME REDUCTION TRUST FUND.—

(1) CORRECTION.—Section 210603(b) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking "Fund," and inserting "Fund established by section 1115 of title 31, United States Code,".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 210603(b) of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(j) CORRECTION OF UNEXECUTABLE AMENDMENT TO SECTION 923.—

(1) CORRECTION.—Section 201(1) of the Act, entitled "An Act to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm." (Public Law 103–159), is amended by striking "thereon," and inserting "thereon".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in the Act referred to in paragraph (1) on the date of the enactment of such Act.

(k) CORRECTION OF PUNCTUATION AND INDENTATION IN SECTION 923.—Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended—

(1) by striking the period and inserting "; or"; and

(2) by moving such clause 4 ems to the left.

(l) REDESIGNATION OF SUBSECTION AND CORRECTION OF INDENTATION IN SECTION 923.—Section 923 of title 18, United States Code, is amended—

(1) by redesignating the last subsection as subsection (l); and

(2) by moving such subsection 2 ems to the left.

(m) CORRECTION OF TYPOGRAPHICAL ERROR IN AMENDATORY PROVISION.—

(1) CORRECTION.—Section 110507 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended—

(A) by striking "924(a)" and inserting "924"; and

(B) in paragraph (2), by striking "subsections" and inserting "subsection".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if the amendments had been included in section 110507 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(n) ELIMINATION OF DUPLICATE AMENDMENT.—Subsection (h) of section 330002 of the Violent Crime Control and Law Enforcement Act of 1994 is repealed and shall be considered never to have been enacted.

(o) REDESIGNATION OF PARAGRAPH IN SECTION 924.—Section 924(a) of title 18, United States Code, is amended by redesignating the 2nd paragraph (5) as paragraph (6).

(p) ELIMINATION OF COMMA ERRONEOUSLY INCLUDED IN AMENDMENT TO SECTION 924.—

(1) AMENDMENT.—Section 110102(c)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking "shotgun," and inserting "shotgun".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 110102(c)(2) of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(q) INSERTION OF CLOSE PARENTHESIS IN SECTION 924.—Section 924(j)(3) of title 18, United States Code, is amended by inserting a close parenthesis before the comma.

(r) REDESIGNATION OF SUBSECTIONS IN SECTION 924.—Section 924 of title 18, United States Code, is amended by redesignating the 2nd subsection (i), and subsections (j), (k), (l), (m), and (n) as subsections (j), (k), (l), (m), (n), and (o), respectively.

(s) CORRECTION OF ERRONEOUS CROSS REFERENCE IN AMENDATORY PROVISION.—Section 110504(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking "110203(a)" and inserting "110503".

(t) CORRECTION OF CROSS REFERENCE IN SECTION 930.—Section 930(e)(2) of title 18, United States Code, is amended by striking "(c)" and inserting "(d)".

(u) CORRECTION OF CROSS REFERENCES IN SECTION 930.—The last subsection of section 930 of title 18, United States Code, is amended—

(1) by striking "(g)" and inserting "(h)"; and

(2) by striking "(d)" each place such term appears and inserting "(e)".

SEC. 604. ADDITIONAL AMENDMENTS ARISING FROM ERRORS IN PUBLIC LAW 103–322.

(a) STYLISTIC CORRECTIONS RELATING TO TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended to read as follows:

"Sec.
"2261. Interstate domestic violence.
"2262. Interstate violation of protection order.
"2263. Pretrial release of defendant.
"2264. Restitution.
"2265. Full faith and credit given to protection orders.
"2266. Definitions.".

(2) Chapter 26 of title 18, United States Code, is amended by inserting after the heading for such chapter the following table of sections:

"Sec.
"521. Criminal street gangs.".

(3) Chapter 123 of title 18, United States Code, is amended by inserting after the heading for such chapter the following table of sections:

"Sec.
"2721. Prohibition on release and use of certain personal information from State motor vehicle records.
"2722. Additional unlawful acts.
"2723. Penalties.
"2724. Civil action.
"2725. Definitions.".

(4) The item relating to section 3509 in the table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking "Victims"' and inserting "victims"'.

(b) UNIT REFERENCE CORRECTIONS, REMOVAL OF DUPLICATE AMENDMENTS, AND OTHER SIMILAR CORRECTIONS.—

(1) Section 40503(b)(3) of Public Law 103–322 is amended by striking "paragraph (b)(1)" and inserting "paragraph (1)".

(2) Section 60003(a)(2) of Public Law 103–322 is amended by striking "at the end of the section" and inserting "at the end of the subsection".

(3) Section 3582(c)(1)(A)(i) of title 18, United States Code, is amended by adding "or" at the end.

(4) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by redesignating the second paragraph (43) as paragraph (44).

(5) Subsections (a) and (b) of section 120005 of Public Law 103–322 are each amended by inserting "at the end" after "adding".

(6) Section 160001(f) of Public Law 103–322 is amended by striking "1961(l)" and inserting "1961(1)".

(7) Section 170201(c) of Public Law 103–322 is amended by striking paragraphs (1), (2), and (3).

(8) Subparagraph (D) of section 511(b)(2) of title 18, United States Code, is amended by adjusting its margin to be the same as the margin of subparagraph (C) and adjusting the margins of its clauses so they are indented 2-ems further than the margin of the subparagraph.

(9) Section 230207 of Public Law 103–322 is amended by striking "two" and inserting "2" the first place it appears.

(10) The first of the two undesignated paragraphs of section 240002(c) of Public Law 103–322 is designated as paragraph (1) and the second as paragraph (2).

(11) Section 280005(a) of Public Law 103–322 is amended by striking "Section 991 (a)" and inserting "Section 991(a)".

(12) Section 320101 of Public Law 103–322 is amended—

(A) in subsection (b), by striking paragraph (1);

(B) in subsection (c), by striking paragraphs (1)(A) and (2)(A);

(C) in subsection (d), by striking paragraph (3); and

(D) in subsection (e), by striking paragraphs (1) and (2).

(13) Section 320102 of Public Law 103–322 is amended by striking paragraph (2).

(14) Section 320103 of Public Law 103–322 is amended—

(A) in subsection (a), by striking paragraph (1);

(B) in subsection (b), by striking paragraph (1); and

(C) in subsection (c), by striking paragraphs (1) and (3).

(15) Section 320103(e) of Public Law 103–322 is amended—

(A) in the subsection catchline, by striking "FAIR HOUSING" and inserting "1968 CIVIL RIGHTS"; and

(B) by striking "of the Fair Housing Act" and inserting "of the Civil Rights Act of 1968".

(16) Section 320109(1) of Public Law 103–322 is amended by inserting an open quotation mark before "(a) IN GENERAL".

(17) Section 320602(1) of Public Law 103–322 is amended by striking "whoever" and inserting "Whoever".

(18) Section 668(a) of title 18, United States Code, is amended—

(A) by designating the first undesignated paragraph that begins with a quotation mark as paragraph (1);

(B) by designating the second undesignated paragraph that begins with a quotation mark as paragraph (2); and

(C) by striking the close quotation mark and the period at the end of the subsection.

(19) Section 320911(a) of Public Law 103–322 is amended in each of paragraphs (1) and (2), by striking "thirteenth" and inserting "14th".

(20) Section 2311 of title 18, United States Code, is amended by striking "livestock" where it appears in quotation marks and inserting "Livestock".

(21) Section 540A(c) of title 28, United States Code, is amended—

(A) by designating the first undesignated paragraph as paragraph (1);

(B) by designating the second undesignated paragraph as paragraph (2); and

(C) by designating the third undesignated paragraph as paragraph (3).

(22) Section 330002(d) of Public Law 103–322 is amended by striking "the comma" and inserting "each comma".

(23) Section 330004(18) of Public Law 103–322 is amended by striking "the Philippine" and inserting "Philippine".

(24) Section 330010(17) of Public Law 103–322 is amended by striking "(2)(iii)" and inserting "(2)(A)(iii)".

(25) Section 330011(d) of Public Law 103–322 is amended—

(A) by striking "each place" and inserting "the first place"; and

(B) by striking "1169" and inserting "1168".

(26) The item in the table of sections at the beginning of chapter 53 of title 18, United States Code, that relates to section 1169 is transferred to appear after the item relating to section 1168.

(27) Section 901 of the Civil Rights Act of 1968 is amended by striking "under this title" each place it appears and inserting "under title 18, United States Code,".

(28) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "law)." and inserting "law)".

(29) Section 250008(a)(2) of Public Law 103–322 is amended by striking "this Act" and inserting "provisions of law amended by this title".

(30) Section 36(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking "403(c)" and inserting "408(c)"; and

(B) in paragraph (2), by striking "Export Control" and inserting "Export".

(31) Section 1512(a)(2)(A) of title 18, United States Code, is amended by adding "and" at the end.

(32) Section 13(b)(2)(A) of title 18, United States Code, is amended by striking "of not more than $1,000" and inserting "under this title".

(33) Section 160001(g)(1) of Public Law 103–322 is amended by striking "(a) Whoever" and inserting "Whoever".

(34) Section 290001(a) of Public Law 103–322 is amended by striking "subtitle" and inserting "section".

(35) Section 3592(c)(12) of title 18, United States Code, is amended by striking "Controlled Substances Act" and inserting "Comprehensive Drug Abuse Prevention and Control Act of 1970".

(36) Section 1030 of title 18, United States Code, is amended—

(A) by inserting "or" at the end of subsection (a)(5)(B)(ii)(II)(bb);

(B) by striking "and" after the semicolon in subsection (c)(1)(B);

(C) in subsection (g), by striking "the section" and inserting "this section"; and

(D) in subsection (h), by striking "section 1030(a)(5) of title 18, United States Code" and inserting "subsection (a)(5)".

(37) Section 320103(c) of Public Law 103–322 is amended by striking the semicolon at the end of paragraph (2) and inserting a close quotation mark followed by a semicolon.

(38) Section 320104(b) of Public Law 103–322 is amended by striking the comma that follows "2319 (relating to copyright infringement)" the first place it appears.

(39) Section 1515(a)(1)(D) of title 18, United States Code, is amended by striking "; or" and inserting a semicolon.

(40) Section 5037(b) of title 18, United States Code, is amended in each of paragraphs (1)(B) and (2)(B), by striking "3561(b)" and inserting "3561(c)".

(41) Section 330004(3) of Public Law 103–322 is amended by striking "thirteenth" and inserting "14th".

(42) Section 2511(1)(e)(i) of title 18, United States Code, is amended—

(A) by striking "sections 2511(2)(A)(ii), 2511(b)–(c), 2511(e)" and inserting "sections 2511(2)(a)(ii), 2511(2)(b)–(c), 2511(2)(e)"; and

(B) by striking "subchapter" and inserting "chapter".

(43) Section 1516(b) of title 18, United States Code, is amended by inserting "and" at the end of paragraph (1).

(44) The item relating to section 1920 in the table of sections at the beginning of chapter 93 of title 18, United States Code, is amended by striking "employee's" and inserting "employees'".

(45) Section 330022 of Public Law 103–322 is amended by inserting a period after "communications" and before the close quotation mark.

(46) Section 2721(c) of title 18, United States Code, is amended by striking "covered by this title" and inserting "covered by this chapter".

(c) ELIMINATION OF EXTRA WORDS.—

(1) Section 3561(b) of title 18, United States Code, is amended by striking "or any relative defendant, child, or former child of the defendant,".

(2) Section 351(e) of title 18, United States Code, is amended by striking "involved in the use of a" and inserting "involved the use of a".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of Public Law 103–322.

SEC. 605. ADDITIONAL TYPOGRAPHICAL AND SIMILAR ERRORS FROM VARIOUS SOURCES.

(a) MISUSED CONNECTOR.—Section 1958(a) of title 18, United States Code, is amended by striking "this title and imprisoned" and inserting "this title or imprisoned".

(b) SPELLING ERROR.—Effective on the date of its enactment, section 961(h)(1) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 is amended by striking "Saving and Loan" and inserting "Savings and Loan".

(c) WRONG SECTION DESIGNATION.—The table of chapters for part I of title 18, United States Code, is amended in the item relating to chapter 71 by striking "1461" and inserting "1460".

(d) INTERNAL CROSS REFERENCE.—Section 2262(a)(1)(A)(ii) of title 18, United States Code, is amended by striking "subparagraph (A)" and inserting "this subparagraph".

(e) MISSING COMMA.—Section 1361 of title 18, United States Code, is amended by inserting a comma after "attempts to commit any of the foregoing offenses".

(f) CROSS REFERENCE ERROR FROM PUBLIC LAW 103–414.—The first sentence of section 2703(d) of title 18, United States Code, by striking "3126(2)(A)" and inserting "3127(2)(A)".

(g) INTERNAL REFERENCE ERROR IN PUBLIC LAW 103–359.—Section 3077(8)(A) of title 18, United States Code, is amended by striking "title 18, United States Code" and inserting "this title".

(h) SPELLING AND INTERNAL REFERENCE ERROR IN SECTION 3509.—Section 3509 of title 18, United States Code, is amended—

(1) in subsection (e), by striking "government's" and inserting "Government's"; and

(2) in subsection (h)(3), by striking "subpart" and inserting "paragraph".

(i) ERROR IN SUBDIVISION FROM PUBLIC LAW 103–329.—Section 3056(a)(3) of title 18, United States Code, is amended by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively and moving the margins of such subparagraphs 2 ems to the right.

(j) TABLE OF CONTENTS CORRECTION.—The table of contents at the beginning of the Antiterrorism and Effective Death Penalty Act of 1996 is amended by inserting "**TITLE I—HABEAS CORPUS REFORM**" before the item relating to section 101.

(k) CORRECTING ERROR IN AMENDATORY INSTRUCTIONS.—Section 107(b) of the Antiterrorism and Effective Death Penalty Act of 1996 is amended by striking "IV" and inserting "VI".

(l) CORRECTING ERROR IN DESCRIPTION OF PROVISION AMENDED.—With respect to subparagraph (F) only of paragraph (1) of section 205(a) of the Antiterrorism and Effective Death Penalty Act of 1996, the reference at the beginning of such paragraph to "subsection (a)(1)" shall be deemed a reference to "subsection (a)".

(m) ADDITION OF MISSING REFERENCE.—Section 725(2) of the Antiterrorism and Effective Death Penalty Act of 1996 is amended by inserting "(2)" after "subsection (b)".

(n) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3059A the following new item:

"3059B. General reward authority.".

(o) INSERTION OF MISSING PUNCTUATION.—Section 6005(b)(3) of title 18, United States Code, is amended by adding a period at the end.

(p) CORRECTION OF ERRONEOUS SECTION NUMBER.—

(1) Section 2401 of title 18, United States Code, is redesignated as section 2441.

(2) The item relating to section 2401 in the table of sections at the beginning of chapter 118 of title 18, United States Code, is amended by striking "2401" and inserting "2441".

(3) The table of chapters for part I of title 18, United States Code, is amended in the item relating to chapter 118, by striking "**2401**" and inserting "**2441**".

(q) DUPLICATE SECTION NUMBER.—That section 2332d of title 18, United States Code, that relates to requests for military assistance to enforce prohibition in certain emergencies is redesignated as section 2332e and moved to follow the section 2332d that relates to financial transactions, and the item relating to the section redesignated by this subsection is amended by striking "2332d' and inserting "2332e" and moved to follow the item relating to the section 2332d that relates to financial transactions.

(r) CORRECTION OF WORD USAGE.—Section 247(d) of title 18, United States Code, is amended by striking "notification" and inserting "certification".

SEC. 606. ADJUSTING AND MAKING UNIFORM THE DOLLAR AMOUNTS USED IN TITLE 18 TO DISTINGUISH BETWEEN GRADES OF OFFENSES.

(a) Sections 215, 288, 641, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 661, 662, 665, 872, 1003, 1025, 1163, 1361, 1707, 1711, and 2113 of title 18, United States Code, are amended by striking "$100" each place it appears and inserting "$1,000".

(b) Section 510 of title 18, United States Code, is amended by striking "$500" and inserting "$1,000".

SEC. 607. APPLICATION OF VARIOUS OFFENSES TO POSSESSIONS AND TERRITORIES.

(a) Sections 241 and 242 of title 18, United States Code, are each amended by striking "any State, Territory, or District" and inserting "any State, Territory, Commonwealth, Possession, or District".

(b) Sections 793(h)(1) and 794(d)(1) of title 18, United States Code, are each amended by adding at the end the following: "For the purposes of this subsection, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(c) Section 925(a)(5) of title 18, United States Code, is amended by striking "For the purpose of paragraphs (3) and (4)" and inserting "For the purpose of paragraph (3)".

(d) Sections 1014 and 2113(g) of title 18, United States Code, are each amended by adding at the end the following: "The term 'State-chartered credit union' includes a credit union chartered under the laws of a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.".

(e) Section 1073 of title 18, United States Code, is amended by adding at the end of the first paragraph the following: "For the purposes of clause (3) of this paragraph, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(f) Section 1715 of title 18, United States Code, is amended by striking "State, Territory, or District" each place those words appear and inserting "State, Territory, Commonwealth, Possession, or District".

(g) Section 1716 of title 18, United States Code, is amended—

(1) in subsection (g)(2) by striking "State, Territory, or the District of Columbia" and inserting "State";

(2) in subsection (g)(3) by striking "the municipal government of the District of Columbia or of the government of any State or territory, or any county, city, or other political subdivision of a State" and inserting "any State, or any political subdivision of a State"; and

(3) by adding at the end the following:

"(j) For purposes of this section, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(h) Section 1761 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d) For the purposes of this section, the term 'State' means a State of the United States and any commonwealth, territory, or possession of the United States.".

(i) Section 3156(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period and inserting "; and" at the end of paragraph (4); and

(3) by adding at the end the following new paragraph:

"(5) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(j) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) by amending paragraph (26) to read as follows:

"(26) The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States."; and

(2) by redesignating paragraph (43), as added by section 90105(d) of the Violent Crime Control and Law Enforcement Act of 1994, as paragraph (44).

(k) Section 1121 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c) For the purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(l) Section 228(d)(2) of title 18, United States Code, is amended by inserting "commonwealth," before "possession or territory of the United States".

(m) Section 1546(c) of title 18, United States Code, is amended by adding at the end the following: "For purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(n) Section 1541 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph, by striking "or possession"; and

(2) by adding at the end the following new paragraph:

"For purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(o) Section 37(c) of title 18, United States Code, is amended in the final sentence by inserting before the period the following: ", and the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States".

(p) Section 2281(c) of title 18, United States Code, is amended in the final sentence by inserting before the period the following: ", and the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States".

(q) Section 521(a) of title 18, United States Code, is amended by adding at the end the following: "'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

Mr. SPECTER. Mr. President, I am pleased that the Senate is acting today to pass the Economic Espionage Act of 1996, legislation Senator KOHL and I introduced earlier this year to combat economic espionage. This bill addresses an issue of critical importance to our Nation's economic well-being. It is a testament to the importance of the issue that we are able to act in a bipartisan fashion on the eve of national elections.

As chairman of both the Select Committee on Intelligence and the Judiciary Committee's Subcommittee on Terrorism, Technology and Government Information, with jurisdiction over legal matters involving technology, I have been concerned with the threat posed to American economic competitiveness in a global economy by the theft of intellectual property and trade secrets.

In an increasingly complex and competitive economic world, intellectual property forms a critical component of our economy. As traditional industries shift to low-wage producers in developing countries, our economic edge depends to an ever-increasing degree on the ability of our businesses and inventors to stay one step ahead of those in other countries. And American business and inventors have been extremely successful and creative in developing intellectual property and trade secrets. America leads the nation's of the world in developing new products and new technologies. Millions of jobs depend on the continuation of the productive minds of Americans, both native born and immigrants who find the freedom here to try new ideas and add to our economic strength.

Inventing new and better technologies, production methods, and the like, can be expensive. American companies and the U.S. Government spend billions on research and development. The benefits reaped from these expenditures can easily come to nothing, however, if a competitor can simply steal the trade secret without expending the development costs. While prices may be reduced, ultimately the incentives for new invention disappear, along with jobs, capital investment, and everything else that keeps our economy strong.

For years now, there has been mounting evidence that many foreign nations and their corporations have been seeking to gain competitive advantage by stealing the trade secrets, the intangible intellectual property of inventors in this country. The Intelligence Committee has been aware that since the end of the cold war, foreign nations have increasingly put their espionage resources to work trying to steal American economic secrets. Estimates of the loss to U.S. business from the theft of intangible intellectual property exceed $100 billion. The loss in U.S. jobs is incalculable.

For the benefit of my colleagues who wish more detail about the nature and scope of the problem of economic espionage, I ask unanimous consent that a copy of the article "The Lure of the Steal" from the March 4, 1996, U.S. News & World Report, and an article by Peter Schweizer, "The Growth of Economic Espionage—America if Target Number One" from the January-February 1996 edition of Foreign Affairs be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, a major problem for law enforcement in responding to the increase in such thefts has been a glaring gap in Federal law. For many years, the United States has had a variety of theft statutes in the United States Code. These laws are derived primarily from the common law of theft. For example, it violates Federal law to move stolen property across State lines. In order to violate such laws, however, the courts have held that the property stolen cannot be intangible property, such as trade secrets or intellectual property. In addition, theft usually requires that the thief take the property with the intention of depriving the lawful owner of its use. But such a test if useless when a person copies software and leaves the original software with the lawful owner, taking only the secrets on the software but leaving the physical property. The lawful owner still has full use of the property, but its value is significantly reduced.

In order to update Federal law to address the technological and economic realities of the end of the 20th century, I began working earlier this year with Senator KOHL and officials from the Department of Justice and the Federal Bureau of Investigation on developing legislation. We developed two separate bills, that were introduced as S. 1556 and S. 1557. The former bill broadly prohibited the theft of proprietary economic information by any person. The latter bill was more narrowly drawn to proscribe such thefts by foreign nations and those working on behalf of foreign nations.

At the end of February, I chaired a joint hearing of the Intelligence Committee and the Judiciary Subcommittee on Terrorism, Technology, and Government Information on the issue of economic espionage. Continuing to work closely with members of the Judiciary and Intelligence Committees, the administration, and various industry groups, Senator KOHL and I were able to produce the bill the Senate is today considering.

The Senate adopted S. 1556 with an amendment I offered, based on S. 1557, to bring together into a single vehicle the prohibition on the theft of trade secrets and proprietary information by both private individuals and corporations and by foreign governments and those acting on their behalf, and passed them using H.R. 3723, the House companion bill, as the vehicle. The language of my amendment dealing with foreign-government-sponsored economic espionage was, with minor changes, unanimously reported to the Senate by the Intelligence Committee earlier this year as part of the Intelligence Authorization Act. We have now reconciled the Senate- and House-passed bills in this agreement, which also incorporates several unrelated provisions. Senator KOHL and I are inserting into the RECORD a managers' statement which reflects the understanding of the bill's sponsors on the intent behind and meaning of the economic espionage bill.

Adoption of this bill will not be a panacea, but it is a start. Congress has started moving to protect U.S. economic interests. For example, earlier this year we enacted strong anticounterfeiting legislation, S. 1136, to protect American business from counterfeit goods. This bill addresses cognate problems. Both are only a start. Corporations must exercise vigilance over their trade secrets and proprietary information. Contract law may provide civil remedies. In addition, some States have adopted legislation to allow the owners of trade secrets to use civil process to protect their ownership rights. We have been made aware that available civil remedies may not be adequate to the task and that a Federal civil cause of action is needed. This is an issue we need to study carefully, and will do so next year.

For helping to make sure that this legislation was passed this year, I want to thank Senator KOHL for his leadership, and acknowledge the work of his excellent staff, Jon Leibowitz and Victoria Bassetti. I also want to thank the chairman of the Judiciary Committee, Senator HATCH, and his staff, especially Paul Larkin and Pat Murphy, for their valuable contributions to this legislation. I would also be remiss if I did not also thank Chairman McCOLLUM of the House Crime Subcommittee, and Representative SCHUMER, ranking member of that Subcommittee, and their staff, Glenn Schmitt and Bill McGeveran, for their hard work. Finally, we worked closely with the Justice Department and the Federal Bureau of Investigation in developing this legislation, and I want to thank Alan Hoffman of the Justice Department and Pat Kelly of the FBI for their hard work on this bill.

EXHIBIT 1

[From U.S. News & World Report, Mar. 4, 1996]

THE LURE OF THE STEAL

(By Douglas Pasternak with Gordon Witkin)

Not long ago, Subrahmanyam M. Kota went into hamsters—or, to be more precise, their ovary cells. That was a big switch for Kota. In the 1980s, he allegedly sold military secrets on infrared detectors to the KGB. With the cold war over, however, hamster ovaries were the coming thing. A Boston biotech company had genetically engineered the cells to produce a protein that boosted the manufacture of red blood cells, making them a valuable commodity. Kota and a former company scientist are charged with stealing a batch of the hamster cells and offering them to an FBI undercover agent in exchange for $300,000. Law enforcement officials suspect the pair of selling another batch to a biomedical research outfit in India. It was dramatic evidence of how the world of espionage has changed—from selling secrets to the KGB one year to moving hamster ovaries to a research firm in India another. Kota has been charged with three counts of espionage. He pleaded not guilty and is out on bail awaiting trial.

Today the field of economic espionage is wide open. Instead of missile launch codes, the new targets of choice are technological and scientific data concerning flat-panel televisions, electric cars and new computers. "During the cold war, we thought of the threat as KGB agents crawling into the facility," says Gregory Gwash, the deputy director for industrial security matters at the Defense Investigative Service. "The game is no longer espionage in the classic sense."

GROWING THREAT

Economic espionage is as old as greed itself. But with huge sums to be made stealing designs for computer chips and patents for hormones, the threat is growing. Rapid changes in technology are tempting many countries to try to acquire intellectual properties in underhanded ways, thus bypassing the enormous costs of research and development. New global communications—cellular phones, faxes, voice transmissions and data on the Internet—make this type of spying easier than ever.

And it's not just hostile governments snooping. "Countries don't have friends. They have interests!" declares a poster from the Department of Energy's counterintelligence program. "Guess which countries are interested in what you do?" A senior U.S. intelligence official answers the question. "The ones who do it most," he says, "are our greatest friends."

Indeed, countries such as France, Israel and China have made economic espionage a top priority of their foreign intelligence services. A congressional report released last week confirmed that close U.S. allies are after critical U.S. technology, saying they posed "a significant threat to national security."

INTENSIFIED EFFORTS

Friend or enemy, Washington is taking the trend seriously. The nation's intelligence agencies are increasing their overseas collection of information on foreign bribery schemes that put U.S. corporations at a disadvantage. The agencies are also providing classified information to U.S. policy makers engaged in trade negotiations with foreign governments. Domestically, the FBI has also taken more-aggressive steps recently. This month, the Justice Department sent new draft legislation that would bolster the FBI's ability to investigate economic espionage to the Office of Management and Budget. The new bill—named the Economic Espionage and Protection of Proprietary Economic Information Act of 1996—is badly needed, says the FBI, because there are no statutes that deal with the theft of intellectual property, making it difficult to prosecute such cases.

In the past year, FBI agents have recorded more than a 100 percent increase in economic spying and now have more than 800 cases under investigation—espionage attempts from the supersophisticated to the downright crude. "We're seeing all of the above," says Robert "Bear" Bryant, who oversees all FBI counterintelligence investigations nationwide, "from the cyberattack to the shoplifter."

Economic-espionage investigations require the FBI to gather intelligence through electronic surveillance and physical searches, a source of concern to many civil libertarians. But the FBI is empowered under existing law to gather intelligence for such purposes, and the new legislation would define more precisely how and when FBI agents could investigate the theft of corporate secrets. The key, legal specialists and FBI supervisors say, is defining precisely what constitutes conducting intelligence investigations, looking for spies and theft prevention, and what is a primarily criminal investigation whose objective is to put a spy behind bars. Both objectives can be accomplished, but the law requires intelligence and law enforcement interests be defined very carefully.

The quest for corporate advantage has put many of the old players from the cold war back on the chessboard. Just this month. Russian President Boris Yeltsin ordered his senior intelligence officials to increase their efforts to obtain high-technology secrets from the West.

Besides gathering intelligence and conducting criminal investigations, federal law enforcement officials have been trying to help corporations protect themselves. A law enacted in 1994 authorizes Attorney General Janet Reno to make payments of up to $500,000 for information leading to the arrest and conviction of anyone involved in economic espionage. The National Counterintelligence Center, headed by an FBI agent but based at CIA headquarters in suburban Virginia, was established in August 1994, in part to help coordinate a governmentwide response to economic espionage incidents. The center began providing regional security briefings for industry last May. The FBI recently opened its own Economic Counterintelligence Unit, and its Development of Espionage, Counterintelligence and Counterterrorism Awareness (DECA) program inaugurated an instant fax alert service to U.S. corporations regarding specific economic-intelligence-collection activities. It is supplemented by the State Department's Overseas Security Advisory Council, which, like DECA, has begun posting economic threat information on an on-line bulletin board for its members.

Some security experts say the FBI should employ more active measures to counter the threat. Mike Sekora tracked the global technology trade for the Defense Department in the 1980s, identifying foreign interest in U.S. technology to pre-empt thefts. Now a technology consultant, he believes the FBI should do the same.

Profit motives aside, economic espionage is booming because there are few penalties for those who get caught. Rarely do economic spies serve time in jail. Nor do countries that encourage such activities have much to lose; since most are U.S. allies, Washington prefers to scold them in private rather than risk political backlash in public.

Companies and industries targeted by foreign spies often contribute to the problem. Few report known acts of espionage, fearing it will affect stock prices and customer confidence. In a survey published in July by the National Counterintelligence Center, 42 percent of the responding corporations said they never reported suspected incidents of economic espionage to the government. At the same time, 74 of 173 companies that responded to the survey reported a total of 446 incidents of suspected economic espionage.

CULTUREBOUND

The methods used to acquire economic-related data are often culturebound. "The Chinese and Japanese flood you with people collecting all sorts of things in different areas," says a former FBI official. "For the most part, it is absolutely legal," he said. "The Japanese don't invest a lot of money in trade craft. They just send lots of people out talking and pick up trade secrets in the process," says the retired official. The Russians and French, on the other hand, use both legal and illegal means to target specific intelligence, experts say.

Targeting economic data can take many forms. In two separate incidents in the early 1990s, French nationals working at Renaissance Software Inc. in Palo Alto, Calif., were arrested at San Francisco International Airport for attempting to steal the company's proprietary computer source codes. Marc Goldberg, a French computer engineer, had worked at the company under a program sponsored by the French Ministry of Foreign Affairs that allows French citizens to opt out of military service if they are willing to work at high-tech U.S. firms. He was fined $1,000 and ordered to perform 1,000 hours of community service. The other individual, Jean Safar, was released soon after his arrest by the FBI. "They said they did not have the power to do anything," recalls Renaissance's former president, Patrick Barkhordarian. The company, in fact, had received start-up funds from two French brothers, Daniel and Andrew Harari. In return for their investment, they received positions on the company's five-member board of directors. When an internal dispute erupted in 1992, the Harari brothers were able to place a third French citizen on the board. "They converted the company to a French company," said Barkhordarian. Safar was told by the company, claims Barkhordarian, to take the source codes to France. There was nothing illegal about it. Renaissance was acquired by a publicly held U.S. company last fall.

Even when the collection methods are legal, the results can hurt. In the summer of 1994, a film crew from Japanese public television visited dozens of U.S. biotech corporations, including California biotech giant Amgen, while filming a documentary on the industry. William Boni, Amgen's security director, was warned by a DECA agent that the FBI suspected the film was a cover for intelligence collection. Still, Boni allowed the visit, partly because the director of the film said this would help Amgen break into the Japanese biotech market. Once at Amgen, film crew members photographed every document they possibly could, including company production numbers. "This was a very clear-cut case of benchmarking America's best practices for their industry," says Boni. "They ran their vacuum cleaner over the U.S. biotech industry."

Some efforts are not so subtle. In one case, an Amgen employee attempted to steal vials of Epogen, a genetically engineered hormone that controls the production of red blood cells and is one of two patented items in the company's product line. Security chief Boni was tipped to the threat by an anonymous letter, which said that the employee was planning to open up a black market in Epogen in his home country in Asia. The employee confessed. He was fired, but no charges were filed. Had the theft attempt succeeded, the rogue employee and an accomplice could have made a fortune. In 1995, Epogen sales amounted to nearly $1 billion.

Neither of the two prongs of the U.S. attempt to combat such threats is simple. Like his predecessors, Directories of Central Intelligence John Deutch has provided clear marching orders to the CIA and other agencies that gather intelligence overseas. The agencies are to inform U.S. policy makers if foreign competitors are winning business abroad through bribery or other illegal means. In 1994, Boeing Aerospace, McDonnel Douglas and Raytheon Corp, won two multibillion-dollar contracts from Saudi Arabia and Brazil after President Clinton complained to those governments about bribes that rival French companies had paid to win the contracts, the information on the bribes came from U.S. intelligence agencies, President Clinton strongly endorses such action. "You uncovered bribes that would have cheated American companies out of billions of dollars," he told a gathering of CIA employees last July. Over the past three years, the CIA has reportedly saved U.S. corporations $30 billion as a result of those efforts.

THREAT INFORMATION

Deutch has made it clear that, unlike the foreign intelligence services of at least 50 other nations, America's spy services are forbidden to engage in economic espionage for the benefit of corporate America. That's clear enough, but in today's global, multinational economy, it is often difficult to distinguish American from foreign corporations. The FBI, in fact, makes no such distinctions and provides all corporations operating in the United States with threat information regarding economic espionage.

The other mission of the CIA and its sister agencies that operate abroad is to provide economic intelligence to U.S. policy makers. Last spring, the intelligence community helped U.S. trade officials learn of Japanese negotiating positions during automobile trade talks. This was perfectly legal under U.S. law, but the press disclosure prompted a firestorm of criticism from Capitol Hill, prompting some intelligence officials to grumble that such activities were more trouble then they were worth. Last year, several CIA officers were expelled from France for engaging in an intelligence operation to obtain information on France's position on global telecommunications talks. The CIA's inspector general investigated the matter, and a report is expected shortly.

Given the ratio of risk to potential reward, many intelligence officials argue that America's espionage agencies should not be used to acquire economic information secretly when so much can be obtained from open sources. "What you try to gain covertly," says Charles Emmling, a former CIA case officer who recruited Soviet agents from 1968 to 1991 and now teaches businesses how to protect their corporate trade secrets at Aegis Research Corp., "becomes less and less important." Robert Steele, a 20-year veteran of the CIA's clandestine service, says the agency relies on cloak-and-dagger techniques out of habit. "Don't send a spy," Steele says, "where a schoolboy can go." That was precisely the mistake the CIA made last year in France, critics say.

The second prong of the U.S. effort, playing defense, is also more complicated than ever. Kenneth Geide, the head of the FBI's new economic counterintelligence unit, says that there are a host of ways to go after a target and that often "foreign governments are hiding their collection [activities] within legitimate activities."

But some former law enforcement and intelligence officials fear that legal collection of information may be investigated simply to determine if illegal methods are being used. They argue that the onus of protecting proprietary information should remain on the shoulders of industry, not government. "It is our responsibility to protect this [information], and it is our liability if we don't," contends a former intelligence official now in the private sector. There is still debate on the proper balanced role of law enforcement in countering this new threat within government as well. "We don't want the FBI in our bedrooms *or* our boardrooms," quips a senior administration official.

The FBI defends its approach and has vowed not to overstep its bounds. How to meet such a varied threat? "We don't intend to, want to and can't investigate all foreigners," Geide says. The threat to America's national security from spies seeking economic secrets has increased significantly, but Geide says: "We don't want to be alarmist about it. It deserves a measured approach."

THE GROWTH OF ECONOMIC ESPIONAGE

(By Peter Schweizer)

Shortly after CIA officer Aldrich "Rick" Ames began selling secrets to the Soviet KGB in 1985, a scientist named Ronald Hoffman also began peddling classified information. Ames, the last known mole of the Cold War, received $4.6 million for names of CIA informants before he was apprehended in early 1994. But Hoffman, a project manager for a company called Science Applications, Inc., made $750,000 selling complex software programs developed under secret contract for the Strategic Defense Initiative (SDI). Hoffman, who was caught in 1992, sold his wares to Japanese multinationals—Nissan Motor Company, Mitsubishi Electric, Mitsubishi Heavy Industries, and Ishikawajima-Harima Heavy Industries—that wanted the information for civilian aerospace programs.

Ames received the more dramatic and sensational coverage, as he should have, given that his betrayal led to the loss of life. But the Hoffman case represents the future of intelligence. While one spied for America's chief military rival, the other sold information to a major economic competitor. Perhaps it should induce an epiphany of sorts that these two cases occurred in near congruence.

As economic competition supplants military confrontation in global affairs, spying for high-tech secrets with commercial applications will continue to grow, and military spying will recede into the background. How the United States elects to deal with this troubling issue will not only determine the direction of the American intelligence community, but also set the tone for commercial relations in the global marketplace.

THE NEW CURRENCY OF POWER

Most economic agents systematically collect economic intelligence using legal means. Major corporations collect business intelligence to read industry trends and scout the competition. Many nations track global and regional economic trends and even technological breakthroughs to aid policymakers. But a growing number of states have become very active in gathering intelligence on specific industries or even companies and sharing it with domestic producers. Indeed, economic espionage, the outright theft of private information, has become a popular tool as states try to supplement their companies' competitive advantage. This is sheer folly, threatening to restore mercantilism through the back door.

The United States has devoted increasing attention to intelligence on economic issues, sometimes with diplomatic consequences. French Interior Minister Charles Pasqua summoned U.S. Ambassador Pamela Harriman to his office on January 26 of this year to protest U.S. spying on French commercial and technological developments. According to *Le Monde*, CIA agents flush with 500-franc notes tried to bribe a member of the French parliament to reveal France's negotiating position on the nascent World Trade Organization. A senior official in the Ministry of Communications was offered cash for intelligence on telecommunications and audiovisual policy. A technician for France Telecom, the national telephone network, was also approached. All three immediately notified the French Directorate of Territorial Surveillance, which ordered them to play along with the Americans and lay a trap.

More recently, an October 15 story in The New York Times disclosed that American intelligence agents assisted U.S. trade negotiators by eavesdropping on Japanese officials in the cantankerous dispute over car imports. U.S. Trade Representative Mickey Kantor and his aides were the reported beneficiaries of daily briefings by the CIA, including information gathered by the CIA's Tokyo station and the National Security Agency's vast electronic network. How useful this information was remains open to debate. After all, the agreement the United States and Japan ultimately reached was hardly an unambiguous victory for Washington.

These reports, which appear to be accurate, indicate that the United States is following the model for economic intelligence several recent CIA directors have proposed. In 1991, believing that the CIA could make a "unique contribution" by uncovering foreign economic espionage in the United States and gathering information about the attempts of other governments to violate international trade agreements and "other basic rules of fair play," Robert Gates called for a deeper look at applying the tools of intelligence to economic matters. By 1993, James Woolsey had declared no more Mr. Nice Guy and promised that the CIA would sniff out unfair trade practices and industrial espionage directed against American firms.

Even with all this heightened activity and interest, the United States is far less involved in economic espionage than most of its major allies and trading partners. Spying on trade negotiators and attempting to obtain commercial information to assist government policymakers is economic espionage at its most benign level and should be expected. The United States has yet to surmount the critical firewall of passing purloined information to domestic companies competing in the global marketplace. It is in this area that the most damage is done to the international trading system and where most major industrialized countries have operated.

Over the past 15 years, the FBI has chronicled numerous cases involving France, Germany, Japan, Israel, and South Korea. An FBI analysis of 173 nations found that 57 were covertly trying to obtain advanced technologies from U.S. corporations. Altogether, 100 countries spent some public funds to acquire U.S. technology. Former French Intelligence Director Pierre Marion put it succinctly when he told me, "In economics, we are competitors, not allies. America has the most technical information of relevance. It is easily accessible. So naturally your country will receive the most attention from the intelligence services."

Recent data indicate that American industry has felt the effects of such unwanted attention. A 1993 survey commissioned by the American Society for Industrial Security found a dramatic upswing in the theft of proprietary information from corporate America. The number of cases increased 260 percent since 1985; those with foreign involvement shot up fourfold. A 1993 study by R. J. Heffeman and Associates noted that an average of about three incidents every month involve the theft of proprietary information from American companies by foreign entities. These estimates are probably conservative. Companies prefer not to admit they have been victims. An admission can depress the price of their stock, ruin joint ventures, or scuttle U.S. government contracts.

The sort of espionage that threatens U.S. corporations varies with the national characteristics and culture of the perpetrators. France possesses a well-developed intelligence service, one of the most aggressive collectors of economic intelligence in the world. Using techniques often reminiscent of the KGB or spy novels, the French in recent years have planted moles in U.S. companies such as IBM, Texas Instruments, and Corning. Japan lacks a large formal intelligence service such as the CIA or Direction Générale de la Sécurité Extérieure (DGSE) but remains an active acquirer of business information. A public-private partnership has evolved between the Ministry for International Trade and Industry and the Japan External Trade Organization, supplementing and nurturing the already well-developed commercial intelligence networks created by Japanese corporations. These commercial networks rival the intelligence services of medium-sized nations. Matsushita's intelligence operations in the United States, for example, occupy two full floors of a Manhattan skyscraper, according to Herb Meyer, special assistant to CIA Director William Casey during the Reagan administration.

THE GAINS FROM THEFT

That so many states practice economic espionage is a testament to how profitable it is believed to be. Marion boasts that during his tenure, France won a $2 billion airplane deal with India thanks to the work of the DGSE. The late French spy chief Count De Marenches typified the French view when he wrote in his memoirs that economic espionage is "very profitable. . . . In any intelligence service worthy of the name you would easily come across cases where the whole year's budget has been paid for in full by a single operation."

Economic espionage threatens to unhinge certain post-Cold War goals such as arms control. On-site inspections, a necessity for some agreements, create institutional opportunities to engage in espionage. The Chemical Manufacturers Association, for example, fears that a chemical weapons treaty with a rigid on-site verification regime could subject 50,000 industrial sites in the United States to systematic international inspection and monitoring. Officials from any number of countries would have access to sensitive information about the American chemical industry, including plant layouts, production levels, perhaps even formulas.

Intelligence collection is a proper function of the state—protecting the national interest and informing statecraft. But collecting proprietary information and sharing it with domestic producers in an entirely different matter. That kind of economic espionage ought to be called what it is: at best a subsidy to well-connected domestic companies, at worst theft on a par with piracy. Economic espionage can grossly disrupt trade and corrode a nation's science and technology base. It is a parasitic act, relying on others to make costly investments of time and money. And to destroy the rewards of investment is to destroy the incentive to innovate.

THE QUAINT UNITED STATES

This is a decidedly minority point of view in the world marketplace. The rest of the world does not share the American capitalist ethos of vigorous but open competition. In both Europe and Asia, the American law that bars U.S. corporations from bribing foreign officials is viewed as quaint. Antitrust laws are likewise dismissed as an American idiosyncrasy. The semi-corporatist cultures of continental Europe and Asia view the state-business relationship very differently than does the United States. There is a popular old joke in American business circles: "What are the nine scariest words in the English language?" "I'm from the government and here to help you." This quip would hardly garner a smile in Tokyo, Paris, or Berlin.

Early indications are that Russia is more likely to embrace the semi-corporatist view than the American laissez-faire model. The transition from communism to capitalism means only that Russian intelligence will have a greater business orientation. Russian intelligence officials speak of nonbudgetary resources for defense and security policy. And as James Sherr of Oxford University pointed out in the winter 1994-95 *National Interest*, Russian intelligence officials are blurring the distinction between, if not merging, state policy and private pursuits. The newly created Federal Agency for Government

Communications and Information indicates this trend. Encompassing the former KGB's communication's assets, it is both a "strictly classified organization" and a business, with the right to contract with foreign investors, invest in foreign commercial entities, and set up companies abroad.

As economic strength in part replaces military might as the currency of national power, one can only expect this trend to continue. Trade talks have supplanted arms control as the most acrimonious, demanding, and headline—grabbing form of diplomacy, a certain sign of changing priorities. Consequently, most intelligence organizations around the globe are all too willing to serve as a competitive tool to protect budgets in lean times.

The current interregnum between the Cold War and the new era of economic conflict provides an opportunity finally to address this issue. Fissures or disagreements within the Western alliance no longer have the dangerous consequences they might have had at the height of the Cold War. The United States needs to treat economic espionage no only as an intelligence issue, but as the competitiveness and economic issue it has become. Until it does, the American response will be spotty, and the results minimal.

In 1991 the FBI began a quiet shift from the traditional focus of its counterintelligence policy. The country criteria list, which identified nations whose intelligence services needed watching, has been replaced by the national security threat list, which identifies key American technologies and industries that should be protected. This is an important first step. But even a successful counterintelligence operation will accomplish little unless there are consequences for those who are caught. In the past, ensnared thieves usually receive a slap on the wrist. When prosecuted in a court of law, it has usually been under statutes that make it illegal to transfer stolen goods across state lines. This is a difficult legal standard, particularly since some judges believe that information is not a good.

Changes in U.S. law and greater diplomatic fortitude offer the best hope for grappling with this problem. When Hitachi admitted in court that its employees tried to purchase stolen "Adirondack" computer design workbooks from IBM, the judge in 1983 fined the company a whopping $10,000. The U.S. government did not blink an eye. Several months after the trial, Hitachi reportedly won a major contract to equip the Social Security Administration with computers. (Ironically, the losing bid was submitted by IBM.) When it was disclosed that between the early 1970s and late 1980s the French DGSE had planted agents in Texas Instruments, IBM, and Corning and shared the purloined information with Compagnie des Machines Bull, the U.S. government merely sent a letter of diplomatic protest. Likewise, when Israeli intelligence officers stole valuable technological data from Illinois defense contractor Recon Optical, no penalties were imposed. Selling SDI computer software programs did get Ronald Hoffman a six-year prison term, but the Japanese companies that purchased the data faced no sanctions. This state of affairs should be unsatisfactory.

The United States should consider changing its privacy laws. The data protection laws of countries such as Austria, France, Switzerland, Belgium, Germany, New Zealand, Denmark, Norway, and Luxembourg define "persons" to include corporations for protection of privacy purposes. Their laws provide a much higher level of protection for corporate information, treating business secrets as equivalent to the private data of individual citizens. Under much more firmly defined privacy statutes, thieves could be prosecuted.

When diplomats are involved, the United States should be as aggressive and vigorous as it was when dealing with Soviet spying, or at least as firm as France was last January. Instead, diplomatic personnel have simply been asked to leave quietly, a gesture with little punitive effect. Foreign corporations involved in the theft of American technology or corporate information should face real monetary costs for their crimes. Until there is a price to be paid, companies will not think twice about purchasing and using stolen information, and foreign governments will not blink at stealing American proprietary business information.

How the United States chooses to deal with this problem will set the tone internationally. Some, such as former CIA Director Stansfield Turner, have proposed an American economic espionage program, in effect imitating foreign competitors. But this path is fraught with peril. There is no groundswell of support for such a course in either corporate America or the intelligence community. Ask intelligence professionals what they think about the idea and they are likely to tell you, "I will risk my life for America, but not General Motors." An economic espionage program could also have a corrupting influence on the U.S. intelligence community, as officials might be enticed by bribes from companies seeking particularly useful information. Likewise, American companies are nervous about getting entangled with the intelligence world and the strings that are likely to be attached to any such program. Rather than wanting to imitate its competitors, corporate America seeks a level playing field and protection from industrial thieves.

The goal of the United States should be a world in which governments do not try to outspend one another on stealing each other's corporate secrets. But that goal cannot be reached until the United States decides to grow up and face down the threat. Ignoring economic espionage will not make it go away.

Mr. KOHL. Mr. President, today, we pass the Economic Espionage Act, which is based upon legislation drafted by Senator SPECTER and me and, on the House side, by Representatives McCOLLUM and SCHUMER. In a Congress marked by so much partisanship, this legislation marks a significant bipartisan accomplishment. With this new law, we penalize the theft of vital economic information.

Since the end of the cold war, our old enemies and our traditional allies have been shifting the focus of their spy apparatus. Alarmingly, the new target of foreign espionage is our industrial base. But for too many years, we were complacent and did not heed these warnings. And we left ourselves vulnerable to the ruthless plundering of our country's vital information. We did not address this new form of espionage—a version of spying as dangerous to our national well-being as any form of classic espionage. Today, that complacency ends.

Mr. President, this legislation is crucial. Most Americans probably do not realize that anyone with the wherewithal to do it can walk out of a company with a computer disk full of its most important manufacturing information and sell that information to the highest bidder with virtual impunity—and no criminal penalties.

This problem is even worse when foreign governments have specifically focussed on American companies in order to steal information from them. American companies are not prepared or equipped to fight off this kind of systematic targeting.

The executive vice president of Corning, James Riesbeck, has said that:

> It is important to understand that State-sponsored industrial espionage is occurring in the international business community. It is very difficult for an individual corporation to counteract this activity. The resources of any corporation are no match for industrial espionage that is sanctioned and supported by foreign governments.

A report of the National Counterintelligence Center [NCIC] in 1995 indicated that biotechnology, aerospace, telecommunications, computer software, transportation, advanced materials, energy research, defense, and semiconductor companies are all top targets for foreign economic espionage. These sectors are aggressively targeted according to the report. That report identified 20 different methods used to conduct industrial espionage. The traditional methods include recruiting an agent and then inserting the agent into the target company, or breaking into an office to take equipment and information. According to the report, computer intrusions, telecommunications targeting and intercept, and private-sector encryption weaknesses account for the largest portion of economic and industrial information lost by U.S. corporations.

But even as American companies are attempting to respond to foreign espionage, they also have to address theft by insiders. A survey by the American Society for Industrial Security [ASIS] of 325 companies in 1995 found that almost half of them had experienced trade secret theft of some sort during the previous 2 years. They also reported a 323-percent increase in the number of incidents of intellectual property loss. A 1988 National Institute of Justice study of trade secret theft in high-technology industries found that 48 percent of 150 research and development companies surveyed had been the victims of trade secrets theft. Almost half of the time the target was research and development data while 38 percent of the time the target was new technology. Forty percent of the victims found out about the theft from their competitors.

Norman Augustine, the president of Lockheed Martin Corp., told us at our February hearings that a recent survey of aerospace companies revealed that

100 percent of them believe that a competitor, either domestic or international, has used intelligence techniques against them.

And, Mr. President, make no mistake about it, economic espionage costs our country dearly. In 1992, when a representative of IBM testified at a House hearing on this issue, he told us that economic espionage had cost his company billions of dollars. The NCIC report concluded that industry victims have reported the loss of hundreds of millions of dollars, lost jobs, and lost market share. The ASIS survey concluded that the potential losses could total $63 billion a year.

Because of the gap in our laws, Senator SPECTER and I introduced two companion measures that became the Economic Espionage Act earlier this year. This legislation will be used to go after the foreign intelligence services that take aim at American companies and at the people who walk out of businesses with millions of dollars worth of information.

I will only briefly explain what we have done here because the managers' statement and the House and Senate committee reports fully and completely describe this act. This legislation makes it illegal to steal trade secrets from companies. It enhances the penalties when the theft is at the behest of a foreign government. With the help of Senator HATCH and Representatives MCCOLLUM and SCHUMER, we have carefully drafted these measures to ensure that they can only be used in flagrant and egregious cases of information theft. Moreover, trade secrets are carefully defined so that the general knowledge and experience that a person gains from working at a job is not covered.

Mr. President, we do not want this law used to stifle the free flow of information or of people from job to job. But we built in a number of safeguards to prevent exactly these problems. They are elaborated on in the managers' statement and our committee reports.

Mr. President, I ask unanimous consent that a copy of the managers' statement be printed in the RECORD. It reflects our understanding on this measure.

There being no objection, the managers' statement was ordered to be printed in the RECORD, as follows:

MANAGERS' STATEMENT FOR H.R. 3723, THE ECONOMIC ESPIONAGE BILL

This legislation is based upon two bills, S. 1556, "The Industrial Espionage Act of 1996," and S. 1557, "The Economic Security Act of 1996," which were introduced by Senators SPECTER and KOHL. This Managers' Statement is intended to clarify portions of the legislation and to supplement the Committee reports already issued on these two measures. It also explains how the House and Senate version of the legislation were reconciled.

DIFFERENCE BETWEEN SECTIONS 1831 AND 1832

This legislation includes a provision penalizing the theft trade secrets (Sec. 1832) and a second provision penalizing that theft when it is done to benefit a foreign government, instrumentality, or agent (Sec. 1831). The principle purpose of this second (foreign government) provision is not to punish conventional commercial theft and misappropriation of trade secrets (which is covered by the first provision). Thus, to make out an offense under the economic espionage section, the prosecution must show in each instance that the perpetrator intended to or knew that his or her actions would aid a foreign government, instrumentality, or agent. Enforcement agencies should administer this section with its principle purpose in mind and therefore should not apply section 1831 to foreign corporations when there is no evidence of foreign government sponsored or coordinated intelligence activity.

This particular concern is borne out in our understanding of the definition of "foreign instrumentality" which indicates that a foreign organization must be "substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign government or subdivision thereof." Although the term "substantially" is not specifically defined, it is a relative term that connotes less than total or complete ownership, control, sponsorship, command, management, or domination. Substantial in this context, means material or significant, not technical or tenuous. We do not mean for the test of substantial control to be mechanistic or mathematical. The simple fact that the majority of the stock of a company is owned by a foreign government will not suffice under this definition, nor for that matter will the fact that a foreign government only owns 10 percent of a company exempt it from scrutiny. Rather the pertinent inquiry is whether the activities of the company are, from a practical and substantive standpoint, foreign government directed.

To make out a case under these two provisions (sections 1831 and 1832), the prosecution would have to show that the accused knew or had reason to know that a trade secret had been stolen or appropriated without authorization. This threshold separates conduct that is criminal from that which is innocent. Thus, for example, these sections would not give rise to a prosecution for legitimate economic collection or reporting by personnel of foreign governments or international financial institutions, such as the World Bank, because such legitimate collection or reporting would not include the collection or reporting of trade secrets that had been stolen, misappropriated or converted without authorization.

WITHOUT AUTHORIZATION

Several federal statutes already include the requirement that information be taken "without authorization." The most notable is 18 U.S.C. §1030, which is amended in this measure by the National Information Infrastructure Protection Act introduced by Senators Leahy, Kyl and Grassley. That provision essentially deals with authorization in relation to computer systems. However, in this legislation the nature of authorization may be slightly different since this measure involves information "whether or how stored." But the principle remains the same: authorization is the permission, approval, consent, or sanction of the owner.

PARALLEL DEVELOPMENT NOT COVERED

It is important to note that a person who develops a trade secret is not given an absolute monopoly on the information or data that comprises a trade secret. For example, if a company discovers that a particular manufacturing process must be conducted at a certain ambient temperature and that a more than 10 percent deviation from that temperature will compromise the process, that company does not have the exclusive right to manufacture the product at the key temperature (assuming that this is not otherwise patented or protected by law). Other companies can and must have the ability to determine the elements of a trade secret through their own inventiveness, creativity and hard work. As the Supreme Court noted in *Kewanee Oil Co.* v. *Bicron Corp.*, 416 U.S. 470 (1974): "If something is to be discovered at all very likely it will be discovered by more than one person. . . . Even were an inventor to keep his discovery completely to himself, something that neither the patent nor trade secret laws forbid, there is a high probability that it will be soon independently developed. If the invention, though still a trade secret, is put into public use, the competition is alerted to the existence of the inventor's solution to the problem and may be encouraged to make an extra effort to independently find the solution this known to be possible." Id. at 490-91.

This legislation does not in any way prohibit companies, manufacturers, or inventors from using their skills, knowledge and experience to solve a problem or invent a product that they know someone else is also working on. Thus, parallel development of a trade secret cannot and should not constitute a violation of this statute. This includes the situation in which an individual inventor, unsolicited, sends his or her material to a manufacturer even as the company itself is in the midst of its own parallel development. In the first place, this wholesale disclosure of material likely breaches the requirement that a trade secret owner take reasonable measures to protect the information's confidentiality. But more importantly, many companies regularly receive such ideas and inventions and do not use them. Some of these unsolicited ideas and inventions may overlap with work being done within the company already. Both the individual inventor and the company are conducting parallel work, pursuing the same line of inquiry. Neither can be subject to penalty under this law.

REVERSE ENGINEERING

Some people have asked how this legislation might affect reverse engineering. Reverse engineering is a broad term that encompasses a variety of actions. The important thing is to focus on whether the accused has committed one of the prohibited acts of this statute rather than whether he or she has "reverse engineered." If someone has lawfully gained access to a trade secret and can replicate it without violating copyright, patent or this law, then that form of "reverse engineering" should be fine. For example, if a person can drink Coca-Cola and, because he happens to have highly refined taste buds, can figure out what the formula is, then this legislation cannot be used against him. Likewise, if a person can look at a product and, by using their own general skills and expertise, dissect the necessary attributes of the product, then that person should be free from any threat of prosecution.

DEFINITION OF TRADE SECRETS

Unlike patented material, something does not have to be novel or inventive, in the patent law sense, in order to be a trade secret. Of course, often it will be because an owner will have a patented invention that he or she has chosen to maintain the material as a trade secret rather than reveal it through the patent process. Even if the material is not novel in the patent law sense, some form of novelty is probably inevitable since "that which does not possess novelty is usually known; secrecy, in the context of trade secrets implies at least minimal novelty." *Kewanee Oil Co.*, 416 U.S. at 476. While we do not strictly impose a novelty or inventiveness requirement in order for material to be considered a trade secret, looking at the novelty or uniqueness of a piece of information or knowledge should inform courts in determining whether something is a matter of general knowledge, skill or experience.

Although we do not require novelty or inventiveness, the definition of a trade secret includes the provision that an owner have taken reasonable measures under the circumstances to keep the information confidential. We do not with this definition impose any requirements on companies or owners. Each owner must assess the value of the material it seeks to protect, the extent of a threat of theft, and the ease of theft in determining how extensive their protective measures should be. We anticipate that what constitutes reasonable measures in one particular field of knowledge or industry may vary significantly from what is reasonable in another field or industry. However, some common sense measures are likely to be common across the board. For example, it is only natural that an owner would restrict access to a trade secret to the people who actually need to use the information. It is only natural also that an owner clearly indicate in some form or another that the information is proprietary. However, owners need not take heroic or extreme measures in order for their efforts to be reasonable.

GENERAL KNOWLEDGE NOT COVERED BY DEFINITION OF TRADE SECRETS

In the course of reconciling the Senate and House versions of this legislation, we eliminated the portion of the definition of trade secret that indicated that general knowledge, skills and experience were not included in the meaning of that term. Its elimination from the statutory language does not mean that general knowledge can be a trade secret. Rather, we believed that the definition of trade secrets in itself cannot include general knowledge. Thus, it was unnecessary and redundant to both define what does and what does not constitute a trade secret.

Our reason initially for putting the exception in was to state are clearly as possible that this legislation does not apply to innocent innovators or to individuals who seek to capitalize on their lawfully developed knowledge skill or abilities. Employees, for example, who change employers or start their own companies should be able to apply their talents without fear of prosecution because two safeguards against overreaching are built into the law.

First, protection is provided by the definition of "trade secret" itself. The definition requires that an owner take objectively reasonable, proactive measures, under the circumstances, to protect the information. If, consequently, an owner fails to safeguard his or her trade secret, then no one could be rightfully accused of misappropriating it. Most owners do take reasonable measures to protect their trade secrets, thereby placing employees and others on clear notice of the discreet, proprietary nature of the information.

In addition, a prosecution under this statute must establish a particular piece of information that a person has stolen or misappropriated. It is not enough to say that a person has accumulated experience and knowledge during the course of his or her employ. Nor can a person be prosecuted on the basis of an assertion that he or she was merely exposed to a trade secret while employed. A prosecution that attempts to tie skill and experience to a particular trade secret should not succeed unless it can show that the particular material was stolen or misappropriated. Thus, the government cannot prosecute an individual for taking advantage of the general knowledge and skills or experience that he or she obtains or comes by during his tenure with a company. Allowing such prosecutions to go forward and allowing the risk of such charges to be brought would unduly endanger legitimate and desirable economic behavior.

As the Pennsylvania Supreme Court noted in *Spring Steels* v. *Molloy*, 400 Pa. 354, 363 (1960):

"It is not a phenomenal thing in American business life to see an employee, after a long period of service, leave his employment and start a business of his own or in association with others. And it is inevitable in such a situation, where the former employee has dealt with customers on a personal basis that some of those customers will want to continue to deal with him in [that] new association. This is . . . natural, logical and part of human fellowship . . ."

This legislation does not criminalize or in any way hamper these natural incidents of employment. The free and unfettered flow of individuals from one job to another, the ability of a person to start a new business based upon his or her experience and expertise, should not be injured or chilled in any way by this legislation. Individuals must have the opportunity to take advantage of their talents and seeks and accepts other employments that enables them to profit from their abilities and experience. And companies must have the opportunity to employ these people. This measure attempts to safeguard an individual's career mobility and at the same time to preserve the trade secrets that underpin the economic viability of the very company that would offer a person a new job.

The second safeguard is provided by the bill's use of the term "knowingly." For a person to be prosecuted, the person must know or have a firm belief that the information he or she is taking is in fact proprietary. Under theft statutes dealing with tangible property, normally, the thief knows that the object he has stolen is indeed a piece of property that he has no lawful right to convert for his personal use. The same principle applies to this measure—for someone to be convicted under this statute he must be aware or substantially certain that he is misappropriating a trade secret (although a defense should succeed if it is proven that he actually believed that the information was not proprietary after taking reasonable steps to warrant such belief). A person who takes a trade secret because of ignorance, mistake or accident cannot be prosecuted under the Act.

This requirement should not prove a great barrier to legitimate and warranted prosecutions. Most companies go to considerable pains to protect their trade secrets. Documents are marked proprietary; security measures put in place; and employees often sign confidentiality agreements.

MAINTAINING CONFIDENTIALITY

We have been deeply concerned about the efforts taken by courts to protect the confidentiality of a trade secret. It is important that in the early stages of a prosecution the issue whether material is a trade secret not be litigated. Rather, courts should, when entering these orders, always assume that the material at issue is in fact a trade secret.

VICTIM COMPENSATION

We are also concerned that victims of economic espionage receive compensation for their losses. This legislation incorporates through reference existing law to provide procedures to be used in the detention, seizure, forfeiture, and ultimate disposition of property forfeited under the section. Under these procedures, the Attorney General is authorized to grant petitions for mitigation or remission of forfeiture and for the restoration of forfeited property to the victims of an offense. The Attorney General may also take any other necessary or proper action to protect the rights of innocent people in the interest of justice. In practice, under the forfeiture laws, victims are afforded priority in the disposition of forfeited property since it is the policy of the Department of Justice to provide restitution to the victims of criminal acts whenever permitted to do so by the law. Procedures for victims to obtain restitution may be found at Section 9 of Title 28, Code of Federal Regulations.

In addition to requesting redress from the Attorney General, any person—including a victim—asserting an interest in property ordered forfeited may petition for a judicial hearings to adjudicate the validity of the alleged interest and to revise the order of forfeiture. Additionally, forfeitures are subject to a requirement of proportionality under the Eighth Amendment; that is, the value of the property forfeited must not be excessively disproportionate to the crimes in question.

Finally, we have required that the Attorney General report back to us on victim restitution two and four years after the enactment of this legislation. We have heard from some companies that they only rarely obtain restitution awards despite their eligibility. We wish to carefully monitor restitution to ensure that the current system is working well and make any changes that may be necessary.

FINES PROVISION

In the original Senate version of this measure, we included a provision allowing courts to impose fines of up to twice the value of the trade secret that was stolen. This specific provision was eliminated because it was unnecessary in light of 18 U.S.C. §3571(d). We have not used the specific exemption available under 18 U.S.C. §3571(e). We, therefore, fully expect that courts will take full advantage of the provision in 18 U.S.C. §3571(d) allowing for fines of up to twice the gain or loss resulting from the theft of trade secrets and that courts will opt for the larger of the fines available under 18 U.S.C. §3571(d) or the fines provisions of this statute.

DEPARTMENT OF JUSTICE OVERSIGHT

The Senate version of this measure included a requirement that all prosecutions brought under the statute receive the prior approval of the Attorney General, the Deputy Attorney General or the head of the Department of Justice's Criminal Division. That provision was eliminated in the measure that the House returned to us. We have not reinserted it based on the assurances of the Department of Justice. The Department of Justice will insert a requirement in the

U.S. Attorney's Manual that prosecutions continue to be approved and strictly supervised by the Executive Office of the United States Attorney. The Attorney General has written a letter to us to that effect which we will insert into the record. We expect to review all cases brought under this Act in several years to ensure that the requirement is being enforced and to determine if it needs to remain in place.

Mr. HATCH. Mr. President, I rise in support of H.R. 3723, the Economic Espionage Act of 1996. This bill makes the theft or unlawful appropriation and conversion of "proprietary economic information" a Federal felony. It is an important bill to all of Federal law enforcement, and I encourage my colleagues to support it.

In today's technology revolution, the Congress has recognized the need to develop meaningful legislation that has real teeth to stop a burgeoning criminal enterprise. Such enterprise targets the cutting edge research and development of our Nation's industries, often on behalf of a competitor or foreign state. Until now, there has been no meaningful deterrent to such activity. Victims were often forced to resort to State civil remedies as their only redress. I am confident that all of my colleagues will agree that H.R. 3723, a bill which we have crafted and has undergone minor House modification, is a strong and meaningful deterrent to criminals considering engaging in economic espionage.

There is one provision in the bill originally passed by the Senate but deleted from the House which requires clarification. The original bill passed by the Senate contained a provision that required Attorney General approval prior to the initiation of a prosecution under this legislation. The bill returned to the Senate by the House deleted this requirement. It was my intent to attach an amendment to this bill, reinserting the prior authorization requirement. After numerous discussions with administration and industry officials, a compromise has been reached which will allow this bill to be passed by the full Senate as approved by the House.

We have a letter from the Attorney General which memorializes an agreement we have made concerning this prior authorization requirement.

This agreement provides that the Department of Justice shall implement regulations that require that an indictment can be pursued under this legislation only upon the express prior approval of the Attorney General, Deputy Attorney General, or Assistant Attorney General-Criminal Division. This agreement shall remain in effect for a period of 5 years from enactment. During that timeframe, the Attorney General will be required to report to the Senate or House Judiciary Committees, any prosecutions carried out under this bill which did not receive such prior authorization. It shall also subject the U.S. Attorney or Justice Department official authorizing such prosecution, to appropriate disciplinary sanctions.

I am confident that the Department of Justice will act in good faith and carry out its terms.

I would like to mention three other provisions included in this bill. The first, included as a floor amendment by myself and Senator KOHL, authorizes $100 million in grants to the Boys and Girls Clubs of America to establish clubs in public housing and other distressed areas across the country. The Boys and Girls Clubs have an outstanding track record of reducing crime and drug use in the communities they serve, and this legislation will help them extend their reach into the communities that need them most.

Second, I am pleased that this bill included another amendment I offered during Senate consideration, transferring to the Attorney General custody of certain Federal inmates hospitalized at St. Elizabeth's hospital. This provision will ensure that these persons, hospitalized because of not guilty by reason on insanity verdicts in Federal courts, receive appropriate care in safe, secure facilities.

Finally, I would like to note that this legislation includes an amended version of technical corrections legislation to fix errors that have, over time, crept into the Federal criminal code. The continued integrity of the criminal laws depends on making these corrections from time to time, and I am pleased that we have addressed this matter here.

For these reasons, I strongly urge all of my colleagues to fully support H.R. 3723.

I ask unanimous consent that the letter I referenced earlier from the Attorney General be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, October 1, 1996.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: Thank you for your support of the Economic Espionage Act of 1996 ("Act"). The need for this law cannot be understated as it will close significant gaps in federal law, thereby protecting proprietary economic information and the health and competitiveness of the American economy.

The Department shares your concerns that the legislation be implemented in accordance with the intent of Congress and therefore will require, for a period of five years after implementation of the Act, that the United States may not file a charge under Chapter 90, or use a violation of Chapter 90 as a predicate offense under any other law, without the personal approval of the Attorney General, the Deputy attorney General, or the Assistant Attorney General for the Criminal Division (or the acting official in each of these positions if a position is filled by the Acting official). This requirement will be implemented by published regulation.

Violations of such regulations will be appropriately sanctionable. Any such violations will be reported by the Attorney General to the Senate and House Judiciary Committees.

Once again, thank you for your leadership in this critical area.

Sincerely,

JANET RENO.

Mr. LEAHY. Mr. President, I am delighted that the Senate is today taking the important step of passing the Economic Espionage Act and the National Information Infrastructure Protection Act of 1996 [NII Protection Act].

The NII Protection Act, which I have sponsored with Senators KYL and GRASSLEY, was sent to the House as S. 982, after passing the Senate unanimously on September 18, 1996. The NII Protection Act has come back to the Senate for final passage as part of a package of bills including H.R. 3723, the Economic Espionage bill. These bills are complimentary. The economic espionage bill will impose criminal penalties on those who steal valuable trade secrets from the U.S. Government and those doing business in our country, without regard to the means used to effect the crime.

Spying on American companies in order to obtain their trade secrets and confidential proprietary information is—to put it bluntly—stealing. Although the estimates of how much this stealing costs our Nation's business and our economy are rough, the range is in the billions of dollars per year.

Unfortunately, the problem appears to be growing. The increasing dependence of American industry on computers to store information and to facilitate communications with customers, suppliers and farflung subsidiaries, presents special vulnerabilities for the theft of sensitive proprietary information.

I have long been concerned about this vulnerability. That is why I worked with the Department of Justice, and my colleagues, Senators KYL and GRASSLEY, on introduction of the National Information Infrastructure Protection Act. This bill will increase protection for computers, both government and private, and the information on those computers, from the growing threat of computer crime. Our dependency on computers and the growth of the Internet are both integrally linked to people's confidence in the privacy, security, and reliability of computer networks. I have worked over the past decade to make sure the laws we have in place foster both privacy and security, and provide a sound foundation for new communications technologies to flourish.

Both the NII Protection Act and the Economic Espionage Act reflect significant efforts to better protect our industrial lifeblood—the imaginative ideas and the special know-how that give American companies the edge in global competition.

The NII Protection Act will help safeguard the privacy, security and reliability of our national computer systems and networks and the information stored in, and carried on, those networks. Those systems and networks are vulnerable to the threat of attack by hackers, high-technology criminals and spies.

Every technological advance provides new opportunities for legitimate uses and the potential for criminal exploitation. Existing criminal statutes provide a good framework for prosecuting most types of computer-related criminal conduct. But as technology changes and high-technology criminals devise new ways to use technology to commit offenses we have yet to anticipate, we must be ready to readjust and update our Criminal Code.

The facts speak for themselves—computer crime is on the rise. The week before Senate passage of the NII Protection Act, on September 12, a computer hacker attack, which shut down a New York Internet access provider with thousands of business and individual customers, made front page news, and revealed the vulnerability of every network service provider to such an attack. The morning after Senate passage of this legislation, on September 19, computer hackers forced the CIA to take down an agency Web site because obscenities and unauthorized text and photograph changes had been made to the site and unauthorized links had been established between the CIA Web site and other sites. The Computer Emergency and Response Team [CERT] at Carnegie-Mellon University reports that over 12,000 Internet computers were attacked in 2,412 incidents in 1995 alone. A 1996 survey conducted jointly by the Computer Security Institute and the FBI showed that 42 percent of the respondents sustained an unauthorized use or intrusion into their computer systems in the past 12 months.

While the NII Protection Act may not address every form of computer crime or mischief, it closes a number of significant gaps in the computer fraud and abuse statute. This legislation would strengthen law enforcement's hands in fighting crimes targeted at computers, networks, and computerized information by, among other things, designating new computer crimes, and by extending protection to computer systems used in foreign or interstate commerce or communications.

For example, while our current statute, in section 1030(a)(2), prohibits misuse of a computer to obtain information from a financial institution, it falls short of protecting the privacy and confidentiality of information on computers used in interstate or foreign commerce and communications. This gap in the law has become only more glaring as more Americans have connected their home and business computers to the global Internet.

This is not just a law enforcement issue, but an economic one. Breaches of computer security result in direct financial losses to American companies from the theft of trade secrets and proprietary information. A December 1995 report by the Computer Systems Policy Project, comprised of the CEO's from 13 major computer companies, estimates that financial losses in 1995 from breaches of computer security systems ranged from $2 billion to $4 billion. The report predicts that these numbers could rise in the year 2000 to $40 to $80 billion worldwide. The estimated amount of these losses is staggering.

The NII Protection Act would extend the protection already given to the computerized information of financial institutions and consumer reporting agencies, to computerized information held on computers used in interstate or foreign commerce on communications, if the conduct involved interstate or foreign communications. The provision is designed to protect against the interstate or foreign theft of information by computer.

Computer hackers have accessed sensitive Government data regarding Operation Desert Storm, penetrated NASA computers, and broken into Federal courthouse computer systems containing confidential records. These outside hackers are subject to criminal prosecution under section 1030(a)(3) of the computer fraud and abuse statute. Yet, this statute contains no prohibition against malicious insiders: Those government employees who abuse their computer access privileges by snooping through confidential tax returns, or selling confidential criminal history information from the National Crime Information Center [NCIC]. The NCIC is currently the Nation's most extensive computerized criminal justice information system, containing criminal history information, files on wanted persons, and information on stolen vehicles and missing persons.

I am very concerned about continuing reports of unauthorized access to highly personal and sensitive Government information about individual Americans, such as NCIC data. For example, a "Dear Abby" column that appeared on June 20, 1996 in newspapers across the country carried a letter by a woman who claimed her in-laws "ran her name through the FBI computer" and, apparently, used access to the NCIC for personal purposes.

This published complaint comes on the heels of a General Accounting Office [GAO] report presented on July 28, 1993, before the House Government Operations Committee, Subcommittee on Information, Justice, Agriculture, and Transportation, on the abuse of NCIC information. Following an investigation, GAO determined that NCIC information had been misused by "insiders"—individuals with authorized access—some of whom had sold NCIC information to outsiders and determined whether friends and relatives had criminal records. The GAO found that some of the misuse jeopardized the safety of citizens and potentially jeopardized law enforcement personnel. Yet, no federal or state laws are specifically directed at NCIC misuse and most abusers of NCIC were not criminally prosecuted. GAO concluded that Congress should enact legislation with strong criminal sanctions for the misuse of NCIC data.

This bill would criminalize these activities by amending the privacy protection provision in section 1030(a)(2) and extending its coverage to Federal Government computers. If the information obtained is of minimal value, the penalty is only a misdemeanor. If, on the other hand, the offense is committed for purposes of commercial advantage or private financial gain, for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State, or if the value of the information obtained exceeds $5,000, the penalty is a felony.

The current statute, in section 1030(a)(5), protects computers and computer systems from damage caused by either outside hackers or malicious insiders "through means of a computer used in interstate commerce or communications." It does not, however, expressly prohibit the transmission of harmful computer viruses or programs from abroad, even though, a criminal armed with a modem and a computer can wreak havoc on computers located in the United States from virtually anywhere in the world. This is a significant challenge in fighting cybercrime: there are no borders or passport checkpoints in cyberspace. Communications flow seamlessly through cyberspace across datelines and the reach of local law enforcement.

Indeed, we have seen a number of examples of computer crimes directed from abroad, including the 1994 intrusion into the Rome Laboratory at Griffess Air Force Base in New York from the United Kingdom and the 1996 intrusion into Harvard University's computers from Buenos Aires, Argentina.

Additionally, the statute falls short of protecting our Government and financial institution computers from intrusive codes, such as computer "viruses" or "worms." Generally, hacker intrusions that inject "worms" or "viruses" into a Government or financial institution computer system, which is not used in interstate communications, are not Federal offenses. The legislation would change that limitation and extend Federal protection from intentionally damaging viruses to Government and financial institution computers, even if they are not used in interstate communications.

The NII Protection Act would close these loopholes. Under the legislation, outside hackers—including those using foreign communications—and malicious insiders face criminal liability for intentionally damaging a computer. Outside hackers who break into a computer could also be punished for any reckless or other damage they cause by their trespass.

The current statute protects against computer abuses that cause computer "damage," a term that is defined to require either significant financial losses or potential impact on medical treatment. Yet, the NII and other computer systems are used for access to critical services such as emergency response systems, air traffic control, and the electrical power systems. These infrastructures are heavily dependent on computers. A computer attack that damages those computers could have significant repercussions for our public safety and our national security. The definition of "damage" in the Computer Fraud and Abuse statute should be sufficiently broad to encompass these types of harm against which people should be protected. The NII Protection Act addresses this concern and broadens the definition of "damage" to include causing physical injury to any person and threatening the public health or safety.

Finally, this legislation address a new and emerging problem of computer-age blackmail. This is a high-technology variation on old fashioned extortion. One case has been brought to my attention in which a person threatened to crash a computer system unless he was given free access to the system and an account. One can imagine situations in which hackers penetrate a system, encrypt a database and then demand money for the decoding key. This new provision would ensure law enforcement's ability to prosecute modern-day blackmailers, who threaten to harm or shut down computer networks unless their extortion demands are met.

Confronting cybercrime with up-to-date criminal laws, coupled with tough law enforcement, are critical for safeguarding the privacy, confidentiality, and reliability of our critical computer systems and networks. I commend the Attorney General and the prosecutors within the Department of Justice who have worked diligently on this legislation and for their continuing efforts to address this critical area of our criminal law.

In sum, the NII Protection Act will provide much needed protection for our Nation's critical information infrastructure by penalizing those who abuse computers to damage computer networks, steal classified and valuable computer information, and commit other crimes on-line.

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, OCTOBER 3, 1996

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:00 a.m. on Thursday, October 3rd; further, that immediately following the prayer the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate then resume consideration of the conference report to accompany H.R. 3539, the FAA authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. Mr. President, under the previous order, there will be 1 hour of debate time starting at 9 a.m. tomorrow morning with the cloture vote to occur on the FAA conference report at 10 a.m. Obviously, that rollcall vote is very important. And I urge the attendance of all my colleagues tomorrow.

I also hope that, if cloture is invoked, the Senate could then proceed to adoption of the FAA conference report in a timely fashion.

Rollcall votes are, therefore, expected throughout the day on Thursday on the FAA conference report, or any other items cleared for action. If action is completed on the FAA conference report and various other important matters are cleared, I would fully expect the Senate would adjourn sine die tomorrow. I urge the cooperation of all Members in order to achieve that goal tomorrow.

I also urge my colleagues to cooperate, and hopefully we will be successful in passing the parks bill that so many people have spoken on behalf of that I think in large part we have pretty well come to an agreement on. And it is very important, in this Senator's opinion, that we pass that bill tomorrow.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. NICKLES. I am happy to yield.

OMNIBUS PARKS LEGISLATION

Mr. WARNER. May I say that I very much appreciate the leadership by the Senator from Oklahoma and Senator LOTT with respect to the parks bill. It is a matter of tremendous interest to my State. I am heartened by the news that this in all likelihood will become law.

It is interesting to think, when is the last time the Senate passed such a major piece of legislation relating to the parks? It is heartening to this Senator.

I thank our distinguished acting leader, and I thank the Chair.

Mr. NICKLES. Mr. President, I thank my colleague from Virginia. And I appreciate the emphasis. He is one of many Senators that has been urging us to complete action on the parks bill. I know that there are several items that are important to the State of Virginia.

We have had contacts from our colleagues in Colorado, including Senator CAMPBELL, who has a broken arm, but, yet, he feels that this is very, very important to his State; Senators from California; and others.

I believe that there are 41 States that have projects in this bill. We are very close. I know Senator MURKOWSKI has been working with the administration. They don't have everything resolved. I will admit that up front. But hopefully we will be successful in wrapping that bill up tomorrow. Hopefully the House will concur, and we can be successful in passing a very important parks bill.

Mr. WARNER. Mr. President, I am sure the distinguished leader would acknowledge the work that Chairman MURKOWSKI has performed in reconciling the interests of this bill.

Mr. NICKLES. Mr. President, the Senator from Virginia is exactly correct. I worked for hours today alone with the Senator from Alaska. But, as the Senator from Virginia knows, the Senator from Alaska has been working on this bill for years—for years. And there are countless hours that have gone into putting this package together. It is not something that has been hurried up and put together in the last days. This is a culmination. It has a lot of bills together.

Some may ask, "Why is that?" Senators objected to having any bill go through. So all of the bills ended up combined. That is unfortunate. We should not legislate that way. But the objection, frankly, was on the Democrat side of the aisle. It should not have happened. Hopefully in the future we will be able to pass land bills individually as they are reported out of the authorizing committees. It didn't happen in this case. We will have to work hard to see that it does not happen in the future.

But most all of these projects that are in this bill have been hashed out for months, most of which have unanimous support in the Senate. And my guess is that when we get to a vote on the bill—we may well vote on it tomorrow. We may pass it by voice vote. If we have a recorded vote, I would venture to say that we would have 90-some percent of the Senators voting in favor of that package.

So, hopefully we will get it through both Houses and have it for the President's signature.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment as under the previous order.

There being no objection, the Senate, at 6:22 p.m., adjourned until Thursday, October 3, 1996, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 2, 1996:

POSTAL RATE COMMISSION

DANIEL R. STANLEY, OF KANSAS, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR THE TERM EXPIRING OCTOBER 14, 2000, VICE WAYNE ARTHUR SCHLEY, TERM EXPIRED.

EXTENSIONS OF REMARKS

HONORING THE SECOND BAPTIST CHURCH

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to the Second Baptist Church, of Fall Church, VA, and to their esteemed pastor, James E. Browne. The Second Baptist Church is celebrating its 122d anniversary and their 20th anniversary of guidance under Reverend Browne.

The Second Baptist Church started as a two-room log cabin by Elder Hiram Reed and Pastor Robert Johnson in 1870, and flourished over the past century into a beautiful church complete with a bell tower and artistic windows. This church has played an important role in the community and for its congregation by providing a number of activities and services. They presently have an active church ministry; dedicated deacons and deaconesses; an excellent music department; a children's choir—Rosebuds; a youth choir—Choraliers; a contemporary choir—Golden Echoes; a chancel choir—Senior; a men's chorus; a gospel choir; the W.E. Costner Memorial Bell Choir; a productive education division; a dynamic youth department; and a bible study class.

The Second Baptist Church has been blessed for 20 years with Reverend Browne's religious teachings. In addition to his work at the Second Baptist Church, he served as moderator of the Northern Virginia Baptist Association for 5 years. Reverend Browne is supported by his lovely wife, Mrs. Hazel Browne, a deaconess, a member of the senior choir and the president of the Missionary Society. Also by his side is his daughter, Mrs. Lillian Fernanders, organist for the church.

Mr. Speaker, I know my colleagues will join me in saluting the Second Baptist Church, Reverend Browne, and its congregation as they celebrate their rich heritage on their very special anniversary. We wish them best for continued success in the future.

CONGRATULATIONS TO AMY ASPINWALL, GRAND PRIZE WINNER OF THE HAWAII CARPENTERS UNION VOTE 1996 ESSAY CONTEST

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to recognize the work of Amy Aspinwall of Mililani, HI, and to congratulate her on winning the grand prize of the Hawaii Carpenters Union "Vote '96—Works for Us" essay contest. Amy, a student at Mililani High School, is the daughter of unit 7 member Angel Aspinwall. Her essay addressed the issue of why voting is important to our union family.

I was pleased to serve as one of the judges in this contest dedicated to promoting the idea of participation in our electoral process. Amy's work was one of many fine entries into this contest. Part of her award is a trip to Wasington where she will get to see her Federal Government at work.

Congratulations Amy. I am pleased to submit for the RECORD the winning essay by Amy Aspinwall:

WHY VOTING IS IMPORTANT TO OUR UNION FAMILY

Imagine living in a country where the government had the right to do whatever it wanted. You would have no say in the election of government officials and your voice would never be heard by them. If this sounds unthinkable to you, then you might be surprised to know that there are thousands of people in Hawai'i who subject themselves to this sort of treatment year after year. The government is not at fault, though. These people bring this on themselves, simply by not voting.

As a member of a union family which is fortunate enough to live in a democratic society, I realize that voting is very important. In each election, the union carefully examines each candidate's motives and intentions. Through this process, they recommend the candidates they believe will best serve the interests of the union and its members. With a carpenters' union as strong as ours, if all the members voted for these candidates, he or she would surely be elected.

Having union-endorsed candidates in office would yield many benefits. The officials would support legislation for responsible growth and support the union movement, thereby creating jobs for union members. They could also work with other officials to support the carpenters' union in their area.

With our voice being heard in the government and enough work for everybody, the nation's economy would be vastly improved because people earning money means people spending money. Also, if union members understood the link between voting and jobs, they would show more interest in government matters and more support for the Carpenters' Union. Perhaps even some non-union contractors would join us.

I believe that the right to vote should be taken seriously by all who possess it, especially Carpenters' Union members. If everybody did this, we would be able to elect the candidates who would best serve us, have our voice heard in the government, and improve the quality of life for everyone. If not, we would be giving the government the right to do exactly as it pleased, and we would only have ourselves to blame.

24TH ANNUAL ADIRONDACK BALLOON FESTIVAL

HON. GERALD B. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. SOLOMON. Mr. Speaker, I would like to call the Nation's attention to one of the world's most important outdoor events. I am extremely proud to announce that the 24th Annual Adirondack Balloon Festival was again held this autumn in my hometown, beautiful Glens Falls, NY. It is the largest, best-known event of its kind in the entire United States.

Originally held in Queensbury, for the past 20 years the festival's home has been the industrial park adjacent to the Warren County airport. As they have for the past quarter century, balloonists from all over the globe will participate in this world-class event.

The Adirondack Balloon Festival was the brainchild of public relations man Walter W. Grishkot of Glens Falls. He wanted to attract visitors to the scenic region in upstate New York. It was a stroke of brilliance: Each year, over 100,000 spectators flock to the region to see the balloons and a variety of other entertainment. Mr. Grishkot has provided a fall getaway to the historic Adirondack region for millions of folks over the years and in doing so has spurred the tourist industry for his friends and neighbors in the community.

Mr. Speaker, I would like to commend Walt Grishkot for his great idea and welcome everyone to come up to Glens Falls, NY, for the Adirondack Balloon Festival, which still does not charge admission.

THE PRODUCTION FLEXIBILITY CONTRACT IN THE AGRICULTURAL MARKET TRANSITION (FREEDOM TO FARM) ACT IS A BINDING GUARANTEE ON THE PART OF THE UNITED STATES

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. ROBERTS. Mr. Speaker, as the 104th Congress nears adjournment today, it is a proper time to review the changes that have been made in farm programs under the Agricultural Market Transition Act [AMTA]—I refer to it as freedom to farm—and what farmers and producers can expect, during the 1996 through 2002 period, in the way of guaranteed fixed, albeit declining, payments on their production flexibility contracts with the Federal Government—the Commodity Credit Corporation.

Nearly all U.S. farmers and producers have signed up for the production flexibility contract

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

with the U.S.D.A. Consolidated Farm Service Agency, and from all reports I believe it is widely endorsed by farmers, consumers, rural communities, and rural credit providers, and many others. It reverses 60 years of over-regulation of farmers and producers by the Federal Government and gives them the flexibility to apply good financial management practices and good environmental management practices on their farms.

The reason that I make this statement today is to provide some legislative history and background for those farmers who have signed a contract with the U.S.D.A. Commodity Credit Corporation and may be aware that President Clinton released a statement on April 4, 1996, when he signed the Federal Agriculture Improvement and Reform [FAIR] Act of 1996 (Public Law 104–127) claiming he planned to submit legislation in 1997 to amend the FAIR Act.

I will review the provisions of the enactment of the Freedom to Farm Act (Public Law 104–127), its legislative history, and analyze a recent and relevant Supreme Court decision that sets forth standards for Federal Government liability under similar contracts.

Title I of the Agricultural Market Transition Act (Public Law 104–127, 110 Stat. 896, April 4, 1996) states in section 101(b), as noted in pertinent part below, part of the purpose of the act:

> (b) PURPOSE.—It is the purposes of this title—
>
> (1) to authorize the use of binding production flexibility contracts between the United States and agricultural producers to support farming certainty and flexibility while ensuring continued compliance with farm conservation and wetland protection requirements;

The conference report (H. Rept. 104–494, dated March 25, 1996) explains the origin of the language in section 101(b) quoted above and adoption of the House provision by the conferees:

> SUBTITLE A—PURPOSE AND DEFINITIONS
>
> "(2) Purpose
>
> The House bill states that it is the purpose of this title to authorize the use of binding production flexibility contracts between the United States and producers; to make recourse marketing assistance loans; to improve the operation of the peanut and sugar programs and; to terminate price support authority under the Agricultural Act of 1949. (Section 101)
>
> The Senate amendment has no comparable provision.
>
> The Conference substitute adopts the House provision with an amendment deleting the reference to the Agriculture Act of 1949 and adding a reference to the establishment of the Commission on 21st Century Production Agriculture. (Section 101).

When the farm bill (later to become Public Law 104–127) was debated on the House floor an inquiry was made about the contractual aspects of production flexibility contract. (See 142 CONGRESSIONAL RECORD, H1539 daily ed. Feb. 29, 1996, (statement of Rep. ROBERTS)):

> Let me first say that it is clearly the intent of Congress that the market transition payment provided by the 7-year production flexibility contract is an express and unmistakable contract between the United States and the owner and operator of farmland. Because the market transition payment is based on the 7-year contract it is the intent of the legislation that the payment is guaranteed.

When the conference report was taken up on the House floor, the production flexibility contract was explained as follows (See 142 CONGRESSIONAL RECORD, H3141 daily ed. Mar. 28, 1996, (statement of Rep. ROBERTS)):

> The guarantee of a fixed (albeit declining) payment for seven years will provide the predictability that farmers have wanted and provide certainty to creditors as a basis for lending. The current situation in wheat, corn and cotton under which prices are very high, but large numbers of producers have lost their crops to weather or pests would be corrected by FFA. Those producers last year could not access the high prices without crops, and instead of getting help when they need it most, the old system cuts off their deficiency payments and even demands that they repay advance deficiency payments. FFA insures that whatever government financial assistance is available will be delivered, regardless of the circumstances, because the producer signs a binding contract with the Federal government for the next seven years.

The debate of title I of the conference report on the FAIR bill in the House and in the Senate is replete with references to "contract," "guarantee," "binding contract" and similar references. The Production Flexibility Contract (U.S.D.A.–CCC Form 478) speaks in terms of contract acreage, contract crop, and the ability of CCC representatives to enter onto the producer's farm to determine "compliance with the contract."

The fact that the production flexibility contracts were intended to carry with them a guarantee of payment barring failure of the producer to comply with certain statutorily express conditions for compliance is clearly illustrated. Given that, it should follow that these production flexibility contracts represent vested legal rights in owners or producers that could be altered by subsequent enactment, except that those legal rights could be enforceable against the Government for damages if for some reason funding were not made available during the 7-year period of the contract contemplated in the AMT Act.

The ruling of the Supreme Court in the case of United States versus Winstar Corp. et al., U.S. , No. 95–865 slip op. (July 1, 1996) should serve as a precedent and should apply in the event there is an amendment to the Agricultural Market Transition Act prior to 2002 that could have the effect of breaching the contractual obligations of the Government to fulfill the provisions of the Production Flexibility Contract.

The Winstar case held that Federal bank regulations that implemented the 1989 Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) (Public Law 101–73, see particularly 12 U.S.C. 1464(t)) imposed new capital requirements on savings and loan associations in derogation of promises made in pre-1989 agreements that allowed financial institutions willing to take over failing institutions to use certain accounting devices to satisfy capital requirements and this constituted a breach of contract for which the Government was liable for damages.

The United States in the Winstar case raised the unmistakability defense to the effect that a public or general sovereign act such as FIRREA's alteration of capital reserve requirements (that reversed the earlier permission of certain savings and loan institutions to use certain accounting devices) could not trigger contractual liability for the Government.

However, the unmistakability defense or doctrine states that "sovereign power, even when unexercised, is an enduring presence that governs all contracts subject to the sovereign's jurisdiction, and will remain intact unless surrendered in unmistakable terms." Merrion versus Jicarilla Apache Tribe, 455 U.S. 130, 148 (1982). The application of this doctrine turns on whether enforcement of the contractual obligation alleged would block the exercise of a sovereign power of the Government. United States versus Winstar Corp. et al., U.S. , No. 95–865 slip op. at 39 (July 1, 1996).

As opposed to attempts to bind Congress from enacting regulatory measures inconsistent with the contracts, the contracts in Winstar allocate or shift the risks incurred by the parties. The plaintiff Winstar did not assert that the Government could not change the capitalization requirements applicable to the plaintiff, but that the Government assumed the risk that where subsequent changes prevented the plaintiff from performing under the agreement that the Government would be held liable for financial damages. So long as such contract is reasonably construed to include a risk-shifting component that may be enforced without effectively barring the exercise of that power, the enforcement of the risk allocation raises nothing for the unmistakability doctrine to guard against, and there is no reason to apply it. Id. at 41.

Under the production flexibility contract, risks are allocated among the parties. As opposed to prior farm programs, the producers agree to accept the risk of fixed payments unrelated to national supply or established target prices in exchange for the Government's acceptance of the risk of less control over supplies of various types of agricultural commodities. As in Winstar, the issue does not turn on whether the Government can subsequently change the rules under which producers operate if they elect to participate in a program, the issue is whether enforcing the risks shifted among the parties will infringe upon the sovereign jurisdiction of the United States. Where changes in the production flexibility contract by the Government result in a financial liability to the producer, the Government is liable to the producer for a breach of contract and damages. This liability does not infringe on the Government's sovereignty and does not violate the unmistakability doctrine.

The Government in Winstar, supra, also asserted that under the sovereign acts doctrine, "whatever acts the government may do, be they legislative or executive, so long as they be public and general, cannot be deemed specially to alter, modify, obstruct or violate the particular contracts into which it enters with private persons." The Court in the Winstar case held that the sovereign acts doctrine:

> * * * balances the Government's need for freedom to legislate with its obligation to honor its contracts by asking whether the

> sovereign act is properly attributable to the Government as contractor. If the answer is no, the Government's defense to liability depends on the answer to the further question, whether that act would otherwise release the Government from liability under ordinary principles of contract law. Id. at 57.

In answering the first question, the Court looked at whether the action by the Government having an impact on the public contract was merely incidental to the accomplishment of a broader governmental objective. The greater the Government's self-interest, the more suspect the claim that the private contractor bear the financial burden of the Government's action. Id. at 60. In Winstar, the Court found that a substantial purpose of the Government's action was to eliminate the very accounting formula that the acquiring thrifts had been promised. Thus, the Government's self-interest was so substantial that the statute was not a "public and general" act for purposes of the sovereign acts defense. Id. at 61.

Any changes to the statutory authority for production flexibility contracts would no doubt follow the same analysis as that relied upon by the Court in Winstar. To the extent that the farm programs would be altered, it would be likely that the Government would have substantial self-interest in any relief it might obtain from risks allocated it under the contract. Most likely this would result in some legislative change to reduce the amount of money paid to producers. While such change would likely be for the "public and general" benefit, it would undercut the allocation of risks between the parties to the contract and as such, would substantially be in the Government's self-interest.

Finally, the Government in Winstar asserted the defense of impossibility. To invoke the defense of impossibility, the Government would have to show that the nonoccurrence of regulatory amendment was a basic assumption of the contracts. That is the parties assumed that the statute on capitalization requirements would not change. As the Court notes, a change was both foreseeable and likely in that case. Id at 67.

The production flexibility contract states in the appendix to Form CCC-478 (the production flexibility contract) that if the statute on which the contract is based is materially changed during the period of the contract, CCC may require the producer to elect between modifications of the contract consistent with the new provisions and termination of the contract. This statement itself is an acknowledgment that the Congress very well may change the Agriculture Market Transition Act prior to its expiration in 2002. Further, if Congress changes the program, it is reasonable and expected that the contracts would be modified accordingly. However, as was true with the plaintiff in Winstar case, producers have no desire to assert that Congress cannot change the underlying statute, but instead, may pursue a claim for breach of contract and damages where any legislative change results in changes to the contract and producers incur financial damages. The acknowledgement of possible legislative change to the production flexibility contract should only serve to weaken any further Government defense of impossibility.

CONDEMNING THE ATTACK ON THE ECUMENICAL PATRIARCHATE IN ISTANBUL, TURKEY

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. GEPHARDT. Mr. Speaker, I rise to condemn the recent attack on the ecumenical patriarchate in Istanbul, Turkey.

On September 30, a hand grenade and machinegun fire were directed at the ecumenical patriarchate in Istanbul. The home of Ecumenical Patriarch Bartholomew, this site serves as the headquarters of Orthodox Christianity for over 300 million worshipers worldwide. The damage from this attack is reported to have been extensive, having blown out windows of the Patriarchal Cathedral of St. George and the sleeping quarters of His All Holiness and others in the compound.

Terrorist attacks such as this should be condemned by all, and must be tolerated by none. The targeting of a religious compound serves as a disturbing reminder of the extent to which the practitioners of terror will go to achieve their aims, and should cause us to redouble our efforts against those who seek gains through destruction and violence against innocent individuals.

I urge the Turkish authorities to investigate and seek justice against the perpetrators of this deplorable act. I extend my support to Patriarch Bartholomew and Orthodox Christians throughout the world as you seek to restore the ecumenical patriarchate and continue to express your faith in peace.

REPUBLIC OF CHINA'S NATIONAL DAY

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. HILLIARD. Mr. Speaker, in recent years, the Republic of China on Taiwan has emerged as a major economic power in the world. Much of this economic success is directly attributable to the efforts of its leaders: President Li Teng-hui, Vice President Lien Chan and Foreign Minister John H. Chang. These leaders fully understand that a strong economy is a necessary basis for political reform.

Mr. Speaker, let us show our admiration for our friends in the Republic of China by congratulating them on their 85th National Day—October 10, 1996. Let us also warmly welcome Ambassador Jason Hu, the Republic of China's representative in Washington, DC. We look forward to working with him.

REGULATORY RELIEF PROVISIONS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. LAFALCE. Mr. Speaker, the continuing resolution for fiscal year 1997, which passed the Senate yesterday, includes a number of significant regulatory relief provisions for financial institutions. I have been a long-time advocate of removing regulatory requirements that impose duplicative or burdensome application, reporting, or examination requirements on financial institutions. A number of such provisions have been incorporated within this legislation. Unfortunately, these provisions have been at risk because of anticonsumer provisions incorporated in the same bill.

Fortunately, the current legislation removes the more extreme proposals that were included in earlier House regulatory relief bills that would have repealed key sections of consumer protection laws and severely weakened important safety and soundness protections for financial institutions. I am particularly pleased to see that a provision that would have immediately repealed the civil liability sections of the Truth in Savings Act was dropped in last minute changes to the bill. However, I continue to be concerned with a number of sections that were retained in the continuing resolution that weaken important consumer disclosures and legal remedies.

I am concerned, for example, with several changes made in section 2605 that change current procedures relating to automobile leases under the Consumer Leasing Act. The section would appear to create a safe harbor from any enforcement action or civil liability for false or misleading lease disclosures by permitting auto lessors "who use the material aspects of any model disclosure form" to be deemed to be "in compliance with the disclosure requirements" of the act. This wording does not clarify if these lessors would be in compliance only with the requirement to provide disclosure or with requirements elsewhere in the act to provide truthful and complete disclosure. Certainly I believe the latter interpretation would be overly broad and inappropriate. But the wording is potentially vague enough to shield abusive lessors from possible civil litigation and provide them with a basis to challenge administrative actions.

A second change would modify current requirements for lease advertising to weaken current consumer disclosure regarding auto leases. It would eliminate two sets of key disclosures in current advertisements: the requirement to disclose the type and amount of any lease-end liabilities and charges, and the requirement to disclose whether or not a consumer has an option to purchase the property. These disclosures involve information that consumers need to know to make an informed choice among available automobile leases.

The legislation also retains language that repeals current requirements for the collection and publication of annual data on bank lending to small businesses, small farms and minority business. In 1993, Congress required the Federal Reserve to collect and publish data from the June bank Call Reports on the number and size of loans to small business. This data has become an invaluable source of information on the sources and availability of credit to U.S. small businesses. This information is critical to monitoring the lending performance of banks. And it also provides extremely important information to assist the SBA, business organizations, and consumer groups in directing small business owners to local institutions that have strong records of lending to small businesses.

Several additional provisions also raise concerns as providing for potential abuse of consumers. Section 2105 changes current disclosure requirements for adjustable rate mortgage loans under the Truth In Lending Act to permit lenders to simplify disclosure of potential interest rate and payment fluctuation for variable-rate loans. Currently lenders are required to show a historic example of how the rates and payments for loans comparable to that being offered had actually changed over a recent period of time. Lenders now would have the option of disclosing only the maximum potential payment for a $10,000 loan originated at a recent interest rate. This option would virtually eliminate more meaningful disclosure of historic rate and cost fluctuations and provide disclosure with little relevance to most loans actually offered to consumers.

Two additional provisions also trouble me. The first, in section 2302, would prohibit information contained in self-testing studies by banks that document violations of the Fair Housing Act and the Fair Credit Opportunities Act from being used in administrative actions and civil suits where the bank has made any effort to remedy these violations. A second proposal, in section 2305, requires debt collection agencies to identify themselves to consumers only in the first contact. All further efforts to collect a debt could presumably be represented in ways that tended to misinform, confuse or intimidate the consumer without violating the Fair Debt Collection Practices Act.

Mr. Speaker, these are examples of sections contained in the continuing resolution that I believe raise potential problems for consumers. These present important issues that I hope the Banking Committee will have an opportunity to reconsider in the next Congress.

CONGRATULATIONS TO RACHEL ENOMOTO, A WINNER IN THE HAWAII CARPENTERS UNION VOTE 1996 ESSAY CONTEST

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to commend Rachel Enomoto of Mililani, HI for her winning essay in the Hawaii Carpenters Union "Vote '96—Vorks for US" essay contest. Rachel, the daughter of Hawaii Carpenters Unit 6 member Stephen Enomoto, took first place in the 11 years and under age category.

As one of the judges, I can truly say there were many fine entries in this contest dedicated to promoting the importance of voting. Hearing from the youth of our Nation puts a new perspective on this right we sometimes take for granted. Congratulations Rachel on your insightful, award-winning essay:

> The reason why voting is so important to our union family is because one person and one vote may not be by itself strong, but a vote that is united can make a difference.
>
> Unions have long fought for their members' rights to a good wage, safe working conditions, and fair representation with management. If the union family doesn't vote as one then the rights gained can easily be lost.
>
> If my dad were to get hurt at work, he has the right to get the workmen's compensation, or if he were to go on strike he knows that the company does not have the right to replace him while on strike. These are just a few rights that might be taken away under a Republican Congress.
>
> It is up to the union members to support and vote for candidates that would oppose such measures if elected, candidates who would support union—workers—rights in Congress.
>
> In conclusion, the union family must take an active part in each election because if the union family does vote for who they want, it will make a difference. But if they don't vote, they're allowing others to decide their future.

UNIVERSAL TELECOMMUNICATIONS SERVICE AND NATIVE AMERICANS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. RICHARDSON. Mr. Speaker, I am introducing a House resolution expressing the sense of the House of Representatives that universal telecommunications service can only be met if the needs of Native Americans are addressed and policies are implemented with the cooperation of tribal governments.

As the joint Federal-State Board on Universal Service prepares to issue its recommendations, the implementation process of the Telecommunications Act reaches a critical stage. I believe it is important to make it perfectly clear that the intent of Congress can only be fulfilled if the universal service policies or procedures established to implement the act address the telecommunications needs of low-income Native Americans, including Alaskan Natives. Cost-effective solutions are best developed with the cooperation of tribal governments.

When Congress enacted the Telecommunications Act in February, great emphasis was placed on ensuring the delivery of telecommunications services, including advanced telecommunications and information services, to all regions of the Nation. This principle of universal service is designed to address the exceptional needs of rural, insular, and high-cost areas and make sure those services are available at reasonable and affordable rates.

This policy was established in the belief that telecommunications services have become essential to education, public health, and public safety of all people within the United States.

Indian and Alaskan Native people live in some of the most geographically remote areas of the country, with 50 percent of Indian and Alaskan Native people living in Oklahoma, California, South Dakota, Arizona, New Mexico, Alaska, and Washington.

Indian poverty in reservation areas in 3.9 times the national average rate. The average phone penetration rates for rural Native Americans is only 50 percent. The actual penetration rates are often much lower than 50 percent—for example, the Navajo Nation estimates that 65 percent of its citizens do not have telephones. What phone service there is in Indian country is often substandard and prohibitively expensive.

There is a continuing need for universal service in Indian country and for tribal governments to be directly involved in providing these services.

Among the recommendations in the 1995 Office of Technology Assessment report, Telecommunications Technology and Native Americans is a strengthened Federal/tribal government partnership in the telecommunications field to provide better services to persons in Indian country and to enable tribes to be direct providers of telecommunications services.

Now is the time to recognize the critical role that tribal governments can and must play in the implementation of universal service objectives.

PRESIDENT INVOKING EXECUTIVE PRIVILEGE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. SOLOMON. Mr. Speaker, the President is at it again. He is invoking executive privilege to shield from the public a memo written to him by FBI Director Louis J. Freeh. The memo by Freeh took the President to task for his shameful, do-nothing and say-nothing drug policy. Freeh, in what may be an understatement, criticized his boss for not providing any true leadership on the drug issue.

Mr. Speaker, it is unfortunate that Director Freeh's concerns were so warranted. We now know that drug use has skyrocketed among teens. And we know where to place the blame.

Mr. Speaker, this is not the first time our President has claimed executive privilege to prevent the release of embarrassing information. In fact, it is the fourth time. Any constitutional scholar knows that executive privilege was not intended to be used for policy documents such as this one. The simple fact of the matter is that President Clinton is trying to hide embarrassing information in an election year.

Mr. Speaker, I would urge the President to abandon the disingenuous tactic and hand over this document to the Congress. To do otherwise, is to damage the integrity of the White House.

S. 1505

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to see that the Congress has passed this important legislation. As a member of the Transportation and Infrastructure Committee, I have been involved with efforts to amend and reauthorize the Pipeline Safety Act since last year. This bill is also very important to my home State of Alaska.

S. 1505 achieves significant pipeline safety regulatory reforms. It also recodifies many requirements contained in existing law. I want to emphasize that these recodifications are not intended to diminish or affect the Secretary of Transportation's ability to exercise regulatory discretion.

One of the most important goals of this legislation is to allow the Department of Transportation to build effective partnerships with States, the public, and industry. For example, this bill authorizes the Secretary to conduct risk management demonstration projects. These projects will allow the Secretary and industry to continue to build upon the partnerships they have been developing. We recognize the benefits of allowing pipeline operators to implement individually tailored risk management plans in place of one-size-fits-all Federal requirements.

In addition to the risk management demonstration projects, we expect that the Secretary will continue to exercise flexibility and discretion with respect to the standards and requirements of this bill and of existing law. We recognize that technological progress made by industry may result in alternative and more effective methods to achieve pipeline safety goals. It is not our intent to allow rigid requirements to prohibit the use of these innovations. For example, alternative external inspection devices using x-ray or magnetic flux technology may be more effective and cost-efficient than smart pigs when used on aboveground pipelines, such as those in pipeline facilities on Alaska's North Slope. In these situations, the Department should use the authority it possesses under existing law to exercise the flexibility necessary to achieve goals in an effective manner.

PUERTO RICO ECONOMIC INCENTIVES

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. HAYES. Mr. Speaker, as I have said before, I believe it is essential that Congress continue to work with the elected officials of Puerto Rico to provide job creation incentives that continue to bring the U.S. citizens of Puerto Rico up to the economic levels of other American jurisdictions. It is unfortunate that Congress eliminated section 936 without providing a true, long term alternative program to accomplish these goals.

Nonetheless, we took an important first step in creating section 30A of the Internal Revenue Code which will provide for wage based incentives for existing companies doing business in Puerto Rico. It is imperative, however, that we do more. Next year, I am confident that the 105th Congress will work with Governor Rossello' and other government and business leaders in Puerto Rico to build section 30A in a way that provides incentives for new investment and job creation by companies not currently doing business on the island.

Together, we can develop those long term incentives that ultimately will be more efficient and effective than the program that has been eliminated.

DR. BERGEN MARKS HIS 25TH ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today on behalf of Dr. Stanley S. Bergen, Jr. to mark his 25th anniversary as president of the University of Medicine and Dentistry of New Jersey [UMDNJ].

Dr. Bergen has served the State of New Jersey with exceptional dedication, energy, and leadership that has distinguished his career as the first and only president of UMDNJ. Under Dr. Bergen's stewardship, the university has emerged as the largest public university of the health sciences in the country and serves as a national resource for health professions, education, research, patient care, and services to the community.

Through his resolve to provide educational opportunity and health care services to all the people of New Jersey, the university has grown to include seven schools on four main academic campuses statewide with programs at more than 100 affiliated educational and health care institutions in communities throughout the State.

Dr. Bergen has provided opportunities to increase representation of minority faculty and students that has made UMDNJ a national leader in minority enrollment and retention. He is recognized as a national authority on health care and a prominent leader in academic medicine in the State and the Nation.

I congratulate Dr. Bergen for a quarter century of service to the people of our State. His high standard of excellence in education, research, and patient care has brought pride and honor to our State. I wish him all the best for his continued success.

THE NUCLEAR TEST BAN TREATY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. HAMILTON. Mr. Speaker, on September 24, 1996, the world witnessed a giant step toward the reduction of nuclear danger, as President Clinton followed by leaders from 17 other nations signed the Comprehensive Test Ban Treaty [CTBT] at the United Nations. The General Assembly earlier adopted the treaty with an overwhelming majority bringing to reality a vision of American leaders going back to Presidents Dwight D. Eisenhower and John F. Kennedy and Prime Minister Jawaharlal Nehru of India.

By banning all nuclear explosions, the treaty will end the development of advanced new types of nuclear weapons and also constrain the development, and qualitative improvement of nuclear weapons. It will also help prevent the spread of nuclear weapons to more countries. It is the fruition of a 40-year effort, revived in 1993 when President Clinton made the courageous commitment to work toward a "true zero" yield treaty.

We realize that the signing of the treaty is but the first step toward a long road ahead. Some forty-four nations will have to sign and then ratify before its entry into force within the next 2 years. While this treaty, or for that matter any treaty, cannot be perfect, it is an indispensable step toward further negotiations and inevitable progress toward the establishment of international peace and security in the post-cold war era. The CTBT is a historic milestone toward the prevention of nuclear proliferation and a safer world.

I urge all members to join me on this occasion in congratulating the President upon achieving this significant step and call upon other nations to put aside their differences and sign the treaty expeditiously.

H.R. 2703

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. RUSH. Mr. Speaker, I rise today disillusioned and greatly saddened by acts of cowardice violence that continue to beset our Nation. To the great dismay of many citizens, the growing sophistication and fearlessness of criminals and vigilantes have made it necessary for law enforcement to be granted greater means and authority with which to pursue and capture those who seek to do harm.

And the unfortunate price that law-abiding citizens must pay for these extra security measures is to compromise their civil liberties. Therefore, I rise today as a reluctant supporter of the antiterrorism legislation contained in H.R. 2703.

Certainly, there is an unfortunate pressing need for harsher punitive measures against those who burn churches or assault the citizenry with bombs and other weapons of destruction. And certainly our law enforcement officials must be given new tools to crack down on and fight both foreign and domestic terrorism. As a nation, we must give clear, strong signals that such acts will simply not be tolerated and if individuals seek to test our will, they must understand that their actions will be met with equally forceful consequences.

Despite such obvious need for this bill, I have great reservations about the affect of this measure on our civil liberties. Increased access to our personal records and wiretap surveillance by law enforcement and the Government allows for great temptations for abuse. There is great potential that this bill will have the unintended affect of victimizing innocent, law-abiding citizens and allowing improper behavior by law enforcement to go unchecked.

Furthermore, this bill unfairly penalizes minorities, particularly African-Americans, due to the new restrictions it places on appeals by death row prisoners. It is well-known that the death row population is disproportionately African-American. And it is this community and this community alone that will bear the brunt of this unnecessarily harsh provision.

Mr. Speaker, it is a sad day in America when our only recourse to protect the lives of some is by restricting the rights of others.

CONGRATULATIONS TO JONI KONISHI, WINNER IN THE HAWAII CARPENTERS UNION VOTE 1996 ESSAY CONTEST

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to congratulate Joni Konishi of Kapaa, HI, a winner in the Hawaii Carpenters Union "Vote '96—Works for Us" essay contest. Joni, a student at Kapaa High School, was the winner in the 15-to-18 age category. She is the daughter of unit 4 member Keith Konishi.

The Hawaii Carpenters Union contest asked each contestant to write an essay about the importance of voting. As one of the judges in this contest, I was pleased to see the many outstanding entries from Hawaii's students. Joni and all the winners must be commended for their efforts. I am pleased to submit Joni's essay for printing in the CONGRESSIONAL RECORD.

VOTE 96—WORKS FOR US

As a territory to the United States, Hawaii had no rights in voting for the leaders of this country. But, on August 21, 1959, Hawaii became the fiftieth state to join the union. From then on the people of Hawaii have had the right to vote for the leaders of their communities and country, unlike the people of Russia. We are fortunate that the government of our country is run democratically. Therefore we should take advantage of this right, and help make a difference in our communities and country. Voting is important to our union family politically, socially, and economically.

It is important politically for the union family to vote because politics are very important in Hawaii. The officials who are in office will be determining the futures of the people of the state not only politically, but socially and economically too. The democrat party consists mainly of people from the middle class. Therefore, they would be supporting the needs and wants of these people. The democrat party believes in welfare, social security, Medicare, creating jobs for the people, lowering taxes for the middle class, and also a low tariff. The elements of the democrat party are the same as the needs of the union family. Therefore, a vote from a union family for the democrat party would enable the leaders of the state and country to be one-step closer to recognizing their needs.

Not only is voting important politically, but also socially. Voting would be important to the union family socially because of benefits like welfare and social security. Social security enables the elders of the community to collect funds after they are of ages to retire and would not be working. Taking that away from the elders would be making it hard for them to live relaxing and carefree lives if they had to worry about money, even after working hard all of their life. Welfare is a benefit that many people live off of. Some individuals are unable to make enough money to support their families, or are unable to work due to a disability. These people shouldn't be punished for what is not their fault. All these people need is a little help and they'll be able to support their families. Voting for the right person into office would be giving them all of these benefits that will help make their lives easier.

The most important factor in the voting of union members would be economical. Having the right officials would be promoting the economy of Hawaii. The economy of Hawaii has gotten so bad that many of the locals have had to move to the mainland because there are more job opportunities there. The economy could increase by creating more jobs for the people of Hawaii. Construction is the second biggest industry in the state, yet the unemployment rate of Hawaii is going sky-high due to the many jobless carpenters. The union needs to vote in an official who would be willing to create more jobs for them. Creating jobs could also include finding work sites that need to be renovated, like Coco Palms on Kauai. The more jobs created, the less the government would be giving away funds in unemployment. The decreasing economy causes the people in Hawaii not to have money to spend on necessities. With the people not spending money in the community, many businesses close down and the competition in the island gets less. Therefore the prices rise because there is no one else to compare price and items with. The closing down of businesses also creates more unemployment. A union member vote could help the economy if the combined vote can get the right person in office.

Voting is important to our union family because of the political, social, and economic problems that it can help solve in the community, and also within the country. Having a vote in the electing of these leaders can help aid many of the issues that the members of the union want to address. One of the main issues being the unemployment of many members. Therefore, choosing the right leaders into office will make our dreams into reality.

HONORING THE HUNTINGTON BREAST CANCER ACTION COALITION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the extraordinary work of the Huntington Breast Cancer Action Coalition. This coalition has been instrumental in escalating our awareness about the high rate of breast cancer throughout the Huntington community.

The Huntington Breast Cancer Action Coalition conducts town meetings, provides breast exam workshops and distributes educational literature. Moreover, this important organization works with the Suffolk County Department of Health Services to provide yearly mammograms at St. Hughes of Lincoln Church in Huntington Station. The success of this independent, grassroots organization has been studied around the world. In fact, the Huntington organization has inspired the creation of the Tokyo Breast Cancer Action Coalition.

The coalition was created on October 12, 1992, by a group of women led by Karen Miller, who cared deeply about the high rate of breast cancer in their community and had been affected personally by this most serious condition. These women educated their families, friends, and neighbors about various prevention and early detection measures. By 1993, the organization had opened administrative offices. Today, the Huntington Breast Cancer Action Coalition has 1,500 active volunteers, each of whom is committed to putting an end to this serious condition. The organization has sent a woman's breast health survey to 68,000 households throughout Huntington. So far, they have compiled 26,000 responses in their computer database. The coalition eventually wants to use these findings to help determine the cause of the high rate of breast cancer in Huntington. At a dinner on October 1, the coalition will honor the following members who truly demonstrate the selflessness and compassion of an entire organization.

Michael Miller, who is the husband of the founder of the coalition, has been an outstanding leader in our fight against breast cancer. His wife's struggle with breast cancer has led him to nearly a decade of outspoken advocacy. Mr. Miller has owned and operated the A–OK appliance company for 33 years. He is also an active trustee of his synagogue. Michael Miller has lived happily on Long Island with his wife and three children since the 1960's.

Denise Kleinman, another coalition activist, who's husband Cal Kleinman while president of Bennett X-Ray developed the most modern state-of-the-art mammography machine, has worked diligently in the fight against breast cancer. Her volunteer efforts and commitment to the Huntington Breast Cancer Action Coalition reflect her compassion for this worthy organization and their mission.

A former New York City teacher, Denise has been involved in both her local PTA and in her synagogue. She is also a volunteer for Island Harvest which collects excess food and distributes it to the needy on Long Island. Denis Kleinman currently resides in Dix Hills with her husband and three children.

Carol Caruso has been one of the most active members of the Huntington Breast Cancer Action Coalition. Aside from her many volunteer efforts on behalf of the organization, she also had a vision, a dream, if you will, to start a Breast Cancer Health Education Center for everyone. She has spearheaded this concept and will devote her energies to making it a reality. Carol is a person who has truly made an extraordinary difference.

Both she and her husband have donated substantial resources from their family business in order to support this worthwhile cause. Her actions demonstrate how a local business can work alongside a volunteer organization in order to further the common interests of an entire community. Carol Caruso has also been an active volunteer in the Multiple Sclerosis Foundation. She currently lives in Oyster Bay where she enjoys the company of her six grandchildren.

The Huntington Breast Cancer Coalition truly represents the ideals of compassion, community, and determination. Their selfless actions will help others overcome their struggles with breast cancer. Mr. Speaker, I ask my colleagues to join me in honoring these extraordinary individuals and the outstanding work they have done for their community. The organization's dynamic leaders and dedicated volunteers should serve as a model for us all.

HIA FUNDING IN FISCAL YEAR 1997

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. GEKAS. Mr. Speaker, I am pleased that the recently passed fiscal year 1997 appropriations bill—just signed into law by the President—containing funding for the Department of Defense, included language from the National Security Appropriations Conference Report which directed the Air Force to expend the necessary funds for the operation and maintenance of a site database to be located at the Pennsylvania State University at Harrisburg. The database is to support the former Olmsted Air Force Base Superfund site as it transitions from final DOD restoration to EPA Superfund deletion to public-private sitewide development. That language, from page H11875 of the CONGRESSIONAL RECORD of September 28, 1996, is presented here:

FORMER OLMSTED AIR FORCE BASE

The conferees are pleased that the final restoration by the Air Force of the former Olmsted Air Force Base in Pennsylvania is proceeding smoothly and the Environmental Protection Agency projects a delisting of the base (Middletown Airfield EPA National Priorities List Site) from the NPL by the end of 1996. The conferees feel that following delisting of the site it will be necessary to maintain near the site a comprehensive database which incorporates data from all current and future environmental investigations to provide a comprehensive look at the environmental status of the site for future development or emergency response situations and to maintain institutional controls. Therefore, the conferees recommend that, commencing in fiscal year 1997, the Air Force expend funds necessary (estimated at $123,000 over five years) for such a comprehensive site database to be located at the Pennsylvania State University at Harrisburg, Pennsylvania.

I have spoken at length before on the floor of the House of Representatives about the need for this site database and the need for the Air Force to fulfill its commitment to me, to the Commonwealth of Pennsylvania and to the environmental restoration of the site by fully funding the database. The inclusion of language about the site database in the conference report clearly shows widespread congressional support for this funding and location.

Even with the congressional directive expressed in the above conference language there is, however, a concern about the funding that I wish to share with my colleagues. While the conference language states that the Air Force must expend the funds necessary over 5 years to fund the database, it is not clear that the initial startup costs of $72,000 in fiscal year 1997 will be met. From the conference language the understanding is implicit, but not explicit, that if the Congress directs that the site database be established and funded, full and appropriate startup funding needs would be met.

It is my hope that the Department of Defense, and specifically the Air Force, will honor their commitment and the direction of the Congress of the United States, and by his signature the President of the United States, and fully fund this site database in fiscal year 1997 so that it can be fully operational by the time the former Olmsted Air Force Base is deleted from the EPA Superfund list.

COAST GUARD AUTHORIZATION ACT OF 1996

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1996

Mr. SHUSTER. Mr. Speaker, as chairman of the conference committee for S. 1004, the Coast Guard Authorization Act of 1996, I submit the following explanation of several sections included in the conference report on that bill.

SECTION 901. REDUCTION OF OIL SPILLS FROM NON-SELF-PROPELLED TANK VESSELS

The Conference substitute requires the Secretary of Transportation, in consultation with the Towing Safety Advisory Committee, to prescribe regulations requiring a single-hull non-self-propelled vessel that operates in the open ocean or coastal waters, or the vessel towing it, to have at least one of the following: (1) a crew member and an operable anchor on board the tank vessel that together are capable of arresting the tank vessel without additional assistance under reasonably foreseeable sea conditions; (2) an emergency system on the tank vessel or towing vessel that without additional assistance under reasonable foreseeable sea conditions will allow the tank vessel to be retrieved by the towing vessel if the tow line ruptures; or (3) any other measure or combination of measures that the Secretary determines will provide protection against grounding of the tank vessel comparable to that provided by the measures described in paragraph (1) or (2).

SECTION 902. REQUIREMENT FOR FIRE SUPPRESSION DEVICES

The Conference substitute allows the Secretary of Transportation to require the installation, maintenance, and use of a fire suppression system or other measures to provide adequate assurance that a fire on board towing vessels can be suppressed under reasonably foreseeable circumstances. In the case of vessels towing non-self-propelled tank vessels, the Secretary is directed to require the use of fire suppression or other measures by not later than October 1, 1997.

SECTION 903. STUDIES ADDRESSING VARIOUS SOURCES OF OIL SPILL RISK

The Conference substitute requires the Secretary of Transportation to complete studies which include studies of group-5 fuel oil automatic fueling shutoff equipment, and lightering.

SECTION 1125. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS

The amendments to section 1016(c)(1) of the Oil Pollution Act of 1990 (OPA 90) contained in section 1125 of the Conference substitute will allow the Minerals Management Service to implement the financial responsibility requirements of OPA 90 for offshore facilities in a reasonable manner. The Minerals Management Service has been unable to implement the offshore facility responsibility requirements under OPA 90 because of the potentially devastating impact on many types of small businesses resulting from the original OPA 90 language. This is because the original language of section 1016 of OPA 90 could be interpreted to (1) include facilities such as onshore refineries, marinas, and even fuel storage facilities located in wetlands as "offshore facilities"; (2) include all navigable waters of the United States; (3) require $150 million in financial responsibility from each offshore facility despite its oil spill risk; and (4) require financial responsibility certification for facilities that handle even minimum volumes of oil.

The Conference substitute clarifies the original intent of the Congress by ensuring that the financial obligations imposed by section 1016(c)(1) apply solely to "traditional" offshore oil facilities located seaward of the line of ordinary low water. The provision makes clear that "offshore facilities" do not include traditional land-based facilities. Marinas, refineries, and terminals are "onshore facilities" even though docks, piping, wharfs, piers, and other similar appurtenances, connected directly or indirectly to those facilities, may sit on submerged land seaward of the line of ordinary low water. All of the components of those facilities are part of the onshore facility.

The Conference substitute maintains a reasonable financial responsibility requirement of $35 million and allows the President to raise the requirement to a level not exceeding $150 million if he determines that the risks justify the result. The substitute allows facilities which have a small oil spill discharge potential (1000 barrels or less) exempted from the financial responsibility requirement altogether.

The substitute also allows "direct action" against a guarantor for an offshore facility only in the following cases: (1) the claimant is the Federal government; (2) a responsibility party for an offshore facility has denied or failed to pay a claim because of insolvency; or (3) a responsible party for an offshore facility has filed a petition for bankruptcy under title 11, United States Code. The substitute clarifies that a guarantor's total liability under OPA '90, including under direct action, is limited to the amount of financial responsibility provided.

SECTION 1141. DREDGING OF RHODE ISLAND WATERWAYS

The Conference substitute requires the Army Corps of Engineers to issue recommendations regarding dredging in Rhode Island state waters.

SECTION 1142. INTERIM PAYMENTS

The experience in Rhode Island in connection with the NORTH CAPE spill shows that partial or interim claim settlement programs are vital when the income of lobstermen or fishermen is interrupted because of an oil spill. These amendments make it clear that interim or partial claim payments are available for loss of profits or earning capacity under Oil Pollution Act. The acceptance of such interim or partial payments will not prevent a claimant from recovering other damages to which he is entitled, but no double recovery by any claimant will be permitted. This section clarifies the availability of partial or interim payments but does not, in any way, preclude a claimant from entering into a final settlement. The limitations imposed by section 1017(f) of the Oil Pollution Act shall apply to partial or interim claims.

SECTION 1143. OIL SPILL INFORMATION

The Conference substitute amends the Federal Water Pollution Control Act to create a repository for information pertaining to oil spills.

SECTION 1144. COMPLIANCE WITH OIL SPILL RESPONSE PLANS

The Conference substitute amends the Federal Water Pollution Control Act to provide greater discretion to the President or the Federal on-scene coordinator regarding oil spill response plans.

HOUSE OF REPRESENTATIVES—*Thursday, October 3, 1996*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. WALKER].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 3, 1996.

I hereby designate the Honorable ROBERT S. WALKER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of St. Francis:

Lord, make us instruments of Your peace.

Where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy.

Grant that we may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love. For it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Wednesday, October 2, 1996:

H.R. 2297, to codify without substantive change laws related to transportation and to improve the United States Code;

H.R. 3005, to amend the Federal securities laws in order to promote efficiency and capital formation in the financial market, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation;

H.R. 3118, to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs, to authorize major medical facility construction projects for the Department, to improve administration of health care by the Department, and for other purposes;

H.R. 3159, to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; and

H.R. 3815, to make technical corrections and miscellaneous amendments to trade laws.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3539) "An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 3723) "An act to amend title 18, United States Code, to protect proprietary economic information, and for other purposes."

PRINTING OF GENERAL TABLE OF CONTENTS ON H.R. 3610, OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Without objection, and on behalf of the Committee on Appropriations, the Chair will submit for separate printing a general table of contents to accompany the conference report on the bill H.R. 3610, the Omnibus Consolidated Appropriations Act, 1997.

There was no objection.

DIVISION A—[APPROPRIATIONS AND OFFSETS]

TITLE I—OMNIBUS APPROPRIATIONS

Sec. 101(a). Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997:

Title I—Department of Justice
Title II—Department of Commerce and Related Agencies
Title III—The Judiciary
Title IV—Department of State and Related Agencies
Title V—Related Agencies
Title VI—General Provisions
Title VII—Rescissions—Department of Justice
Title VIII—Fiscal Year 1996 Supplemental and Rescission—Department of Justice
Title IX—Supplemental Appropriations—Department of Commerce

Sec. 101(b). Department of Defense Appropriations Act, 1997:

Title I—Military Personnel
Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related Agencies
Title VIII—General Provisions
Title IX—Fiscal Year 1996 Supplemental Appropriations and Rescissions for Anti-Terrorism, Counter-Terrorism, and Security Enhancement Activities

Sec. 101(c). Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (together with NATO Enlargement Facilitation Act of 1996, and Bank for Economic Cooperation and Development in the Middle East and North Africa Act):

Title I—Export and Investment Assistance
Title II—Bilateral Economic Assistance
Title III—Military Assistance
Title IV—Multilateral Economic Assistance
Title V—General Provisions
Title VI—NATO Enlargement Facilitation Act of 1996
Title VII—Middle East Development Bank

Sec. 101(d). Department of the Interior and Related Agencies Appropriations Act, 1997:

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Title I—Department of the Interior
Title II—Related Agencies
Title III—General Provisions
Title IV—Emergency Appropriations

Sec. 101(e). Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (including Student Loan Marketing Association Reorganization Act of 1996, and Museum and Library Services Act of 1996):

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related Agencies
Title V—General Provisions
Title VI—Reorganization and Privatization of Sallie Mae and Connie Lee
Title VII—Museum and Library Services Act of 1996

Sec. 101(f). Treasury, Postal Service, and General Government Appropriations Act, 1997 (including Federal Financial Management Improvement Act of 1996):

Title I—Department of the Treasury
Title II—Postal Service
Title III—Executive Office of the President and Funds Appropriated to the President
Title IV—Independent Agencies
Title V—General Provisions—This Act
Title VI—General Provisions—Departments, Agencies, and Corporations
Title VII—Counter-Terrorism and Drug Law Enforcement
Title VIII—Federal Financial Management Improvement

TITLE II—ECONOMIC GROWTH AND REGULATORY PAPERWORK REDUCTION

Subtitle A—Streamlining the Home Mortgage Lending Process
Subtitle B—Streamlining Government Regulation
  Chapter 1—Eliminating Unnecessary Regulatory Requirements and Procedures
  Chapter 2—Eliminating Unnecessary Regulatory Burdens
  Chapter 3—Regulatory Micromanagement Relief
Subtitle C—Regulatory Impact on Cost of Credit and Credit Availability
Subtitle D—Consumer Credit
  Chapter 1—Credit Reporting Reform
  Chapter 2—Credit Repair Organizations
Subtitle E—Asset Conservation, Lender Liability, and Deposit Insurance Protection
Subtitle F—Miscellaneous
Subtitle G—Deposit Insurance Funds

TITLE III—SPECTRUM ALLOCATION PROVISIONS

Sec. 3001. Competitive Bidding for Spectrum.

TITLE IV—ADJUSTMENT OF PAYGO BALANCES

Sec. 4001. Adjustment of Paygo Balances.

TITLE V—ADDITIONAL APPROPRIATIONS

Chapter 1—Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies
Chapter 2—District of Columbia
Chapter 3—Energy and Water Development
Chapter 4—Legislative Branch
Chapter 5—Department of Transportation
Chapter 6—Department of the Treasury
Chapter 7—International Security Assistance
Chapter 8—General Provisions

DIVISION B—OREGON RESOURCE CONSERVATION ACT OF 1996

TITLE I—OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA
TITLE II—UPPER KLAMATH BASIN
TITLE III—DESCHUTES BASIN
TITLE IV—MOUNT HOOD CORRIDOR
TITLE V—COQUILLE TRIBAL FOREST
TITLE VI—BULL RUN WATERSHED PROTECTION
TITLE VII—OREGON ISLANDS WILDERNESS, ADDITIONS
TITLE VIII—UMPQUA RIVER LAND EXCHANGE STUDY

DIVISION C—ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

TITLE I—IMPROVEMENTS TO BORDER CONTROL, FACILITATION OF LEGAL ENTRY, AND INTERIOR ENFORCEMENT

Subtitle A—Improved Enforcement at the Border
Subtitle B—Facilitation of Legal Entry
Subtitle C—Interior Enforcement

TITLE II—ENHANCED ENFORCEMENT AND PENALTIES AGAINST ALIEN SMUGGLING; DOCUMENT FRAUD

Subtitle A—Enhanced Enforcement and Penalties Against Alien Smuggling
Subtitle B—Deterrence of Document Fraud

TITLE III—INSPECTION, APPREHENSION, DETENTION, ADJUDICATION, AND REMOVAL OF INADMISSIBLE AND DEPORTABLE ALIENS

Subtitle A—Revision of Procedures for Removal of Aliens
Subtitle B—Criminal Alien Provisions
Subtitle C—Revision of Grounds for Exclusion and Deportation
Subtitle D—Changes in Removal of Alien Terrorist Provisions
Subtitle E—Transportation of Aliens
Subtitle F—Additional Provisions

TITLE IV—ENFORCEMENT OF RESTRICTIONS AGAINST EMPLOYMENT

Subtitle A—Pilot Programs for Employment Eligibility Confirmation
Subtitle B—Other Provisions Relating to Employer Sanctions
Subtitle C—Unfair Immigration-Related Employment Practices

TITLE V—RESTRICTIONS ON BENEFITS FOR ALIENS

Subtitle A—Eligibility of Aliens for Public Assistance and Benefits
Subtitle B—Public Charge Exclusion
Subtitle C—Affidavits of Support
Subtitle D—Miscellaneous Provisions
Subtitle E—Housing Assistance
Subtitle F—General Provisions

TITLE VI—MISCELLANEOUS PROVISIONS

Subtitle A—Refugees, Parole, and Asylum
Subtitle B—Miscellaneous Amendments to the Immigration and Nationality Act
Subtitle C—Provisions Relating to Visa Processing and Consular Efficiency
Subtitle D—Other Provisions
Subtitle E—Technical Corrections

DIVISION D—SMALL BUSINESS PROGRAMS IMPROVEMENT ACT

TITLE I—AMENDMENTS TO SMALL BUSINESS ACT
TITLE II—AMENDMENTS TO SMALL BUSINESS INVESTMENT ACT

DIVISION E—[CALIFORNIA BAY-DELTA ENVIRONMENTAL ENHANCEMENT AND WATER SECURITY]

TITLE I—CALIFORNIA BAY-DELTA ENVIRONMENTAL ENHANCEMENT AND WATER SECURITY ACT

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 1996.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 2, 1996 at 6:00 p.m. and said to contain a message from the President whereby he returns without his approval, H.R. 2909, the "Silvio O. Conte National Fish and Wildlife Refuge Eminent Domain Prevention Act."

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

SILVIO O. CONTE NATIONAL FISH AND WILDLIFE REFUGE EMINENT DOMAIN PREVENTION ACT—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–271)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2909, the "Silvio O. Conte National Fish and Wildlife Refuge Eminent Domain Prevention Act."

This bill would prohibit the use of eminent domain authority for the protection of the public's fish and wildlife resources at portions of the Silvio O. Conte National Fish and Wildlife Refuge in the States of New Hampshire and Vermont. Because it is unnecessary and would undermine important governmental interests, I cannot support it.

First, the Conte Refuge poses no threat to property owners. Located along the Connecticut River in the States of Connecticut, Massachusetts, New Hampshire, and Vermont, it represents an entirely new kind of national wildlife refuge. Rather than relying on the traditional approach of acquiring large tracts of land, the comprehensive plan for the Conte Refuge provides that only small amounts will come into Federal ownership—a total of only 1,200 acres in New Hampshire and Vermont, along with conservation easements for an additional 760 acres. Instead of Federal land acquisition, the main emphasis for the Refuge will be on restoring the Connecticut River watershed through voluntary partnerships, cooperative agreements, and environmental education. The Fish and Wildlife Service has no intention of using its eminent domain authority.

Second, this bill would undermine a constitutionally bestowed authority of the Federal Government by prohibiting the use of eminent domain for fish and wildlife conservation. The truth is that the Fish and Wildlife Service almost never uses eminent domain for wildlife conservation purposes—on a nationwide basis, since 1989, the U.S. Fish and Wildlife Service has only used its eminent domain power with the consent of the owner to settle price or title differences. Still, eminent domain remains an important tool of last resort, to protect the public's interest in fish and wildlife resources should unforeseen circumstances arise.

Private property is a fundamental American right and value. But this bill is unnecessary and would erode a constitutional authority that has served the public interest for over 200 years. As stated during debate on this bill in the House of Representatives, H.R. 2909 is a solution in search of a problem.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 2, 1996*.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and bill will be printed as a House document.

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the veto message of the President, together with the accompanying bill, H.R. 2909, be referred to the Committee on Resources.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CALENDAR YEAR REPORTS PREPARED BY THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure and the Committee on Commerce:

To the Congress of the United States:

I transmit herewith the 1995 calendar year reports as prepared by the Department of Transportation on activities under the Highway Safety Act, the National Traffic and Motor Vehicle Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972, as amended.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 3, 1996*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONCERN EXPRESSED OVER USE OF MILITARY PERSONNEL FOR POLITICAL PURPOSES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, yesterday I took this House floor and talked about my concern about military personnel staffing in the Speaker's office and how I felt it ran afoul of House rules. House rules are very clear about who can be allowed to be a fellow, who can be a detailee, or who can be a volunteer. Obviously my real fight is with the Defense Department. Today I will be firing off another letter to Secretary Perry who has been playing games with me for about 6 months claiming, "Well, she's leaving town, so if we just wait long enough, this will go away."

What I want to say to Secretary Perry is every way I read your very own staffing document, all gazillion pages of it, this is also in violation of here. They claim the people in the Speaker's office were assigned to the Joint Chiefs of Staff legally under here. Fine, you can assign officers to the Joint Chiefs of Staff. But there is not anywhere in here that says then the Joint Chiefs can take them and do whatever they want, have them work in bakeries, filling stations, day care centers, or the Speaker's office. Absolutely not. And when you are talking about very high-priced military staff, that is indeed a concern.

So yesterday we talked about the House rules. Today I must say I do not accept DOD's explanation at all that this is valid. But let me go one step further and say what I think everyone in America should be concerned about other than the money is the fact that do we want military officers engaged in partisan political activities.

Let me read you something from George Will. George Will's column today was praising the 104th Congress, which I do not think I would do, I would disagree with some of those facts, but he goes on to say in his column that this record has been obscured by the fog of war rhetoric from its leader, the Speaker, and for whom politics of war has been carried on through his office.

He goes on to talk about the different tapes that have been obtained with the Speaker's conversations with Army officers in which they are filled with military jargon about "politics is war" and "our budget fight is like the Duke of Wellington's peninsula campaign," and I could go on and on and on. But I think people are scared when they think we are up here playing war games with their lives, or war games with Medicare, Social Security, the budget or whatever we are doing. This should be a civil place and not a place where we are trying to incite civil war between two parties. I think it is very wrong to use military officers to come over and engage in that.

Today in Roll Call—and I will put in the RECORD the Roll Call editorial which is a newspaper editorial that I think is very valid—it talks about this issue and lays out many more facts about it. It goes on and says, it is a very serious matter for GINGRICH to systematically use Army personnel and facilities to train House Republican membership and leaders and top leadership staff in skills that they are to use to defeat the Democrats in partisan warfare.

I ask you, is that what we want our military officers doing? Do we have so many military officers we are now going to deploy them into the Republican and Democratic parties—although the Democrats did not get any—and fight it out here?

I say as I leave this institution that I care so much about, I think this is a huge cloud, and I hope we get it cleared up. I think the bottom line still lays with the Defense Department who clearly wanted to get on the new leadership's good side, and I suppose if they had asked them to clear out the Pentagon and let them use it for staffing or send cars over here or anything else, it looks like they would because they sent helicopters, officers, or anything they asked for. That is wrong. We have always kept our military separate and nonpartisan. These staffing rules are very clear that the military on active duty that are getting paid by the taxpayers are not supposed to be engaged in partisan activities.

As I say this, I chuckle because a couple of years ago I worked very hard in transferring my military base from military to civilian status, and in May before the election, I was not allowed on the military base because it was considered too partisan, the May before the November election, by DOD. So you could not go to help transfer something that you had spent probably 18 months working on because that was partisan and yet they can send military officers over here, helicopters, facilities, train people, and be in all this dialog? No. Something is terribly amiss here. I really am sorry to have to keep taking the floor and pounding away, but I think it is very important to let Secretary Perry know I am not going to let this go, I hope the press does not let this go, and I hope the American people do not let this go.

WAR AND POLITICS

From Sun-tzu to Clausewitz to Mao Zedong, there's been an intimate connection between war and politics. House Speaker Newt Gingrich (R-Ga) has every right to be fascinated by the connection, to the point of famously declaring that "politics is war without bloodshed." As a legislative leader, he also has every right and responsibility to familiarize himself with the strategies the Army is developing to protect the country's national security. If some of what he learns about war is intellectually applicable to his political pursuits, he's clearly free to adopt it.

It's another matter entirely, however, for Gingrich top systematically use Army personnel and facilities to train House Republican Members and top leadership staff in skills they can use to defeat Democrats in partisan warfare. Yet this, according to a two-part series to articles by Roll Call's Damon Chappie, is what Gingrich did from 1993 through 1995, using the US Army Training and Doctrine Command at Fort Monroe, Va. TRADOC's contribution to the art of war: a new fighting doctrine emphasizing operations that are "rapid, unpredictable, violent, and disorienting to the enemy."

According to documents obtained by Roll Call under the Freedom of Information Act, Gingrich arranged for at least seven separate TRADOC sessions for 15 Republican leadership aides and six Members serving on a task force headed by Rep. Pete Hoekstra (R-Mich). Costs were paid for by the Army, although the purpose of the sessions seems to have been to help Republicans maintain their House majority—i.e. defeat the Democrats in "bloodless" war.

The documents indicate that Army officials became concerned—legitimately so—about being used for such a purpose, especially after Hoekstra mentioned to one Army colonel that the program was to be expanded to Senate Republicans. The colonel suggested that Gingrich should hire a retired Army officer to conduct the seminars or "as a minimum, suggest to the Speaker that we have to, in some way, make this more bipartisan.

Exactly so. Gingrich could have used Republicans party finds had he chosen, but instead he used taxpayer resources—inappropriately, we believe. But there is an even more troubling aspect here. As of January 1995, Gingrich ceased being merely a Republican leader and became a constitutional officer. For a House Speaker to use the Army to make "war" on his political opposition is a misuse of the military and his own office.

FAREWELL TO REPRESENTATIVE SCHROEDER AND STICKING UP FOR THE MILITARY

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, the gentlewoman that just spoke is leaving this body and we are going to miss her. She has been a very valuable Member even though we have disagreed quite often. I happen to agree on this particular issue. I am just afraid that the way it was presented, that I know that she did not mean this intentionally but that it would criticize our military. The people that serve in our military, they usually start out when they are 18, 19 years old or after they have gone through college and ROTC, they become officers in any branch of the military, and they are some of the most respected people in all of America.

☐ 1415

I think we always have to look at that, especially if they serve in the Pentagon, if they are the Joint Chiefs of Staff. They did not get there by having their integrity questioned.

I would just like to stick up for them and say they are, to my knowledge, some of the finest people I have ever known, not only this Joint Chiefs of Staff, but all of those that have preceded them. I just wanted to say that for the record, and wish the gentlewoman good-bye.

MILITARY BEING PUT IN DIFFICULT POSITION

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from New York for his nice comments. If I was doing anything to demean military personnel, please, let me apologize over and over again. You know and I know that DOD directive 1344.10 is absolutely opposed to partisan activities on active duty, and yet if they are sent there by the Joint Chiefs and get used that way, what do they do?

It is because of whistleblowers in the military that we are very concerned about this and raised red flags. Yet, apparently, the Secretary of Defense said put them down, we are going to do this, and told them to do it anyway.

So I salute them for coming forward, and I thank the gentleman. The Sergeant Bilco thing of bilking the taxpayer, we do not want. I do think they are some of the finest people that have been around, and I do think that they get put in a very difficult position when we use them.

So I thank the gentleman for his support on this. We will work hard to get it straightened out.

RECESS

The SPEAKER pro tempore (Mr. WALKER). Pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 16 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1701

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. WALKER] at 5 o'clock and 1 minute p.m.

HOUR OF MEETING ON TOMORROW

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 2, 1996:

H.R. 543. An act to reauthorize the National Marine Sanctuaries Act, and for other purposes;

H.R. 1734. An act to reauthorize the National Film Preservation Board, and for other purposes;

H.J. Res. 198. Joint resolution appointing the day for the convening of the first session of the One Hundred Fifth Congress and the day for the counting in Congress of the electoral votes for President and Vice-President cast in December 1996; and

H.R. 2579. An act to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States.

On October 3, 1996:

H.R. 2297. An act to codify without substantive changes laws related to transportation and to improve the United States Code;

H.R. 3005. An act to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation;

H.R. 3118. An act to amend title 38, United States Code, to reform eligbility for health care provided for the Department of Veterans Affairs, to authorize major medical facility construction projects for the Department, to improve administrative of health care by the Department, and for other purposes;

H.R. 3159. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; and

H.R. 3815. An act to make technical corrections and miscellaneous amendments to trade laws.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2297. An act to codify without substantive change laws related to transportation and to improve the United States Code;

H.R. 3005. An act to amend the Federal securities laws in order to promote efficiency and capital formation in the financial market, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation;

H.R. 3118. An act to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs, to authorize major medical facility construction projects for the Department, to improve administration of health care by the Department, and for other purposes;

H.R. 3159. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; and

H.R. 3815. An act to make technical corrections and miscellaneous amendments to trade laws.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 4, 1996, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5415. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—1996 Marketing Quota and Price Support for Burley Tobacco (RIN: 0560–AE47) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5416. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—DFAS Privacy Act Program (Defense Finance and Accounting Service) [DFAS Reg. 5400.11 R] received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

5417. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Privacy Program (Defense Special Weapons Agency) [DSWA Instruction 5400.11B] received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

5418. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution from New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines: Certification and Test Procedures [FRL–5618–02] received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5419. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution Control District, Santa Barbara County Air Pollution Control District, South Coast Air Quality Management District [FRL–56–4] received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5420. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District; South Coast Air Quality Management District [FRL–5616–6] received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5421. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona—Maricopa Nonattainment Area, Carbon Monoxide [FRL–5628–6] received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5422. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Interim Approval of Operating Permits Program; Delegation of Section 112 Standards; State of New Hampshire [FRL–5619–4] received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5423. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for Colorado Standards of Performance for New Stationary Sources [FRL–5618–8] received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5424. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Interim Approval of Operating Permits Program; Delegation of Section 112 Standards; State of Vermont [FRL–5612–6] received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5425. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Effective Dates of Requirement for Premarket Approval for Class III Preamendments Devices (RIN: 0910–AA31) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5426. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Interim Guidance for 10 CFR 50.65—The Maintenance Rule and Steam Generator Tube Inspections (EGM 96–002 and EGM 96–003) received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5427. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for Four Southern Maritime Chaparral Plant Taxa from Coastal Southern California and Northwestern Baja California, Mexico (RIN: 1018–AC01) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5428. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Three Plant Species (Cyanea dunbarii, Lysimachia Maxima, and Schiedea sarmentosa) from the Island of Molokai, Hawaii (RIN: 1018–AD49) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5429. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Endangered Status for the Plant Delissea undulata (RIN: 1018–AC56) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5430. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Twenty-Five Plant Species from the Island of Oahu, Hawaii (RIN: 1018–AD50) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5431. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for Nineteen Plant Species from the Island of Kauai, Hawaii (RIN: 1018–AD46) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5432. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status or Threatened Status for Fourteen Plant Taxa from the Hawaiian Islands (RIN: 1018–AD58) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5433. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Thirteen Plants from the Island of Hawaii, State of Hawaii (RIN: 018–AD25) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources,

5434. A letter from the Secretary of Transportation, transmitting the annual report on the status of the public ports of the United States for calendar years 1994–1995, pursuant to 49 U.S.C. 308(c); to the Committee on Transportation and Infrastructure.

5435. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96–NM–129–AD] (RIN: 2120–AA64) (1996–0235) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5436. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–203–AD] (RIN: 2120–AA64) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5437. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–8–100 and –300 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–72] (RIN:

2120–AA64) (1996–0230) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5438. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A3000 Airplanes (Federal Aviation Administration) [Docket No. 92–NM–225] (RIN: 2120–AA64) (1996–0229) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5439. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–152] (RIN: 2120–AA64) (1996–0228) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5440. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 2120–AA64] (RIN: 2120–AA64) (1996–0227) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5441. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft SA26, SA226, and SA227 Series Airplanes (Federal Aviation Administration) [Docket No. 94–CE–22–AD] (RIN: 2120–AA64) (1996–0233) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5442. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW2000 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 95–ANE–37] (RIN: 2120–AA64) (1996–0198) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5443. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96–51: Emigration Policies of Mongolia, pursuant to 19 U.S.C. 2432(a); to the Committee on Ways and Means.

5444. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Update of Ambulatory Surgical Center Payment Rates Effective for Services on or After October 1, 1996 [BPD–874–N] received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Commerce and Ways and Means.

5445. A letter from the Director, Audit Oversight and Liaison, General Accounting Office, transmitting a report entitled, "Financial Audit: Independent Counsel Expenditures for the Six Months Ended March 31, 1996" (GAO/AIMD–96–166), pursuant to 28 U.S.C. 591 note; jointly, to the Committees on Government Reform and Oversight and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3534. A bill to authorize the Secretary of the Interior to renew certain permits in the Mineral King Addition of the Sequoia National Park and to protect historic and cultural resources in that National Park, and for other purposes; with an amendment (Rept. 104–866). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONDIT (for himself, Mr. DOOLITTLE, Mr. CUNNINGHAM, and Mr. RADANOVICH):

H.R. 4339. A bill to amend the Clean Air Act to impose certain requirements on areas upwind of ozone nonattainment areas, and for other purposes; to the Committee on Commerce.

By Ms. DELAURO:

H.R. 4340. A bill to prohibit, in connection with the termination of Army activities at the Stratford Army Engine Plant, the expenditure of Federal funds to cover the costs of relocating a Government contractor located at that installation; to the Committee on National Security.

By Mr. SCHUMER (for himself and Mr. CONYERS):

H.R. 4341. A bill to establish felony violations for the failure to pay legal child support obligations, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 4342. A bill to amend title 18, United States Code, to extend certain statutes of limitation; to the Committee on the Judiciary.

By Mr. UNDERWOOD:

H.R. 4343. A bill to prohibit the Secretary of Defense from making American communities noncompetitive by using shipping cost differentials attributable to the application of the Merchant Marine Act, 1920; to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 38: Mr. ANDREWS.

H.R. 609: Mr. KENNEDY of Massachusetts.

H.R. 2011: Mrs. MEEK of Florida.

H.R. 2119: Mr. BARTON of Texas.

H.R. 2522: Mr. RADANOVICH.

H.R. 2652: Ms. PELOSI.

H.R. 3078: Mr. CAMP.

H.R. 3104: Mr. CAMP.

H.R. 3277: Mrs. SEASTRAND.

H.R. 3355: Ms. DELAURO.

H.R. 3443: Mr. SCHUMER, Mr. ACKERMAN, Mr. PAYNE of New Jersey, Ms. BROWN of Florida, Mr. SPRATT, Mr. ENSIGN, Mr. OBERSTAR, and Ms. DELAURO.

H.R. 3736: Mr. TATE.

H.R. 3775: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4031: Mr. METCALF.

H.R. 4052: Ms. DELAURO.

H.R. 4108: Mr. DREIER.

H.R. 4145: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4148: Mr. KOLBE.

H.J. Res. 174: Mr. BARCIA of Michigan.

H. Res. 520: Mr. FOGLIETTA.

SENATE—*Thursday, October 3, 1996*

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, help us to live beyond the meager resources of our adequacy and learn that You are totally reliable when we trust You completely. You constantly lead us into challenges and opportunities that are beyond our energies and experience. Then You provide us with exactly what we need. Looking back, we know that we could not have made it without Your intervention and inspiration. And when we settle back on a comfortable plateau of satisfaction, suddenly You press us on to new levels of adventure in our living. You are the disturber of any false peace, the developer of dynamic character and the ever present deliverer when we attempt what we could not do on our own.

May this be a day in which we attempt something humanly impossible and discover that You are able to provide the power to pull it off. Give us a fresh burst of excitement for the duties of this day so that we will be able to serve courageously. We will attempt great things for You and expect great things from You. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator MCCAIN of Arizona, is recognized.

SCHEDULE

Mr. MCCAIN. Mr. President, on behalf of the leader, I should like to remind all Members of today's Senate schedule. This morning, the time between now and 10 a.m. will be equally divided for debate on the FAA reauthorization conference report. At 10 a.m., there will be a 15-minute rollcall vote on the motion to invoke cloture on the FAA conference report. I hope that the Senate would invoke cloture this morning so that we can complete action on this important measure. If cloture is invoked, it is possible that we may adopt the conference report at a reasonable time today.

I also remind my colleagues that there are a number of other legislative items in the clearance process including possible action on the parks bill. With the cooperation of all Senators, we can finish these items in time for sine die adjournment of this Congress today.

FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION—CONFERENCE REPORT

The Senate resumed consideration of the conference report.

Mr. MCCAIN. Mr. President, I now ask unanimous consent that the time until 10 a.m. be equally divided between the proponents and opponents, myself managing the legislation for this side, and the Senator from Massachusetts, Mr. KENNEDY, managing for the other side.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, perhaps we could have information concerning the division of that time. I would guess it is less than 1 hour equally divided. Is that correct?

The PRESIDENT pro tempore. To be exact, it is 56 minutes.

Mr. MCCAIN. Mr. President, since the Senator from Massachusetts is not here, I will begin with an opening statement. I allow myself 10 minutes.

Mr. President, I want to talk about this critical aviation bill for a few minutes, and I want to begin with the most important part of it. That is the section that has to do with aviation safety.

This bill has some very important and critical aviation safety items included in it. We all know how important and compelling a problem this is and a challenge for America and the world. We continue, unfortunately, to have serious airline accidents that continue to take place not only in this country but around the world, including the latest being another tragedy in Peru just in the last several hours. There is no doubt that aviation safety is a vital and compelling issue and one on which I believe we have made important progress in this bill.

Specifically, this legislation eliminates the dual mandate and reiterates safety being the highest priority for the FAA. This legislation facilitates the flow to the FAA of operational and safety information, and the FAA may withhold voluntarily submitted information.

It authorizes the FAA to establish standards for the certification of small airports so as to improve safety at such airports.

It mandates that the NTSB, the National Transportation Safety Board, and the FAA must work together to improve the system for accident and safety data classification so as to make it more accessible and consumer friendly and then publish such accident data.

It requires pilot record sharing. It requires the sharing of a pilot's employment records between former and prospective employers to assure marginally qualified pilots are not hired.

It also discourages attempts by child pilots to set records or perform other aeronautical feats.

Also, Mr. President, it requires that the Federal Aviation Agency and the National Transportation Safety Board work together on this terrible issue, very difficult issue of notification of the next of kin. Every time there is one of these crashes, there is a problem as far as the notification of the loved ones, and it was an obligation of ours to work this out. There have been a number of hearings following these tragedies, and we hear the compelling stories of the lack of notification, wrongful notification, and lack of sensitivity in the care and services provided to the family members. We have to clean this up and we do that in this bill.

As far as aviation security is concerned, Mr. President, it requires the FAA to study and to report to Congress on whether some security responsibilities should be transferred from the airlines to airports and/or the Federal Government. I do not think there is any of us today who believe that security at airports is at the level we want it to be, and a very recent inspector general report clearly indicated that. We have to do a much better job.

The FAA in this legislation is directed to certify companies providing airport security screening.

It bolsters weapons and explosive detection technology by encouraging research and development. As you know, Mr. President, the only available technology today is very expensive, very large, very slow and sometimes not completely mission fulfilling. I believe that there is the technological capability out there in America and the world to develop the kind of weapons and explosive detection technology that we can put in place in our airports in a short period of time.

This legislation requires that background and criminal history records checks be conducted on airport security screeners and their supervisors.

It requires the FAA to facilitate interim deployment of currently available explosive detection equipment.

It requires the FAA to audit the effectiveness of criminal history records checks.

It encourages the FAA to assist in the development of passenger profiling systems.

It permits the Airport Improvement Program and Passenger Facility Charge funds to be used for aviation safety and security projects at airports.

The FAA and FBI must develop an aviation security liaison agreement.

The FAA and FBI must carry out joint threat assessments of high-risk airports.

It requires the periodic assessment of airport and air carrier security systems.

And it requires a report to Congress on recommendations to enhance and supplement screening of air cargo.

Mr. President, there is more aviation safety and security benefits in this bill which I will cover later this morning. There is a requirement to enhance airline and air traveler safety by requiring airlines to share employment and performance records before hiring new pilots, as I mentioned before.

But most important, it provides for the thorough reform of the FAA, including the long-term funding reform of the FAA to secure the resources to ensure we continue to have the safest, most efficient air transportation system in the world.

For a long period of time we worked on a bipartisan basis with the Secretary of Transportation, the Director and Deputy Director of the FAA, in trying to come up with ways to fund our national aviation system and its safety and security-related aspects. Right now the national air transportation system is primarily funded by the airline ticket tax, which accounts for more than $6 billion of the $9 billion that is necessary to fund the FAA on an annual basis. Unfortunately, the discretionary budget caps will simply not provide the budget flexibility to continue to fund today's service levels from the FAA, let alone the funding necessary over the next several years to meet the continued growth anticipated in virtually every facet of aviation. We must be able to fund the FAA and the national air transportation system in America through user fees. Those that use the system should be required to pay their fair share to provide a stable source of funding for the FAA's critical safety and operational activities and not the general taxpayer.

This bill sets up a 21-member commission which will make recommendations which will be required to be acted on in a relatively short period of time so we can come up with this very important, stable, and critical funding of the national air transportation system.

Again, I cannot help but mention one other aspect of this problem that is a clear dereliction of duty on the part of the Congress, and that is, on December 31, 1996, the airline ticket tax is going to lapse again. At the present time the airline ticket tax, with the addition of general taxpayer dollars, is the major method of funding aviation in America. Congress let it lapse last Christmas and it lapsed for a long period of time—until just a few months ago. During that time, the aviation trust fund was depleted by $5 billion. I think it will be a terrible thing, a terrible thing, to let this Congress go out of session—which we probably will—without reinstating the ticket tax, which is going to expire on December 31, 1996.

I would like to tell my colleagues and I know my friend, Senator FORD of Kentucky, feels as strongly as I do, as does the chairman and ranking member of the committee, Senator PRESSLER and Senator HOLLINGS. We are going to address this issue early in the 105th Congress in whatever way we can. We cannot allow this fund to be depleted so we are unable to fund these much-needed aviation safety, airport security, and air traffic control modernization projects in America.

I am not going to point at specific committees or specific Members of the Senate or the House. But to allow the airline ticket tax to lapse is a violation of our fundamental obligations to the American people, and that is to ensure their safety and security. We cannot do that without adequate and stable long-term funding. So I want to again enter a plea, especially to the Finance Committee, that we address this issue as soon as possible early in the next Congress.

I reserve the remainder of my time.

The PRESIDENT pro tempore. The distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 1 minute. Then I am going to yield 5 minutes to the Senator from Illinois.

Mr. President, as we are gathered here this morning, I want to reiterate our position with regard to the FAA bill. Those of us who oppose the addition of the special interest provision are in support of the FAA conference report otherwise. We had indicated we were quite glad to put that whole conference report on the continuing resolution. We could have done that on Monday and we would not be here today.

We would have taken an independent bill, a freestanding bill without this provision, and passed it either Monday when the House was in or any other day in the belief the House would accept it.

So we do not yield to any of our colleagues in our interest in moving ahead with the FAA conference report. But what we find unconscionable is the inclusion of this special interest provision which is going to disadvantaged working men and women who are trying to play by the rules of the game and whose interests would effectively be compromised by this particular provision.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. KENNEDY. I yield 5 minutes to the Senator from Illinois.

The PRESIDENT pro tempore. The distinguished Senator from Illinois.

Mr. SIMON. Mr. President, as Senator KENNEDY said, everyone is for the FAA bill. The question is this amendment that was tacked on that was neither in the House version nor in the Senate version. Let us just go over what it does again. It benefits one company—one company. It interferes in litigation. The Presiding Officer, Senator THURMOND, for whom I have come to have great respect, has seen in the Judiciary Committee that when we interfere in litigation, with rare exceptions we make a mistake in the U.S. Congress.

Third, it interferes in a labor-management negotiation that is going on. We should not be taking one side or another. I do not know who is right. All I know is Congress should not be deciding this.

We interfere also in a competitive situation. How does this affect UPS? How does it affect the Postal Service? How does it affect other competitors? No one knows. But people can sure guess.

Then, finally, the process is wrong. We have not had a hearing on this. The committee of jurisdiction has not had a hearing on this very complicated and, obviously, controversial labor-management issue. It has been rejected. Just a few weeks ago the Appropriations Committee rejected this very amendment. Yet we see it sliding in on a conference committee here.

What it does, in essence, is it says Federal Express and all its employees are to fall under regulations that govern airlines. It so happens Federal Express has about 35,000 truck drivers who, under this legislation now, are going to be considered like airline pilots as far as labor-management relations. That is not the way to govern.

It may be this is very meritorious. Let us have a hearing. Let us go through the normal process. But it should not be stuck on in a conference when neither the House nor the Senate had it, when this has been rejected several times by both the House and the Senate.

Mr. BREAUX. Will the distinguished Senator yield for a question?

Mr. SIMON. I will let the Senator from Louisiana get his own time here.

Mr. BREAUX. I just was going to ask a question of the Senator.

Mr. SIMON. You may ask a very brief question.

Mr. BREAUX. Isn't the current situation that Federal Express in its total package is considered under the Railway Labor Act right now? Is that not the current situation? Is it the current situation that Federal Express is considered to come under the Railway Labor Act now?

Mr. SIMON. It is a matter of controversy right now before the National Labor Relations Board, as I understand it. What we are doing is we are moving in and making a decision. That is not the way we ought to operate here.

We ought to have a hearing. We ought to proceed in the normal way. This is obviously a matter of controversy. This is not how you solve controversies and how you make good legislation.

I yield the remainder of my time back to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDENT pro tempore. The Senator from Massachusetts has 22 minutes.

Mr. KENNEDY. I yield myself 13 minutes.

Mr. President, regardless of the outcome of today's vote, this week of debate has already accomplished something very important for the American people. It has placed a spotlight on a cynical Republican attempt to help one of their corporate friends at the expense of that company's employees.

They had hoped to carry out their scheme in the shadows, so that no one would recognize the injustice that was being done. That part of the Republican plan has already failed. The entire country now knows that the Republican Congress is ending as it began, with an assault on working men and women and their families. Key Republicans in Congress have conspired with Federal Express to amend the Railway Labor Act in order to deprive Federal Express workers of their right to form a local union. The company is bent on obtaining this unfair advantage before the Republican Congress adjourns, because they know that a Democratic Congress will never approve this special interest provision.

Truck drivers employed by Federal Express in Pennsylvania began organizing a union several years ago, because they had not received a raise in more than 7 years. They were also worried about worker safety and about losing their jobs to subcontractors and seeing full-time jobs cut back to part time. It is unconscionable for the Senate to intervene on the side of Federal Express management to deny those workers their basic rights under the National Labor Relations Act.

Mr. President, this is not a technical correction. Rider proponents falsely claim that this is a technical correction to an inadvertent action taken in the Interstate Commerce Commission Termination Act of 1995. This is substantive. The Congressional Research Service analyzed the ICC Termination Act and found "The deletion of express companies from section 1 of the RLA does not appear to have been inadvertent or mistaken." That is an independent judgment made by the Congressional Research Service after reviewing the history, reviewing the conference itself and evaluating the various documents.

Second, the administration does not consider this to be technical. Let me, again, read the letter from the Office of Management and Budget, representing the position of the administration and the President:

> The administration believes that the provision is not a technical amendment in transportation law. In fact, it could result in a significant shift of the relationship between certain workers and management.

They recognize that it is not a technical correction.

The Democratic members of the House Aviation Subcommittee have also recognized that this is not a technical correction. Read the debate over in the House of Representatives and you will see it. Every Democratic member of the Aviation Subcommittee points out that this is not a technical correction, and the Parliamentarian of the House of Representatives made a judgment that it was not a technical correction and required the House of Representatives to have an independent vote on this measure.

Mr. President, the history of the FedEx rider in the House and Senate is out there for every Member of this body to understand. They never had a hearing on a rider in the House Aviation Subcommittee or the full Transportation and Infrastructure Committee; never had a hearing on the rider in the Senate Aviation Subcommittee or full Committee on Commerce, Science and Transportation.

House Republicans tried to attach this to the fiscal 1996 omnibus appropriations bill and failed. House Republicans tried to attach it to the National Transportation Safety Board Authorization Act, and it failed. House Republicans tried to attach it to the Railroad Unemployment Act Amendments, and it failed.

Senate Republicans supported attaching it to the Labor-HHS Appropriations bill in the Appropriations Committee, and it failed. The rider was not on the FAA Reauthorization Act when it passed the House, and it wasn't when it passed the Senate. The rider was added in the reauthorization conference committee just before the end of this conference.

Mr. President, now that we know that it is not technical, now that we know that this has been pursued constantly by the Republican leadership in the House of Representatives, supported overwhelmingly by the Republican Members in the House of Representatives, with opposition by an overwhelming majority of Democrats in the House, we will see a similar reflection of that here later on this morning.

Mr. President, this issue is in litigation. The Federal Express truck drivers started organizing in 1991. In December of 1991, the Federal Express truck drivers filed a petition with the NLRB for an election to decide whether a majority of them desire representation. This matter is currently in litigation. The number of the case is 4–RC–17968.

There are Members who say it is not in litigation. It is in litigation, and it is before the NLRB and in active consideration at this time. What we are doing by this action is wiping out the opportunity for that issue to be adjudicated by the NLRB. We are stacking the deck for one side. We are refusing to let the National Labor Relations Board make a judgment about the truck drivers.

The fact of the matter is, UPS has a situation almost exactly the same as Federal Express: Those workers who are associated with the airlines are considered employees of air carriers, and thus covered by the Railway Labor Act, while those who drive the trucks are under the National Labor Relations Act.

Federal Express has been declared an air carrier, and they should be with regard to their air operation. The question now is, what about the truck drivers who drive for Federal Express? What about Federal Express's proposed expansion, such that the principal part of their operation is going to be in trucks rather than in the air? That is a legitimate issue. It is currently before the National Labor Relations Board.

Supporters of this rider are saying that those grievances, those rights, those interests of working men and women are going to be vitiated because of the power of Federal Express, one single company. We are legislating for one single company, make no mistake about it.

Mr. President, why do I call this Federal Express amendment a Republican ploy? Let me show you the evidence, and it is overwhelming. In the House, the key advocates of this amendment were Members of the Republican leadership, and each and every time it was offered in the House, it was offered on behalf of the Republican leadership. They voted in the House and closely followed party lines: of the 218 Members who voted for it, 199 were Republicans—198 Members of Congress opposed it; 168 of those voting no were Democrats.

On the cloture motion that we will be voting on shortly, nearly all Republicans will vote to keep the amendment in the bill, and a solid majority of Democrats will vote against cloture in order to remove the offensive Federal Express provision.

This antiworker amendment is clearly a Republican ploy for another reason. It is consistent with what they have done throughout this session, whether it has been to eliminate the

Davis-Bacon Act or to gut other worker protection laws. The average construction worker—may we have order, Mr. President?

The PRESIDENT pro tempore. The Senate will be in order.

Mr. KENNEDY. Mr. President, we have seen the Republican leadership try to compromise the incomes of construction workers, the second most dangerous industry in the United States, with five times more accidents than any other group of workers in this country. The average income of a construction worker is $27,500 a year. Yet the Republicans made an effort time after time after time here in the Senate of the United States and in the House of Representatives to undermine their income.

There was opposition to the increase in the minimum wage. The story is there and has been written. Republicans fought it every single step of the way, although hard-working families who are at the bottom rung of the economic ladder, who are our teachers' aides, who work in nursing homes as health care aides, who clean buildings for the American free enterprise system—these are hard-working men and women who have families, and we believe that hard work ought to be rewarded and that we should not deny those hard-working Americans a decent income. The Republicans oppose that.

Whether it was on Davis-Bacon, the increase in the minimum wage, or the earned-income tax credit, which benefits workers who earn less than $30,000, on each and every one of those issues involving workers' rights, the Republican leadership in the House and the Senate fought us tooth and nail. They fought us tooth and nail at the beginning of the Congress, and the last act of this Congress will be to undermine the legitimate rights of working men and women who are only trying to play by the rules under the National Labor Relations Act.

The Federal Express workers may be able to persuade their coworkers to support organizing or they may not, but they shouldn't have the rug pulled out from under them as Republicans have tried to do to other workers over the period of this Congress.

Mr. President, I reserve the remainder of my time.

Mr. McCAIN addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Arizona.

Mr. McCAIN. Mr. President, I yield 4 minutes to the Senator from Texas, Senator HUTCHISON.

The PRESIDENT pro tempore. The distinguished Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, if someone is watching this debate today, they might think we are arguing about a labor bill. Mr. President, we are not arguing about a labor bill. Whether Federal Express can have one union or six unions is not the purpose of this bill, nor should it be the focus of this debate, nor should it have held up this Senate for the last 4 days.

Because the issue here is whether we are going to reauthorize the FAA and give them the tools they need to keep our airlines and our airports safe. That is the issue. That is the importance of sending this bill to the President. Because if we get bottled up in other extraneous issues and procedures, Mr. President, what we are going to lose is the ability for the FAA to immediately deploy certification of the detection equipment that is necessary to protect air traffic passengers, the protection against terrorist bombs. That is what we are talking about today.

The detection equipment we have today was put in place when we had hijacking as a problem in this country. And since that equipment has been put in place, we have not had hijackings of airlines in America. But that is not the same type of equipment you need to detect the sophisticated bombs that have been able to be put in buildings and airplanes around the world, or subway systems. So what we are trying to do is protect the traveling public.

We are seeing smokescreens here about minute labor issues, and we are seeing procedural measures taken against a very important big-picture bill that will give the FAA the tools it needs. It will allow the FBI and the FAA to collaborate in every high-risk airport city. We need the FBI to work with the FAA because they have unique capabilities that are not there in the FAA. So we need that to happen. It can start today. Baggage match, something that is done for foreign travel, will now be looked at to see if we can do it domestically, so that if a passenger gets on a plane, we will know that that passenger is matched to bags in the compartment beneath, and we will not have bags going on a plane without the passenger that checked that bag in.

We need to be able to allow the passenger facility charges and the fees that go on the airline tickets to be used for antiterrorism and safety measures. That will be authorized in this bill.

Mr. President, we are not looking at deciding in Congress and spending 4 days of Congress' time to determine whether FedEx is going to have one union or six. Our purpose here today is to pass a bill that protects every American and every visitor to our country who is traveling in airports and on airplanes with the safety they deserve. We can do it if we will keep our eye on the ball and do what is responsible for the U.S. Senate. It would be irresponsible for us to allow some minor disagreement on a labor matter that does not have to be decided by Congress to, in fact, hold up a bill that will provide safety for flying passengers in America.

Thank you, Mr. President.

Mr. FEINGOLD addressed the Chair.

Mr. KENNEDY. Mr. President, 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, thank you.

There has been some confusion in this body about whether this is a big issue or little issue, technical issue or substantive issue. Well, I think the argument that this is somehow just a technical debate has been pretty well shredded by the reality of what has happened this week.

Let me just quickly read again from the letter from the Office of the President, the administration, from Franklin Raines, of the Office of Management and Budget, which says:

> The administration believes that the provision is not a "technical amendment" to transportation labor law. In fact, it could result in a significant shift of the relationship between certain workers and management. We hope Congress will not jeopardize aviation safety, security, and investment initiatives as it comes to closure on this issue.

Mr. President, the Senator from Texas just again tried the ploy of saying this is a minor issue. She said, a "minute" labor issue. Well, does anyone believe, after the almost herculean effort to keep this provision in, that this is a minor issue? This is a major, major issue to one very powerful corporation in this country.

Let us focus again on what this intense major debate is about. It is about whether one powerful corporation is going to be able to get its way in the closing hours of this Congress and push through a special interest provision aimed at only one thing —it is aimed at only one thing: protecting this powerful company from its workers trying to form a union.

Mr. President, this apparently is not the only time that this corporation, Federal Express, has used this type of procedure to benefit its own interests. Let me say here, I do not think Federal Express is a bad corporation. Obviously, it provides tremendously important services in our economy, as do other services, such as UPS. But you cannot ignore the record.

Last night, I and other Members of the Senate received a letter from Public Citizen, a nonpartisan public interest group. They express frequently a direct interest in the way this body does business. This is what Public Citizen wrote about the effort to push FedEx's special interest provision through in the FAA conference report. They said:

> This is not the first time or the second time that Federal Express has used last-minute tactics to gain passage of controversial amendments to law. In the 1990 aviation

> authorization bill, with no hearings, exemption from local noise requirements for aircraft were pushed through. In the 1994 aviation authorization bill, Federal Express was involved in getting preemption of State regulation of truck prices, routes and services through the Congress with no hearings in the Senate where the amendment was added to an unrelated bill and only a last-minute hearing in the House during the conference negotiations. State officials were outraged at the way this was maneuvered. In 1995, motor carrier safety standards were eliminated for Federal Express type trucks in the National Highway System legislation. In 1996, the anti-labor provision Federal Express seeks to get enacted in the aviation authority conference report is [just] the most recent in a long string of such maneuvers.
>
> These issues [they say] are major public policies that deserve appropriate hearings and evaluation. The public is already angry about the way wealthy business interests dominate the congressional decision-making process. This history of Federal Express sponsored legislation, combined with the millions of dollars it spends each year lobbying, campaign contributions, and providing air transportation services to key members of Congress, undermines our democratic system. Federal Express has a long history of opposition to government regulations. But when they want to block their employees' efforts to form a union and gain an unfair advantage over their competitors, the sky's the limit on money and political muscle they will use to get their own customized regulatory protection made into law.

Those are words by Joan Claybrook from Public Citizen. And this is not an isolated, innocent, or minor matter to the corporation pushing it.

Mr. President, let me repeat one phrase from this letter. This kind of activity "undermines our democratic system."

However anyone feels about the underlying merits of the issue, the process which is taking place is repugnant. As the distinguished Senator from Illinois, [Mr. SIMON] has said, if this corporation succeeds, this will be a textbook example for years to come of how special interests have perverted the democratic process. I hope we will do the right thing and just say no to this.

Mr. President, let me simply say, as a conclusion, I have heard speakers all week, and especially this morning, say that we have to pass this bill because of airline safety; we have to pass this bill because of the airline tax extension; we have to pass this bill because of airport aides. And I agree. We have to pass this bill. How can all of those things, how can all of those things be less important than this one provision for Federal Express?

It seems inconceivable to me that those on the other side, given their commitment to those issues and those concerns, would not drop this provision at this point and let the bill be passed today and be signed by the President.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield 6 minutes to the Senator from South Carolina, Senator HOLLINGS.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I'll come right to the point, it is not a question of one company succeeds. It is the question of one Congress can succeed. Congress made the error, not Federal Express. Federal Express had nothing to do with the dropping of the language when we passed the ICC termination bill last December. We made that mistake. We are on trial. And this distortion: coming in here and flyblowing a wonderful company—"antiworker," "a Republican attack," "slash Medicare," "slash education"—none of that has anything to do with it.

Let us assume that Federal Express was antiworker. That would have nothing to do with this particular issue. What we did here with my amendment—and incidentally, "Republican," I have been a Democrat since 1948. I think you were just learning to drive at that time. So you can't define who is a Democrat, we will see how the Democrats vote.

At that particular time we came in here and we said, "Wait a minute. When we left, we had a hearing. Been having a hearing quite regularly all over." Who is to be heard? Not the merits of workers' rights, the merits of the truth. Find somebody, some Senator, some Congressman. I have challenged him now for 3 days during this filibuster, find me anybody who says otherwise than that it was an honest mistake. It is our duty to try to correct it.

Every time we try, we go down the list, filibuster, filibuster, filibuster. Yes, you have the political power. You have held the whole Congress up for 3 days. Every time we try to get it anywhere, you are going to filibuster, filibuster, filibuster, trying to take advantage of an honest mistake.

We have heard from all the Congressmen, Republican and Democrat, all the Senators, Republican and Democrat, and we all agree that it was a mistake. You cannot find anybody who says it was not a mistake. To come in here trying to correct an honest mistake, and they flyblow a company with antiworker/Medicare/Medicaid and all that extraneous garbage—they know no shame. We are not going to filibuster. We are ready to vote. We are ready to vote and try to get a political division here today on what this Senator has been trying to clean up.

We tried to get the other side to look at the intent. I am looking at the conference report by Mr. SHUSTER, the ICC Termination Act, last December 15. "The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees and employers by the Railway Labor Act."

Now, that is exactly what was intended. That is the law. The Railway Labor Act is just exactly what truck drivers and pilots and Federal Express have been under since 1973 when they started business.

I felt like Archimedes, who said, "Eureka, I found it" when the Senator from Massachusetts cited 4–RC–17698. I ask unanimous consent to have printed in the RECORD excerpts of the final Board decision.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL MEDIATION BOARD,
Washington, DC, November 22, 1995.

Re NMB File No. CJ–6463 (NLRB Case 4–RC–1698) Federal Express Corporation.

JEFFREY D. WEDEKIND,
Acting Solicitor, National Labor Relations Board, Washington, DC.

DEAR MR. WEDEKIND: This responds to your request dated July 17, 1995, for the National Mediation Board's (Board's) opinion as to whether Federal Express Corporation (Federal Express or FedEx) and certain of its employees is subject to the Railway Labor Act, as amended, 45 U.S.C. §151, et seq. The Board's opinion, based upon the materials provided by your office and the Board's investigation is that Federal Express and all of its employees are subject to the Railway Labor Act.

I.

This case arose as the result of a representation petition filed with the National Labor Relations Board (NLRB) by the International Union, United Automobile Aerospace and Agricultural Implement Workers of America (UAW). The UAW initially sought to represent a unit of Federal Express's employees including "all regular full and part-time hourly ground service employees in the Liberty District."[1] On December 9, 1991, the UAW amended its petition to exclude "ramp agents, ramp agent/feeders, handlers, senior handlers, heavyweight handlers, senior heavy weight handlers, checker sorters, senior checker/sorters, shuttle drivers, shuttle driver/handlers, office clerical employees, engineers, guards and supervisors as defined in the Act [NLRA]." The titles remaining in the UAW's petition include: service agents, senior service agents, international document agents, couriers, courier/handlers, tractor-trailer drivers, dispatchers, courier/non-drivers and operations agents.

The UAW argues that the employees it seeks to represent in Federal Express' Liberty District are employees subject to the National Labor Relations Act (NLRA). The UAW acknowledges that pilots and aircraft mechanics employed by Federal Express are subject to the Railway Labor Act. However, the UAW contends that the two-part test traditionally employed by the Board to determine whether an entity is a carrier should be applied to the unit of employees it seeks to represent in Federal Express' Liberty District. According to the UAW, the employees it seeks to represent in the Liberty District do not perform airline work and are not "integral to Federal Express' air transportation functions."

Federal Express asserts that it is a carrier subject to the Railway Labor Act and, as a carrier, all of its employees are subject to the Railway Labor Act. Federal Express notes that the Board and the courts have repeatedly found it to be a carrier subject to the Railway Labor Act. According to Federal Express, the job classifications remaining in the petition are integrally related to Federal

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[1] Footnotes at end of letter.

Express' air transportation activities. Federal Express contends that it is a "unified operation with fully integrated air and ground services." According to Federal Express, allowing some employees to be covered by the National Labor Relations Act and others to be subject to the Railway Labor Act would result in employees being covered by different labor relations statutes as they are promoted up the career ladder.

Federal Express contends that the two-part test suggested by the UAW is not appropriate in this case. According to Federal Express, the Board uses the two part test to determine whether a company is a carrier, not to determine whether specific employees of a carrier perform duties that are covered by the Railway Labor Act. Federal Express cautions that adoption of the test suggested by the UAW "would drastically alter labor relations at every airline in the country." According to Federal Express, under the UAW's test, most categories of employees except pilots, flight attendants and aircraft mechanics would be subject to the NLRA.

The Board repeatedly has exercised jurisdiction over Federal Express. *Federal Express Corp.*, 22 NMB 279 (1995); *Federal Express Corp.*, 22 NMB 257 (1995); *Federal Express Corp.*, 22 NMB 215 (1995); *Federal Express Corp.*, 20 NMB 404 (1993); *Federal Express Corp.*, 20 NMB 394 (1993); *Federal Express Corp.*, 20 NMB 360 (1993); *Federal Express Corp.*, 20 NMB 126 (1993); *Federal Express Corp.*, 20 NMB 91 (1992); *Federal Express Corp.*, 20 NMB 7 (1992); *Federal Express Corp.*, 19 NMB 297 (1992); *Federal Express Corp.*, 17 NMB 24 (1989); *Federal Express/Flying Tiger*, 16 NMB 433 (1989); *Federal Express*, 6 NMB 442 (1978). There is no dispute that Federal Express is a carrier subject to the Railway Labor Act with respect to certain Federal Express employees (i.e. Pilots; Flight Attendants,[3] Global Operation Control Specialists; and Mechanics and Related Employees; Stock Clerks; and Fleet Service Employees). However, the Board has not addressed the issue raised by the UAW: whether or not certain Federal Express employees are subject to the Railway Labor Act.

The NLRB initially requested the NMB's opinion as to whether FedEx is subject to the RLA on July 1, 1992. However, on that date, the NLRB granted the UAW's request to reopen the record and the file was returned to the NLRB. The NLRB renewed its request on July 17, 1995 and the NMB received the record on July 31, 1995. The NMB received additional evidence and argument from FedEx and the UAW on August 17, 1995 and September 5, 1995.

II.

Federal Express, a Delaware corporation, is an air express delivery service which provides worldwide express package delivery. According to Chairman of the Board and Chief Executive Officer Frederick Smith, Federal Express flies the sixth largest jet aircraft fleet in the world.

Federal Express' jet aircraft fleet currently includes Boeing 727-100's, Boeing 727-200's, Boeing 737's, Boeing 747-100's, Boeing 747-200's, DC 10-10's, DC 10-30's and McDonnell-Douglas MD-11's. Federal Express also operates approximately 250 feeder aircraft, including Cessna 208's and Fokker 27's. It has over 50 jet aircraft on order.

Federal Express currently serves the United States and several countries in the Middle East, Europe, South America and Asia, including Japan, Saudi Arabia and Russia. According to Managing Director of Operations Research Joseph Hinson, Federal Express does not transport freight that moves exclusively by ground to or from the United States.

* * * * * *

III. DISCUSSION

The National Mediation Board has exercised jurisdiction over Federal Express as a common carrier by air in numerous published determinations. *Federal Express Corp.*, 22 NMB 279 (1995); *Federal Express Corp.*, 22 NMB 257 (1995); *Federal Express Corp.*, 22 NMB 215 (1995); *Federal Express Corp.*, 20 NMB 666 (1993); *Federal Express Corp.*, 20 NMB 404 (1993); *Federal Express Corp.*, 20 NMB 394 (1993); *Federal Express Corp.*, 20 NMB 360 (1993); *Federal Express Corp.*, 20 NMB 126 (1993); *Federal Express Corp.*, 20 NMB 91 (1992); *Federal Express Corp.*, 20 NMB 7 (1992); *Federal Express Corp.*, 19 NMB 297 (1992); *Federal Express Corp.*, 17 NMB 24 (1989); *Federal Express/Flying Tiger* 16 NMB 433 (1989); *Federal Express*, 6 NMB 442 (1978). In eight of those determinations, the Board exercised jurisdiction over ground service employees of Federal Express. The substantial record developed in this proceeding provides no clear and convincing evidence to support a different result.

A.

Section 181, which extends the Railway Labor Act's coverage to air carriers, provides:

"All of the provisions of subchapter 1 of this chapter except section 153 of this title are extended to and shall cover every common carrier by air engaged in interstate or foreign commerce, and every carrier by air transporting mail for or under contract with the United States Government, and *every air pilot or other person who performs any work as an employee or subordinate official of such carrier or carriers, subject to its or their continuing authority to supervise and direct the manner of rendition of his service*, 45 U.S.C. §181. (Emphasis added.)"

Federal Express is an air express delivery service which holds itself out for hire to transport packages, both domestically and internationally. Federal Express and the UAW agree that Federal Express and its air operations employees, such as pilots and aircraft mechanics, are subject to the Railway Labor Act. The disagreement arises over whether Federal Express' remaining employees are subject to the Railway Labor Act. The UAW argues that the employees it seeks to represent do not perform airline work and are not "integral to Federal Express' air transportation functions." Federal Express asserts that all of the employees sought by the UAW are integrally related to its air express delivery service and are subject to the Railway Labor Act.

Since there is no dispute over whether Federal Express is a common carrier by air, the Board focuses on whether the employees sought by the UAW's petition before the NLRB are subject to the Railway Labor Act. The Act's definition of an employee of an air carrier includes, "every air pilot or other person who performs any work as an employee or subordinate official of such carrier or carriers, subject to its or their continuing authority to supervise and direct the manner of rendition of his service". The Railway Labor Act does not limit its coverage to air carrier employees who fly or maintain aircraft. Rather, its coverage extends to virtually all employees engaged in performing a service for the carrier so that the carrier may transport passengers or freight.[9]

In *REA Express, Inc.*, 4 NMB 253, 269 (1965), the Board found "over-the-road" drivers employed by REA subject to the Act stating:

"It has been the Board's consistent position that the fact of employment by a 'carrier' under the Act is determinative of the status of *all* that carrier's employees as subject to the Act. The effort to carve out or to separate the so-called over-the-road drivers would be contrary to and do violence to a long line of decisions by this Board which would embrace the policy of refraining from setting up a multiplicity of crafts or classes. As stated above, there is no question that this particular group are *employees* of the carrier (Emphasis in original)."

The limit on Section 181's coverage is that the carrier must have "continuing authority to supervise and direct the manner of rendition of * * * [an employee's] service. The couriers, tractor-trailer drivers, operations agents and other employees sought by the UAW are employed by Federal Express directly. As the record amply demonstrates, these employees, as part of Federal Express' air express delivery system, are supervised by Federal Express employees. The Board need not look further to find that all of Federal Express' employees are subject to the Railway Labor Act.

B.

In the Board's judgment, the analysis of the jurisdictional question could end here. However, Federal Express and the UAW have directed substantial portions of their arguments to the "integrally related" test. Specifically, the participants discuss whether the employees the UAW seeks to represent are "integrally related" to Federal Express' air carrier functions. The Board does not find consideration of the "integrally related" test necessary to resolve the jurisdictional issue, however, review of the relevance of this test is appropriate.

The UAW argues that the employees it seeks to represent are not integrally related to Federal Express' air carrier functions and therefore are not subject to the Railway Labor Act. Federal Express asserts that the NLRB and federal courts have found its trucking operations integrally related to its air operations.[10]

However, the Board does not apply the "integrally related" test to the Federal Express employees sought by the UAW. Where, as here, the company at issue is a common carrier by air, the Act's jurisdiction does not depend upon whether there is an integral relationship between its air carrier activities and the functions performed by the carrier's employees in question. The Board need not consider the relationship between the work performed by employees of a common carrier and the air carrier's mission, because section 181 encompasses "every pilot or other person who performs *any* work as an employee or subordinate official of such carrier or carriers. . . ." (Emphasis added).

Even if the Board were to assume arguendo that the "integrally related" test applies to the facts in this case, the Board would hold in concurrence with the recent decision in *Federal Express Corp.* v. *California PUC, supra*, at note 10, that the "trucking operations of Federal Express are integral to its operations as an air carrier." 936 F.2d at 1078. Employees working in the other positions sought by the UAW perform functions equally crucial to Federal Express' mission as an integrated air express delivery service. As the record demonstrates, without the functions performed by the employees at issue, Federal Express could not provide the on-time express delivery required of an air express delivery service.

The Board has employed the "integrally related" test when it has examined whether to apply the trucking exemption under §151 of the Act. *O/O Truck Sales*, 21 NMB at 269; *Florida Express Carrier, Inc.*, 16 NMB 407 (1989). Specifically, the Board has applied the "integrally related" test when it has considered trucking operations conducted by a subsidiary of a carrier or a company in the same corporate family with a carrier. In *Florida Express, supra*, the Board found Florida Express, a trucking company which is a wholly-owned subsidiary of Florida East Coast Railroad, to be a carrier subject to the Railway Labor Act. In *O/O Truck Sales, supra*, the Board found O/O Truck Sales, a trucking and fueling company which is a wholly-owned subsidiary of CSXI (which is commonly owned with CSXT), to be a carrier subject to the Railway Labor Act. In contrast, Federal Express directly employs truck drivers, couriers and all other employees sought by the UAW's petition.

C.

The UAW argues that the Board should apply the two-part test used by the Board in other factual settings for determining whether an employer and its employees are subject to the Railway Labor Act. See, for example, *Miami Aircraft Support*, 21 NMB 78 (1993); *AMR Services, Corp.*, 18 NMB 348 (1991). The Board does not apply the two-part test where the company at issue is engaged in common carriage by air or rail. The Board applies the two-part test where the company in question is a separate corporate entity such as a subsidiary or a derivative carrier which provides a service for another carrier. In those situations where the Board applies the two-part test, it determines: 1) whether the company at issue is directly or indirectly owned or controlled by a common carrier or carriers; and 2) whether the functions it performs are traditionally performed by employees of air or rail carriers. Under this test, both elements must be satisfied for a company to be subject to the Railway Labor Act. Federal Express is an admitted carrier and the employees at issue are employed directly by Federal Express. Accordingly, the two-part test does not apply to this proceeding.

Even if the two-part test were applicable, the employees at issue here would be covered by the Railway Labor Act. Federal Express, as a common carrier, has direct control over the positions sought by the UAW. In addition, the Board has found that virtually all of the work performed by employees sought by the UAW's petition is work traditionally performed by employees in the airline industry. For example: couriers, *Air Cargo Transport, Inc.*, 15 NMB 202 (1988); *Crew Transit, Inc.*, 10 NMB 64 (1982); truck drivers; *Florida Express, Inc.*, 16 NMB 407 (1989); customer service agents; *Trans World International Airlines, Inc.*, 6 NMB 703 (1979).

CONCLUSION

Based upon the entire record in this case and for all of the reasons stated above, the Board is of the opinion that Federal Express Corporation and all of its employees sought by the UAW's petition are subject to the Railway Labor Act. This finding may be cited as *Federal Express Corporation*, 23 NMB 32 (1995). The documents forwarded with your letter will be returned separately.

By direction of the NATIONAL MEDIATION BOARD.

STEPHEN E. CRABLE,
Chief of Staff.

FOOTNOTES

[1] The Liberty District includes portions of southeastern Pennsylvania, southern New Jersey and Delaware.

[2] The dispatchers at issue do not dispatch aircraft.

[3] FedEx no longer employs Flight Attendants.

* * * * *

[9] Two courts have held that certain employees of a carrier who perform work unrelated to the airline industry are not covered by the Railway Labor Act. *Pan American World Airways* v. *Carpenters*, 324 F.2d 2487, 2488, 54 LRRM 2487, 2488 (9th Cir. 1963); *cert. denied*, 376 U.S. 964 (1964) (RLA does not apply to Pan Am's "housekeeping" services at the Atomic Energy Commission's Nuclear Research Development Station); and *Jackson* v. *Northwest Airlines, Inc.*, 185 F.2d 74, 77 (8th Cir. 1950) (RLA does not apply to Northwest's "modification center" where U.S. Army aircraft were reconfigured for military purposes). Work functions described in *Carpenters* as "substantially identical" to those before the Ninth Circuit were held by another court to be within the "compulsive" jurisdiction of the Railway Labor Act. *Biswanger* v. *Boyd*, 40 LRRM 2267 (D.D.C. 1957). The Board has not had the occasion to make a final determination regarding the appropriate application of this line of cases.

[10] *Federal Express Corporation* v. *California Public Utilities Commission*, 936 F.2d 1075, 1078 (9th Cir. 1991). *Chicago Truck Drivers* v. *NLRB*, 99 LRRM 2967 (N.D. Ill. 1978); aff'd. 599 F.2d 816, 101 LRRM 2624 (7th Cir. 1979).

Mr. HOLLINGS. This particular decision on page 2 covers every kind of driver you can think of—shuttle drivers, tractor-trailer drivers, dispatchers, courier nondrivers, courier drivers, and right on down, and I want to read to you in this limited time the final decision: "The Board is of the opinion that Federal Express Corporation and all of its employees sought by the UAW's petition are subject to the Railway Labor Act." Signed, Stephen E. Crable, the chief of staff, and as a unanimous decision by the other members.

That was filed on November 22, 1995, almost a year ago. This is the initiative to try to change it. The opponents are the ones trying to pull the rug out from under that decision because it was at the NLRB—they know and we all know in 50 years and 100 decisions the NLRB has never reversed a decision that was unanimous by the National Mediation Board.

To talk about litigation, for 5 years they had wonderful lawyers. The employees were there with all kinds of hearings and everything else, but they act like what we are trying to do is change the rules in the middle of the game. We are trying to correct a mistake.

Mr. President, there is no question in my mind this is an outstanding company. I have "The 100 Best Companies," and I could read it. But, simply stated, the Senator from Illinois is totally out of order with respect to this issue of the way to govern; one people, one Congress. We are the ones who made the mistake, not Federal Express. This is the way to try to correct it. We know we faced a filibuster at every particular turn you could possibly think of. We know this is partisan onslaught. We know this nonsense about working people and working families and slashing education.

Under the Railway Labor Act, you have every right and interest to organize, and in fact 65 percent of the workers under the Railway Labor Act are organized. Under the NLRA, the National Labor Relations Act, only 11 percent are organized. So they are wrong when they act like we are trying to change the rules. We are trying to get it back to exactly where the parties were. We are here now because they have the legal power to delay us for 3 days, intimidate and terrorize.

I thank the distinguished Chair.

Ms. MOSELEY-BRAUN. Mr. President, the bill before us today, H.R. 3539, the Federal Aviation Administration Authorization Act of 1996, is important legislation. It reauthorizes the Airport Improvement Program, providing needed grants to States and to airports for airway improvements, helps to improve safety and airport security, and makes a number of other important contributions to aviation.

In Illinois, O'Hare airport in Chicago could expect more than $8.5 million next year. The Peoria airport could receive $860,000. The airport in my State's capitol, Springfield, should receive more than $660,000 if this legislation is enacted. The Southern Illinois Airport Authority, which operates an airport in Carbondale, expects more than $1.5 million if this bill becomes law.

These grants are important to these and other airports in Illinois, and to airports across the country. They are what keep our airports functional and safe, and help maintain the air transportation infrastructure of our country that fuels our economy. Congress can hardly afford to adjourn without the passage of this legislation.

This bill even includes a provision that I worked very hard on, along with my colleague from Oregon, Senator WYDEN, that will allow communities to participate in the process of improving safety at their railroad crossings. Under a 1994 law, communities did not have this option. They were essentially directed to install extremely expensive safety devices, or their locally imposed whistle ban would be revoked. I am delighted that we were able to work out an amendment to this 1994 law that gives communities the flexibility they need to improve safety from the local level, and not just by Federal dictate.

It is therefore very disheartening that, despite the obvious merits of this legislation, despite the fact that this is a good, bipartisan bill, and despite the fact that it will allow communities to participate in the process of improving railroad crossing safety, I am forced to vote against this entire bill because of one sentence that was inserted by the conference committee and dubiously labeled a clarifying amendment.

Mr. President, supporters of this one sentence argue that it is, in fact, a technical correction—a clarifying amendment—and that it corrects a mistake that occurred when the Congress drafted and approved the legislation eliminating the Interstate Commerce Commission. I am not on the

Commerce Committee, and I am not familiar enough with the details of the legislative language that was used when Congress eliminated the Interstate Commerce Commission to evaluate the merits of that claim.

I do know, however, that a technical correction does not provoke the kind of controversy that this one sentence amendment has provoked. Technical corrections are, by definition, noncontroversial. They change details of legislation or of law in ways that do not have substantive affects on policy.

Technical corrections do not result in my staff being bombarded by calls, faxes, and letters—which is exactly what has happened since this sentence was discovered in the FAA Authorization Conference Report.

Technical corrections do not prompt Senators to demand a full reading of the text of legislation. Yet the other night we listened while the bill clerks diligently read the text of almost the entire FAA bill for 3½ hours.

Technical corrections do not lead to filibusters, and Mr. President, I believe that is exactly where we are today, in the midst of a filibuster over a supposed clarifying amendment.

Technical corrections do not tie the Senate in knots and hold the 104th Congress in legislative session for several days after we were scheduled to adjourn sine die.

Technical corrections do not motivate press conferences, where workers express their fears that this provision will allow their company to trample their employment rights. Regardless of the substantive merit of this claim, or the claims of either side in this debate, a provision that is this controversial is not a technical correction.

Technical corrections do not require five or six attempts to be inserted into legislation. That is the history, however, of this sentence. Attempts were made to attach the provision to fiscal year 1996 appropriations legislation. Those attempts failed. An attempt was made to attach it to the NTSB reauthorization. That attempt failed. Members tried to attach it to the Railroad Unemployment Act amendments, and failed. An attempt was made to attach it to this year's Department of Transportation appropriations bill. That attempt failed. Another attempt was made to attach it to the fiscal year 1997 omnibus appropriations legislation. That attempt failed as well. This is not the legislative history of a technical correction.

This is the history of a highly contentious provision that many people believe will directly affect their lives. This is the legislative history of a provision that one company believes will give it the upper hand in negotiations with some of its employees. This is the legislative history of a provision that should be the subject of a hearing—but it has never been the subject of a hearing, in either the House or the Senate.

This provision has never even been debated in either the House or the Senate. It had never passed either body—and yet it found its way into the conference report on this important legislation reauthorizing the Federal Aviation Administration.

It is deeply unfortunate that this highly controversial sentence has been attached to such a valuable piece of legislation. It is deeply troubling that this provision has never been the subject of a hearing or been debated on its merits. I deeply regret that I must oppose this legislation, because in the 11th-hour, a highly controversial provision has been attached to the bill under the guise of a clarifying amendment.

It is my hope that the Senate will be able to clean up this FAA bill and act on it immediately, before the end of the 104th Congress. This bill is too important for airports, our transportation infrastructure, and our economy, to let it be derailed by one controversial, 11th-hour amendment.

I urge all of my colleagues to vote against cloture, and support a clean alternative to this bill.

Mrs. BOXER. Mr. President, the pending conference report is a very important piece of legislation that means nearly $4.6 billion in grants to airports across America the next 2 years and as much as $75 million in entitlement and apportionment funding this year to airports in my State of California. It also authorizes funds over the next 2 years for operations, equipment, and research of the Federal Aviation Administration.

And, in a very important change in public policy, the bill ends the FAA's dual mandate of regulation of civil aviation and promotion of air travel. After this bill becomes law, the primary mission of the FAA will be to ensure the safety of the flying public.

The bill also contains important provisions that will increase security at the nation's airports and begin implementation of the Gore Commission recommendations to enhance security. This bill will immediately authorize heightened airport employee screening checks and criminal background checks and will facilitate sharing of information on pilot records.

As far as I know, not one single Senator opposes this FAA authorization bill. So why are we still here?

We are still here because of an unusual parliamentary move in the conference on this bill last week, in which a provision that was not in either the Senate-passed bill or the House-passed bill was added in conference. That move is what triggered the fierce debate we have had on this issue since last Saturday.

Had that provision—relating to labor organizing rules for employees of Federal Express—not been added in conference, the Senate would most likely have adjourned several days ago.

Those who oppose the provision have exercised their rights to debate it at length. So today there will be a cloture vote on the conference report. And while I support the FAA reauthorization bill, I will vote against cloture on this conference report for two reasons:

First, I strongly object to the procedure that was used to add this provision to the bill in conference. I understand that under the rules, the conferees had the right to do what they did. However, what is legal is not necessarily prudent and constructive.

Given the facts—that the underlying bill is noncontroversial and a very important and necessary measure to pass this year, that we are now at the end of this session of Congress, and that the new provision is quite controversial—adding such a provision in conference was bound to cause great turmoil. The conferees should have anticipated that it might endanger, or at the least, delay, passage of the underlying bill.

I wish that the conferees had acted with greater prudence in the interest of passing the important FAA Reauthorization legislation.

Second, I strongly oppose the labor provision itself. I am not an expert on labor law or transportation law. But after reviewing the law in question and the facts of this case, I conclude that the provision that was added is in fact a special exemption from applicable labor organizing rules for one company.

The provision's supporters argue that it is merely a "technical correction" to the Interstate Commerce Commission Termination Act of 1995. They claim that Federal Express is an "express carrier", not a "motor carrier" for purposes of labor organizing rules.

Why is this classification so important?

For the working people, the employees of Federal Express, it makes all the difference—between being able to organize like other employees of other companies across the country, on a local basis, or having to organize nationally, drastically reducing their ability to organize.

According to the Surface Transportation Board, the agency that assumed regulatory responsiblities of the ICC when it was terminated by Congress, in a June 14, 1996 letter from Chairman Linda Morgan, Federal Express was never considered to be an "express carrier" by the ICC.

Chairman Morgan states in that letter that Federal Express, has always been classified as a "motor carrier", not an "express carrier".

I believe the law and the facts are clear. Federal Express is and always has been a "motor carrier", subject to the labor organizing rules of the National Labor Relations Act, which allows employees to organize locally.

The provision that was inserted in the conference report is a special exemption from the labor organizing rules that apply to "motor carriers" such as Federal Express.

If the proponents of such an exemption wish to debate this proposal, they have every right to introduce legislation, hold hearings on it, and try to move it through Congress. But I believe that it is inappropriate and imprudent to attempt to push it through in a conference report in the last hours of this session.

Mr. LEVIN. Mr. President, the conference report now before us includes language which would restore the express carrier classification within the Railway Labor Act. This rider was not included in the FAA reauthorization bill as passed by either the House or the Senate. It was inserted into the legislation in the conference. This is not the right way to legislate.

The language that was inserted by the Conference Committee into the FAA Reauthorization Act was deleted by the ICC Termination Act of 1995 (Public Law 104-88), a law passed by Congress. That deletion was included in the legislation when it was before the House and when it was before the Senate and was a part of the conference report as adopted by both Houses. It was not a modification made in the enrollment process, as has been suggested.

Concerns have been expressed that removal of this provision from the FAA reauthorization would greatly delay or kill this bill. That is not accurate. I support the FAA reauthorization. It is important for America and for Michigan. Virtually all Members of the Senate support this bill. There is a bill at the desk in the Senate which contains all of the language of the FAA reauthorization bill now before us with the single exception that it does not contain the provision causing so much controversy. The bill at the desk could be taken up and passed immediately. Regardless of the outcome of this cloture vote, the FAA reauthorization is virtually certain to be enacted before this Congress adjourns sine die, as it must be.

It is now amply clear that issue involved in the provision added in conference is a significant one. It can and should be the subject of hearings and full consideration by the appropriate committees of jurisdiction. It can and should be considered early in the 105th Congress.

For these reasons, I will oppose the motion to invoke cloture. I will vote in favor of final passage of the FAA reauthorization bill which I strongly support.

CLOTURE VOTE ON FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION

Mr. PELL. Mr. President, on the cloture vote, which was one of the last votes—if not the last—I cast in this body, I departed from my customary practice of supporting cloture. I have cast some 350 votes for cloture during my 36 years in the Senate, often at variance with my own party and usually irrespective of the issues, except in extraordinary circumstances.

The vote today was one of those extraordinary cases. At issue was a provision that would grant an exclusive benefit to the management of one corporate entity, at the expense of long established principles of fair labor relations. Moreover, the provision was added in circumstances that were at variance with customary legislative practice and rules. So, in my view, the only proper course was to oppose the cloture motion in order to allow for consideration of alternative action.

As I leave the Senate, I continue to believe that cloture is a valuable tool to prevent legislative deadlock. I recognize that in its more recent usage, it has become simply a test of supermajority strength on the one hand, and on the other, a defensive weapon for a minority. But in overall terms, the Senate does need a mechanism that will assure reasonable continuity of action and I am proud of my record of cloture votes in that regard.

Mr. KENNEDY. How much time remains on each side?

The PRESIDING OFFICER. On the side of the Senator from Massachusetts, there is 7 minutes, and 8 minutes on the opposing side.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

Mr. President, we all know what is going on here. Make no mistake about it. We all know what is going on here. This provision that is being put in is not a technical amendment, meant to correct an inadvertent drafting change. The Congressional Research Service, the President, and the House Members who spoke on the floor explained that this is not a technical correction. Any fair evaluation of history would demonstrate that.

This rider is being added to the FAA bill for Federal Express, now and for the future. Federal Express is expanding its trucking operations. Where UPS is concerned, the air carriers are under the Railway Act and the truck drivers are under the National Labor Relations Act. Initially, all of UPS was under the National Labor Relations Act because they used only trucks. When they added aircraft, the decision was made that UPS air carriers would be considered under the Railway Labor Act.

That is the same situation we have here. Federal Express started out just as an air carrier and now it wants to go into trucks. This is a preemptive strike to make sure that workers at the local level will not be able to have the same kind of justification for National Labor Relations Act coverage as they have at UPS or other companies. They are trying to manipulate the whole process and fix the game.

The fact is, Mr. President, they are moving now, as their principal officers point out, they are now expanding. In the future, according to Federal Express, only overnight packages traveling more than 400 miles will be flown; all others will travel on the road. The question is, are all of these trucks on the road going to be considered air carriers? That is the logic. That is the logic that is being presented here.

All we are trying to say is, let the National Labor Relations Board decide whether Federal Express's truck drivers should be under the National Labor Relations Act. If the workers can convince other workers to form a union, let them vote for a union. If they cannot, then they will vote against a union. But why have a legislative interruption that strips them of their right to vote?

I come back to the fact, Mr. President, with all respect to my colleague and friend from South Carolina, this was attempted five times by the Republican leadership over in the House of Representatives. I do not question that there will be some Democrats here who will support it. But there was virtually unanimous rejection by Democrats in the House of Representatives of this rider because it is special-interest legislation to undermine the rights of working families, and a majority of Democrats in the Senate this morning will vote likewise.

I reserve the remainder of my time.

Mr. McCAIN. I yield 2 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, once again my distinguished friend from Massachusetts has misquoted the matter of truck drivers' rights. We have been saying this for 3 days. They say a man convinced against his will is of the same opinion still, but all I can do is put in the entire decision. It is that all of the truck drivers—and they are not under the NLRA, the National Labor Relations Act. They are under the Railway Labor Act and have been, and decision after decision after decision we put in, all the decisions found them under the Railway Labor Act; none of the decisions have found them under the NLRA.

That is how they organized. Mr. President, 90 percent of their carrier is by air; 90 percent of UPS is on the surface, on the ground. That is the difference. We even had the lawyer of the Teamsters Union in a hearing here earlier this year use the expression, the difference between these companies is night and day, but here you get a political jambalaya to fit into this silly filibuster.

How can you get the truth out of everybody? Isn't their any pride and conscience in this body? A mistake was made. Everybody knows it was a mistake. We are trying to correct the mistake. We are not changing the rights of any parties whatever. But they are trying to make a Federal case out of workers' rights, slashing opportunities, and everything else that they have put on the billboards. I would be ashamed to put that thing up behind me.

I yield the floor.

Mr. McCAIN. Mr. President, I yield one minute to the Senator from Arkansas.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Arkansas.

Mr. PRYOR. Mr. President, I am not going to discuss whether there was a mistake or not. I think that has been bandied around quite a bit. I would like to discuss the company itself.

I have heard many of our colleagues, or heard about many of my colleagues, talking about this being an antiworker company, or this being an antiworker cause that we are debating on the floor of the U.S. Senate. Mr. President, I would challenge any colleague of ours in the U.S. Senate to go out around this town, or around this country, and when they see a Federal Express worker I would challenge my colleagues to ask that person, that employee of Federal Express, what they think of that company. I say that because it is not only one of the hundred best companies in our country, but they have a scholarship program, and they are going to say this works wonderfully for our families. They have a reimbursement program for tuition. They have extended health care. And they have many other programs that makes the morale of this company I think second to none.

Mr. McCAIN. Mr. President, I hope that the Senator from Massachusetts would extend the courtesy to me as sponsor of the bill to make a final statement.

Mr. KENNEDY. I would be glad to. I had Senator MURRAY who is coming to the floor. I was trying to permit her 3 minutes.

Mr. LOTT. Mr. President, I want to note, if I could, that I intend to use leader time after all of the statements have been completed at approximately 10 o'clock.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes, and the Senator from Arizona has 4 minutes and 49 seconds.

Mr. KENNEDY. I yield myself 3 minutes.

Mr. President, I would just say really in conclusion to my friend from Arkansas and others that we had a series of workers that came yesterday and commented. They have worked for Federal Express over a long period of time. Every one of those workers has a deep sense of pride in their company. But every one of them wonders why we are changing the rules of the game because they believe that they ought to be able to have a vote on whether they should be able to organize or not organize.

The fact remains that, if the situation is as described by the Senator from South Carolina, these truck drivers are all working under the Railway Act, and there really is no necessity. If this decision has already been made, there is no necessity to pursue this particular legislation. But the facts belie that, and the facts belie it independent of the Senator from Massachusetts and the Congressional Research Service; independent of the Senator from South Carolina or myself; and, Mr. President, the administration has made that same finding independent of the Senator from South Carolina or myself.

This is more than a technical change. He can say it and repeat it. I can say it and say that it isn't. But let us take the independent evaluation.

Mr. President, this special interest provision is going to be of enormous value and gain to one company—Federal Express—and to the disadvantage of working families.

The point that I am making and have repeated is that attitude with regard to working families has been exemplified here on the floor of the U.S. Senate by Republican leadership, the same Republican leadership that advanced this in the House of Representatives. Five different times that were rejected. That is the same leadership that fought the minimum wage and fought working people on the earned income tax credit; who fought working families with regard to the Davis-Bacon; have fought working families' interests with regard to education, and Mr. President, pension reform. Those interests have cut back on the life blood of working families in order to have tax breaks for the wealthiest individuals and corporations.

That is the record of this attempt by the Republican leadership in the House and the Senate. It is a similar kind of attitude that we are seeing now reflected toward those workers who have legitimate grievances and are entitled to have that worked out by the National Labor Relations Board.

Mr. President, I withhold the remainder of my time.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute and 30 seconds.

Mr. KENNEDY. I withhold that.

Mr. McCAIN. I take it then the Senator from Massachusetts does not intend to allow me to make a final statement.

Mr. KENNEDY. I see my colleague and friend, as I indicated before, the Senator from Washington, and I would like to be able to yield to her for a minute and a half. I will do that at this time, if the Senator would indulge. I always intended to let the Senator make it. I wanted to also extend the courtesy to my colleague from Washington.

Mr. McCAIN. I thank the Senator.

Mr. KENNEDY. The Senator from Washington has 1½ minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President, and I thank the Senator from Massachusetts.

Mr. President, I rise today to support the efforts by the Senator from Massachusetts, Senator KENNEDY, and others, in telling us to slow down and take a look at what we are doing in our rush to get out of town.

To me this is an issue of fairness. I have listened carefully to the debate over the last 4 days. It is an issue of fairness for thousands of working families across this country, whether or not they will have the right to make sure that they can pay for their families' food on the table, send their children to college, to have working conditions that are fair and reached in fair agreement.

I know we all want to leave town. We want to leave quickly. Everyone wants to get home. But let us not leave a legacy of giving special treatment to one company and leaving thousands of workers for many years to come without fair treatment in their employment.

I thank the President.

I thank my colleague from Massachusetts for yielding the time.

Mr. McCAIN. Mr. President, I will use my remaining time.

Mr. President, I hope we will invoke cloture and pass this important legislation.

This conference report is the product of 2 long years of hard work and negotiations. All was done in the open. And over that period, Chairman PRESSLER, ranking member HOLLINGS, Senator FORD, Senator STEVENS, and I have heard from countless interests. We all worked hard to balance the competing views. I believe this bill represents a thoughtful, balanced approach to this subject.

I will not repeat all that this bill would do. The conference report was not only read. But we have now debated it for over 3 days.

Mr. President, soon the Senate will vote on whether or not to invoke cloture on the FAA Reauthorization Act. I want to emphasize the importance of this vote.

A vote for cloture is a vote for airport and airline safety, for airport security, for airport construction, and for jobs. Make no mistake. This is much, much more than a vote about one provision in the bill. We must invoke cloture on this bill. It must be passed.

Mr. President, I know that some of my colleagues, especially those on the other side of the aisle, have already left town and don't want to return. While I sympathize with their plight, I want the RECORD to note that not voting on this very important legislation because of vacation plans, or campaign activities, is not a valid excuse. Vacations and campaigns can wait. They cannot and should not take precedence over the safety of the flying public.

We have all missed votes. But this is not just any vote. This is the last issue this Congress will deal with. This is an issue involving the safety of air travel in this country. This is an issue of job creation. This is an issue of helping the families who have lost loved ones in air disasters. This is an issue of improving our airports.

Simply, this is an issue that cannot be delayed until next year.

Mr. President, according to experts at the Finance Committee, the Joint Committee on Taxation, and the Congressional Budget Office, money cannot be spent on these needs unless this bill is enacted into law. We cannot wait until next year. Such a wait may result in months upon months of delay.

For the safety of the flying public, I appeal to my colleagues to support cloture and to support this bill.

I want to note that this debate should be a debate about aviation issues. It is not a partisan debate. It is certainly not a debate about one company. Those charges that this bill contains a special interest provision is simply spurious.

Yesterday, and today, the senior Senator from Massachusetts displayed a poster on the floor of this Senate entitled "Republican Attacks on the Middle Class." Mr. President, this is not a partisan debate. Democrats and Republicans are all equally responsible for this bill.

Mr. President, the Senate will soon vote on whether or not to invoke cloture on the FAA reauthorization bill. I want to emphasize to my colleagues the importance of this vote. A vote for cloture is not, as the Senator from Massachusetts would have you believe, a vote against labor. A vote for cloture on this bill is an affirmative vote. It is a vote for airplane safety, for airport security, and for much-needed airport construction. It is a vote for jobs—many thousands of jobs.

The Senator from Massachusetts would like to use this bill in yet another attempt to turn the upcoming election into class warfare—using one small provision in this bill to accuse Republicans who support this critically important legislation of abandoning working men and women. Yet, as we all know, the provision which the Senator finds so objectionable was sponsored by a Democrat Member of the Senate, and enjoys the support of a number of other Senators from the other side of the aisle.

Mr. President, the election will be here soon enough.

Mr. President, I ask unanimous consent for 3 minutes of leader time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. Mr. President, the election will be here soon enough. I think the American people have heard all of our political arguments already. Little is to be gained by using the last piece of legislation in the 104th Congress to underscore campaign slogans one more time at the cost of the security of the American people; at the cost, Mr. President, of the safety of the air travel in the United States; at the cost, Mr. President, of thousands and thousands of jobs. Is this really necessary so the Senator from Massachusetts can make one last attack on Republicans before we adjourn?

Is one last bit of disingenuous, transparent politicking really worth risking public safety? Is it really worth the cost of jobs and costs to our communities?

Mr. President, the FAA Reauthorization Act had, up until the last few days, represented what works in Washington. It is a completely bipartisan bill drafted with the close cooperation of the administration. Republicans and Democrats worked constructively in both Houses of Congress without any partisan rancor or gamesmanship to do what is in the best interests of public safety and to do what is in the best interests of our communities. We have done what the American people so obviously want us to do and what they believe we too seldom do—put their interests before our own.

Why must we now, at this late date, turn this sound, bipartisan, necessary, urgent and well-intended legislation into one last occasion to score points off each other? The people are profoundly disappointed, if not surprised, that we have done so.

The time has come, now that we have all had our fun, to interrupt our political posturing for just a moment and free the FAA bill from the 1996 election campaign. Let us at last do what the people expected us to do when they sent us to Washington—to take care of their welfare, look after their interests, protect them when they travel, and help provide their communities with the infrastructure necessary for their communities to grow.

This should not be a hard vote for any Member of the Senate. A vote for cloture should be an easy vote for us all. It is an easy vote because it is the right vote even if we must relinquish some small political advantage that might be gained in casting the wrong vote. Whatever that advantage be, its value cannot compare to the value this bill holds for all our States and for all our constituents. Let us act in the best interests of all Americans, for that is in our own best interests as well.

I urge my colleagues, all my colleagues on both sides of the aisle, to join with Senator FORD and I, with Senator HOLLINGS and Senator PRESSLER, with all the Democrats and Republicans in both Houses of Congress, with administration officials and the leadership of Congress, with all of us who abandoned partisanship for the sake of the public and vote for cloture. Let us finish the work of the 104th Congress and go home with pride, Republican and Democrat alike, in working together to improve our country in that we have made Washington work for the people.

The PRESIDING OFFICER. The time has expired.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I yield myself as much leader time as I may consume.

The PRESIDING OFFICER. The majority leader is recognized under leader time.

Mr. LOTT. First I want to emphasize, Mr. President, this has been a bipartisan effort. I did not know the distinguished Senator from South Carolina was in the Republican leadership yet, but he has been accused of that, I guess, this morning because, in fact, it was his amendment that included this provision in the bill, and Senator PRYOR from Arkansas is supportive of this legislation and Senator MOYNIHAN, Senators McCAIN and STEVENS. It has truly been bipartisan. There is no question about that. I think we should proceed from that standpoint.

This morning, I am thinking about the families of victims of airline incidents and accidents that have to be still horrified at what they have been through and horrified at what we have been doing for the last 3 days. We have been delaying this very important FAA reauthorization conference report, and as a result of that delay we have threats to radar, air traffic control equipment, navigation equipment, landing systems equipment that remedies air traffic control outages, Doppler radar for wind shear, research and development, advancement of explosive detection systems, human factor research, aging aircraft.

This is big. This is important legislation, and it is, over 2 years, $19 billion for infrastructure security and safety.

This would be a senseless roll of the dice, if we did not invoke cloture this morning, bring this filibuster to a conclusion and move this legislation on through.

I remind my colleagues the House has already acted responsibly, overwhelmingly moved this legislation, and they are gone. What would be the situation if we did not bring this filibuster to a conclusion this morning? We would not have any legislation, or if we had legislation that made changes it would go back to the House and there is great concern about when or if they would be able to get action on this legislation. We should act together this morning and end this filibuster and pass this legislation.

Now, one other point. I do not understand the attacks on Federal Express.

This is an outstanding company headed by an outstanding individual. They are providing services that 30 years ago we could not even comprehend. They are doing a great job, and yet they are being attacked as if they are some sort of villain. It is absolutely wrong, the rhetoric we have had to listen to over the past 3 days on a technical point.

Mr. President, I ask unanimous consent that a list of what is involved in this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS OF FAA REAUTHORIZATION CONFERENCE REPORT (H.R. 3539)

Reauthorization of FAA—FY 1997, $9.7 billion; FY 1998, $9.9 billion.

[In billions of dollars]

	Fiscal year—	
	1997	1998
Airport grants	2.3	2.4
Radar, air traffic control equipment, navigation equipment, landing systems [ILS] equipment that remedies air traffic control outages doppler radar for wind shear	2.1	2.2
Operations	5.2	5.4
Research and development, advancement of explosive detection systems, human factor research, aging aircraft, air traffic control safety issues	(1)	(2)

[1] $20.8 million.

[2] No authorization.

Note: Research and Development levels include an additional $31 million for security programs consistent with the Administration's emergency request for funds.

CONSTRUCTION: PRO-WORKER BILL

Kenai Municipal Airport, AK—Alaska Regional Aircraft Firefighting Training Center ($8 million).

Anchorage Airport, AK—Rehabilitate runway and lighting ($2.1 million).

Allakaket Airport, AK—Rehabilitate runway and lighting ($5.5 million).

Deadhorse Airport, AK—Construct aircraft rescue and firefighting building ($3.5 million).

Yuma Intl. Airport, AZ—Cargo apron expansion, cargo security, new terminal, enhanced security for new terminal.

Scottsdale Airport, AZ—Aircraft rescue and firefighting vehicle and fire station ($1.2 million).

Phoenix Sky Harbor Intl. Airport, AZ—Construction of 3rd runway and residential soundproofing.

San Bernardino County-Chino Airport, CA—New runway construction ($10 million).

Buchanan Airport, CA—Taxi-ways and aprons near total failure ($5 million).

Oxnard Airport, CA—Replace aircraft rescue and firefighting vehicles ($247,000).

Greely-Weld County Airport, CO—Construction of new runway ($32 million).

Boulder Municipal Airport, CO—Security lighting.

Mr. LOTT. I also ask unanimous consent that an explanation of the fact that this is a technical point be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET—CONFERENCE REPORT TO ACCOMPANY H.R. 3539, THE FEDERAL AVIATION AUTHORIZATION OF 1996

A provision is contained in the Conference Report to accompany H.R. 3539 which makes a technical correction to a drafting error which was contained in the Interstate Commerce Commission Termination Act of 1995.

The following outlines the problem, the facts and the solution:

PROBLEM

A drafting error in the Interstate Commerce Commission Termination Act of 1995 (P.L. 104-88) created an ambiguity affecting the status of express carriers under the Railway Labor Act.

One provision (Sec. 10501) states the intent of Congress: "the enactment of the ICC Termination Act of 1995 shall neither expand or contract coverage of the employees and employers by the Railway Labor Act. . ."

However, a second provision drops "express carriers" under the Railway Labor Act. This was clearly inadvertent and in contradiction to the stated intent of Congress.

FACTS

Since the inception of the Railway Labor Act, "express carriers" have come under the law's jurisdiction.

The Railway Labor Act is designed to protect the interests of employees covered by that Act and is not an "anti-labor" law.

For 62 years, employers and employees have been successfully governed by the provisions of the Railway Labor Act.

SOLUTION

A provision in the Conference Report to accompany H.R. 3539, the Federal Aviation Authorization Act of 1995, states that if an express company was under the Railway Labor Act prior to the enactment of the ICC Termination Act, then that express company shall remain under the purview of the Railway Labor Act.

Mr. LOTT. It is a small point. It reaffirms what has been the law for 62 years. This is not a grab. This is not an effort to stomp somebody. This is an effort to be fair, to correct a clear oversight; a mistake was made. We are trying to correct that. That is all.

This is so important. We should this morning act together to stop the filibuster, pass this legislation and go home for the sake of the American people. I urge my colleagues, let us vote together. Let us invoke cloture and pass the legislation in an expeditious manner.

I yield the floor, Mr. President. I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair wishes to advise the distinguished leader that under rule XXII the yeas and nays are automatic.

Mr. LOTT. I thank the Chair.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk, under the previous order, will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 3539, the Federal Aviation Reauthorization bill:

Trent Lott, Don Nickles, Strom Thurmond, Jon Kyl, Judd Gregg, Slade Gorton, Paul D. Coverdell, Frank H. Murkowski, Craig Thomas, Harry Reid, Wendell Ford, Conrad Burns, Kay Bailey Hutchison, John Breaux, Tom Daschle, Arlen Specter.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report accompanying H.R. 3539, an act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration shall be brought to a close? The yeas and nays are automatic under rule XXII. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS], is necessarily absent.

I also announce that the Senator from Colorado [Mr. CAMPBELL], is absent due to illness.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY], is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 66, nays 31, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—66

Abraham
Ashcroft
Baucus
Bennett
Bond
Breaux
Brown
Bryan
Bumpers
Burns
Chafee
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Domenici
Dorgan
Faircloth
Feinstein
Ford
Frahm
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Roth
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—31

Akaka
Biden
Bingaman
Boxer
Bradley
Byrd
Dodd
Exon
Feingold
Glenn
Harkin
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Robb
Rockefeller
Santorum
Sarbanes
Simon
Specter
Wellstone
Wyden

NOT VOTING—3

Campbell
Coats
Leahy

The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader, Senator LOTT, is recognized.

POINT OF ORDER

Mr. LOTT. Mr. President, I understand that if a point of order were raised that the pending FAA conference report exceeds the scope of the conference committee, that the Chair would rule that the conferees did exceed the scope with respect to the so-called Federal Express provision. If the point of order is raised and sustained, the conference report would then fall.

This would mean, as we pointed out earlier, billions of dollars lost in construction funds, hundreds of thousands of lost jobs, and a significant reduction in air traffic safety. That would be jeopardized.

Needless to say, the Senate should not let this vital piece of legislation be killed on this point of order, and having just had a vote of 66 to 31 to cut off the filibuster. In order to facilitate the vote, I raise a point of order that the conference report exceeds the scope of the conference committee and ask unanimous consent that there now be 20 minutes for debate prior to the Chair's ruling, to be equally divided between Senators KENNEDY and STEVENS. Senator MCCAIN will participate in that. I have discussed this with Senator KENNEDY. He understands that I would make this point of order.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Reserving.

The PRESIDING OFFICER. Reserving.

Mr. KENNEDY. I do not intend to object. I want to point out that the rejection of the conference report does not mean the loss of money or jobs or safety. If the report is rejected, the Senate can quickly and unanimously pass the bill that is at the desk, enacting the FAA bill without the Federal Express provision. The House is still in session to receive and pass that bill. Having made that point of order, I have no objection to the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Parliamentary inquiry. I understand there would be the debate time which would be followed by a ruling from the Chair.

The PRESIDING OFFICER. That is correct.

Mr. LOTT. I yield the floor, Mr. President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. As I understand it, I have 10 minutes. Is that correct?

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for a period not to exceed 10 minutes.

Mr. KENNEDY. Mr. President, we are moving toward the conclusion of this issue. But this is an extremely important issue, and I would invite our colleagues' attention.

Mr. President, in just a few moments the Chair will rule whether this particular provision is inside the scope or outside the scope of the conference. I have every expectation that the Chair will rule that it was outside the scope of the conference. Then we are going to be asked whether we are going to sustain the Chair or overrule the Chair. I would like to address that issue and what it means in terms of the future of this institution and the future of various conference reports.

Mr. President, I want to remind my colleagues of the long-term significance of a vote to overturn the ruling of the Chair on this important point. Last year the junior Senator from Texas, Senator HUTCHISON, offered an amendment regarding the Endangered Species Act to an appropriations bill. The Chair ruled that the amendment would constitute legislation on an appropriations bill, but the body overturned the ruling of the Chair.

That vote set a precedent. As a result of that vote, a point of order that an amendment constitutes legislation on an appropriations bill is no longer available to Senators. To pass that single amendment, the Senate gave up an important aspect of our rules, one that has served to protect the rights of all Members of this body. The point of order before us right now provides an even more important protection to all Members.

The rule that a conference committee cannot include extraneous matter is central to the way that the Senate conducts its business. When we send a bill to conference we do so knowing that the conference committee's work is likely to become law. Conference reports are privileged. Motions to proceed to them cannot be debated, and such reports cannot be amended.

So conference committees are already very powerful. But if conference committees are permitted to add completely extraneous matters in conference, that is, if the point of order against such conduct becomes a dead letter, conferees will acquire unprecedented power. They will acquire the power to legislate in a privileged, unreviewable fashion on virtually any subject. They will be able to completely bypass the deliberative process of the Senate.

Mr. President, this is a highly dangerous situation. It will make all of us less willing to send bills to conference and leave all of us vulnerable to passage of controversial, extraneous legislation any time a bill goes to conference.

I hope the Senate will not go down this road. Today the narrow issue is the status of one corporation under the labor laws. But tomorrow the issue might be civil rights, States' rights, health care, education, or anything else. It might be a matter much more sweeping than the labor law issue that is before us today.

So for this vital institutional reason, I strongly urge the Senate to uphold the ruling of the Chair on the point of order. This vote is not about the FAA, and it is not even about Federal Express; it is a vote about whether this body is going to be governed by a neutral set of rules that protect the rights of all Members, and by extension, the rights of all Americans. If the rules of the Senate can be twisted and broke and overridden to achieve a momentary legislative goal we will have diminished the institution itself.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. STEVENS. Mr. President, this is a rather difficult situation. We have just passed, recently, a Defense appropriations bill. I was the chairman of that conference. Before it was over, we had a whole series of other bills, a series of legislative items. It was not necessary to raise a point of order. Everybody knew we exceeded the scope of the conference.

I ask any chairman of a conference if he or she has ever really been totally restricted by this rule? This is an extraordinary time where we are in the last hours of this Congress. When the leader became aware that Senator KENNEDY was going to raise this point of order, the leader determined to raise it himself. I take it that having done that, there is no question this is a rather significant occasion. I hope it will be a rather narrow precedent.

I point out to the Senate that this provision is not the only matter that exceeds the scope of the conference. We had to include, at the administration's request, special authority for the executive branch to purchase and deploy explosive detection devices. We put in here the provisions that pertain to the rights of survivors of victims of air crashes. We put in provisions requiring passenger screening companies to be certified by the FAA. That is not required under any existing law. We put in restrictions on underage pilots, following the one disaster that involved a young girl who was a pilot. We put in a provision requiring the FAA to deal with structures that interfere with air commerce.

My point is, as we get to the end of a session, we, of necessity, include in a bill extraneous matters totally beyond the scope. We know they are beyond the scope. As the chairman of the Defense Appropriations Committee, I knew all those items we brought to the floor earlier this week were beyond the scope of the conference, but we did not anticipate anyone would raise a point of order.

Anticipating that Senator KENNEDY would bring this point of order before the Senate, the leader made this point of order. I ask the Senate to keep in mind this will be a rather limited precedent, in my opinion. I do not know whether the Chair will agree with me, but clearly when you get to the end of a Congress some things have to be done. We did not have time to take up separate bills. We held a hearing on the bill in the Senate Commerce Committee dealing with the rights of victim-survivors of air disasters. They pleaded with us to include that bill in this legislation. We have done so.

In other words, this point of order is not only valid, in my judgment, against the amendment offered by Senator HOLLINGS, but against the other provisions where we have exceeded the scope in various matters on this bill. I ask the Senate, when the time comes to vote, to overrule the Chair. It will not be debatable, but I clearly expect a ruling from the Chair that this report does exceed the scope of the conference under the rules and, in these circumstances, I ask that the ruling of the Chair be overturned.

I yield to Senator MCCAIN.

Mr. MCCAIN. Mr. President, I yield such time as remains to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, with respect to this particular point of order, it would not set any precedent relative to anything dealing with the merits of the matter. It is dealing, once again, basically with a fundamental mistake made in the drafting of a measure that was caught some 2 months later, never discussed, never voted on and, of course, there were no hearings, or what have you.

So what we have done is taken this opportunity on a very germane matter, Federal Express is the sixth largest airline in the country, and brought in this particular correction. It has nothing to do with the merits of anything and no precedent will be set when we overrule this Chair.

Mr. President, I can tell you categorically, if this kind of a point of order was made on Monday, we would have had to close down the Government. You can go down and list the various things—$249.8 million emergency appropriations for counterterrorism that was not in the bill or in the conference. The measure under discussion here was at least in the conference. The FBI with $60 million, the Prevention Council, various appropriations for the EDA, the SBA, I could go down the list.

I am confident I can get support now when I remind the distinguished Senator from Massachusetts—the Massachusetts Biotechnology Research Institute, I am constantly getting a little card from my distinguished friend, and I love to do it. He said, you have to take care of me up there in Boston, and I said, I am glad to do it. It was not in either the House or the Senate, but I think we can get it in. We do that. I hope he can vote with me on this particular overriding of the Chair's ruling.

Mr. STEVENS. Mr. President, on another matter, I announce we will have a Governmental Affairs Committee meeting as soon as this vote starts in S–128 to consider reporting a nomination at the request of the administration, for the Administrator of the General Service Administration, and other nominations. I ask unanimous consent that be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I will not delay the resolution of this issue, but the issue is not germaneness. That is not the issue, whether this is germane. The issue is whether this material is outside the scope of what was sent to the Congress in the House and the Senate. That is the issue.

Today, it is a labor provision. Tomorrow, it may be water in the West, it may be land in the West, it may be civil rights, it may be health care, it may be any other issues which Members have some interest in. There is no such thing as a narrow precedent. We have had the precedent that was established about legislation on an appropriation by KAY BAILEY HUTCHISON. That has changed.

Certainly, the rules that govern this institution for the better part of my service in the U.S. Senate—now we are talking about a very significant and important difference—whether these matters are outside the scope. That is the issue, not whether it is germane or not germane, but whether it is outside the scope. The House Parliamentarian ruled it was outside the scope, and that is why the House of Representatives had to have a separate vote.

Now we are going to have a judgment about whether it is inside the scope or outside the scope. If the judgment is made that it is inside, I hope that would support the Chair. If it was made that it was outside, that we would support the Chair as well. It reflects, and will reflect for years to come, the whole basic institutional integrity of this body and how it will consider conference reports into the future. It is very important, significant, and powerful.

How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes remaining.

Mr. KENNEDY. I yield such time as the Senator may consume.

Mr. FEINGOLD. I want a moment to say a word about the point-of-order issue. A point was made by the Senator from South Carolina, I believe, that the same type of point of order could have been raised with regard to the continuing resolution earlier this week. I have not examined the issue closely, but I imagine that is true. But we should reflect a moment on the concept of what that was about versus the willingness of this body, perhaps, to overturn its own rules on something that is so specific to one corporation that it seems almost astonishing.

To what extent are we going to go as a body in the future in changing our rules, undoing our rules, overruling a point of order, to accommodate one provision that only has to do with one matter? I think there is a huge difference. I am not even sure it was appropriate with regard to the continuing resolution. I happen to have voted against it in part for that reason.

Surely, for us to start engaging in overruling points of order to benefit the needs of one corporation to try to overturn what is a continuing litigation or to affect the results of continuing litigation is a very troubling precedent for this body, as the Senator from Massachusetts has indicated.

I thank the Chair.

RULE 28 CHALLENGE TO THE FAA CONFERENCE REPORT

Mr. PRESSLER. Mr. President, the Senate soon will be voting on the motion to overrule the decision of the Chair with respect to the ruling that section 1223 of the conference report pending before the Senate violates rule 28 of the Senate by exceeding the scope of the authority of the conference committee. As chairman not only of the Committee on Commerce, Science, and Transportation which is the committee of jurisdiction in the Senate, but also as chairman of the conference committee that produced this report, I rise to ask my colleagues to overturn the ruling of the Chair in this matter.

Do I do so because I believe the provision was, in fact, within the scope of the conference? No, Mr. President, I admit this section, added by an amendment offered by the distinguished Senator from South Carolina, and the ranking member of the Commerce Committee, Senator HOLLINGS, was not contained in the legislation as initially passed by either the House or the Senate. I am also fully aware that Rule 28.2 of the Standing Rules of the Senate clearly states a conference committee "shall not insert in their report matter not committed to them by either House."

However, Mr. President, those on the opposite side of the issue know full well that this is done with some frequency when a particular situation necessitates such action. Those Members also know that as a result, sections in many, if not most of the conference reports considered in this body would be subject to this same point of order. Do we raise such points of order? No, Mr.

President, we do not. Why? Because all Members know full well that this is how we conduct our business and have done so throughout our history.

Indeed, in this very conference report, if we are to fully and fairly adopt the line of reasoning that section 1223 exceeds the scope of the conference, we need to look at several other sections of the report added by the conference committee I chaired that were in neither the House nor Senate passed versions of the underlying legislation. Let me give a few examples.

Section 302 of the conference report directs the Administrator of the Federal Aviation Administration to certify companies providing security screening and to improve the training and testing of security screeners through development of uniform performance standards. Mr. President, this provision appears in neither the House nor the Senate bill. It was added in conference after it was made as one of the recommendations of Vice President GORE's Commission on Aviation Security, of which I am proud to be a member. It was included by the conferees because it was determined to be important enough for this Nation's airline security that Congress should not wait until next year to enact the recommendation.

For similar security reasons, the conference included Section 305(b) giving the FAA Administrator authority to deploy Government purchased explosive detection devices. Mr. President, I would point out that this provision was considered by the conferees at the request of the administration. Both the administration and members of the conference knew it was an important part of efforts to improve aviation security in this country. I have to admit, Mr. President, as such not much thought was given to whether it was technically within the authority of the conference committee to act.

As final examples I would cite section 503 concerning studies of minimum standards for pilot qualifications and of pay for training and section 1220 concerning structures interfering with air commerce. Again, neither was in the House or Senate bills. Again, the conference acted because it was important that Congress deal with the matters.

Mr. President, no Member has risen to raise a rule 28 point of order against these provisions. Why? Because none has become so unfairly politicized as section 1223. Indeed, the fact that the Senator from Massachusetts has raised the scope issue only against this one section of the report seems to indicate he may be less interested in the sanctity of the Senate rules than he is in making a political statement. I certainly will not waste the Senate's time by rehashing the arguments made over the last 3 days. Lord knows we have wasted far too much time already on this point.

I will simply summarize what I have already said. This is not about unfairly granting a special interest provision to a single large corporation. Interestingly, none of the Members that have raised that point on the floor of the Senate over the last 3 days served on the ICC conference last December that started all this. Thus, they simply are not in a position to know the facts.

Who does know the facts, Mr. President? Those of us who actually served on the ICC conference. Those of us who were actually in the room. Those of us who actually wrote the conference agreement. I was there, Mr. President. I know what did and did not happen and what was and was not agreed to. The Senator from South Carolina was there, Mr. President. He too, knows what we were about. We made a mistake. We inadvertently changed a section of Federal law we never voted to change. That is why Senator HOLLINGS offered this amendment in conference and why we included section 1223 in the conference report. We needed to correct our mistake. It starts there and it ends there Mr. President. We were doing nothing more or less than fixing an unfair situation we created in another bill.

Finally, Mr. President, those supporting the ruling of the Chair warn us that we are setting a very dangerous precedent if we overrule the Chair on this point of order. We are warned this will only be the beginning. That soon we will be faced with conference reports changing civil rights laws and making major revisions to health care. Mr. President, I prefer to give my colleagues more credit than that. Obviously, if, for example, a conference committee on a Commerce Committee bill like this one produces a report that rewrites our civil rights laws a point of order surely will be raised. Just as obviously, such a point of order would likely be sustained by a huge majority of the Members of this body. But that is not what we are talking about. What we are voting on today is whether to allow this Conference Committee to fix an honest mistake. It is that simple. I urge my colleagues to vote to overturn the ruling of the Chair.

Mr. President, let me also take just a moment to thank those individuals who have been so instrumental to the passage of this critical legislation. As has already been said, this process has taken the better part of the last 2 years. It would not have been possible without a great deal of dedication and hard work on the part of many of my colleagues and some very talented staff work.

My good friend from Arizona, Senator MCCAIN, has been a driving force behind this legislation. Senator MCCAIN skillfully managed this legislation and his outstanding work and leadership helped make this significant legislative accomplishment possible. I also want to commend my good friend from Alaska, Senator STEVENS, whose legislative skill and leadership contributed greatly to this legislation. Senator STEVENS' dedication to improving aviation safety and improving the treatment of families of aviation disaster victims is exemplary.

Let me also commend and thank my good friend from South Carolina, the ranking member of the Commerce Committee Senator HOLLINGS, who provided important leadership on this bipartisan legislation. Also, let me acknowledge the efforts of Senator FORD, the ranking member of the Aviation Subcommittee.

Mr. President, I would be remiss if I failed to acknowledge the outstanding contribution staff from the Commerce Committee and personal offices made in this process. For the past 2 years, staff has worked literally thousands of hours on this legislation. From the Commerce Committee, I wish to commend the outstanding efforts of Paddy Link, Tom Hohenthaner, Mike Reynolds, and Mike Korens from the majority staff and Kevin Curtin and Sam Whitehorn from the minority staff. I also want to commend the outstanding efforts of Chris Paul of Senator MCCAIN's staff, Mitch Rose and Earl Comstock of Senator STEVENS' staff, Amy Henderson of Senator HUTCHISON's staff and Tom Zoeller of Senator FORD's staff.

I thank them all for all the professionalism, dedication and hard work during both good times and bad. I think the final bill embodies the true spirit of bipartisan compromise and cooperation that is the mark of excellence in the legislative process. All involved should be proud.

Mr. LOTT. Mr. President, parliamentary inquiry. Has all time expired?

The PRESIDING OFFICER. The Chair wishes to inform the Senate that the Senator from Alaska has 3 minutes 37 seconds; the Senator from Massachussets has 2 minutes 50 seconds.

Mr. LOTT. We are prepared to yield back.

Mr. STEVENS. I yield back the remainder of my time.

Mr. KENNEDY. I yield my time.

The PRESIDING OFFICER. All time having been yielded, it is the opinion of the Chair that the conference report exceeds the scope, and the point of order is sustained.

Mr. LOTT. Mr. President, I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? On this question, the clerk will call the roll.

Mr. KENNEDY. Mr. President, parliamentary inquiry. A "yea" vote is to sustain the Chair?

The PRESIDING OFFICER. The Senator from Massachusetts is correct.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS], the Senator from Texas [Mr. GRAMM], and the Senator from New Hampshire [Mr. GREGG], are necessarily absent.

I also announce that the Senator from Colorado [Mr. CAMPBELL] is absent due to illness.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

The result was announced—yeas 39, nays 56, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—39

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Bumpers
Byrd
Daschle
Dodd
Dorgan
Exon
Feingold
Glenn
Graham
Harkin
Heflin
Helms
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Robb
Rockefeller
Santorum
Sarbanes
Simon
Specter
Wellstone
Wyden

NAYS—56

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Bryan
Burns
Chafee
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
DeWine
Domenici
Faircloth
Feinstein
Ford
Frahm
Frist
Gorton
Grams
Grassley
Hatch
Hatfield
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Pryor
Reid
Roth
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—5

Campbell
Coats
Gramm
Gregg
Leahy

The ruling of the Chair was rejected as the judgment of the Senate.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REVENUE DIVERSION

Mr. FORD. Mr. President, I want to bring to my colleagues attention a very grave situation involving the illegal diversion of revenues at Los Angeles International Airport. As I understand it, the Mayor of Los Angeles transferred $31 million from the airport treasury to city coffers last week. Senator McCAIN and I have worked together on legislation to prevent illegal revenue diversion. During our deliberations, we were very aware of the City of Los Angeles' efforts. I want to make clear that the action taken last week is clearly illegal. The amount paid is apparently based on an age-old dispute over how much the airport owes the city. I understand that the debt has already been repaid to the city once.

The Secretary of Transportation must recognize that he has the tools to enforce the law against illegal revenue diversion. First, he has the power to withhold grants for other, nonaviation purposes. The Federal Aviation Reauthorization Act contains even broader discretion for the Secretary and I urge him to send the message, loud and clear, that revenue diversion will not be tolerated. Under our bill, the Secretary may withhold grants and apportionments from any airport sponsor, or any multimodal transportation agency to which the sponsor is a member, if the sponsor diverts revenue illegally off of the airport. Furthermore, the Secretary is empowered to redeposit that money with the airport. The Secretary should exercise this authority and restore the money to LAX so that the important safety and security work needed on the airport can move forward.

Finally, I want to state that H.R. 3539 contains a pilot program for five airports. It would allow the Secretary to approve a long-term lease, which would include permitting revenue diversion. The conferees were very concerned about the ability to divert revenues under a privatization scheme. However, Los Angeles was the real concern. As a result, we limited the number and type of airports eligible for the pilot program. The Secretary should be aware that a large airport that continually frustrated the clear intent of Congress would clearly not meet the criteria for privatization contained in H.R. 3539.

Ms. SNOWE. Mr. President, I want to express my support for the conference report before the Senate which will help improve the safety and security of air travel in this country. I wish to commend Senator PRESSLER, Chairman of the Senate Commerce Committee and Senator McCAIN, Chairman of the Aviation Subcommittee for their diligent work in bringing this bill to completion prior to the adjournment of the 104th Congress.

In the past 5 months, the Federal Aviation Administration [FAA] has come under intense scrutiny. After ValuJet flight 592 was swallowed by the silt and tall grass of the Everglades in May, the issue of FAA's ability to ensure the safety of the traveling public was brought into question. On July 17, the explosion of TWA flight 800 minutes after leaving New York's Kennedy Airport heightened public concern over not only the safety of our airplanes but the security of our airports as well.

This conference report cannot answer all of the questions surrounding these two devastating tragedies, but it does give the FAA the guidance and many of the tools it needs to regain the public's trust. And it reaffirms the commitment of the Congress to end that status quo at the agency.

First and foremost this bill will once and for all eliminate the question of the FAA's mission. On June 18, the Secretary of Transportation, Federico Peña, called on Congress to "* * * change the FAA charter to give it a single primary mission: safety and only safety." By removing the "dual and dueling missions" of safety and air carrier promotion, both the FAA and the public will know that safety is the sole mission of the agency. I introduced S. 1960 earlier this year with Chairman PRESSLER to carry out the Secretary's request, and the Senate-passed version of this bill included provisions I authored that established a process for elimination of the mandate. I am pleased that the conference report will lay this issue to rest, once and for all by allowing the FAA to focus solely and deliberately on assuring the safety of air travel.

Another important aspect of this bill addresses an area that has been tragically overlooked—the needs of the families of crash victims. The loss of a loved one in any accident is devastating. But this loss should not be compounded by the careless treatment of their family, and we have all heard heartbreaking stories of family members who learned of the death of their loved one from CNN because the airline could not or would not verify that they were on the plane. I believe that we can and must change the way families of plane crashes are treated. This bill will take some very important steps—such as requiring airlines to have a disaster plan in place, putting the National Transportation Safety Board [NTSB] in charge of overseeing family advocacy and requiring that airlines have adequate toll-free phone lines available for families in order to ensure they can get through when emergencies occur. We still need to do more, but these provisions are a necessary first step.

Regardless of the outcome of the investigation into the causes of the crash of TWA flight 800, the fact that it could have been downed by a bomb shocked us all. The conference report returns our attention to the need to address the serious issue of security at our airports. Again, it is only a first step, and the 105th Congress will be tasked with following through on the guidelines we have laid down in this bill, as there is much that needs to be done and many questions the FAA still has to answer about why we do not have one explosive detection device ready for installation at our airports—despite the provisions of the 1990 Aviation Security Improvement Act which required their installation by 1993.

Mr. President, I hope my colleagues will join me in supporting passage of the FAA reauthorization conference report.

Mr. HOLLINGS. Mr. President, the Senate Commerce Committee and its Aviation Subcommerce Committee have worked hard to put together the Federal Aviation Authorization bill. The conference report on H.R. 3539 represents a fair compromise on many issues. My colleagues, Senator MCCAIN and Senator FORD, have spent a lot of time and effort to develop the legislation. It is a complex bill that seeks to provide a future foundation for the Federal Aviation Administration [FAA], for air service to small communities, and for our Nation's airports. The bill addresses the fundamental needs to the national air travel system. Passengers must be sure that safety is the FAA's primary mission, that security measures are improved, that we have enough safety inspectors with the tools to do their job, and that our Nation's airports have the money to remain safe. This bill does that. The bill also establishes a series of task forces to determine the best way to fund the agency.

Key provisions in the bill will make the FAA a more autonomous agency—with the ability to make its own decisions concerning regulations, personnel, and procurement. The bill changes the funding formulas for the Airport Improvement Program, providing more money for those airports most in need of Federal help. The beneficiaries, mainly smaller airports, will receive higher entitlements. In South Carolina, some airport projects are underway and need funding to continue. Other worthy projects in my State cannot begin without money from the Airport Improvement Program. Security, a critical issue, also is addressed. The bill for example, requires that security screening companies be certified by the FAA. The bill will facilitate the installation of explosive detection equipment.

There is one section in the bill on privatization that the conferees spent a good deal of time discussing. The provision continues to trouble me. Under the legislation, an airport can be privatized and still receive a Federal grant. If the private sector believes it can suddenly revitalize airports with claims of new money, why does the Federal Government have to provide corporate welfare? The Federal Government has a clear interest in our Nation's airports. We have helped design them, have provided all sorts of equipment to make them safe, and have funded them. The U.S. Government and U.S. taxpayers have an investment in them. The provision that allows airport privatization permits airports to be turned over to a private company. The Federal Government does not get a dime back, while a private company can make a profit partly from the Federal investment. This is wrong.

H.R. 3539 incorporates much of the text of S. 1994, the FAA reform bill, reported by the Commerce Committee last June. Those provisions call for an independent review of the precise needs of the FAA, followed by the submission of a funding proposal to finance the agency. We know that the Federal budget will continue to be cut, but some programs must be funded—like the FAA. The financing reform sought by the bill will help us figure out a better way to provide needed funding—whether it is by placing it off budget, by fees, or by taxes. The goal is to make sure money collected from passengers on air carriers goes to the FAA.

AVIATION SECURITY

Aviation security is an extremely complex issue. It involves technology, personnel, intelligence information, national security, and a recognition that there are people willing to commit heinous crimes aimed at our Government and our citizens. The bill provides for a safety commission. I want to make clear that the commission is intended to complete the work of the Vice President's task force.

Investigators in New York have not yet identified the cause of the crash of TWA flight 800, and numerous options are being considered. We have to let the investigators complete their mission. The National Transportation Safety Board, the Navy, the FBI, and State and local personnel are working hard to determine the cause of the accident. We do know this, however—the public deserves the best technology operated by the best trained individuals, to reduce the risks of a terrorist attack.

Another thing is clear—security is going to be costly. The FAA has estimated that it will cost as much as $2.2 billion to install up to 1,800 machines at 75 airports. Today, there are approximately 14,000–18,000 screeners, paid an average of $10,000 to $15,000 per year. These screeners are one line of defense, but a critical one in the fight against terrorism. They need training, and they need to be paid in accordance with their responsibilities. The present turnover rate among these employees is extremely high. Unless we change the way we provide security, we cannot upgrade it. All the technology in the world still requires a person to watch a screen, listen to alarms, and be able to recognize materials that should not go on board an aircraft.

No matter what we do, safety comes first. Nothing should go onto an aircraft without being screened. Cargo, company material, and baggage all should be subject to inspection.

Security changes may require a fundamental alteration in the way air carriers provide services. Longer lines can be expected. Unfortunately, it is a price we must pay to deal with people in this world willing to stop at nothing.

Mr. President, let me thank our Commerce Committee Democratic staff—Sam Whitehorn, Clyde Hart, Jim Drewry, Kevin Curtin, Becky K. and Sylvia Cikins for all their hard work in the resolution of these issues.

I urge my colleagues to adopt the conference report.

Mr. GLENN. Mr. President, I do not wish to delay adjournment of the Senate nor hold up passage of the Federal Aviation Administration [FAA] authorization bill. Absent the provision we have been discussing these past few days, the FAA bill could pass the Senate with near unanimous, if not unanimous, support. However, I cannot acquiesce in this ploy to circumvent normal Senate procedure, and thus will vote against cloture at this time. There have been no hearings on the so-called express carrier provision. Until it was presented to us as a non-germane provision in an unamendable conference report, it was never debated on the floor of the Senate. The provision was not included in either the House or the Senate version of the FAA authorization bill, nor had it been approved as part of any other legislation passed by the House or the Senate. Hence I believe it was most irregular for the conference committee to even have taken up this issue, much less to have inserted it into this conference report.

If the debate on the Senate floor these past few days has told us anything, it has told us quite clearly that this rider is anything but a noncontroversial technical issue. Hearings should be held, the ramifications of this change in the law should be fully explored, interested parties should be given an opportunity to express their views, and Members of Congress should be able to offer amendments.

Mr. President, it is my understanding that there has been no designated express carrier operating for some 20 years and that Federal Express was not when the ICC existed, and is not now, an express carrier. Hence the action of the Congress in deleting this obsolete designation, in the course of terminating the Interstate Commerce Commission, last year still seems entirely appropriate. If there is a case to be made for the resurrection of this outdated designation, then let us see a separate piece of legislation, let us see some hearings, let the normal legislative process make the case for why the change is needed. The very process by which this matter is finally presented to the Senate—in a conference report at the very end of the session—makes me suspect that the issue deserves a much closer look than we are able to give it in this setting.

Mr. DASCHLE. Mr. President, I would like to thank Senator FORD, the ranking member of the Commerce Subcommittee on Aviation, and Senator MCCAIN, the chairman of that committee, for all the time and effort that they have put into the FAA reauthorization bill. The fact that the Senate unanimously approved the bill last month is a testament to their ability to work together with the common goal of improving the safety and security of our air transportation system.

Like many of my colleagues, I question whether the Federal Express provision should be included in the FAA reauthorization bill. I think this controversial issue merits further consideration at another time. When the 105th Congress convenes next year, I am hopeful that the Senate Labor Committee will hold hearings on this matter.

But the facts are these: We cannot remove this provision without killing the FAA reauthorization bill. We must pass this bill before we adjourn for the year. And the FAA's ability to enhance safety and security at our Nation's airports is contingent upon enactment of this important legislation.

The House has already passed the conference report to the FAA reauthorization bill as well as the omnibus appropriations bill. For all practical purposes, the other Chamber has closed its doors for the remainder of the year. There should be no misunderstanding. Our House colleagues have no intention of returning to Washington to consider additional legislation. Any change that we make to the FAA reauthorization bill at this point would most certainly require unanimous consent in the House. Needless to say, convincing the House to give unanimous consent to amending the conference report to the FAA reauthorization bill is simply not possible.

Whether we agree with the Federal Express provision or not, we must pass the conference report to the FAA reauthorization bill. At the latest, the Senate should have been passed this legislation on Monday, and we cannot delay passage of this bill any longer.

Our colleagues on the Senate Commerce Committee have worked for more than 2 years on this bill. The committee cannot and should not be forced to start that process all over again in a new Congress. We must finish our work today and provide the FAA with the tools it needs to improve the safety and security of our air transportation system.

The FAA reauthorization bill includes several safety provisions that should have been authorized earlier this week. Among those, the bill authorizes $2.28 billion in fiscal year 1997 and $2.3 billion in fiscal year 1998 for the Airport Improvement Program. As my colleagues well know, this critical funding allows airports throughout the country to make much-needed safety improvements. Without authorization, however, construction on these important projects will remain idle.

The bill also allows the FAA to respond directly and more promptly to safety problems without needless bureaucratic delay or second-guessing. The bill also establishes a framework for airlines to obtain background information on a pilot's previous employer. The National Transportation Safety Board recommended these background checks as a result of a number of airplane accidents that were caused in part by pilots with poor performance records. Again, without authorization, these important safety provisions will not be implemented.

The FAA reauthorization bill also includes a number of important security provisions proposed by the Senate Commerce Committee, Vice President AL GORE's commission on aviation safety, and many other Members of the Senate. For instance, the bill gives the FAA the authority to permit criminal background checks on baggage screeners at our Nation's airports.

The bill also gives the FAA the authority to facilitate the interim deployment of advance aviation security technology including explosives detection equipment. And the legislation calls for an evaluation by the National Academy of Sciences on explosives detection and aircraft hardening technology. Furthermore, the bill would authorize the FAA to conduct vulnerability assessments of individual airports and permit airlines to conduct improved passenger profiling. Again, without authorization, these critical security measures will not be implemented.

Mr. President, this bill also includes several provisions that are particularly important to rural America. Perhaps most importantly, the bill authorizes the FAA to tax foreign airlines that fly over the United States and designates half of that revenue, estimated at $100 million annually for the Essential Air Service [EAS] program. EAS is crucial to the economic stability of small communities in South Dakota and across the country. Unfortunately, EAS funding has been reduced in recent years, and service to EAS recipients has suffered accordingly. Enactment of the overflight tax will provide a much-needed new funding mechanism for the EAS program.

The bill also requires the Secretary of Transportation to conduct a study of fares charged by commercial air carriers traveling into non-hub airports in small communities. This study is critical to determining whether passengers in rural areas pay a disproportionately greater price for air service than passengers who fly between urban areas. Like my colleague, Senator DORGAN, I believe they do, and I look forward to the results of that study so we can focus on ways to improve airline service to rural communities. Again, without authorization, neither the EAS provision or the rural air fare study will move forward.

Mr. President, the bottom line is that we must pass the conference report to the FAA reauthorization bill. Whether we agree with the Federal Express provision or not, we must pass this important bill today. We cannot wait any longer. We must pass this bill so that the FAA has the ability to enhance safety and security at our nation's airports. We must pass this bill to ensure that rural America receives the kind of air service it rightfully deserves. I urge my colleagues to support the passage of the conference report on the FAA reauthorization bill.

Mr. KERRY. H.R. 3539, the FAA Reauthorization conference agreement, is, primarily, a good bill—a very good bill—and one whose contents are of great importance to the people of this country. Several Senators including Senator HOLLINGS, Senator PRESSLER, Senator FORD, and Senator MCCAIN have worked for many months to craft this important legislation. They deserve great credit for shepherding the bill through the Commerce Committee and then obtaining passage with a vote of 99 to 0 on the Senate floor. These Senators and their fine staffs—specifically, I would like to recognize the work of Sam Whitehorn on the minority side—produced a non-controversial, sensible bill that addresses a critical need of our Nation.

We need to pass an FAA Reauthorization bill because of the pivotal role that the FAA plays in our Nation's transportation infrastructure. We ask the FAA each year to ensure the safety of all civil aviation and to oversee the continued development of our national system of airports. Through a comprehensive program that includes a vast air traffic control network, and thousands of maintenance inspections of our Nation's civilian airlines, the FAA carries out the important task of ensuring the safety of the millions of Americans that utilize air travel each year. Significantly, this conference agreement provides to the FAA the necessary tools to carry out these important tasks. It provides $9.54 billion in total budget authority for the FAA for fiscal year 1997 including $5.16 billion for operations, $2.28 billion for the Airport Improvement Program, and $2.1 billion for facilities and equipment. This total figure represents an increase of $1.39 billion over the FAA's total budget authority for fiscal year 1996 and an increase of $1.33 billion over the administration's budget request.

In addition, Massachusetts needs Congress to pass an FAA reauthorization bill because we rely so heavily on air transport for both people and cargo and because the Airport Improvement Program is so crucial to our State. From Logan Airport in Boston to the smaller airports located in Nantucket, Hyannis, Martha's Vineyard, Worcester, New Bedford and Provincetown, airports and air transport are critical to the economic and social travel needs of the people of Massachusetts. This legislation is good for the people of Massachusetts. It contains additional AIP funding for Massachusetts airports in fiscal year 1997 beyond the amounts these airports are entitled to receive under current law. And it also increases the amount of discretionary funding that the State of Massachusetts can distribute to airports and related projects.

This conference agreement also contains an important provision to improve the security of our Nation's airports that will result in greater safety for commercial flights originating at U.S. airports. I have been pushing the FAA for several years to begin to use existing advanced technologies, far more capable than x rays and metal detectors, to screen passenger baggage for explosives before it is placed on aircraft. The conference agreement instructs the FAA to move forward in this respect. Rather than awaiting the advent of a new sensor technology that can meet all desired sensor standards perfectly or nearly perfectly, the FAA is instructed to procure and implement use of the best currently available technology—which is the approach taken by virtually all major European airports. There is simply no reason of which I am aware for the United States not to take this important step.

Unfortunately, this important legislation, which is strongly supported by Senator KENNEDY, Senator SIMON, Senator FEINGOLD, and all others in this Chamber, became mired in a dispute over a four-line provision—tacked on to the bill in conference—that is unrelated to the otherwise important and bipartisan task of reauthorizing the FAA. This provision amends the Railway Labor Act to make it substantially more difficult for certain Federal Express employees to organize. I do not support this provision which amends labor law in a controversial way on a bill that is totally unrelated to labor law, and, because of the addition of that provision, I voted against the cloture motion to end debate on the FAA conference agreement. I hoped the Senate would reject cloture, confident that if cloture was not invoked, this FAA legislation would have been brought back to the floor without the controversial provision, and passed by unanimous consent. That is what I believe the Senate should have done.

Now that cloture has been invoked, and another effort to remove the provision because it was outside the scope of the conference committee was rejected by the Senate, we confront the great importance of passing an FAA reauthorization bill before this Congress adjourns. Once again, I compliment those who led the Senate in assembling the aviation provisions of this bill. It is a good bill that will contribute much to our Nation. I will vote for it.

Mr. ROBB. Mr. President, I rise today in strong support of passage of the conference report to H.R. 3539, Federal Aviation Authorization Act of 1996. This conference report contains provisions crucial for the safe and efficient operation of our Nation's airports. This authorization will enable vital funds to be allocated to our airports under the Airport Improvement Program for the construction of necessary runways and taxiways, installation of navigational aids, and acquisition of land for noise abatement measures. The bill also permits funds to be used for essential enhancements of airport facilities and equipment, and supports substantial Federal Administration [FAA] operations.

Mr. President, in addition to these authorizations to improve our airports infrastructure and language to improve aviation security, this conference report contains provisions which seek to resolve an important question as to the status of the Metropolitan Washington Airports Authority [MWAA]. The Airport Authority, created by Congress in 1987, has been successfully fulfilling its obligations of maximizing the development of Washington Dulles International Airport, while fully utilizing the resources at Washington National Airport.

However, Mr. President, the U.S. Supreme Court has held that the Airport Authority's congressional review board is unconstitutional. Without Congress eliminating this unconstitutional review board, the Airport Authority would not be able to continue to exercise its vital functions such as adopting an annual budget, awarding contracts, and issuing bonds. This conference report eliminates that unconstitutional board, and therefore enables the Airport Authority to move forward.

I am pleased that this provision was included, while not interfering with the perimeter rule, which allows nonstop flights into and out of Washington National only if the flight is 1,250 miles or less. This rule is critical in helping maintain the delicate balance between Washington National and Dulles International Airports. Retaining this perimeter rule will maximize the almost $2 billion of capital improvements underway at these two airports. And I appreciate the assistance of Senator ROCKEFELLER and Senator HOLLINGS and their staff in ensuring that this perimeter rule was preserved.

Mr. President, this FAA conference report is filled with provisions that not only benefit the metropolitan Washington area, but airports, large and small, throughout the nation. I am pleased with the overwhelming support the conference report has received and I'm looking forward to the benefits of this bill in Virginia.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I expect we will vote momentarily on the final passage. I want, just before that, first of all, to thank all the Members for their indulgence during the period of these past days. This issue is really not about the FAA and the conference report, outside of this very special provision. I expect to support the conference report in just a few moments.

I thank all the Members for their courtesies over the period of the last days, those colleagues of mine who supported a common position, and our worthy opponents who carried the day. I believe this particular provision would not have carried in a Democratically controlled Congress of the House and Senate, but the Senate has spoken now. The issue of workers' rights is going to very much be the issue on November 5. We have one vote today and another vote on November 5. I just hope they will understand who is on their side.

I again thank all of those in the Senate for their attention and for their courtesies on this matter. I hope at the earliest time we will go to a final vote on the FAA conference report. I intend to support it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Now that we are going to a final vote, I would like to make just a 60-second comment.

I thank Senator PRESSLER, the chairman of the Commerce Committee, whose leadership in FAA reform has been steady and tireless. I thank Senator HOLLINGS, the ranking member of the committee, and Senator FORD, who worked from the beginning, 2 years ago, to bring meaningful reform to the FAA and provide for the critical long-term and stable funding which is so necessary for modernizing the air traffic control system, and hopefully putting an end to the more than 420 power outages last year.

I also thank my friend, the Senator from Alaska, Senator STEVENS, who worked with me and Senator FORD to craft the compromise we are voting on today.

Finally, let me thank the countless number of General Accounting Office staff, the administration, Secretary Peña, the Secretary of Transportation, David Hinson, the FAA Administrator, and especially Linda Daschle, who worked tirelessly, literally hundreds and hundreds of hours, through late nights and many weekends, to build a better FAA through major reform, I am especially grateful for her outstanding work.

Mr. President, others who are very deserving of recognition, including aviation expert Dr. Jack Fearnsides, Ken Mead of the General Accounting Office, Katherine Archuleta, Secretary Peña's Chief of Staff, Bert Randall, Assistant Chief Counsel of FAA, Paul Feldman, Special Assistant to the Deputy Administrator of FAA. And, of course, Sam Whitehorn of Senator HOLLINGS' staff, Tom Zoeller of Senator FORD's staff, Mitch Rose and Earl Comstock of Senator STEVENS' staff, Mike Reynolds, Lloyd Ator, Mike Korens, Tom Hohenthaner and Paddy Link of Senator PRESSLER's staff.

I would like to personally thank the tireless efforts of those on my staff, Chris Paul and Mark Buse, who have worked so hard to make this bill a reality, and many others who have contributed so much.

Again, I want to pay special thanks to my dear friend, Senator FORD of Kentucky, who realized from the beginning, along with me and others, that the only way you pass this kind of legislation, this kind of fundamental reform, is through a bipartisan effort and in partnership with the administration, in whichever party alignment that may be.

I cannot help but express my appreciation to him for the many years of cooperation that we have had together, especially on this issue—it has characterized our relationship now for more than 10 years.

Mr. FORD. Thank you.

Mr. MCCAIN. We may do more things together in the future, but I am not sure we will ever do anything this significant.

I understand the yeas and nays will be asked for. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I am pleased to join with my distinguished colleague from Arizona, Senator MCCAIN, the chairman of the Aviation Subcommittee, in bringing this conference report before the Senate.

Let me also join with him in paying compliments to our staff and to the many individuals who have assisted us. As Senator MCCAIN has said, we have worked long and hard for 2 years now. It has been a bipartisan effort. We have had our disagreements, but we have not been disagreeable. We have pushed and pulled, and finally we have come to the point now where this bill is about to be passed.

The conference report before us today reauthorizes various programs of the Federal Aviation Administration, namely the Airport Improvement Program [AIP]. The AIP program provides the necessary Federal funds for the continued investment in our airport and airways infrastructure.

The current authorization for the AIP program expires on September 30. Without this reauthorization bill, the FAA would be unable to fund many worthy aviation infrastructure projects. We cannot let that happen. As we prepare to enter into a new fiscal year, the FAA needs this reauthorization in order to move ahead with the funding of many important airport improvement projects. AIP projects include construction and maintenance of airport facilities, including runways; construction of control towers; the installation of radar equipment and construction of radar facilities; and the acquisition and installation of navigational devices.

Mr. President, investment in our aviation infrastructure is at a critical point. The FAA's forecasts for the aviation industry project tremendous growth by the turn of the century. Those forecasts project an average increase of 3.7 percent in domestic passenger traffic by the year 2007. One of the big growth areas will most likely be in the regional and commuter industry. In 1995, regional and commuter air carriers carried 53.7 million passengers. By the year 2007, the FAA projects these same carriers to carry 96.9 million passengers—an annual growth of 5.4 percent.

Today, our airports are at or near capacity. Many are struggling just to keep up with today's demands. With these growth projections for the next 10 years, the Nation's entire aviation system will face even more challenges on an already heavily burdened system.

The problems posed by the growth of air traffic will be further burdened as aircraft manufacturers move toward the development of even larger wide body jets. Recently, both Boeing and Airbus Industries announced plans to introduce new airliners capable of carrying over 600 passengers. The introduction of these aircraft will require major improvements at our Nation's airports just to accommodate the size of these aircraft.

These are just a few of the many reasons that we need to pass this conference report. We cannot let the AIP program lapse. We must continue to support many worthy airport construction and improvement projects that will help to sustain and support the growing demand for air carrier services, both passenger and cargo.

During the Senate s consideration of the FAA reauthorization bill, I argued that we should keep our reauthorization simple and short. That is, we should not undertake any change in the formulas for entitlement and discretionary grants and that we should have a one year reauthorization. Part of the reasoning for this was my belief that we need to examine the best means by which to reform the FAA.

The Senate bill included provisions which would establish an independent assessment of the funding needs for the FAA. Under the terms of the Senate bill, the independent assessment would study the funding needs of the FAA within one year and report to the Congress. At that time, the Congress would have recommendations and options for the long-term financing solutions of the FAA. Then, with the reauthorization of the FAA and the AIP program, we would be able to create a better funding system for the AIP program.

However, given the late date at which we are considering this bill, we recognized that our efforts to try and have an independent assessment on the FAA s financing could not be accomplished prior to the expiration of the AIP authorization. We have compromised with the House, which had a three-year authorization, and have decided that we will have a two year authorization.

With a 2-year authorization, we have accepted the provisions of the House that will modify the funding formulas of the AIP program. Under the provisions of the conference report, this bill will provide more entitlement funds for airports throughout the country. Each airport under the AIP program is entitled to Federal funding, based on the number of passenger emplanements. The bill eliminates a number of discretionary funds and redistributes those funds to the airports as entitlements. In addition, under existing law, there is a $325 million pure discretionary fund. The FAA has the ability to use those funds to put together larger projects for airports of all sizes. This bill will reduce that pure discretionary fund to $300 million. I would note that I am somewhat concerned that the amount of money set aside for noise has been reduced from $164 million to $134 million. However, I recognize that some of the discretionary monies may be used for that purpose.

I am pleased that this conference report also includes the FAA reforms which were included in the Senate bill.

As I mentioned, the increased demands on the air transportation system require the Congress to re-examine the way in which the FAA is managed and funded. The FAA is predominantly funded through the airport and airway trust fund. The monies which are in the trust fund are distributed among specific programs and functions, including the FAA s operations account, the facilities and equipment account, research, the engineering and development account, as well as the Airport Improvement Program.

The trust fund is supported solely through revenue derived by a 10 percent passenger ticket tax, interest paid on Treasury certificates, and other taxes associated with air travel and aviation. However, on January 1, 1996, the aviation excise taxes lapsed. That lapse in taxes resulted in a loss of $500 million a month in trust fund revenues. With the enactment of the minimum wage and small business tax credits act, the aviation excise taxes were reinstated, but only to the end of this calendar year.

This experience has highlighted some problems and concerns with the FAA. Without a steady and reliable source of revenue, the FAA cannot fulfill its mission to promote a safe and reliable aviation system.

Both the Senate and the House bills had separate panels to examine the issues of safety and security in the National air transportation system and the financing of the FAA. The conference report adopts both task forces to separately examine these issues.

The conference report adopts the Senate provisions which creates an 11-member panel to conduct an independent assessment of the FAA financing and cost allocations through 2002. This independent panel shall include individuals who have expertise in the aviation industry and who are able, collectively, to represent a balanced view of the issues which are important to all segments of the aviation industry, including: general aviation, major air carriers, air cargo carriers, regional air carriers, business aviation, airports, aircraft manufacturers, the financial community, aviation industry workers, and airline passengers.

This independent assessment is required to complete its work within 12 months. At which time, the panel will make a report to the Secretary of Transportation. The Senate bill included some provisions for expedited consideration of these recommendations. However, during the Senate's consideration, at the request of the Finance Committee, those provisions for expedited consideration were modified to provide for an automatic sequential referral to the Senate Finance Committee.

The Senate bill also included similar expedited procedures for the House. Unfortunately, during our conference, the House conferees objected to the inclusion of any expedited procedure for the House. Consequently, the provisions included in the Senate bill for expedited procedures in the House are not included in this conference report.

I will admit that I am somewhat reluctant to include provisions in a bill that bind only one House of the Congress. The expedited procedures that were originally included in S. 1994 as reported by the Commerce Committee were designed to make the Congress act quickly to address the crucial funding needs of the FAA and our aviation infrastructure. Without these expedited procedures, I am concerned that in 2 years time, we may find ourselves in the same position we are in today. During the conference, our House counterparts gave us their assurance that the House would act expeditiously in considering the funding recommendations of the independent panel.

I appreciate the commitments from our House colleagues. I can assure the Members of the Senate that when we get to the point that a comprehensive FAA financing reform package is presented to the Congress, I will be equally dedicated to the expeditious consideration of that proposal.

Mr. President, this funding study will build upon personnel and procurement reforms already in place at the FAA, which were included in the Transportation Appropriations Act for fiscal year 1996.

In addition to the independent study on funding solutions for the FAA, the bill also includes provisions for the creation of a Management Advisory Council. Mr. President, I think we all acknowledge that the FAA has been an agency with its problems. Some of that criticism is well-deserved. But, I think that most Members will also acknowledge, that under the current leadership of Administrator David Hinson and Deputy Administrator Linda Daschle, the FAA is beginning to respond to the challenges. We want to build on these improvements and we want to enable the FAA to improve its management so that it is prepared to face the challenges of the 21st Century.

The Management Advisory Council [MAC] will be composed of 15 members to provide the Administrator with input from the aviation industry and community. Membership on the MAC will include representatives from all government and all segments of the aviation industry; all of whom will be appointed by the President with the advice and consent of the Senate. Members of the MAC should be selected from individuals who are experts in disciplines relevant to the aviation community and who are collectively able to represent a balanced view of the issues before the FAA. It is important to note that selection for MAC membership is not required to be based on political affiliation or other partisan considerations.

Among the issues that we expect that the MAC to examine are: air traffic control modernization; FAA acquisition management; rulemakings and cost-benefit analysis; review the process by which the FAA determines to use advisory circulars and service bulletins; and a review of old rules, including FAR part 145.

The conference report also includes the Senate bill's provisions on improving safety and security in our air transportation system.

The tragedy of TWA flight 800 has forced us to once again re-examine our aviation security measures. As we all know, following the TWA tragedy, President Clinton created the White House Commission on Aviation Safety and Security and asked that Vice President GORE head this commission.

The President should be commended for the swiftness of his actions and his determination to improve our aviation security and safety. The President moved quickly to reassure the traveling public and the Nation, that we continue to have the safest air transportation system in the world. I appreciate and applaud the efforts of the President and the Vice President on this issue.

The so-called Gore Commission issued an initial report to the President on September 9. That report made a number of recommendations including the purchase of explosive detection equipment; the placing of security equipment at our major airports; increasing the use of passenger profiling through the use of existing data bases and air carrier computer reservation systems; criminal background checks and FBI fingerprint checks for all security screeners and other airport and airline personnel with access to secure areas; increasing funding to be used to facilitate a greater role for the U.S. Customs Service and other law enforcement agencies; designate the National Transportation Safety Board to deal with the families and relatives of crash victims; and provide additional funds for the training of airport security screeners.

The conference report adopts a number of the recommendations of the Gore Commission which required legislative action. I am pleased to say that within our conference, there was unanimous support for the Senate s provisions on safety and security.

Title III of the conference substitute includes legislative language that will give the FAA the legal authority to undertake and implement the recommendations of the Gore Commission.

These provisions include the following:

A report by the Administrator of the FAA to the Congress on how to transfer certain security responsibilities of the air carriers to the Federal Government. Under current Federal law, air carriers are responsible for the security and screening procedures at airports. The Gore Commission and other experts believe that aviation security is a national security issue. As the Federal Government will be asked to assume more responsibility, we believe it is prudent to have a careful study of this issue to examine how and to what extent the Federal Government should assume these duties. This report will be due to the Congress within 90 days of enactment of this bill.

The FAA will certify companies that provide security screening at our Nation's airports to ensure uniformity and consistency in screening operations. The certification process is intended to improve the training and testing of security screeners through the development of uniform performance standards.

It will accomplish many things:

A study on the detection of weapons and explosives conducted by the FAA and the National Academy of Sciences.

Require criminal background checks on all individuals who will be responsible for the screening of passengers and property as well as any other individual who exercises a security function associated with baggage or cargo. In addition, this bill directs the FAA to conduct periodic audits on the effectiveness of these criminal record checks.

Direct the FAA to require the interim deployment of commercially available explosive detection equipment.

Direct the FAA to work with the intelligence and law enforcement communities to assist the air carriers in developing a computer-assisted passenger profiling program.

Report to the Congress on a pilot baggage match program if such a program is undertaken as a result of the Gore Commission.

Mr. President, I think it is important to note that the Gore Commission has not completed its work. In fact, the review of aviation security and safety is a dynamic and evolving process. While we have attempted to include security provisions within this bill, it is anticipated that the Congress will be considering further security recommendations and enhancements as the Gore Commission continues its work.

In addition to the provisions included in this bill, the conferees adopted a House provision which establishes an aviation safety task force. This task force will be required to submit a report to the FAA which sets forth a comprehensive analysis of aviation safety. This task force is not intended to duplicate the work of the Gore Commission. Rather, it is intended and anticipated that the safety study will build upon the experience and recommendations of the Gore Commission.

As this bill includes provisions relating to improving security systems throughout our air transportation system, it also includes provisions which ensure that the FAA's highest priority is air safety. Following the ValuJet tragedy, there was intense scrutiny of the FAA's mission in promoting air safety. Much of that attention focused on the so-called dual mandate of the FAA to promote air commerce and air safety. Both the Senate and House bills included provisions which would clarify that the FAA's highest priority is the promotion of a safe and secure air transportation system. This provision does not require any changes to the management, organization, or functions of the FAA. Rather, it corrects any public misconceptions that might exist that the promotion of air commerce by the FAA would create a conflict of interest with the FAA's safety mandate.

In addition, this bill includes provisions to assist the FAA in its safety mission by clarifying the way in which safety and accident information is classified by the National Transportation Safety Board. Under the provisions of the bill, the NTSB will develop a classification of accident and safety data in a manner that will provide clearer descriptions of accidents with air transportation. In addition, the NTSB is directed to widely disseminate this information. As we note in the conference report, one way in which this information could be widely publicized by the NTSB is through the Internet. I hope that once the NTSB develops the new classification system, it will consider placing its reports on the NTSB web page.

The conference report also includes provisions which direct the NTSB to take the lead in assisting the families of victims of air disasters. Recent experiences have demonstrated that it is of tremendous comfort for the families of victims to have someone addressing their concerns and needs. While the Senate bill included a provision on family assistance, the House bill did not. However, the House did consider and pass a separate bill, H.R. 3923. The conference report has adopted that bill as the basis for the provisions of the conference report. This section not only requires that the NTSB establish a program to provide family advocacy services, but also directs that all domestic air carriers submit their disaster plans to the NTSB. The NTSB will develop guidelines for such plans which are intended to serve as a guide to other air carriers.

Mr. President, this conference report is an omnibus aviation bill. In addition to the FAA reform provisions and reauthorization of the AIP program, it includes provisions on the sharing of pilot records; provisions on child pilot safety; strong provisions prohibiting airport revenue diversion; provisions relating to the Metropolitan Washington Airport Authority; and provisions which support and enhance the Essential Air Service Program.

There is one provision included in this conference report which concerns me and that relates to the creation of a pilot program for the privatization of airports. When we considered the FAA bill in the Senate, I expressed my strong reservations and objections to the privatization of airports. I am a strong opponent to the privatization of airports because I believe that it will result in the diversion of airport revenue and will harm air carriers and general aviation. In addition, many of these airports were built with substantial Federal funds. Despite my strong objections to privatization—and I might add, the strong objections of the Senator from Arizona—the conference report includes a pilot program for privatization. It is important to note that this is a pilot program for 5 airports.

At the insistence of the Senate, the pilot program includes a number of provisions which address the concerns about revenue diversion.

The pilot program will only permit long-term leases of commercial airports. The Secretary of Transportation must agree to the privatization plan and at least 65 percent of the air carriers must agree to the plan. This protects other air carriers at commercial airports where a dominant carrier may control 65 percent of the landed weight. That means that a dominant carrier cannot control the fate of an airport. While the pilot program permits AIP grants, it requires a 60-percent match of private money. The Secretary of Transportation can disapprove a plan if he finds that privatization would result in anticompetitive or unfair and deceptive practices.

I want to assure my colleagues that the inclusion of a pilot program for privatization in this conference report does not mean that this Senator's opposition to privatization has been lessened. We have made an accommodation to our House colleagues who strongly support this idea. We have compromised on this issue. That is what a conference committee is supposed to do—to fashion acceptable compromises so that legislation can be enacted. And in making those compromises, you have to give a little. And sometimes you have to accept things with which you may have opposed. Compromise is hard. As Henry Clay used to say, "Compromise is mutual sacrifice." Well, Mr. President, I may be somewhat bruised and hurt by this compromise, but this bill is too important to fail because of my opposition to privatization.

We have created a 2-year pilot program with many protections. We will have the opportunity to review whether this program truly brings new investment and capital from the private sector as the supporters of privatization claim. I want to assure my colleagues that I will be vigilant in my attention to the developments of this pilot program.

Overall, Mr. President, I believe that this conference report is an excellent bill for the FAA and for the entire aviation community. This conference report represents the bipartisan efforts on the part of the House and Senate, between Members and staff. Many long hours were spent to create this conference report. That hard work has produced a conference report that I am proud to support. I am proud of the work of our staff for their dedication to produce this conference report.

On a personal note, this is somewhat of a bittersweet moment for me. As many of my colleagues know, a year ago, my longtime aide and aviation expert, Martha Moloney, passed away after a very courageous battle with breast cancer. Many of the provisions of this bill include proposals that Martha and I considered and proposed for many years. I know that many of us miss her and her experience and advice. I am sure that she would be equally proud of the efforts that we have made today.

And if I may, I would like to dedicate this bill to her memory.

Mr. President, this bill truly is a must pass piece of legislation. It is a comprehensive and bipartisan bill that deserves the support of the Senate. In addition, the administration has been intimately involved in the development of this bill and strongly supports its provisions.

I urge my colleagues to join me in supporting adoption of the conference report.

Mr. President, I want to add a personal note to the discussion on the FAA bill. Yesterday, Senator STEVENS expressed his gratitude to David Hinson for all of his work at the FAA. David has worked hard to bring us a new FAA. He has worked hard to correct many of the past mistakes. New equipment is being installed and the system is being modernized. Without his thoughtfulness and devotion to aviation, many of the changes at the FAA would not have occurred.

I also want to thank Linda Daschle, the Deputy Administrator. Linda has spent her career in the aviation field, and the FAA has benefited from her experiences. There were many long nights and heated debates over this aviation bill. Throughout those negotiations, Linda kept pushing all of us forward. I may not have always agreed with her, but in the end, her strength and conviction wore us all out. Without her efforts, this bill would not be before this body today.

The staff of the FAA and DOT also must be thanked for all of their efforts. David and Linda are keenly aware of the dedication of the FAA staff. Steve Palmer and the DOT staff watched over us constantly, to make sure that all issues were address appropriately.

The Vice President's efforts also cannot go unmentioned. The President and Vice President are extremely interested in ensuring that the air traffic control system is modernized and that the system is as safe and secure as possible. We have worked with the President's and Vice President's staff throughout this process, and I appreciate the aid and advice provided.

Finally, I want to thank my House colleagues, who worked with us for many long nights to craft a compromise on critical Aviation issues. Mr. SHUSTER, Mr. DUNCAN, Mr. OBERSTAR, and Mr. LIPINSKI, and their staffs, are to be congratulated for a good aviation bill. I also want to note that Congressman OBERSTAR and I have waged a few wars together on the aviation front over the years. This time, but for one or two provisions, we had another good meeting of the minds.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Members of the Senate for taking this extraordinary step to make certain this important legislation passes and goes to the President. As I said many times, this is probably the most important bill to my State that we have considered in this Congress.

As the Senator from Kentucky just stated, I believe that we are indebted to the Administrator of the FAA, David Hinson, for constant, tireless work on this matter.

As a result of what we are doing, I announce to the Senate, in my office right now are the safety people who are going to carry out this new law and try to find a way to reopen the airport at my capital city of Juneau. There are many other airports that are going to be open because of the action we have taken and, above all, Mr. President, I think we can say to the American people that the skies will be safer. There will be competent people in charge of disasters, should they, God forbid, occur again, and we will have a way to deal with people who are survivors of victims of air crashes in the manner that the coalition of survivors has recommended to the Congress.

This is responsive legislation, and it is responsible legislation. I am grateful to the two managers of the bill, my good friend from Arizona, Senator McCAIN and Senator FORD and, of course, to the chairman, Senator PRESSLER, and the ranking member, Senator HOLLINGS, for their constant commitment to see to it that this Congress passes this landmark legislation for aviation.

The PRESIDING OFFICER. Is there further debate?

Mr. McCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H.R. 3539, the Federal Aviation Administration Reauthorization Act. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri [Mr. BOND], the Senator from Indiana [Mr. COATS], the Senator from Texas [Mr. GRAMM], and the Senator from New Hampshire [Mr. GREGG] are necessarily absent.

I also announce that the Senator from Colorado [Mr. CAMPBELL] is absent due to illness.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—92

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frahm
Frist
Glenn
Gorton
Graham
Grams
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—2

Simon
Specter

NOT VOTING—6

Bond
Campbell
Coats
Gramm
Gregg
Leahy

The conference report was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THANKS TO THE PRESIDING OFFICER

Mr. LOTT. Mr. President, I thank the Presiding Officer [Mr. WARNER] for the way in which he has presided over the last couple of hours. It could have been a very tense time. He kept order and helped us to get through the very important final actions of the Senate.

THE FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION BILL

Mr. SPECTER. Mr. President, I have sought recognition to comment on the three votes which we have had today, and to express my very deep concern about the precedents which the Senate has established in attaching to a conference report a highly controversial provision which was not subjected to hearings, or analysis, or the legislative process, and which was rammed through here today without real due process or a real legislative process.

What has happened here—this is somewhat esoteric for someone who may be watching on C-SPAN II—is that the Federal Aviation Administration bill was passed by the House and Senate, and then it went to conference.

In the conference there was an addition of a provision to determine which Federal labor agency would have jurisdiction over express companies. That provision was added into the conference report without having been considered by either the House or the Senate. It was not considered in hearings, it was not considered in debate, and it was not voted on, but it was in effect rammed through, and has become law because it was attached to a bill which has some $8 billion of Federal airport expenditures—a matter of enormous importance for America generally, and a matter of enormous importance for my home State, Pennsylvania—which has so many airports involved with this necessary funding that comes out of the aviation trust fund.

It does not add to the deficit. It does not come out of general revenues. It is paid for out of an airport trust fund. But what we have done today, I would suggest, is a very, very serious perversion of Senate procedures. What can happen in the future is that under the overruling of the ruling of the Chair, any measure can be added in any conference report at any time, and if the conference report overall touches a subject of sufficient importance it will outweigh a provision which has been added without appropriate consideration.

I voted against cloture—that is, I voted against cutting off debate on the underlying bill—because it seemed to me that provision required analysis, consideration, and debate. It affects thousands of jobs in Pennsylvania because it could determine which agency will govern the issue of labor matters and labor certification, and which representation will be in effect.

It was represented that it was a mistake that it was left out before. I am skeptical about that, Mr. President because we have that representation made all the time. It was represented that it would only apply to one company. Well, that may be one company too many, if it is a bad provision not subjected to analysis, debate, nor hearings in our regular legislative process. But on the face of that provision, it is entirely likely and highly probable that the provision will apply to many companies. And, therefore, I voted against cutting off debate.

Then on the issue of overruling the Chair, the Chair ruled that this provision should not have been in the bill under Senate rules. The Senate overruled the Chair by a vote of 56 to 39. There is talk that we can change the rule. But any time we have set a precedent in this body on allowing an extraneous measure to come in on a conference report, that is a precedent of overwhelming importance. Any time 51 Members think that the matter is so important that it ought to be passed to disregard the rules and the procedure, there is a precedent which has been established.

It is very important to proceed in a principled way, and we have not done that here.

I feel so strongly about that, Mr. President, that I voted against the overall bill. Only two Senators voted against the measure on final passage—Senators SIMON and ARLEN SPECTER. If we do not follow the rules and don't proceed in a principled way, we are doing serious damage to the institutions and procedures which are set up not for one special case but to govern our conduct generally.

I think it is especially important because this breach of our rules comes within 3 days of our passage of the omnibus appropriations bill where again we breached the rules. The Constitution calls for a separation of powers. It calls for the Congress to legislate on appropriations, and submit appropriations bills to the President for his consideration. If he signs it, it is law. If he vetoes it, the Congress can override the veto by a two-thirds vote. But that wasn't done on the omnibus appropriations bill.

The President's Chief of Staff, Leon Panetta, sat in on the deliberations and negotiations with the Congress, which is a serious constitutional breach. The President had delegated to the Chief of Staff authority to act for the President. What Chief of Staff Panetta said became the President's conclusion, but the President does not have the authority to delegate his responsibility under the United States Constitution.

In the end, that was an important bill. It had provisions for funding for education, which I supported; provisions for funding for Health and Human Services, which I supported; provisions for funding workplace safety, which I supported—all of which come under the jurisdiction of the subcommittee which I chair, the Subcommittee on Labor, Health, and Human Services.

I think, Mr. President, as we rush to leave Washington that we are setting some very bad precedents and creating some very bad rules. I was one of, I think, 14 Senators to vote against the omnibus appropriations bill because I thought we were doing violence to the U.S. Constitution. We did that because we couldn't move through the legislative process in due course. Extraneous amounts were added, something I spoke to at length last Saturday and on Monday. So I shall not repeat it here. There are other colleagues waiting to speak. But these rules are established.

I believe that the most precious gift America has is the U.S. Constitution. That sets the framework for our Government. Then we establish rules for our courts—our civil courts and our criminal courts. And we establish rules for the Congress. They are established in order to give due process. They are established in order to have a measure introduced, analyzed, and subjected to hearings where people can come in on both sides, testify. Then we can make an informed judgment. But when that is not done and when we violate those rules, we put our entire system at jeopardy. And that is wrong.

That is why I was one of the few Senators voting against the omnibus appropriations bill, and one of only two Senators voting against this Federal Aviation Administration bill, recognizing the importance to my home State of Pennsylvania and to the entire country.

Mr. SPECTER. I thank the Chair.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, the Senate now has a few other items that must be considered prior to the adjournment sine die. Most important of these, of course, is the Presidio parks issue, and the adoption of the adjournment resolution. I understand that there is no Senator that now has requested a vote on either of those, either the Presidio parks bill or the adjournment resolution.

With that in mind, there will be no further votes for the remainder of the 104th Congress. We hear some celebration on that.

I want to thank Senators who have been involved in that parks legislation, and the Senator from Alaska, particularly. He is very anxious to get that completed. He has worked hard at it. It has not been easy for him. He has made major concessions. But we were able to reach an agreement this morning that he can accept and the administration can accept, and that all Senators are comfortable with.

I thank the distinguished assistant majority leader, DON NICKLES, for his effort and time in this.

Mrs. BOXER. We are not finished quite yet on that.

Mr. LOTT. We are not quite finished. We are working at this very moment. And I think that is appropriate. The Senator from New Jersey and the Senator from California are here still working on this. We should get it done, and complete all of our action.

THE 105TH CONGRESS

Mr. LOTT. Mr. President, Senators should be aware that the 105th Congress will convene at noon on Tuesday, January 7.

There had earlier been an indication that we would not need to do that on the 3d. But we have made a change and have agreed that it will be January 7 immediately following the swearing in of the newly elected Members of the 105th Congress.

A live quorum will occur. All Senators are requested to be present for this live quorum on January 7.

Also, Senators should be aware that Congress will count the electoral votes in the House Chamber at 1 p.m. on Thursday, January 9.

THANKS TO COLLEAGUES

Mr. LOTT. Mr. President, I thank all of my colleagues for their cooperation throughout this Congress. It has been quite a learning experience for me as the majority leader. But I have learned a great deal, and I had a lot of cooperation from a lot of Senators.

I thank the Democratic leadership, Senator DASCHLE and Senator FORD for their cooperation, and our leadership over here.

There has been a lot of patience all around. I thank them for that.

LEADERSHIP ELECTIONS

Mr. LOTT. Mr. President, also, one final note: Leadership elections for the 105th Congress will take place on Tuesday, December 3, and organizational and orientation meetings will occur throughout the day on Wednesday, December 4.

So we will have the organizational meetings December 3 and 4, and we will reconvene on the 7th of January for the necessary swearing in and for the counting of the electoral college votes then on the 9th.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I thank the Chair.

CONGRATULATIONS TO THE LEADERSHIP

Mr. DODD. Mr. President, let me congratulate the leadership as well on the conclusion of the 104th Congress. And, once again, to all of our retiring Members, I wish them all the very best in the coming years.

HARTFORD PRESIDENTIAL DEBATE

Mr. DODD. Mr. President, this coming Sunday, the eyes of 75 to 80 million Americans will be squarely focused on the city of Hartford and the State of Connecticut as they host the first Presidential debate of the 1996 campaign between President Clinton and Senator Dole.

For Hartford and the people of my home State of Connecticut the unique opportunity to host this debate is both a great honor and a significant economic and cultural shot in the arm. I salute all those in the Hartford community who have played integral roles in bringing the Presidential candidates to our capital city.

In particular, I want to commend the Bank of Boston, Phoenix Home Life Mutual Insurance, Trinity College, and Southern New England Telephone played critical roles as the four founding sponsors of the debate.

In addition, Daniel Papermaster, who has labored tirelessly to bring a Presidential debate to Hartford, deserves special praise. Without his persistent efforts, this debate would never have become a reality.

For Hartford, the Presidential debate provides a remarkable opportunity to give the city a much needed boost of civic and community pride.

Certainly, no one would disagree that our city has seen rough times of late. And, the debate's impact on our community will be sizable.

It's estimated that the event may pump as much as 4 to 5 million dollars into the local economy.

What's more, 2,500 journalists from around the world will be descending on Hartford and will, in many cases, have their first opportunity to see the sights, meet the people, and experience the hospitality of our Connecticut and Hartford.

Most of all though, the coming Presidential debate is sparking a renewed sense of community spirit that will live on long after our visitors have said goodbye Sunday night or Monday morning when they leave the State.

But, as proud a moment as this is for the people of Connecticut it is also a critically important one for our Nation's future and our political process.

In our political process, there are few events as singular and unique as Presidential, and Vice-Presidential, debates.

Since these are the only two elected offices on which all 265 million Americans cast their ballot, Presidential and Vice-Presidential debates provide the American people a platform and context for choosing not just a political leader, but a governing philosophy for America's future.

Now, as every Member of this body knows, our Nation has a long and proud history of political debate.

More than 200 years ago, our founding fathers gathered in Philadelphia to debate, discuss and finally establish what they believed to be a "more perfect union." Some 80 years later our Nation's greatest leaders gathered for some of the most storied and significant oration in American history.

From the Lincoln-Douglas debates of 1858 to the famous Breckinridge/Baker Senate debate of 1861, which one commentator called "perhaps the most dramatic scene that ever took place in the Senate Chamber" American leaders intensely pondered the issue of slavery and the future of a divided nation.

In 1960, this proud legacy entered the TV age with the Nixon/Kennedy debates which set the stage for one of the most closely contested elections in our Nation's history and for the past 20 years, Presidential debates have become an autumnal tradition—an opportunity for voters to not only listen to the views of the Presidential candidates, but to come together as a nation and as a people, participating in America's vibrant political discourse.

Debates are so enshrined in our political process that for a significant portion of the American electorate they are the most important source of information for making their decisions on election day.

The events of this Sunday will be no different. If anything, they may be even more significant.

President Clinton and Senator Dole meet in Hartford against the backdrop of great technological and social change in our Nation. What's more, both men come to this debate with very different proposals and divergent beliefs for the future.

On Sunday night, when the American people gather around their televisions, they will witness not simply a competition of candidates, but a contest of ideas.

That contest of ideas will be waged by two men who may be among the most skilled debaters in American politics.

I have heard a great deal of talk in the past few weeks about our former colleague's supposed lack of rhetorical skill. Even the candidate himself has intimated that he lacks the oratorical ability to be on the same stage with President Clinton and that by just showing up in Hartford he would in fact be the victor.

Mr. President, I served in this Chamber for 16 years with Bob Dole. I have great admiration for him as a person and as a public official, and I have even higher admiration for his debating skills. Republicans are certainly not talking about someone I am familiar with when they suggest that Bob Dole lacks the ability to debate an opponent. In my time here as a Member of this body, I have never ceased to be impressed by Bob Dole's debating skills. He is a smart and experienced debater, who understands public policy issues as well, as any Member that I have encountered in public life. What is more, he has been a candidate for national office four times, once for the Vice Presidency and three times for President. He weathered a difficult and trying debate season in the Republican primaries. All told, he has held 13 debates with other candidates for national office.

I should also point out he was the chairman of the Republican National Committee back in 1972. Having held a similar position in my own party these past 2 years, I know how difficult that job can be, because of the numerous times that you must debate your opponents. In fact, one might wonder if it is Bob Dole and not Bill Clinton who has the advantage coming into Sunday's debate given the tremendous experience that our former colleague, who served in Congress for 35 years and for many years as minority and majority leader, has in rhetorical skills.

If anything, the American people should be extremely grateful to witness a debate between two candidates with such evenly matched debating skills and a similar understanding of the issues.

Not for a second do I doubt Senator Dole's ability to debate on a level playing field with President Clinton. If anything, I think his troubles will come more from trying to defend his economic policies and his votes against the Brady bill, family leave, and in support of cutting Medicare, Medicaid, education, and the environment. But that is another story. Certainly all of us look forward to the world tuning into Hartford, CT, on Sunday night to witness the first Presidential debate of the season, and we wish both of our candidates well in that process.

Mr. President, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the Chair.

RETIREMENT OF SENATOR CLAIBORNE PELL

Mr. KERRY. Mr. President, as we approach the end of this Congress, I wanted to take a moment to say a few words about one colleague in particular, and I will add to these comments later and say a few words about a number of our other retiring colleagues. I will lead off my tribute to those who retire saying a few words about one of the U.S. Senate's finest members, and that is the senior Senator from Rhode Island, Mr. PELL.

I have had the honor of serving with Senator PELL on the Foreign Relations Committee more than 12 years that I have been here, and I have been impressed by his extraordinary breadth of knowledge about international affairs, but more than that by the special demeanor of this colleague of ours. He is a man who is deeply committed to the development of a bipartisan foreign policy, one which promotes not only America's needs and interests but also Democratic values and humanitarian traditions. He has been both chairman and ranking minority member, and Senator PELL has always been courteous, solicitous of views of other members, determined to work toward a policy that we all could support even when the differences were extremely deep. He never abandoned his gentlemanly manner and often he succeeded in following the dictum that he used to give his staff throughout the years, which was, "The best way is to let the other fellow have your way."

Senator PELL's accomplishments in the areas of foreign policy are many and far-reaching. I will highlight just a couple of them. He was present at the creation of the United Nations, having served on the International Secretariat at the San Francisco conference which drew up the U.N. Charter. His commitment to the United Nations was really symbolized by the fact that he always carried the U.N. Charter in his pocket, though he really did not need to because he could tell anybody what it said.

Senator PELL's belief in the United Nations reflects his long-held belief, part of which came from his exposure in the Foreign Service, both through his father as well as his own service in the Foreign Service, that problems ought to be resolved through diplomacy and negotiation rather than through the barrel of a gun.

When I came before the Foreign Relations Committee 25 years ago this year to testify against our involvement in Vietnam, he gave me much welcomed support at that time and even then invited me to join him in the Senate. It was my first invitation and probably the best I ever received. I will always appreciate the fact that he was on the dais that day and that he understood and shared our views about the war.

In view of Senator PELL's steadfast opposition to armed conflict as a means of achieving our national interests, it is not surprising that he has always been one the Senate's foremost arms control advocates. He has been instrumental in negotiating several arms control agreements, including the Environmental Modification Treaty and the Seabed Arms Control Treaty. He was at the forefront of the effort to create the Arms Control and Disarmament Agency, and in 1994 he authored legislation to strengthen and revitalize that agency to meet the growing challenges in arms control and nonproliferation. He led the fight in the Senate's passage of treaties such as the Intermediate Range Nuclear Forces Treaty, the Threshold Test Ban Treaty, the Peaceful Nuclear Explosions Treaty, and START I and II. He shepherded these treaties successfully through the Senate and today the United States is party to all of them.

Senator PELL's achievements in the realm of foreign affairs are paralleled by numerous accomplishments in the domestic area. He left his mark on the arts, particularly through his sponsorship of legislation to establish the National Endowment for the Arts and the National Endowment for the Humanities, on the area of high-speed transportation and on the environment. Besides his many years of work on the law of the sea, he was also the Senate author of the National Seagrant College and Land Act, legislation which brought much needed money not only to the University of Rhode Island but also to universities in other coastal States such as my own. He was the driving force behind the Federal legislation to help crack down on drunk driving.

Thanks to CLAIBORNE PELL, thousands of young Americans today go to college on Pell grants. His love of education and of those seeking to be educated are epitomized by the annual picnic that he holds at his home for all the students from Rhode Island who are here at college, and come rain or shine or votes on the Senate floor, Senator PELL and his wife, Nuala, are always there to greet the students and show them a little bit of the friendly hometown side of Washington. Senator PELL has always had his personal and committee staffs present so that students could learn from them.

Throughout his years in the Senate, Mr. President, CLAIBORNE PELL has served the people of Rhode Island ably and diligently, and I think all of our colleagues have been deeply impressed by the personal affection that so many Rhode Islanders have shown to Senator PELL. That is not only reciprocation for the affection he has clearly shown for them but it reflects his longstanding tradition of never closing his door to any Rhode Islander who wished to meet with him.

Senator PELL has now decided that the time has come to leave the Senate and undertake new challenges. I for one will miss him, as I know many of my colleagues will. He brought great grace and charm to whatever he did here, and I know that everyone believes we have lost a true gentleman whose accomplishments are in the highest tradition of the Senate.

I yield back whatever time I have.

The PRESIDING OFFICER. The Senator from Oregon.

THE EXTRAORDINARY SERVICE OF SENATOR MARK O. HATFIELD

Mr. WYDEN. Mr. President, I have decided to wait until the end of the session to take a few moments to talk about the extraordinary service of our senior Senator, MARK O. HATFIELD, because in a very real sense, it is almost impossible for citizens in our State to imagine that MARK O. HATFIELD is not involved in a public way in service to our State.

His career has been truly extraordinary. I was 2 years old when Senator HATFIELD began his remarkable service to the people of our State. At that time he was a State legislator. He moved quickly through leadership positions in our State—State senator, secretary of state, Governor—and his career has been marked by several qualities that I think have been so important in public service and that he will always be remembered for, not just by the people of our State but by the people of our country.

When Senator HATFIELD ran in his first campaign for the Senate, it was after there had been a great debate among the citizens of our country and the Governors. Senator HATFIELD was the lone voice of dissent in his party with respect to the Vietnam war. When he ran for the Senate, billboards were put up at that time with just one word, and that word was "courage." If there has been anything which has marked Senator HATFIELD's service to the public, it has been courage; not just on issues with respect to peace, but, again and again, Senator HATFIELD was the one who would tell both political parties, both Democrats and Republicans, "You are not going at it the right way. There is a better approach." That is true, whether it was national service or the motor voter program—just a couple of examples of recent vintage where he has bucked the tide in his party—or numerous other instances. It is always possible to see that courage in MARK O. HATFIELD. We know that courage is always a trait that will be important to the people of our country and to the people of Oregon.

In addition to those special votes and public acts that showed great courage, Senator HATFIELD is also known for his effort to bring civility to politics. Maybe we call it the second "C" in terms of what is important for politics in the next century. Courage is important, but so is civility.

In our State as well as in the Halls of Congress, it is well understood that when there is a serious problem and tempers are short, Senator HATFIELD has been the one who has been able to bring parties together, been able to find common ground and find a solution simply because he refused to lose his temper, refused to yield to the pressures of the moment. I hope others will try to emulate those special qualities of civility that Senator HATFIELD has brought to his service.

There are several substantive areas that I would like to mention because they are important to the people of the Northwest, but I think they are important to our country as well. The first is that, as we seek to balance the budget—and we all understand that, as citizens at home have to balance their budgets, they have made it crystal clear they want the Federal Government to balance its budget—we still have to figure out a way to make a handful of key investments in our future while we still move to balance the budget. That is what Senator HATFIELD's service on the Senate Appropriations Committee has been all about. It is to try to figure out ways to keep the deficit down, to get us to a balanced budget, while at the same time making that small number of key investments in transportation, in education, in communications that really will pay great dividends for our country. The spirit of the West and the history of the West has been that private investment has always followed those well-targeted public investments, and that is what Senator HATFIELD has tried to do in his service on the Appropriations Committee.

Let me also add that he has brought an approach in that service to try to reward imagination and creativity in government. We are especially proud of the pioneering work that we have done in our work on the environment and with our Oregon health plan. This session, Senator HATFIELD led the effort to get our innovative welfare reform proposal approved. I think it is important to stress that, in his service on the Appropriations Committee, what he has always tried to highlight is the importance of rewarding States, private citizens, and communities that are willing, as has been the Oregon tradition, to get out in front, to take a bold approach, to try to break out of the old ways of doing business. I think it is especially important that this Senate follow that approach in the days ahead.

Let me say in concluding, in his departure from the U.S. Senate, MARK O. HATFIELD leaves a lasting and inspirational model for all citizens, regardless of party, who aspire to public service. I am going to miss his advice and counsel. His service is going to be greatly missed by the people of Oregon and by the country.

We wish him and his wife Antoinette the best for the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Missouri, observes the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RETIREMENT OF MANY GOOD FRIENDS

Mr. STEVENS. Mr. President, I have come to the Senate to make some comments on a sad occasion, as I witness the retirement of many good friends.

For instance, Senator MARK HATFIELD came to the Senate just 2 years prior to my arrival. We served in World War II during the same period, 1943–1946.

As a matter of fact, at one time we compared notes and we decided jointly he was probably the commander of a Navy vessel that was in Tsingtao Bay, China, when I flew into Tsingtao at the end of the war.

After the war, MARK became a college professor who displayed a great deal of independence. I have a photograph that I gave him a copy of the other day which was of MARK HATFIELD, when he was Governor of Oregon, John Tower, when he was just a new Senator from Texas, and I when I was a candidate for the Senate. It was when we met up at a conference former President Eisenhower held in Gettysburg. We have shared a great many concerns as Senators from Western States, and Senator HATFIELD has been very helpful to me over the years I have served as one of Alaska's first Senators.

I was actually the third Senator to represent my State and as a Western Senator and former Governor, he has been very helpful to me throughout the time we have served together. We went to the Appropriations Committee on the same day, and I have served with him as he has been chairman of that committee during the eighties and, again, during this Congress.

It has been a great privilege to serve with him. I have had the role on the defense side of the Appropriations Committee, and he has been very kind to me in allocating the funds necessary to fulfill that responsibility.

He was the author of a compromise in 1980 of great importance to my State on the issue of subsistence for rural people in Alaska. It has been a very controversial compromise, but without that compromise, the bill that allowed Alaska and Alaska Natives to go forward with the selection of their lands would not have passed. It was a difficult situation through the 7 years of debate on what we call the D–2 legislation, and Senator HATFIELD was on the Interior and Insular Affairs Committee at that time and served as an Alaska surrogate, really, in many ways.

I have cherished my relationship with Senator HATFIELD and his wife, Antoinette. We have really shared many private occasions together and visited each other's homes. It is the kind of friendship that is hard to witness coming to an end.

Now it is my hope that I will become chairman of the Appropriations Committee next year. He has left a great mark on the Senate in his terms as chairman of the Appropriations Committee and also when he was the ranking member.

I know that the Senate joins this Senator in wishing MARK and Antoinette Hatfield farewell as they return to their native State, and we hope they have many fine years there.

I am certain MARK HATFIELD is not going to retire. We will hear from him again and again as he pursues his former career as a professor and is involved in educating the people of his State, particularly in sharing with them the knowledge he has gained in the Senate.

Another Senator I find it hard to say goodbye to is Senator SAM NUNN. SAM came to the Senate in 1972. He had been a member of the U.S. Coast Guard prior to becoming a Senator. He has had a consistent commitment to our military forces and to a strong national defense. We have traveled together on many occasions throughout the world attending NATO meetings and, in particular, I remember the trips that we took into the Persian Gulf during the Persian Gulf war.

Actually, we have not talked too much about it, but Senator NUNN, Senator INOUYE, Senator WARNER and myself were in the Israeli defense ministry one night when it was subject to attack by Scud missiles from Iraq. It was a very memorable occasion.

The next morning, we went out to look and see what happened to that Scud, and it had fallen short of coming into the center of Tel Aviv. We were fortunate. Those who lived in the homes where it fell were not that fortunate. But we both remembered the Patriot missile system and its deployment to Israel. Had it not been there, I am confident Senator NUNN and I would have departed the Senate much earlier.

I also thank he and Senator HATFIELD for the many wonderful mornings we have had together at the Senate prayer breakfast. And like my friendship with Senator HATFIELD, my wife, and I have had a wonderful relationship with Colleen Nunn and SAM, and have also joined them at their home for private occasions. It has been the kind of relationship, as I said, that is very difficult to see come to an end. I spoke to Senator NUNN as he was leaving here, and I know we will see him again and again.

Senator KASSEBAUM has decided to retire. She brought to the Senate a legacy established by her father who had been a candidate for President in the thirties.

After coming to the Senate, Senator KASSEBAUM became the first woman Senator to chair a major Senate committee. Senator Margaret Chase Smith chaired a special committee back in the fifties, but NANCY KASSEBAUM was the first to chair a permanent committee, and demonstrated to the Senate the real skill and capabilities of a woman Senator as she chaired her committee and used her soft-spoken approach. I find that her approach works very well, particularly since we know her as a very tough, resilient negotiator. Whether she is an opponent or ally, depending upon the issue at hand, she is well known for her skills as a mediator, and we all admire her very much.

As chairman of the Labor and Human Resources Committee, she brought to us on a bipartisan basis the best possible health care insurance legislation we could have, and she was very effective as part of the Republican health care task force as we studied for over 3 years the problem of our health care and health insurance systems.

I know her deep interest in education legislation, and she has repeatedly helped us in Alaska with the various problems we face because of the rural nature of our State and the real demands on our State and local governments for job training programs.

I recall very pleasantly NANCY KASSEBAUM's trip to Alaska, and we hope that she will return and visit us again and again.

Her deep interest in aviation product liability legislation brought us changes in that area of the law so that we hope we will, once again, start having small planes constructed in the United States of the type that we very much need in Alaska.

I know that she has indicated she is leaving to spend more time with her five grandchildren. I have to tell the Senate, I think we will see her most in airports, because one of her grandchildren lives in South Carolina, three live in Connecticut and one lives in Kansas. Our great lady Senator has a good reason in her grandchildren to travel the country, Mr. President.

She has been a good friend, and Catherine and I are sad to see her leave, also.

Senator EXON came in 1978, a year that I also was candidate for reelection, and in that year we also had the disastrous air crash that the Senate knows of in which I lost my first wife.

It was following that time that Senator EXON, having served in the Army in World War II and in the Army Reserve for many years, became one of my traveling companions, in the early 1980's, as I was chairman of the Defense Appropriations Subcommittee, and we went to many different meetings that related to the defense of our country and with the defense establishments of other nations.

I have to say, however, Senator EXON's fame in my State was overshadowed by his wife, Pat, who is a much better fisherman, I mean fisherwoman; in my State we say "fisherperson" now. When they came to Alaska we enjoyed having them with us. I note, now that he is leaving the Senate, he may be able to come up and meet the challenge and be able to leave a little bit better record and surpass the records established by his wife when she was fishing with us in Alaska.

In terms of a Senator whom I have known for many years, Senator ALAN SIMPSON—I actually met him before he came to the Senate, as the son of the late Senator Milward Simpson. He was very active in Wyoming affairs, and prior to being here in the Senate, I remember meeting him at a Republican event in Wyoming. I have gotten to know him very well since he has been in the Senate.

Senator ALAN SIMPSON has served the Senate as the Republican whip longer than any Senator in our history. He served 10 years. As a westerner with particular understanding of the problems that are experienced by those of us who come from the West, he represented us very well with his knowledge of small population, public land States. With his very quick wit and his pithy observations of the circumstances that we face, he has always been able to find a solution that was acceptable to the Senate on issues that affected our Western States. He has generated a bipartisan solution in many instances when many of us thought there was no way out. It has taken real courage on his part in many instances to find that bipartisan solution.

The Senate has witnessed that just recently in the immigration issue. Knowing his departure was coming upon us, many of us have worked with him long and hard to try to help him achieve his goal of the passage of sound legislation in the immigration field.

We wish him and Ann, his lovely wife, the very best as they now return to Wyoming and to other endeavors. ALAN SIMPSON is also a person we are going to hear more about.

The PRESIDING OFFICER. The Chair informs the Senator that the Senator's time has expired.

Mr. STEVENS. Mr. President, I ask unanimous consent that I continue until someone comes. There is another Senator here. I will continue my comments later. Thank you very much.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

SENATOR BRADLEY'S SPEECHES

Mr. BRADLEY. Mr. President, the Senate floor is a place where speeches are made, sometimes longer than they should be, sometimes shorter than they should be. I have made my share of speeches on the Senate floor in the last 18 years. But a Senator is also called upon to speak off the Senate floor in gatherings in his or her State and in sites across the country.

I have often thought of the Senate speech as a form of communication, as a way of educating, as a way of leading. I have tried to do that on the Senate floor. In the last 2 years, we have had a number of restrictions that have made this kind of speech that I would give, which would be a very lengthy speech, more difficult in morning business as we have 10-minute time limits. For that reason, in the last 2 years I have given a number of speeches that have not been reflected in the RECORD but have been given at other forums across the country.

I believe that these were speeches that I worked on as a Senator. These were speeches that I thought about as a Senator and delivered as a Senator. Therefore, I believe that it is important that I share them with the Senate and for the RECORD. I see the Chair twitching a little bit. He need not worry that I am going to deliver all these speeches at this moment.

I would like to submit for the RECORD a speech called "America's Challenge: Revitalizing Our National Community," "After the Revolution: Rethinking U.S.-Russia Relations," "Race Relations in America: The Best and Worst of Times," "Harry Truman: Public Power and the New Economy," and the speech to the National Association of Radio Talk Show Hosts on the occasion of the Freedom of Speech Awards Gala Dinner. I ask unanimous consent that all of these speeches be printed in the RECORD and that they be my last official act as a U.S. Senator on the floor of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICA'S CHALLENGE: REVITALIZING OUR NATIONAL COMMUNITY

(By Senator Bill Bradley)

Two nights ago I attended a dinner in St. Louis, Missouri to honor former U.S. Senator Jack Danforth. Fifteen Senators from both parties attended along with several thousand Missourians. Nearly a million dollars was raised for an organization called Interact, to which Jack Danforth will dedicate much of his post-Senate energies. The organization's charter is to coordinate efforts by the religious community in St. Louis to support programs which will improve the life chances of inner-city, predominately African children.

When I left Missouri for college back in 1961 the number of children in St. Louis born to a single parent was 13%; now it is 68%. Among black children it is 86%. Senator Pat Moynihan points out that this social crisis is taking place across the North Atlantic world (English out-of-wedlock births are 31%, and in France, 33%) and Jack Danforth has waded into this crisis in hope of developing a strategy that can turn these tragic numbers around.

I begin with this story because Jack has chosen to leave government to tackle one of the nation's most intractable problems and he has chosen to do it through institutions of religious faith. His efforts may offer us a fresh perspective on our commitment to address not only single parenthood in poor neighborhoods, but what is happening to our sense of family and community in suburbs, cities and small towns across America.

Never in American history has a new vision begun in Washington. Never has it been the sole property of either political party. In fact, to initiate a frank discussion of our current American condition requires us to throw off many of the barnacle-encrusted categories with which we are accustomed to talking about this nation's problems. This could seriously disrupt the respective moral allegiances and political turfs of both the Democrats and Republican parties. I would like to start making that disruption happen, for out of such ferment might emerge the fresh ideas of a better American future.

Our contemporary political debate has settled into two painfully familiar ruts. Republicans, as we know, are infatuated with the magic of the "private sector", and reflexively criticize government as the enemy of freedom. Human needs and the common good are best served through the marketplace, goes their mantra.

At the other extreme, Democrats tend to distrust the market, seeing it as synonymous with greed and exploitation, the domain of Jay Gould and Michael Milkens. Ever confident in the powers of government to solve problems, Democrats instinctively turn to the bureaucratic state to regulate the economy and to solve social problems. Democrats generally prefer the bureaucrat they know to the consumer they can't control. Of course, both parties are somewhat disingenuous. Neither is above making self-serving exceptions. For example, Republicans say they are for the market, but they support market-distorting tax loopholes and wasteful subsidies for special interests as diverse as water, wheat, and wine. Then there are the Democrats who say that they want an activist government but won't raise the taxes to fund it or describe clearly its limits or its necessity. Still, these twin poles of political debate—crudely put, government action versus the free market—utterly dominate our sense of the possible, our sense of what is relevant and meaningful in public affairs. Yet, the issues that most concern Americans today seem to have little direct connection with either the market or government. Consider the plague of violence, guns, and drugs; the racial tensions that afflict so many communities; the turmoil in public education; the deterioration of America's families.

Today I will suggest that any prescription for America must understand the advantages and limits of both the market and government, but more importantly, how neither is equipped to solve America's central problems; the deterioration of our civil society and the need to revitalize our democratic process.

Civil society is the place where Americans make their home, sustain their marriages, raise their families, hand out with their friends, meet their neighbors, educate their children, worship their god. It is the churches, schools, fraternities, community centers, labor unions, synagogues, sports leagues, PTAs, libraries and barber shops. It is where opinions are expressed and refined, where views are exchanged and agreements made, where a sense of common purpose and consensus are forged. It lies apart from the realms of the market and the government, and possesses a different ethic. The market is governed by the logic of economic self-interest, while government is the domain of laws with all their coercive authority. Civil society, on the other hand, is the sphere of our most basic humanity—the personal, everyday realm that is governed by values such as responsibility, trust, fraternity, solidarity and love. In a democratic civil society such as ours we also put a special premium on social equality—the conviction that men and women should be measured by the quality of their character and not the color of their skin, the shape of their eyes, the size of their bank account, the religion of their family, or the happenstance of their gender.

What both Democrats and Republicans fail to see is that the government and the market are not enough to make a civilization. There must also be healthy, robust civic sector—a space in which the bonds of community can flourish. Government and the market are similar to two legs on a three-legged stool. Without the third leg of civil society, the stool is not stable and cannot provide support for a vital America.

Today the fragile ecology of our social environment is as threatened as that of our natural environment. Like fish floating on the surface of a polluted river, the network of voluntary associations in America seem to be dying. For example, PTA participation has fallen. So have Boy Scout and Red Cross volunteers. So have labor unions and civic clubs such as the Lions and Elks. In the recent "Mood of America" poll taken by the Gannett News Service, 76 percent of those surveyed agreed that "there is less concern for others than there once was." All across America, people are choosing not to join with each other in communal activities. One recent college graduate even volunteered sadly that her suburban Philadelphia neighbors "don't even wave."

Every day the news brings another account of Americans being disconnected from each other. Sometimes the stories seem comical, such as that of the married couple in Rochester, New York who unexpectedly ran into one another on the same airplane as they departed for separate business trips and discovered that each had, unbeknownst to the other, hired a different babysitter to care for their young daughter. Often the stories are less amusing, such as that of the suburban Chicago couple who, unbeknownst to their indifferent neighbors, left their two little girls home alone while they vacationed in Mexico. Or the story in New York City of the murder of a young woman in a running suit whose body went unidentified, unclaimed, and apparently unwanted for a week before she was identified by her fingerprints as a New Jersey woman wholly estranged from her family.

It is tempting to dismiss these stories as isolated cases. But I think they have a grip on our imaginations precisely because they speak to our real fears. They are ugly reminders of the erosion of love, trust, and mutual obligation. They are testimony to a profound human disconnectedness that cuts across most conventional lines of class, race and geography.

That is one reason, perhaps, that we love the television show, "Cheers." It is the bar "where everyone knows your name." How many of us are blessed with such a place in our lives? How many of us know the names, much less the life stories of all the neighbors in our section of town or even on several floors of our apartment building?

To the sophisticates of national politics, it all sounds too painfully small-time, even corny to focus on these things. After all, voluntary local associations and community connection seem so peripheral to both the market and government; both the market and the government have far more raw power. Government and business are national and international in scope. They're on TV. They talk casually about billions of dollars. In many ways the worlds of politics and business have de-legitimized the local, the social, the cultural, the spiritual. Yet upon these things lie the whole edifice of our national well-being.

Alongside the decline of civil society, it is a sad truth that the exercise of democratic citizenship plays, at best, a very minor role in the lives of most American adults. Only 39% of the eligible voters actually voted in 1994. The role formerly played by party organizations with face to face associations has been yielded to the media, where local TV news follows the dual credos, "If it bleeds, it leads, and if it thinks, it stinks," and paid media politics remains beyond the reach of most Americans. Whey only the rich, such as Ross Perot, can get their views across on TV, political equality suffers. The rich have a loudspeaker and everyone else gets a megaphone. Make no mistake about it, money talks in American politics today as never before, and no revival of our democratic culture can occur until citizens feel that their participation is more meaningful than the money lavished by PACs and big donors.

Then, there are the campaigns that we politicians run which short-circuit deliberative judgment. People sit at home as spectators, wait to be entertained by us in 30-second pre-polled, pre-tested emotional appeals and then render a thumbs up or a thumbs down almost on a whim. Outside the campaign season, we, the elected leaders, too often let focus groups do our thinking for us. Public opinion does not result from reasoned dialogue, but from polls that solicit knee-jerk responses from individuals who have seldom had the opportunity to reflect on Bosnia, GATT, property taxes or public education in the company of their fellow citizens.

From the Long House of the Iroquois to the general store of de Tocqueville's America to the Chautauquas of the late 19th Century, to the Jaycee's, Lions, PTA's and political clubs of the early '60s, Americans have always had places where they could come together and deliberate about their common future. Today there are fewer and fewer forums where people actually listen to each other. It's as if everyone wants to spout his opinion or her criticism and then move on.

So what does all this imply for public policy?

First, we need to strengthen the crucible of civil society, the American family. Given the startling increase in the number of children growing up with one parent and paltry resources, we need to recouple sex and parental responsibility. Rolling back irresponsible sexual behavior (sex without thought for its consequences), is best done by holding men equally accountable for such irresponsibility. Policy should send a very clear message—if you have sex with someone and she becomes pregnant, be prepared to have 15% of your wages for 18 years go to support the mother and child. Such a message might force young men to pause before they act and to recognize that fatherhood is a lifetime commitment that takes time and money.

And, given that 40% of American children now live in homes where both parents work, we have only four options if we believe our rhetoric about the importance of childrearing: higher compensation for one spouse so that the other can stay home permanently; a loving relative in the neighborhood; more taxes or higher salaries to pay for more daycare programs; or, parental leave measured in years, not weeks, and available for a mother and a father at different times in a career. The only given is that someone has to care for the children.

Secondly, we need to create more quality civic space. The most underutilized resource in most of our communities is the public school, which too often closes at 4:00 pm only to see children in suburbs return to empty homes with television as their babysitter or, in cities, to the street corners where gangs make them an offer they can't refuse. Keeping the schools open on weekdays after hours, and on weekends, with supervision coming from the community, would give some kids a place to study until their parents picked them up or at least would provide a safe haven from the war zone outside.

Thirdly, we need a more civic-minded media. At a time when harassed parents spend less time with their children, they have ceded to television more and more of the all-important role of story-telling which is essential to the formation of moral education that sustains a civil society. But too often TV producers and music executives and video game manufacturers feed young people a menu of violence without context and sex without attachment, and both with no consequences or judgement. The market acts blindly to sell and to make money, never pausing to ask whether it furthers citizenship or decency. Too often those who trash government as the enemy of freedom and a destroyer of families are strangely silent about the market's corrosive effects on those very same values in civil society. The answer is not censorship, but more citizenship in the corporate boardroom and more active families who will turn off the trash, boycott the sponsors and tell the executive that you hold them personally responsible for making money from glorifying violence and human degradation.

Fourth, in an effort to revitalize the democratic process, we have to take financing of elections out of the hands of the special interests and turn it over to the people by taking two simple steps. Allow taxpayers to check off on their tax returns above their tax liability up to $200 for political campaigns for federal office in their state. Prior to the general election, divide the fund between Democrat, Republican or qualified independent candidates. No other money would be legal—no PACs, no bundles, no big contributions, no party conduits—even the bankroll of a millionaire candidate would be off-limits. If the people of a state choose to give little, then they will be less informed, but this would be the citizens' choice. If there was less money involved, the process would adjust. Who knows, maybe attack ads would go and public discourse would grow.

Public policy, as these suggestions illustrate, can help facilitate the revitalization of democracy and civil society, but it cannot create civil society. We can insist that fathers support their children financially, but fathers have to see the importance of spending time with their children. We can figure out ways, such as parental leave, to provide parents with more time with their children, but parents have to use that time to raise their children. We can create community schools, but communities have to use them. We can provide mothers and fathers with the tools they need to influence the storytelling of the mass media, but they ultimately must exercise that control. We can take special interests out of elections, but only people can vote. We can provide opportunities for a more deliberative citizenship at both the national and the local level, but citizens have to seize those opportunities and take individual responsibility.

We also have to give the distinctive moral language of civil society a more permanent place in our public conversation. The language of the marketplace says, "get as much as you can for yourself." The language of government says, "legislate for others what is good for them." But the language of community, family and citizenship at its core is about receiving undeserved gifts. What this nation needs to promote is the spirit of giving something freely, without measuring it out precisely or demanding something in return.

At a minimum, the language of mutual obligation has to be given equal time with the language of rights that dominates our culture. Rights talk properly supports an individual's status and dignity within a community. It has done much to protect the less powerful in our society and should not be abandoned. The problem comes in the adversarial dynamic that rights talk sets up in which people assert themselves through confrontation, championing one right to the exclusion of another. Instead of working together to improve our collective situation, we fight with each other over who has superior rights. Americans are too often given to speaking of America as a country in which you have the right to do whatever you want. On reflection, most of us will admit that no country could long survive that lived by such a principle. And this talk is deeply at odds with the best interests of civil society.

Forrest Gump and Rush Limbaugh are the surprise stars of the first half of the '90s because they poke fun at hypocrisy and the inadequacy of what we have today. But they are not builders. The builders are those in localities across America who are constructing bridges of cooperation and dialogue in face to face meetings with their supporters and their adversaries. Alarmed at the decline of civil society, they know how to understand the legitimate point of view of those with whom they disagree. Here in Washington, action too often surrounds only competition for power. With the media's help, words are used to polarize and to destroy people. In cities across America where citizens are working together, words are tools to build bridges between people. For example, at New Communities Corporation in Newark, New Jersey, people are too busy doing things to spend energy figuring out how to tear down. In these places there are more barn-raisers than there are barn-burners. Connecting their idealism with national policy offers us our greatest hope and our biggest challenge.

Above all, we need to understand that a true civil society in which citizens interact on a regular basis to grapple with common problems will not occur because of the arrival of a hero. Rebuilding civil society requires people talking and listening to each other, not blindly following a hero.

I was reminded a few weeks ago of the temptation offered by the "knight in shining armor" when the cover of a national magazine had General Colin Powell's picture on it with a caption something like, "Will he be the answer to our problems?" If the problem is a deteriorating civic culture, then a charismatic leader, be he the President or a General, is not the answer. He or she might make us feel better momentarily but then if we are only spectators thrilled by the performance, how have we progressed collectively? A character in Bertolt Brecht's Galileo says, "Pity the nation that has no heroes," to which Galileo responds, "Pity the nation that needs them." All of us have to go out in the public square and all of us have to assume our citizenship responsibilities. For me that means trying to tell the truth as I see it to both parties and to the American people without regard for consequences. In a vibrant civil society, real leadership at the top is made possible by the understanding and evolution of leaders of awareness at the bottom and in the middle, that is, citizens engaged in a deliberative discussion about our common future. Jack Danforth knows that, and so do thousands of other Americans who have assumed their responsibility. That's a discussion that I want to be a part of. The more open our public dialogue, the larger the number of Americans who join our deliberation, the greater chance we have to build a better country and a better world.

RACE RELATIONS IN AMERICA: THE BEST AND WORST OF TIMES

(By Senator Bill Bradley)

Slavery was America's original sin, and race remains its unresolved dilemma. For the last year, three Black males have dominated the nation's focus on race. They are OJ Simpson, Louis Farrakhan and Colin Powell. Each in his own way fed America's appetite to live vicariously and to shrink from confronting our racial reality. Each said something different about the state of race relations in America. They allowed White Americans to either ridicule, demonize, or idealize Black Americans. The OJ case conveyed an almost irrevocable division between Blacks and Whites with the same disparate percentages of Blacks and Whites feeling he was guilty before and after the trial. Louis Farrakhan allowed Whites to attack the messenger rather than confront the part of his message about the desperate conditions in much of Black America. Colin Powell permitted White America to fantasize that an answer to our racial divisions amounted to no more than, "We like you; you do it for us."

Any person, Black or White, touched by the media becomes bigger than life so that, as with the latest athletic virtuoso, the rest of us become spectators. Little of the media attention on these men recognized the kind of work necessary for individual Americans, Black and White, to bridge the racial divide. In each of their stories, the media, with its need to oversimplify, was crucial in building them up or tearing them down or both in sequence. Each of them became more a symbol than a human being.

The real heroes, however, are not the ones that the media churns up and then discards. The real heroes are the parents who lead every day in their homes (as Barbara Bush said. "What happens in your house is more important than what happens in the White House"), and the citizens and community leaders who are not courting fame, but producing results, who give of themselves because they hold certain values about people in America.

For example, there were other African Americans this year—Anna Deavere Smith, Mark Ridley-Thomas, Kimberle Crenshaw and Harlon Dalton—who hardly made a ripple in our mass culture. If you know their names, raise your hand. Yet, each in his or her own way through art, government, writing and the law was confronting the hard facts of our reality and raising the deeper questions of race related to identity and to our common humanity. Anna Deavere Smith, a professor and playwright, was writing and acting the voices of Jews and Blacks in Crown Heights, New York and, in the work called Twilight: Los Angeles, finding rich strains of diversity in Black America itself as well as the words of White Americans who are part of the racial dialogue. L.A. city councilman, Mark Ridley-Thomas was conceiving, organizing and carrying out racial dialogues during some of the tensest race moments in Los Angeles' history. Law professor, Kim Crenshaw, through an analysis of the legal history of civil rights, was brilliantly revealing the attitudinal antecedent to today's White backlash against affirmative action and in so doing, asking us all if we really want to head down that road again. Finally, Harlon Dalton, author, singer, and professor, was challenging people of good will in both races to risk candor and build a new political vision that could dry up the fear and heal the wounds of racial division.

What each of them was saying in different ways was that the issue of race can never be a Black issue alone—not only because America is blessed by an abundance of Asian Americans, Latino Americans, and Native Americans, but because a racial dialogue cannot take place without White Americans becoming full participants. White Americans have a race too. Black separatists flourish where Whites shut their doors to dialogue and assume no responsibility for their own stakes in racial healing.

As America heads into a presidential election year and California confronts affirmative action in one of its ballot initiatives, the racial landscape of America seems full of land mines. Yet it is precisely at such moments of heightened awareness that we can make the greatest progress because it is at those moments that the necessary pain of candor can be endured and then transcended. So let us ask people who run for president to give us their pedigrees on race, including the real life experiences that led them to their present understanding. Let us urge them to step up to the subject regularly, not just when there is a racial explosion somewhere in America. Let us urge Republicans not to play the race card and Democrats to do more than the minimum to ensure a strong Black voter turnout. Above all, let both parties stop demagoguing the tragic issue of welfare, and start digging deeper into themselves about America's racial future. To expect less is to admit that our politics has failed us on one of America's most important issues.

So what is the state of Black-White relations in America? Both Black and White America are caught in a traumatic economic transformation in which millions of Americans feel insecure about their future and for good reason. There are 130 million jobs in America and 90 million of them involve repetitive tasks, which means that a computer can displace any of those jobs. In a world where credit departments of 300 people are routinely displaced by 10 computer workstations, more and more Americans will lose good paying jobs along with their health insurance and often their pensions, so that corporate profits can rise and productivity increase.

During the first six months of 1993, the Clinton Administration announced that 1.3 million jobs had been created, to which a TWA machinist replied, "Yeah, my wife and I have four of them." And indeed, over half of the newly created jobs were part-time.

If you're African American, you've seen it before. In the 1940s the cotton gin pushed Black field hands off the farms of the South and to the cities of the North. Labor-intensive manufacturing jobs seemed to be the Promised Land. Then automation arrived and the last hired were the first fired and millions of unskilled Black workers lost their jobs. Still, many hung on in the manufacturing sector. Then, with the advent of information technology and foreign competition, labor unions, such as the multiracial steelworkers saw their membership plummet from 750,000 in 1979 to 374,000 in 1990. Finally, in the 1960s and '70s, government began to employ African Americans in sizable numbers, but in the 1980s and 1990s, with the fiscal crunch in full progress, government employees were let go. In the midst of the information revolution, just as in the midst of any recession, tough economic winds become a hurricane for African Americans.

Many White Americans who have been caught in the cold winds for the first time feel disoriented. Many become easy prey for politicians who want to explain deteriorating standards of living by stigmatizing Black Americans. "You have lost your job," these mischief makers say, "because of affirmative action or because of the money government spends to help the poor." Instead of seeing the demographic reality-that only as all Americans advance will White Americans advance—they often fall into the scapegoating trap. It's an old story.

In California, a white-collar worker named Ron Smith who lost his job at McDonnell-Douglas two years ago, told a journalist how his sense that he was "starting to lose my grip" feeds into the divisiveness that is tearing our country apart: "I get angry, and a lot of anger is coming out," he said. "I'm blaming everyone—minorities, aliens coming across the border. I don't know how much truth there is to it. I mean, I don't think there are any planners and engineers coming across the border. But it hurts when you go to an interview and you know damn well you can do the job, and you know they are looking at you and thinking, 'Forget it.'"

The fact is that, economically, Black America is in the best and worst of times. Roughly a third of Black America can now be called middle class. Black Americans distinguish themselves in virtually every field of endeavor. But more than 30% of Black Americans live in grinding poverty. Many can't find a job, can't get credit to buy a house or start a business, and increasingly can't make ends meet for necessities, much less save for the future. Indeed, the unemployment rate for Blacks is routinely twice that for Whites. Also, the earnings of Black college-educated men have only recently reached parity with those of White men with high school diplomas. Of greater significance is the fact that 46% of Black children live below the poverty line, compared with 17% of White youngsters.

Without question, disintegrating family structure contributes to Black poverty. The average income for a two-parent Black family is three times the income of a single-parent White family. But poverty is more than a Black problem. It is a broad national systemic issue flowing from inadequate economic growth unfairly shared. Indeed, there are 16 million more White Americans in poverty than there are Black Americans in poverty. But many Whites feel it is primarily a Black problem. Because of lingering racial attitudes and stereotypes, marshaling resources to cope with it becomes more difficult. In that sense, racism contributes to Black poverty and to White poverty, too.

The conflict between generations in the Black community is real and the primary responsibility for bridging it rests with the Black community. There is a breakdown in communication and a breakdown in values. When I left Missouri for college in 1961, the number of children in St. Louis born to a single parent was 13%; now it is 68%. Among Black children it is 86%. In some cities, such as Baltimore, 55% of the African American males between the ages of 18 and 34 are either in jail, on probation, or awaiting trial. The idealistic call of Martin Luther King, Jr. or the disciplined march of Muslims who have declared war on Black self-destruction, can't compete with the latest gangsta rapper who from the TV screen calls young people to a life of crime, violence, White hate, and female abuse. Increasingly, a generation with little to lose pulls the trigger without remorse, risks nothing for their neighbor and invests little in their own futures. They live for today, some because that's all they have ever done and others because they believe that their tomorrow will only be worse.

Is the plight of this element of young Black America an isolated cancer, or a harbinger of all our futures? Is the message of these young black Americans pathological or prophetic? Will the rest of America respond or turn its back?

White Americans seem to have ignored the devastation in many American cities. Both government and the private sector have proven inadequate to the task of urban rejuvenation. It's almost as if the kids with AIDS, the gang members with guns, the teenagers lost to crack cocaine, the young rape victim whose only self-respect comes from having another child, don't exist for most White Americans. That is why the Million Man March was so important. Although it was based on the premise that White Americans won't help, it was itself I think a remarkable moment in American history. First, in a country where murder is the number one cause of death among young African American males, and where single-parenthood continues to rise, and where drugs and dealing drugs are sometimes the profession of choice for the young as opposed to teaching or becoming a minister of any faith, it is enormously positive to have a million African American men come together and say, We're going to take individual responsibility to change these circumstances. But, similar to Promise Keeper, a group of the Christian community that gathers 50,000 predominantly White middle-class men in a stadium where they pledge to be good fathers and husbands, the hard part is living the pledge every day. The test will be whether the million men return to their communities, reduce the violence and drugs and become meaningful figures in the lives of fatherless children.

My Senate office legal counsel, who is African American, attended the Million Man March on the National Mall. He told me that the atmosphere was electric and that it reflected great diversity. For example, a Korean American woman was selling soda and ice-cream and at one point during the day, up came a Black man to purchase a drink. Another Black man was standing nearby with his arms folded, and he said, "No, not today brother; today you buy from a brother, not from her." Another one came up and said, "Not today brother; today you buy from a brother, not from her." A third guy came up and said the same thing, but the third guy replied, "What do you mean, 'I buy from the brother'? Don't you realize you're doing the same thing to her that was done to us for 200 years. I'm buying from her!" And he does. Another one came up, the same experience, an argument: "I'm buying from her because why should we discriminate against her the way we've been discriminated against?" The Million Man March was not of one mind; it was a million minds whose faces happened to be Black.

Minister Louis Farrakhan has said things that are on many levels despicable. But more importantly, in practical terms, his separatist message is a dead end. If he succeeds in countering self-destructive behavior while also separating the Black community from the White community, what he will have created is the equivalent of many a segregated neighborhood prior to the civil rights revolution. Ultimately, the question is not only how do we counter the poverty, violence and family disintegration, but how do we all live together?

Although some Black Americans resent it, White Americans also have a view on how we can resolve the problem of race. Although some White Americans resent it, Black Americans can challenge us to reflect on our own race. Among other things, that means that we have to recognize that the flip side of racial discrimination is racial privilege, which consists of all those things that come to White Americans in the normal course of living; all the things they take for granted that a Black person must never take for granted. Race privilege is a harder concept to grasp than racial discrimination, especially for Whites, because it is more subtle. It is rooted in assumptions about every day, yet there is no denying it. For example, if I'm looking to buy a house and I'm White, I never fear someone will say no to me because of my race, but if I'm Black, I constantly make assessments about what is possible, problematic or impossible. That freedom from fear is a White skin privilege. If I'm White, I know that if I meet the economic criteria I'll get the loan. If I'm Black, I know I might not. Skin privilege means that I don't have to worry that my behavior will reflect positively or negatively on my race; it will reflect only on me and on my family. Skin privilege means that I can relate to a stranger without first having to put them at ease about my race. I know Black males who walk the street whistling classical music to let Whites know they're not dangerous.

As long as White America remains blind to its own racial privilege, Black Americans will feel that the focus falls too heavily on them. I never thought much about my skin privilege until I became a professional basketball player. That was a time when pundits asserted that the reason some teams drew sparse crowds was because they had five Black starters. Suddenly, in my first year, I began to receive offers to do commercial endorsements. I felt that they were coming to me instead of my Black teammates not because I was the best player; I wasn't. No, they were coming because of skin privilege, because I was me and I was White and marketers still believed, like the teams that hesitated to start the five best players because they might be Black, that a White public would never buy from a Black salesman. Some companies still believe that. That's why Bill Cosby's Jell-O ads were so important and why Michael Jordan must never forget who paved the way.

As long as White America believes that the race problem is primarily a Black problem of meeting White standards to gain admittance to White society, things will never stabilize and endure. But the flip side of White skin privilege is negative Black attitudes—reflected in even small things, such as coldness in daily interactions at work, slowdowns in providing services to Whites, or gathering at separate tables in cafeterias—that cast any attempts by Whites at racial dialogue as disingenuous and illegitimate. African Americans have to open up their worlds to Whites just as Whites have to open up their worlds to Blacks. Without that kind of candor, the dialogue will be phoney. Without that kind of mutual interest, the ties will not bind. Without that kind of mutual commitment, racial hierarchy will persist.

I believe most White Americans are not racist. Mark Fuhrman is, thank God, the exception, not the rule. Most White Americans easily reject the crude stereotyping and violent race hate of a Fuhrman. We are no longer living in a time where a group of German prisoners of war could be served at a Kansas lunch counter, while the Black soldiers guarding them could not sit next to them. We are no longer living at a time when in Washington, D.C. a priest refused to continue his sermon until a Black worshiper moved to the back of the church. Today there is something much more subtle afoot in America. As Harlon Dalton writes of the African American experience:

Instead of having doors slammed in our faces, we are cordially invited to come on in. Instead of being denied an application, we are encouraged to fill one out. Instead of failing to make the first cut, we make it to the final round. And when the rejection letter finally arrives, it has a pretty bow tied around it, (Something like: "We were not able to make you an offer at this time, but we really enjoyed having the chance to get to know you.") Similarly, we hardly ever run into Bull Connor or even David Duke anymore. Instead, we encounter people who are ostensibly on our side and who seek to protect us from the stigma of affirmative action and the dependency created by too much government support. Instead of confronting nasty people intent on using our color against us, we are surrounded by perfectly nice people who embrace the colorblind ideal with a vengeance.

All of this poses a question I raised in 1992 at the Democratic Convention. The silence of good people in the face of continuing racism is often as harmful as the actions of bad people. While most people aren't racist, there are some White and Black people in America who do remain racists, spewing hostility toward another person simply because of his or her race. There are White politicians who play the "race card" and there are Black politicians who play the "racist card." But the word racist is over used. Most people aren't brimming over with race hatred. To say that someone who opposes affirmative action is racist denies the possibility that the person may just be ignorant or unknowledgeable. If one hurls the epithet, "racist" a meaningful dialogue is unlikely to follow and it is only out of candid conversations that Whites will discover skin privilege, Blacks will accept constructive criticism from Whites and progress will come steadily.

But let us not abandon the quest to end racism. Let us root out what Harlon Dalton calls those "culturally accepted beliefs that defend social advantage based on race." To do that however, takes individual initiative and involvement. That begins with a President and doesn't end until all of us as individuals become engaged. Ronald Reagan denied that there was any discrimination in America, much less racism. George Bush was a little better, but then he appointed Clarence Thomas to the Supreme Court who, in an odd twist, turned the clock back on the whole issue. And now Bill Clinton says, Yes, there is racism; yes we need affirmative action; and yes, I'll give my own pedigree in terms of my own experience. I believe he is strongest when he talks about conviction related to race because I do think he has that conviction. But the question we need to hear him answer is, What are we going to do about it? One would like to see him talk about it more, to remind people of our history, to educate Americans about why it's important that we get beyond these stupid divisions that diminish our possibilities as individuals and as a nation.

Affirmative action takes on such a disproportionate place in our national politics because many Whites cannot conceive of White skin privilege and because discrimination, when it occurs, remains largely unaddressed. Why not deal with the underlying issue which is discrimination and facilitate remedies for discrimination? Affirmative action is a response to a discriminatory pattern over many years in institutions run by individuals who are confident that they don't have to change. To the extent that you don't remedy individual discrimination early and forcefully, then you are going to have thousands of judges around this country making broad brush rulings that often seem unfair to Whites. And then you're going to have other self-interested groups in the name of affirmative action asking for things that are not affirmative action. It's beyond me for example, how giving a group of investors who have an African American participant a tax subsidy in the purchase of a radio or television station is affirmative action; it's not. But it's easier to say no if you can say yes to facilitating the battle against discrimination. You cant say no unless you realize that in some place affirmative action is the only way we can balance White skin privilege. For example, the US military, even after President Truman's desegregation order, remained a bastion of White, often Southern, officers. It took Jimmy Carter and his African American secretary of the Army, Clifford Alexander, to change the way promotions were granted so that Black officers had a chance to become generals. In other words, without Cliff Alexander, there would be no Colin Powell. If you don't believe me, ask Colin Powell. If you believe that that was then and this is now, and that there is no need to look at other institutions, I refer you to the report of the Glass Ceiling Commission. I ask you only to answer why there are no Black CEOs of major corporations and why major New York law firms still have only a minuscule number of Black partners.

To understand what needs to be done requires knowing a little history. The issue arose during the consideration of the 1964 Civil Rights Act: Do we put an administrative enforcement mechanism in the law to remedy discrimination in employment? The Republicans in the Senate said they would join the Southern Democrats and filibuster the bill if President Johnson gave the soon-to-be-created EEOC an administrative enforcement mechanism, so he dropped it out. Now, if there is an act of discrimination, what you do is file a petition with the EEOC. But there is no way to bring the issue to a conclusion. So, the case languishes indefinitely. There are now 97,000 cases backlogged at the EEOC. Imagine you're a competent mid-level clerk in a company that has promoted Whites, but rarely a Black, or you're the 25th African American who's applied for a job with a police department in a city that is overwhelmingly African American, and not one has ever been accepted and so you decide to bring a case at the EEOC. After five years you get no remedy. So then you go to court for another five years, at the end of which you may or may not get a remedy, which means for people of modest means, you don't have a remedy for discrimination because you can't afford a lawyer for ten years in order to get your promotion from a $30,000 to $40,000 a year job.

The EEOC should have the same power that the National Labor Relations Board has, which is cease and desist authority, the ability to bring a case to a conclusion and say, Yes, there was discrimination and this is a remedy, or say, no, there was no discrimination, this is frivolous. With a more streamlined procedure for resolving charges of discrimination, companies would pay less to lawyers defending them against frivolous cases and individuals who have a legitimate claim would get a more timely resolution to the problem of discrimination. But once given real power, the EEOC has to resist ridiculous interventions that allow Americans who don't want to fight discrimination an excuse to discredit the whole EEOC effort. Self-indulgence at the EEOC breeds disrespect for what should be a mechanism of our national self-respect.

Finally, when it comes to attacks on affirmative action, it is important to see how similar they are to the legal justification for segregation in the 19th Century. As Kimberle Crenshaw points out in a brilliant paper, treasured American values such as autonomy, freedom, individualism, and federalism were deployed in support of discrimination. For example, the Supreme Court ruled that a White person deciding to prohibit a Black person from riding in a certain train car was exercising his individual freedom of contract. Decades later, Thurgood Marshall and other freedom fighters argued before the court that even though the acts of individual discrimination might be protected as private rights of contract, the discriminatory practices were so widespread that they acted as an impediment to interstate commerce for Black people as a group. Individual freedom yielded to group remedy for group discrimination. Thus, the interests of the national community to prevent racial discrimination took precedence over the individual right to bar Black Americans from enjoying the benefits of full citizenship.

Today, many of the people who oppose affirmative action and state a preference for color blindness and justify their position by reference to the American tradition of considering individuals equal before the law are often the same people who seldom have Black friends and who will choose the White teacher for their children every time. when people shout reverse discrimination they ignore our history, the continuation of subtle White skin privilege, and the fact that more White people lost their jobs in the 1982 recession than blacks have gained jobs from court-ordered affirmative action since its inception. When people diminish real, not imagined, Black contributions to our society as if they were a threat to our historical canon, they diminish their own understanding of themselves and their country. What is at work here is the attempt to again distort traditional American values to slow down progress on race.

During the civil rights era, the message was that Black Americans wanted to make something of themselves through hard work, religious devotion, political activism and educational attainment. White America had only to do what was in its own long-term interests anyway and remove the architecture of racial oppression. The movement had the high moral ground. Today, with murder, AIDS and drugs running rampant through the black community, with many blacks unwilling to accept some of the responsibility for their predicament, White Americans seem more and more unwilling to make sacrifices to change the abysmal physical conditions. When black separatists come across more like Governor Wallace than Martin Luther King, they give those Whites who are only marginally interested in Black folks in the first place a reason to turn off.

To counter the human devastation in parts of urban America, chronicled so vividly by Jonathan Kozal in Amazing Grace and Savage Inequalities, will take an heroic effort by thousands in the Black and White communities working together. It will take police departments that do their jobs conscientiously and with adequate resources. It will take schools that are teaching institutions, not simply warehouses for storing our children. It will take surrogate families who will express some small love for a kid without parents. It might even take boarding schools for kids that can't make it in the neighborhood. Above all, it will take a new biracial political vision that acts, because to fail to act will stain our ideals, diminish our chances for long-term prosperity, and shortchange our children—all our children.

In the 1960s the Civil Rights movement thrived on the assumption that an America without racism would be a spiritually transformed America. That, after all, is what affirmative action affirms—that America can get over its racial nightmare; that few in America should be poor or dumb, or violent because the rest of us have cared too little for them; that no one in America should have a racial limit set on where their talents can take them; and that the process of seeing beyond skin color and eye shape allows us not to ignore race but to elevate the individual. A new political vision requires people to engage each other, endure the pain of candor, learn from each other's history, absorb each other's humanity and move on to higher ground. Such is the task of those who care about racial healing. It won't happen overnight nor will one person bring it, however illustrative his career, nor will one person destroy it, however heinous his crime or poisonous his rhetoric. It can never be just about numbers. It must ultimately always be about the human spirit. What will be built has its foundation in the individual interactions of individual Americans of different races who dialogue and then act together to do something so that like a team, a platoon, a group building a home or cleaning up a park, something is transformed because of the common effort. Slowly, with acts of brotherhood transforming physical circumstances even as they bind the ties among the participants, we can say that racial progress has ceased retreating and is once again on the advance. In other words, only together can we chart a brighter future.

HARRY TRUMAN: PUBLIC POWER AND THE NEW ECONOMY

(By Senator Bill Bradley)

I understand that I am getting this award because the Truman Award Commission felt that I exemplify at least some of the traits of President Harry S. Truman. I came up with three that I know both he and I share: We were both born in Missouri of Scotch Irish heritage; neither of us were considered natural public speakers; and, occasionally, we could be considered just a little bit stubborn. As Bess Truman would point out if she were here today, some of these traits are shared with old Missouri mules, except that a mule might have given a better keynote speech that I did at the 1992 Democratic National Convention.

That I should receive the Truman Award is a great honor because I have been long been an admirer and a student of his political career. Truman's come from behind Senate reelection campaign in 1940, which in many ways was a precursor to the 1948 presidential race, was the subject of my Princeton senior thesis, entitled "On That Record I Stand." I had wanted to read my entire 140-page senior thesis today but fortunately for all of you, there isn't the time.

Some thirty years after I wrote my college thesis, I found myself again remembering a conversation I had with a couple of "good ole boys" from North Carolina. They had told me how they didn't like Jesse Jackson, whom they considered a "rabble-rouser," nor

Jesse Helms, whom they considered "a disgrace to the state." So, I asked them for their favorite president. "Harry Truman," one shot back, "because he was one of the people, and when he spoke we could understand him. Just because some is President, you know, doesn't make him better than me."

There it was. To be a leader that good old boys related to, you had to have a fierce egalitarian spirit, the spirit that made Harry Truman "the man of the people." Truman's view was that a person should be judged without regard to material possessions or social position. Each individual has an inherent and independent worth, regardless of knowledge or wealth. Nobody has a monopoly on morality or wisdom. No American should be expendable. Each man and woman in our democracy should have a voice in charting our collective future.

I, too, believe in these values and have tried to infuse them in my pubic service. But Harry Truman was not the first person to preach these ideals; they come directly from the Declaration of Independence, which to me is our most important historical document. Times have changed since July 4, 1776, but the idea that all people are equally imbued with the right to life, liberty and the pursuit of happiness and that no individual is more important than another remains at the heart of what makes America special. And, indeed, national government is constituted in part to guarantee this individual right through the exercise of public power.

In further reflection on Truman's career, characteristics other than his "common touch" also stand out. He sent comprehensive civil rights legislation to Congress when it was supported by only 6% of the national public, according to one Gallup Poll. He acted on his own authority to desegregate the armed forces. Speaking as the first President to address the NAACP, he declared that all Americans were entitled to, not only civil rights, but decent housing, education, and medical care. Such political courage is all too rare.

Today, people have become so cynical about politics that they think all elected officials are controlled—by special interests who give them campaign money, by pollsters who tell them that thought is not as important as focus group phrases, by political parties which often stifle their independent judgment, and by their own ambition which rarely permits them to call things like they really see them, for fear of angering a constituency group that will be needed for a future election. While most politicians do not knowingly say something false, they tend to emphasize the issue that the group to which they are speaking agrees with. That is commonly referred to as "good politics," but it is the exact opposite of the Truman way of "telling it like it is."

But perhaps Truman's most important characteristic was that he stood up for the working American in a way few politicians have. In 1947 and 1948, Truman issued dozens of vetoes on legislation passed by a reactionary Republican congress not unlike the one we have today. In mid-1947, Truman vetoed two popular Republican tax cut proposals because they would have favored the right and penalized the middle-class through higher inflation.

Truman's most famous veto of the anti-labor Taft-Hartley Act, was overridden by a Congress responding to polls that showed most Americans believed the unions—then representing 24% of the workforce—had become too powerful and needed to be restrained. Truman felt that Taft-Hartley went too far and would, he said, "take fundamental rights away from our working people." He did not flinch. He acted as a truly progressive president, unafraid to use public power.

At the end of World War II, Harry Truman needed to find a way to cushion the effects of the armed forces demobilization. War contracts would be canceled, price controls would be ended, war-time labor agreements would expire, and millions of service men and women would come home looking for jobs. Some predicted a return of the Depression.

His solution was a 21-point program offering economic security to every American citizen. Truman's reconversion plan urged an extension of unemployment compensation, an increase in the minimum wage, expansion of social security, extension of the GI Bill, universal health insurance, and what he called "full-employment" legislation that would guarantee a job to every able-bodied American willing to work. Parts of the program were considered radical even in the era just after the New Deal. And while many of Truman's proposals never became law, the breadth of his approach showed that he was thinking of the well-being of all classes in America. And indeed, all classes shared in the boom: Unemployment all but disappeared. Real living standards were higher when he left office than when he took over from F.D.R.

I believe that America is at a similar economic crossroads today as we move into the information age and that we again need approaches of breadth and innovation to assure the American dream for our people. They start with a reinvigoration of public power—our power.

The use of public power still has a valid role to play in ensuring fairness and economic security for all Americans. We need to use our collective power to help individuals cope with changing economic times, to ensure competition among market participants and to prevent harm to the general welfare. There is simply no other way to check the excesses of private power except through public power.

Such a willing use of public power disputes the Republican notion that the private sector has all the answers and will automatically relieve the fears of working Americans. It is also different from the belief that to every social problem in America there is an answer which has as its centerpiece a federal bureaucracy delivering services through regional and state bureaucracies. For example, there are 58 federal programs for poverty and 154 federal programs for job training. Yet, worker retraining without new jobs being available leads nowhere.

Idealism without resources is impotent. Just ask anyone who thought that charitable giving could end poverty. Idealism without accountability wastes money. Just ask anyone who thought that HUD was sufficient to stabilize the decline of urban America.

I start with the belief that the market is the most efficient allocator of resources and frequently the most powerful undefined force in American life. It rewards those with the highest skills, best processes and most desired products. An ideal market would deliver the best quality at the lowest price in the shortest time. But the market is impartial and can be cruel in its verdicts, with the result that many people get hurt. To cushion the impact of the market is not easy to do and remain fair. Usually those who escape the judgment of the market in our current political system are not broad classes of similarly situated individuals, but rather companies or individuals with the best-connected lobbyist. Such is the inequality of the administrative state, full of rules and exceptions, definitions and effective dates. How to benefit from the market's dynamism while protecting against the dislocation that it sometimes causes remains our dilemma.

I have always believed that the message of America is that if you work hard you can get ahead economically, if you get involved, you can change things politically and if you reason patiently enough you can extend quality to all races and both genders. Today, many Americans doubt these basic American precepts. In the information economy, four computer workstations replace 300 people in a credit department no matter how hard they work. In our political dialogue, money drowns out the voices of the people. In our social interactions, few risk candor to create racial harmony.

For nearly 20 years, the rhetoric of economic conservatives has demonized government. Without making the distinction between federal programs and public power, they labeled government programs as waste and government rules as limitations on freedom. The result has been that millions of Americans concluded that government took their money in taxes but worked for someone other than them. What most people have missed is that, while government can be distant and ineffective, public power can speak to people where they live their lives.

Public power isn't labor intensive; it doesn't require massive decentralized programs delivering services to millions of people; it won't guarantee full employment. But applied in the right way at the right time in the right place, it can balance private power. Public power works only if individuals are better off when it is exercised; only if it enhances an individual's prospects for life, liberty and the pursuit of happiness. Public power often means preventing the ethos of the market from dominating other equally important ethics—democratic, environmental, human, spiritual. Public power can never replace the memories, places and stories of these other ethics, but it can prevent the cacophony of modern life from drowning out their voices. Public power must always focus on the long-term; it must always be accountable; it must never be exercised arrogantly; it must always be a balancing force so that life can be whole and market economic forces, while giving us low prices and high quality, do not control our beings or destroy our humanity.

Workers caught in the midst of wage stagnation and economic downsizing need public power to balance private power. Millions of Americans are one or two paychecks away from falling out of middle-class status and are never able to put away enough so they feel comfortable. During the first six months of 1993, the Clinton Administration announced that 1.3 million jobs had been created, to which a TWA machinist replied, "Yeah, my wife and I have four of them."

The heavy footsteps of relocation, part-time jobs, temp jobs, middle age without health care and retirement without a pension have made their way to the doorsteps of too many American families. Millions of Americans no longer look to the single workplace of the family's main breadwinner as the site where their standard of living will improve. Wages have been stagnant for too long. Too many good jobs have disappeared. Too many expectations have been shattered.

Who can an individual turn to for help when caught in this economic trauma? The

Church doesn't have resources or temporal power; the unions now represent only 11% of the workforce. The same man who things his deteriorating economic circumstance is caused by government finds that only government has the power to counter corporate power. When the AT&T worker loses his job (as 7,000 have in New Jersey during the past three months), his rugged individualism is no match for the company's power. When a downsized IBM engineer who formerly earned $60,000 takes a job for $45,000, a $300 tax cut is a poor substitute. To work hard, play by the rules and take your reward without worrying about your fellow workers sounds fine until the rules change and the pink slip arrives. Only then does the solitary individual sense his powerlessness.

Only public power can reduce the trauma for people being thrown out of work without pensions, health care, or a chance of getting another job at equal pay. People need an economic security platform that will allow them to ride the rapids of this economic transformation. That platform should consist of the following: a year of company-paid health care for the family of the downsized worker who has been employed by a company of at least one hundred workers for at least ten years. If you have a pension, it ought to be portable. Why should a person who worked 22 years in one place still be unable to have a pension simply because the place was owned by three separate companies in those 22 years, and he vested in none of them.

In addition to health care and pensions, people increasingly need educational opportunity throughout their working lives. Professor Albert Einstein once monitored a graduate physics exam and a student ran up to him and said, "Professor, these questions are the same as those on the test that was given last year," to which Einstein replied, "Well, that's okay, because this year the answers are different." In the information age, the answers are going to be different every year and unless you have lifetime education, you're not going to be able to come up with them.

But issues of public power—the collective expression of the people's power—extend to areas beyond the need for an economic security platform in the midst of economic turmoil. Take for example America's public lands—the one third of the land mass of America that is owned by the federal government. It belongs to all of us; it is our patrimony. The miners, ranchers, loggers and corporate farmers of irrigated land do not own it. From the beautiful Red Rock wilderness of Utah to the majestic peaks of Alaska's Brooks range, there are places that mankind has not yet altered. They are as they have been for thousands of years. And if we want our children to experience them in their pristine form, we must, as the Iroquois did, think of the effect of our actions seven generations ahead. The only way to prohibit the natural resource industries from forcing the timeless expanses of wilderness to fit a calendar of quarterly earnings is for public power to say "no," acting in behalf of all of us and for the generations to come.

Another example of public power lies in our ability to reduce the role of money in our democratic process and to better inform the voters so they can shape our collective future. Today, candidates, in order to get their story across, collect campaign contributions from special interests and the wealthy and then give the money to local TV stations to run campaign TV ads that often malign the character, distort the record or overwhelm the prospects of a hapless opponent with less money. Yet if one were only to think about it, the solution to this national embarrassment is commonsensical. TV largely comes over the airwaves. The public—all of us—own the airwaves. They don't belong to local network affiliates. We have the power to require time to be available to political candidates for president and the Senate. If democracy suffers from inadequately informed citizens and citizens are disdainful of politics in part because of campaign money then public power should require local TV stations to give a specific amount of free time to Senate candidates to make their case. The public airwaves are not private property.

Even on the issue of race, there is a role for public power. Some institutions resist change. Some companies deny white skin privilege. Even some governmental institutions have needed additional pressure to level the playing field. Yet there is no timely enforcement mechanism for the civil rights laws that declare discrimination in job promotions illegal. Because individuals are being hurt by discrimination only public power can counter it. That is why the Equal Employment Opportunity Commission should be given cease and desist authority to being discrimination cases to a close.

In all these areas—the guarantee of an economic security platform for individuals caught in the turmoil of economic transformation; the protection of pristine public lands for generations of individuals to enjoy as our forefathers did; the requirement to devote some of the public airwaves to the dialogue of democracy; the ability of public entities to determine if discrimination exists and to rectify it—you do not need government programs and vast service-delivery bureaucracies. You simply need what Harry Truman never shied away from—a willingness to use public power for those with relatively less power and to do so in the name of the people, so that each individual will have a better chance for the realization of his or her inalienable right to life, liberty and the pursuit of happiness.

One final area where the American people have latent power concerns the American corporation itself. The American corporation exists because the people gave it status and limited liability. Such a grant was thought to be in the public interest. Yet we measure the performance of a corporation narrowly, by the financial balance sheet, even though we all know that the corporation affects all of us in many ways apart from the financial balance sheet.

As we are entering the information age, it is important to find a way to report not only financial data but information on the impact of the corporation on its workers, its community, and on the environment. We need something similar to the form of the financial balance sheet developed by the Financial Accounting Standards Board, but for the worker, the community, and the environment. The requirement that corporations adhere to standards for the full disclosure of financial information has made U.S. capital markets the most vibrant in the world and has given every investor equal access to the same information. Full disclosure of the corporate impact on workers, communities and the environment will create unforseen pressures and innovations. The result may well be not only a country with more long-term growth in its economy, but also with more security and self-fulfillment for its citizens.

If information is available to the broadest number of people, the market can often produce the result we want without the heavy-handed intervention of government. By the year 2000 there will be one billion users of the Internet, up from today's 50 million users. There will be more global traffic on the Internet in the year 2000 than is now on telephone lines. With corporate information beyond the financial balance sheet flowing to users indiscriminately, many more people will be empowered. Hierarchy will give way as power shifts down to pension fund managers who think about the daily lives of workers as well as the highest return on investment, to churches who want to measure a company's profession of values against their real-world performance, to small investors who want to follow "green" investments or champion community responsibility at the same time they want to maximize profit. With newly available information, groups such as these can create a culture of accountability that will lead to a more stable and humane American society.

Power will also flow down to the knowledge worker. Wealth will come less from natural resources or even capital, because capital will follow knowledge. Microsoft—whoever heard of it ten years ago? Now it's one of the biggest companies in the world.

In such an economy, the knowledge workers—those who write the software programs, design the hardware, anticipate the new linkages of information networks—have enormous opportunity to effect change. If the brightest talent recoils from working for a corporation that pollutes, ignores it community or mistreats its laid-off employees, then the corporation will suffer because it won't attract the knowledge talent that it needs to raise the capital for its growth. As a group, knowledge workers potentially possess more power than industrial robber barons, natural resource magnates or international financiers of previous eras.

In a way, this offers the potential for a creative use of market power. If public policy objectives—clean environment, a diverse workforce, more sensitivity to the human needs of longtime employees—can be carried out by the market, results will be longer lasting. People can then do well economically and do good socially at the same time. In my own Senate career, tax reform, which eliminated loopholes for the few while lowering rates for all Americans, allowed equal incomes to pay about equal tax at the same time the market functioned better. Reducing the subsidy for irrigated agriculture in California benefitted urban and environmental users by making them, given the functioning of a more open water market, more likely to obtain water for California's long-range nonagricultural needs. In both cases, it was a matter not of subsidizing a desired objective but of removing the subsidy for the activity that had come to have a distorting impact on the whole community. Central to achieving a better world through the market is removing subsidies from everything except those ways of thinking which are themselves not susceptible to economic calculation. How much is wilderness worth? How do we determine the economic value of a health democracy or racial harmony? How long will the hard pressed middle class believe in the American dream? These are the areas where public power, not the market, play the decisive role.

Again, I thank you for this award. Harry Truman was a leader of candor and courage with a common touch and a determination to serve all the people. The challenge to our future is to recognize, as Truman did, that well-exercised public power can benefit individuals and, as I sense, that in the new economy, information can be a tool that allows the market to serve ethics other than just the economic. This combination of the use of public power and the understanding that a market can do good socially at the same time it does well economically can build a more stable, more prosperous, more humane, more democratic America.

THE SUBJECT OF RACE

(by Senator Bill Bradley)

Tonight, I want to talk about an issue of American political life about which there is endless talk dealing with surfaces, and very little movement deep down in the body politic. Unless faced, it will prevent us from realizing our potential as a pluralistic democracy with a growing economy and instead it will foster a poisonous resentment, even a hatred that kills much of life's joy. The subject is race.

Frequently, we Americans have been unable to see deeper than skin color or eye shape to the heart and individuality of all our fellow Americans. There were times when we allowed destructive impulses to triumph over our deeper awareness that we are all God's children. Occasionally, the violence of the few elicited the fears and seething anger of the many and prevented the possibility of racial harmony. It's an old story, and a sad one, too. Let me tell you a story.

In 1963, four young African American girls in white dresses were talking prior to Sunday services in the ladies lounge of the 16th Street Baptist Church in Birmingham, Alabama. Suddenly, the church was ripped apart by a bomb which killed the young girls instantly. There had been other bombings in Birmingham aimed at halting blacks' progress toward racial equality but they had not penetrated the national consciousness. After that Sunday's explosion, people of all races and all political persuasions throughout the country were sickened in spirit. Coming eighteen days after Dr. Martin Luther King, Jr. had shared his dream for America from the steps of the Lincoln Memorial, the bombing was a stark reminder of how violently some Americans resisted racial healing. Yet the sense of multiracial outrage and solidarity that came out of this tragedy, combined with the seminal leadership of President Lyndon Johnson, led to the Civil Rights Act of 1964, and to the hope that the search for racial equality could lead to the emergence of a spiritually transformed America.

In the summer of 1964 I was a student intern in Washington. I remember being in the Senate chamber the night the Civil Rights bill passed, the one that de-segregated restaurants, hotels, and other accommodations. I watched the vote and thought, Something happened in the chamber tonight that makes America a better place. To be honest, that was the night that the idea of being a U.S. Senator first occurred to me. I thought, Maybe someday I can be in the U.S. Senate too and make America a better place.

As I recently recalled that summer of 1964, I was reminded that slavery was our original sin. Race remains our unresolved dilemma, and today, the bombers are back. From an urban church in Knoxville, Tennessee, to countless rural churches in South Carolina, Virginia, Tennessee, Texas, North Carolina, and Alabama, the flames of arson and the hatreds of racism burn again.

On the narrow subject of burning churches, there has been rare bipartisan outrage. Conservative Republican Senator Lauch Faircloth of North Carolina said last week on the Senate floor that, "if we in Congress cannot agree that church burning is a despicable crime, what can we agree on? It's not a matter of liberals, conservatives, blacks, whites; it is about justice, faith, right, wrong." And he and Senator Ted Kennedy introduced a bill to toughen the laws against church arson.

Well-meaning whites have also stepped forward to help rebuild churches. The National Council of Churches and the Anti-Defamation League have established national rebuilding funds. Eight foundations have announced grants totaling $2.5 million to the National Council of Churches burned churches fund. Habitat for Humanity is coordinating the labor of volunteers who want to rebuild. Teams of Mennonites and Quakers are rebuilding churches in Alabama. Raytheon, E-Systems and AT&T have pledged $50,000 each to rebuild burned churches in Greenville, Texas. Friendship Baptist Church and Canaan AME in Columbia, Tennessee were repaired so quickly, with the aid of local whites, that no services were missed. Hundreds of callers to a Dallas radio station spontaneously offered money to help. The conservative Christian Coalition, which met with African American church leaders on Wednesday, pledged to raise $1 million to help rebuild. It is also making money available for motion detectors, alarms, floodlights, and smoke detectors for rural churches that are most vulnerable to arson attacks. The National Trust for Historic Preservation has announced a campaign to provide financial and technical support to more than two dozen African American churches hit by arson attacks. Nations Bank posted a $500,000 reward for information leading to the arrest and conviction of people responsible for the attacks. The Southern Baptists pledged $300,000 at their annual convention last week to assist in the rebuilding effort. On Wednesday, the Laborers' International Union of North America announced that it will rebuild Sweet Home Baptist Church in Baker, Louisiana.

But beyond deploring, rebuilding, toughening laws and rewarding informants, what can you do? Well, you can look deeper into the soul of America. You can be aware of the context in which these acts are taking place. You can be alert to emerging connections among white supremacist groups dedicated to racial violence. You can ponder whether you see your own reflection in the pool of indifference that has surrounded racial healing for much of the last 15 years in America.

Let's start with who is committing the burnings. The *Washington Post* has said that the perpetrators are disproportionately young white males who, although some come from the right side of the tracks, are more often economically marginalized and poorly educated. These are the children of the economic transformation and the products of a television culture surfeited with instant gratification and quick thrill violence. They are the sons of families who have forgotten the power of love.

For twenty years, wages have been stagnant for 70 percent of the workers in America. In 1973, production, non-supervisory wages were $315 per week; by 1994 they fell to $256, which confirms what most Americans know: They're working harder for less, living two paychecks away from falling out of the middle class. No matter how many jobs they work, they can never put away enough to guarantee their children a college education. With less in wages, both parents have to work. Forty percent of the kids live in homes in which both parents work. Add to that the 25% of the kids who live with a single parent and that means that for 65% of the kids there are often resource and time deficits between parent and child.

Now comes economic downsizing where hundreds of thousands, no matter how hard they work, have lost their jobs. The economic transformation has made them redundant. Three hundred people in a credit department are replaced by four computer workstations; two hundred people in Accounts Receivable are bumped by two computer workstations. The heavy footsteps of downsizing, relocation, part-time jobs, temp jobs, middle age without health care and retirement without a pension may be near or still distant, but they are heard in every home. And for the children of families that have lived through stagnant wages and downsizing, their future seems even more uncertain. A decade ago they were called latchkey kids, and now too many of them call themselves skinheads. The idea that working hard can lead to a secure future, a chance to provide for a better life for their children and an adequate retirement, is slipping away. In its place comes the quick fix of drugs and the quick thrill of violence. Add to this the need for a high quality education in order to get good jobs in the future and the absence of parental savings to pay for that education, and for many millions of young people, their future seems bleak.

Racism breeds among the poorly educated and economically marginalized. They don't see the deeper forces at work in the economy. They don't sense the self-interest in greater tolerance. They can't see the joy in brotherhood and can't escape the prison of ingrained racial attitudes. Instead, they focus on a scapegoat as the cause of the predicament. "It's aways the other guy's fault," becomes their theme song, and the scapegoat often becomes the "the other"—someone who looks different from them. In a world where politics doesn't adequately address the economic realities, fears can accelerate and demagogues can arise to manipulate those fears for their own ends.

Take affirmative action. Whether you're for it or against it, keep the numbers in mind. More white Americans lost their jobs in the 1982 recession because of terrible national economic mismanagement than lost their jobs to all the court-ordered affirmative action since its inception. The young white who feels that every time he doesn't get a job it's been taken by a black simply doesn't know the numbers. And politicians or talk show hosts who perpetrate and promote that overreaction are similar to the person who throws a match on a pile of oily rags.

Likewise, take poverty. There are thirty-six million people in poverty in America: Ten million are black; twenty-six million are white. But many young whites oppose government helping the poor because it means government helping blacks, not realizing that, given their education levels and job prospects, their opposition is often self-destructive.

In a world where people don't see the underlying forces—the economic transformation, the TV culture, the marginal numbers affected by affirmative action, the racial structure of poverty—too many people take aim at blacks or immigrants as the cause of their economic distress. But the seven thousand downsized workers at AT&T who've lost their jobs in the last six months in New Jersey did not lose their jobs because of immigrants or because of blacks, but because the company, acting rationally in a time of rapid change, could maximize profits by letting them go. When people feel desperate, they reach for the extremes that in good times they would steer away from. And when they live in the extremes, violence can be an action of first resort.

What can we do about the context of church burnings beyond having more economic growth more fairly shared and an education system that teaches tolerance as well as trigonometry?

Let's start with what politicians can do. Too often, white politicians have played the "race card" to get votes but, to be honest, too often, black politicians have played the "racist" card for the same reason. What has suffered is honest dialogue and common action. We need more candor and more voice from elected leaders who will choose to challenge their constituents morally as well as challenge their contributors financially. But without engagement you can't have candor, and without candor you can't have progress. When was the last time you talked about race with someone of a different race? Although I'm leaving the Senate, I'm not leaving public life and I intend to continue to speak out on the need for racial healing. I'll look constantly for ways to move the dialogue about race to a deeper level, as yet unattained. For example, at the Democratic political convention, I'll seek to demonstrate what is possible, and I'll call on good people in both parties to step forward in this time of confusion and rising tensions. Politicians have the obligation to play to our higher aspirations as LBJ did back in 1964.

Talk show hosts also have some responsibility. While some of you can be divisive, and maybe even racist, most of you are not. My appeal is only to remember the paradox of free speech: it can be the nutrient that allows the tree of democracy to grow strong, but if misused, it can burn the roots and deform the tree in ways no one ever expected. Civility is the key and avoidance of the easy appeal to stereotypes should be what you strive for. Remember there was once a time in America when an audience laughed simply at the appearance of a white actor in black face. Now we recognize that we are a better people than that. The potential of confusion is too great for those with the microphones not to promote a deeper dialogue on race. The misunderstandings are too deep for you not to search the heart as well as find the pulse of your audience. I know it's asking a lot, but then so do the ideals of our founders.

As a way of thinking about our responsibilities to each other let me close by asking you first to imagine that you are a black parent of a nine year-old girl, and then imagine that you are a white parent of a nine year-old son. A church bombing has occurred in your church or in your town. What does one say?

What answer does a church member give to his 9 year old African American daughter when she asks, "Daddy, why did this happen?" What can one say to a daughter who has written her school paper on Colin Powell, taken pride in American having a Dr. Martin Luther King, Jr. holiday, grown up eating Jell-O because of Bill Cosby and watched Michael Jordan become a worldwide marketing phenomenon. In a world where so much progress had been made, how could one explain the phenomenon of burning churches?

And what about the white parent? What does he say to his 9 year-old son? How can he explain the phenomenon of the skinheads, bold Ku Klux Klanners or the new Nazi SS clubs in high schools? How can he explain why blacks and whites can't get along in life like they appear to get along on the Chicago Bulls. What does he say about the burnings?

I imagine the black parent saying something like this to his daughter: "There is evil in the world, and there are some people who, because of the color of your skin, do not view you as an equal member of society. These people have a problem, and the problem is called racism. There were black and white people who, decades ago, died so that black people could enjoy equal opportunities with white people in America. America is a much better place with respect to the way that black people and white people interact than it was black when brave Americans suffered to bring about equality.

"Racism is an evil and a sickness. You have the physical and intellectual capacities to achieve whatever you want to achieve, to be the best you can be. Look at Colin Powell, Toni Morrison, Cornel West. The people who burned this church are afraid of you; they are afraid to learn about you and interact with you. You must not be afraid of them. You must pray for them and ask God to forgive them. You must use your talents to achieve greatness in life, and you must work in your lifetime to help bridge the racial divide.

"Finally, try to understand what a great African-American writer James Baldwin once said in 1957 to his young nephew who was afraid of racial violence during the civil rights demonstrations of the early '60s—He said, 'it was intended that you should perish in the ghetto, perish by never being allowed to go behind the white man's definitions, by never being allowed to spell your proper name. You have and many of us have defeated this intention; and, by a terrible law, a terrible paradox, those innocents who believed that your imprisonment made them safe are losing their grasp on reality. But these men are your brothers—your lost, younger brothers. And if the word "integration" means anything, this is what it means: that we, with love, shall force our brothers to see themselves as they are, to cease fleeing from reality and begin to change it. For this is your home, my friend, do not be driven from it; great men have done great things here, and will again, and we can make America what America must become.'''

And what should a white parent tell his 9-year-old son about these church burnings? I imagine he would say something like this: "The burning of the African American church outside our town is a product of racism and hatred. Racism occurs when people of one race feel themselves to be superior to those of another race for no other reason than the color of the skin. I know that sounds like a stupid thing to do, but this country has had a sad history of doing it. African Americans, Native Americans and Asian Americans, among others, have suffered because of it. It is important for you to know that racism is everyone's problem, both white and black. It's the kind of problem that no one else can solve for you. Like any other illness, you have to get over it yourself with your own resources as a good human being fighting it off. Racism is something that a person learns; it is not something that people are born with. That's why I punished you the first time you came home from school disparaging someone because of their race. Where racism exists, both black people and white people are harmed. Where it exists, white people cannot develop their full potential as individuals. To harbor racism in your heart is to deny yourself the experience of learning from someone a little different from you. And it makes you unable to share the joy of our common humanity.

"A the church burnings reveal, just as they revealed in the story I once told you about the four young girls in Birmingham in 1963, racism is ugly and evil, and God does not like evil. Sometimes, racism comes from black people who call us devils and deny our individuality as much as some white people deny theirs. Whether it comes from white or black it is wrong, and violen is never acceptable. Remember what Dr. Martin Luther King, Jr. said, 'Returning violence for violence multiplies violence, adding deeper darkness to a night already devoid of stars. Darkness cannot drive out darkness, only light can do that. Hate cannot drive out hate; only love can do that.'

"I am going to volunteer to go and help rebuild the church that was burned. I want you to come with me. I want you to bring Charlie, one of your black friends from school. I want you to work side by side with Charlie, with me, and with other blacks and whites who want to build a country that is compassionate and that treats all of its people with dignity and respect. I want you to treat everyone with respect, and I want you to work in your lifetime to bridge the racial divide.

"A Russian writer named Leo Tolstoy once said, 'many people want to change the world; only a few people want to change themselves,' but with race you can't change the world unless you change yourself."

And, I might add, that's as true for politicians as for talk show hosts. And when enough Americans change themselves, we will have true racial healing and then the result will be a spiritually transformed America.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed to proceed in morning business for 15 minutes. I see other Senators are on the floor here, and if that is inconvenient to them, I will ask for a shorter period of time. Let me just place the unanimous-consent request, and they can feel free to state a problem, if they have it. I ask unanimous consent that I be permitted to proceed in morning business for 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Michigan is recognized for 15 minutes.

TRIBUTE TO RETIRING SENATORS

Mr. LEVIN. Mr. President, it is time to say farewell to a number of our colleagues and friends. These are not easy goodbyes. I have served with many of our departing colleagues since I first came to the Senate in 1978. We were freshmen together, had to learn the ropes as new kids on the block together. That process of learning and growing together builds friendships and bonds that are deep and enduring.

The Senators who are retiring, Mr. President, are each individuals who have given a significant portion of their lives to public service. Cynicism has grown about Congress as an institution. Many, perhaps most, believe that Members of Congress act out of selfish motives. These departing Senators are a testament to the error of that belief.

I do not believe one of these Members, Mr. President, would prefer a reception on the Hill to an evening at home or an opportunity to read to their grandchild or shoot hoops with their teenagers or take a walk in a park with a friend. Most Members would rather have a homemade pot roast than fancy hors d'oeuvres at a reception. Why do they do what they do? Why do they work the long hours, take the redeye flights, miss the family celebrations? Because it is part of being available to our constituents, it is part of being a representative of the people of our States, and it is part of being a public servant. It is part of being a U.S. Senator.

Every one of these departing Members has worked long hours, has missed special family occasions, has flown when they have been so tired that they have had to rely on their schedule to tell them where they are and where they are supposed to go. Every one of them has had to push themselves at times to go to that one additional meeting, to take that one additional phone call, to read one more report in order to get a bill passed or an amendment adopted. They have worked to make America stronger, our people free, keep Government working at a better rate and a more efficient rate and at less cost. They have had different paths to that end, but their goals, like all of our goals, are fundamentally the same.

It is with a sense of real kinship and of great loss that I say farewell, as we all do, then to Senators PRYOR, EXON, SIMPSON, SIMON, KASSEBAUM, HEFLIN, PELL, BRADLEY, JOHNSTON, BROWN, FRAHM, and last but not least, Senator HATFIELD.

About a week ago I gave separate remarks about my ranking member and my chairman both, Senator BILL COHEN of Maine.

SENATOR PRYOR

DAVID PRYOR and I both came to the Senate in 1978 and served for most of the time on the Governmental Affairs Committee. During that service on the committee, DAVE PRYOR aggressively and perceptively challenged the Department of Defense on some of its questionable weapons systems and procurement practices. He dogged the Federal agencies to stop the excessive use of consultants at taxpayer expense and he diligently oversaw the workings of the Postal Service and the Federal work force.

He and I worked in our early years on a taxpayers' bill of rights to finally give taxpayers, who were being audited, hounded by the IRS, notice of what their rights were as American citizens.

His persistence paid off and that bill of rights is now law, mainly because of DAVID PRYOR.

As chairman of the Aging Committee, he fought price gouging by the pharmaceutical companies and pushed legislation to make drug companies give their most favorable prices to Medicare and Medicaid recipients.

DAVID did all of this with grace and charm. He made this institution a better place because of his presence. He is a man of common sense and the common touch. He was able to stay on an even keel despite the personalities and the pressures. He continually reminded us of our purpose and place and gently helped to keep our egos in check.

Perhaps the most telling characteristic of DAVID PRYOR is his genuine commitment to average men and women with whom he deals and works. He knows the name of everyone, from the Capitol Police who protect the Capitol and its occupants, to the men and women who serve us lunch on Tuesday. His connection to average people is not a political statement. It is personal, genuine human behavior.

He exudes kindness and decency whether he's asking about a personal family member who might have been sick or remembers an incident in someone's life that may have caused pain. He does so not from political calculation or from a computer disk which has stored information, but because that is the way DAVID PRYOR is.

His wife, Barbara, has been a source of inestimable strength. Barbara Pryor, my wife Barbara, DAVID and I have become genuine friends over the years and we look forward being with them many, many times in the years ahead.

DAVID PRYOR has served the people of Arkansas and this great Nation with extraordinary distinction. He will leave a large void professionally and personally. May his spirit continue to soar and he and his family be in good health as he returns to his beloved Arkansas.

SENATOR EXON

Mr. President, I have sat next to Senator JIM EXON on the Armed Services Committee for 18 years. Another member of the class of 1978, JIM has become one of my truly dear friends. We have shared more than adjoining seats. We have been comrades-in-arms even in those instances when we were on different sides of an issue. He is a straight-from-the-shoulder, tell-it-like-if-is kind of guy who uses plain talk but no malice, although he was at times frustrated by endless twists and turns and minutiae of the legislative process.

As a former governor of Nebraska, JIM demonstrated a knack of stating issues simply and directly. His conservative approach to the budget was applied consistently, and he was willing to take difficult stands on spending issues because of the genuineness of his beliefs.

These 18 years have been marked by true personal kindness to me and deep mutual friendship. He is famous for dropping a friendly or humorous note to colleagues to reduce the tension and keep us on track. He has a raucous, wonderful laugh which frequently fill, committee rooms with a reminder of our own humanity. And he would often bring us down to earth with an irreverent, but totally appropriate comment.

JIM EXON seems totally content to return to his beloved Pat, his children and grandchildren, and he has a right to be content after three notable terms in the Senate.

SENATOR SIMPSON

Mr. President, AL SIMPSON also came to the Senate with me in 1978 and immediately AL and Ann, his wife, became two of Barbara's and my best friends in the Senate. Simply stated, he has one of the best sense of humor in the Senate. I often thing he's such a special Senator because he spent 1 year, before entering college, at Cranbrook School in Michigan. He claims, however, it's all the other years he spent in the cowboy State of Wyoming.

Whatever the reason, AL SIMPSON has applied the principles that he lives by with tremendous integrity and consistency, even when politically unwise or risky. He has taken on some of the strongest interest groups in the Nation and he has done so without fear. He has taken on some of the toughest issues with his work on immigration and entitlement programs.

He has a deep sense of the limitations and fallibility that we necessarily bring to the legislative process. He punctures balloons and skewers egos; but he is the first to apologize when he thinks he has overdone it.

You can listen to AL SIMPSON tell a story for the 20th time, and like wine, it gets better each time. He too has mellowed a bit over the years, but his sharp wit and genuine, love for his colleagues has remained undiminished.

For his beloved state of Wyoming, AL SIMPSON has been a dedicated public servant. He is a big and wide open as Wyoming. He is full of life and full of fun. He is a giant of a man, and a giant of a Senator, and a giant of a friend.

SENATOR SIMON

Mr. President, another gentle and positive force in this body will be leaving us with retirement of Senator PAUL SIMON. Paul and Jean, his wife, reflect the best values of this Nation. Their public service over the decades has made our country a better place.

Education has been one of PAUL's keen interests, and he has thrown himself into the creation of education opportunity for all Americans. He was a lead sponsor of the 1994 education bill which established the important school-to-work program for non-college bound high school students. He was the moving force in the Senate for direct student loans. He has been a leader in fighting violence on television and in the movies.

PAUL is invariably decent and kind and a real gentleman. His manner of debate and his personal relationships have lifted the tone of the Senate and helped to preserve its decoum, often in the face of great odds. When PAUL SIMON comes to the floor to speak on a subject, people listen because of the simple, direct, and honest way he makes his case.

He is slow to anger and quick to understand, and he is as considerate as they come. The people of Illinois and this Nation have been well-served by PAUL's presence in this body. May he never run out of bow ties.

SENATOR KASSEBAUM

Mr. President, it is with real regret that I say goodbye to our dear colleague from Kansas, NANCY KASSEBAUM. Another member of the class of 1978, NANCY has made her mark in both foreign affairs and on the Labor and Education Committee. NANCY doesn't fit into anybody's mold or label. She is one of a kind.

She was a leader in the fight for economic sanctions against South Africa and was prescient in her opposition to $700 million in credit guarantees for Iraq before the Persian Gulf war. She has wrestled with innovative ways to make Federal programs more efficient and effective, and whether or not you agree or disagree with her on an issue, you respect her motives and her commitment.

She has been able to bridge differences of party and ideology to develop bipartisan approaches to solving problems. Her major accomplishment this year with the passage of the Kennedy-Kassebaum health-care bill epitomizes her ability to do what it takes to help people better lives.

NANCY's gentle, kind demeanor has been so important to her achievements and to the daily life of the Senate family. Kansas has been lucky to have her as their Representative in the Senate and the millions of workers now with portable health care were lucky she cared so deeply about their lives.

SENATOR HEFLIN

Mr. President, another member of the class of 1978 is HOWELL HEFLIN. Looking ever the part of the "country judge", HOWELL has played an important role in the life of the Senate. His careful attention to the facts, his thoughtful analysis, his methodical to an issue, have been the very elements needed in this body we all should like to remain the world's most deliberative body. He has taken on some of the more thankless tasks in the Senate, including the arcane issues involving bankruptcy and administrative practice. We will all miss his expertise and diligence.

Senator HEFLIN leaves behind a distinguished career as a public servant—serving 6 years as Chief Justice of the Alabama Supreme Court and 18 years as a U.S. Senator. He has proudly and diligently represented the people of Alabama—calling the shots as he sees them and doing what he thinks is about for his constituents. We need the judicial, detailed approach of HOWELL HEFLIN in the Senate. My wife, Barbara, and I have enjoyed our friendship with HOWELL and his wife, Mike. We wish him well in his retirement. It is well-deserved, for a very, very, special Member of this body.

SENATOR BRADLEY

Mr. President, about 15 years ago, I was riding in BILL BRADLEY's car coming back from a speaking engagement in Baltimore. Surprisingly, the car was a small, compact car. I say surprisingly, because the car was BRADLEY's and he is not a small person. But cramped in this small car, we were chatting about various issues we were working on and BILL mentioned the tax system. I was struck by the size of the problem he was willing to tackle, the thoughtfulness of his comments, and the ambition of his plan. That was the first I had heard of what later was to become the 1986 tax reform legislation. That's part of the legacy that Senator BRADLEY leaves behind—tackling issues head-on regardless of size and asking the big questions.

BILL BRADLEY has addressed some of the most pressing issues of our time—racial disparity, urban decay, how to achieve a civil society. If this were Plato's Republic, BILL BRADLEY would be one of the philosopher kings.

Another member of the class of 1978, we will miss his clear and original thinking, his willingness to take on the big issues, his commitment to building bridges among the diverse ethnic and interest groups in this country. I hope Bill stays in the political dialogue so we can benefit from his thoughts and ideas.

He and his wife, Ernestine, will both be missed by my wife and me.

SENATOR NUNN

Mr. LEVIN. Mr. President, as SAM NUNN leaves this institution, he is going to be leaving a very, very large hole. He is a person of special integrity, intelligence, and independence.

When I came to the Senate in 1979, I was assigned to the same three committees on which SAM NUNN served, and I have been with him on those three committees ever since: Armed Services, Governmental Affairs, and Small Business.

In SAM NUNN's 24 years of public service as a Senator, he has compiled an extraordinary legislative record. He has had a major influence on national security issues, he has cast over 10,000 votes, and he has established a rock-solid standard for bipartisanship that is the envy of his colleagues.

As chairman of the Armed Services Committee, SAM was a passionate advocate for a bipartisan approach to foreign policy, and as a Senator from Michigan, I can see the spirit of one of Michigan's great Senators, Arthur Vandenberg, reflected in SAM NUNN's approach.

Mr. President, I want to describe a few of the key defense and foreign policy issues on which SAM NUNN was the leader, and for which he will undoubtedly be remembered. He was the godfather of the Department of Defense Reorganization Act of 1986, more often known as "Goldwater-Nichols". This seminal piece of legislation helped the Pentagon to organize our military forces in a very effective manner that emphasizes the central role of the theater commanders—the commanders who actually command our forces in war—as well as the critical need for our military services to work together jointly as a single team to accomplish their missions.

Our military has often been commended for their extraordinary performance in the Persian Gulf war, and rightly so. But we should also recognize that it was the Goldwater-Nichols legislation that SAM NUNN helped put in place which assured our military was properly organized and prepared for that war. SAM NUNN has worked tirelessly to assure that the idea of joint cooperation that makes our military so effective is now ingrained as a core value throughout the military. For this, our Nation owes him a debt of gratitude.

SAM NUNN took a deep interest in United States-Soviet relations and NATO-Warsaw Pact relations during the last decade of the cold war, and helped to ensure that this dangerous ideological confrontation ended peacefully. He recognized the unique opportunity to turn this moment of history into a positive benefit for United States and international security.

After the end of the cold war, SAM NUNN saw clearly that our security was enhanced by the political developments in Eastern Europe and the former Soviet Union. He helped assure that we seized the opportunity to help the emerging democracies in Europe, and to foster democratization and stability. Perhaps the most concrete evidence of his efforts is the Nunn-Lugar program for cooperative threat reduction. This landmark legislation took advantage of the opening in United States-Russian relations and has advanced our security in a major way.

SAM NUNN helped put into practice what now seems common sense: It is easier, cheaper, and more effective to cooperate with the former Soviet Union to reduce threats to each other than it is to seek security by mutual threat. The Nunn-Lugar program has permitted the elimination of hundreds of former Soviet nuclear weapons that used to be pointed at us, and has been instrumental in helping make three former Soviet Republics nuclear-free. That is a real, tangible reduction to the threat from former Soviet nuclear weapons. The Nunn-Lugar program is still in progress and still improving our security.

SAM NUNN has also been an unequalled leader on preserving the security benefits of the United States-Soviet Anti-Ballistic Missile [ABM] Treaty, which has permitted the United States and former Soviet Union to reduce our nuclear forces significantly since the mid-1980's, including the START I and START II Treaties. When fully implemented, these two treaties will reduce former Soviet nuclear weapons by two-thirds from the level at the beginning of the 1990's. Thousands of nuclear weapons are being dismantled and will never threaten the United States again.

So it is crucial that we not undermine the ABM Treaty, because that was, and still is, the foundation upon which these critical nuclear weapon reductions are taking place. SAM has had to defend and preserve the ABM Treaty against many opponents, whether they sought to reinterpret its provisions, to undermine it or to kill it outright. Fortunately for our Nation, he has done an extraordinary job.

SAM NUNN has focused on the future threats to our Nation, as well as the cold war threats he helped to reduce so effectively, and has come up with very pragmatic and constructive steps to address those threats. Starting last year, he led the Governmental Affairs Permanent Subcommittee on Investigations on a rigorous examination of the threat of chemical, biological and nuclear terrorism, and our national preparedness to meet that threat.

He chaired a series of more than five hearings that demonstrated the seriousness of the threat of terrorists using weapons of mass destruction, and the fact that we are simply not prepared to handle such a crisis. Imagine if the World Trade Center bombing had been a chemical weapon attack.

Taking the chilling evidence from these hearings, Senator NUNN initiated new legislation designed to reduce the risk of such terrorism and to improve our defenses against such potential attacks. He joined forces with Senator LUGAR again, his partner from the original Nunn-Lugar program, and Senator DOMENICI to sponsor legislation that was supported without a single opposing vote in the Senate. That is the kind of bipartisan support that SAM NUNN commands. This legislation is a badly needed step toward reducing the threat of terrorists using weapons of mass destruction against our Nation.

And finally, Mr. President, we should remember that when the situation in Haiti was reaching a crisis point, and the military leaders were reluctant to step down, it was SAM NUNN who personally went to Haiti, with Jimmy Carter and Colin Powell, to convince the Haitian military leaders to turn over power peacefully to Aristide. And although he succeeded in his mission, it was at some personal risk because while he was still negotiating with the Haitian military, our military planes were already on their way to Haiti to launch a military operation to force the military to step aside and return Aristide to power.

There was no guarantee that Senator NUNN would not be caught in the middle of a fight and, along with former President Carter and former Chairman of the Joint Chiefs of Staff Colin Powell, be exposed to the risk of violence and chaos. So in the interest of pursuing stability and a peaceful transition of Government in Haiti, SAM NUNN was willing to put himself at considerable personal risk. In the end, he helped avert the need for a forceable U.S. military operation, which undoubtedly saved lives of U.S. military personnel.

Although not every Member agreed with him—or each other—on every issue, he was the undisputed master at bringing us together in agreement on bipartisan Defense bills.

As my colleagues on the committee will recount, this was rarely an easy feat. We were wrestling with some of the most controversial, consequential, and complicated legislation of the last decade. And yet, through it all, year after year, SAM NUNN crafted bipartisan Defense authorization bills that promoted our Nation's security and our Armed Forces.

It is often difficult to stand up against the majority of one's own party, but SAM NUNN did this when he felt it was necessary to advance the cause of American security. He stood in the same shoes that Richard Russell filled so well. And were Richard Russell here today, he would say to SAM NUNN, "Well done, American patriot. You have faithfully served your country, America is stronger and the world is safer because you came along."

I also want to thank Senator NUNN for his very kind words the other day about our service together on the Armed Services Committee and the Governmental Affairs Committee. In his remarks he referred to the times in conference on the DOD bill when he would deputize me to resolve a House-Senate dispute. He was complimenting me on usually getting a reasonable outcome for the Senate position. What he was too modest to reveal, was that it wasn't my talent that got results. I would go into those meetings at NUNN's request and when the going got rough, I would force the agreement by threatening to bring in SAM.

I also had the good fortune to work with Senator NUNN on the Governmental Affairs Committee. As chairman and ranking Democrat on the Permanent Subcommittee on Investigations, SAM NUNN has left his stamp on major investigations. Under NUNN's leadership PSI, as we call it, disclosed massive management problems and wasteful spending in health insurance companies; the serious and unresolved threats to our Nation as a result of insecure computer systems in DOD, other Federal agencies and private companies; the threats of black market trading of nuclear materials; vulnerabilities of our student loan programs, and a host of law enforcement challenges and problems. He has been a dogged investigator.

SAM and his wife, Colleen, will now begin a new chapter in their lives and hopefully will get some well-deserved time to themselves and with their family. All of us have come to rely on him on so many national security issues. We will surely miss the opportunity, when we come to the floor to vote on an amendment related to foreign policy or national security to look for SAM to find out what his position is on the issue. His strong legacy will require us in the future to consider the factors he would have weighed, were he still with us, before we vote on issues that are important to the security of our Nation.

SENATOR PELL

Mr. LEVIN. Mr. President, Senator PELL leaves us this year after 36 years of service in the U.S. Senate. Only Senator STROM THURMOND and Senator ROBERT BYRD have served longer. Senator PELL has served with distinction on both the Foreign Relations Committee and the Labor Committee. Thousands of young people are in his debt as they move through college because of the availability of Pell grants.

In this current culture of negativism and attack ads, Senator PELL stands out as a man of civility and gentleness. He has a wonderful inability to say anything unkind or negative about a fellow human being. He is determined to be positive about his own views and never to attack another Member. He has helped to maintain the Senate as a family institution with bipartisanship, particularly in foreign policy, as an overriding goal.

I have also been able to personally observe his belief in and support for multinational organizations as a way to move to a more peaceful world and as a way to avoid America's becoming the world's policeman.

I have had the privilege of traveling with Senator PELL to the farthest reaches of the world—including Tibet. And I know him to be a thoughtful, spiritual, caring man. His kindness and gentle ways will be deeply missed by this body as he and Nuala take a well-deserved rest.

SENATOR JOHNSTON

Mr. LEVIN. Mr. President, the Senate will lose an intelligent, capable, shrewd—and I use that term with respect and admiration—Member with the retirement of BENNETT JOHNSTON. I have been with BENNETT and opposed to BENNETT and I can tell you it's much more comfortable to be with BENNETT.

Twenty-four years of service in the Senate have made BENNETT one of the most experienced legislators in this body. He is a man of can-do spirit and one who approaches every problem with a how-to-fix-it attitude. I had the opportunity to work with BENNETT this Congress on regulatory reform. He sat on the floor day after day while that legislation was pending taking on every problem, delving into every issue, trying to craft solutions to get the legislation moving. He was dedicated to his task and willing to put in whatever time and effort it required. His ability to work long and hard was exceptional.

We didn't succeed on that legislation, but it wasn't for want of effort. The stars weren't aligned right to reach a final product. But in working with BENNETT JOHNSTON on that legislation and several Congress' ago on similar legislation which was called the Johnston amendment, I was and continue to be impressed with BENNETT's willingness to listen to ideas and concerns and work as hard as anyone to address the problem. He's been a notable addition to the U.S. Senate.

SENATOR BROWN

Mr. LEVIN. Mr. President, HANK BROWN would be a welcome member in any organization or effort. He is thoughtful, kind, and honest. He is earnest in his concern for a Government that works, and he takes on the issues in which he believes.

To bridge the differences between the parties and develop bipartisan approaches to difficult problems, the Senate needs more Members like HANK BROWN. He leaves the Senate after only one term. A strong supporter of term limits, HANK has lived by his creed. He has done so in many other ways and leaves with the respect of every Member of this body.

SENATOR SHEILA FRAHM

Mr. LEVIN. Mr. President, we have had a very short time to come to know Senator SHEILA FRAHM. Just this past June, she was appointed by Governor Bill Graves of Kansas to serve the remainder of Senator Dole's term. Joining the Senate in midterm is a very difficult thing to do. Committees are in the midst of their work, the Senate is considering bills every day which have already had hearings and been reported by the various committees, and the requirements of representing a State, its interests, and most importantly, its citizens in the U.S. Senate is a big job which cannot await on-the-job training. Senator FRAHM quickly impressed all of her colleagues with her seriousness of purpose, her energy, and her grace in meeting this difficult task.

I served with Senator FRAHM on the Armed Services Committee where she was attentive to the complex issues of national security. She established herself immediately as a hard worker who recognizes the importance of our Nation's defense and the well-being of our Armed Forces.

Although we have just begun to know SHEILA FRAHM, I know my colleagues join me in saying that we will miss her friendly smile and her commonsense approach to the issues before us.

SENATOR HATFIELD

Mr. LEVIN. Mr. President, finally, it is with a mixed heart that I say goodbye to Senator MARK HATFIELD—mixed, because I am sad for the loss to the Senate and the people of this Nation but glad for MARK as he approaches a time of much-deserved rest and rejuvenation.

As one of the most powerful Members of the Senate, chairman of the Appropriations Committee, Senator HATFIELD has set a standard of humility and decency that few have matched. He has been able to wield great power without vanity. Indeed, he has shown us that power can be exercised with grace and genuine compassion.

A World War II veteran, one who fought at Iwo Jima and entered Hiroshima shortly after the bomb, Senator HATFIELD has dedicated his life to peace. His legacy is that of a legislative hero—bringing an end to nuclear weapons testing, protecting the valuable wilderness areas of his home State of Oregon, fighting for refugees across the globe, and opposing needless but expensive weapons like the MX missile.

I've had two opportunities to work with Senator HATFIELD in the last few years. We have both had the privilege to serve on the FDR Memorial Commission, and we have worked together on legislation to allow for greater flexibility in the implementation of Federal categorical grant programs. In both cases, Mr. President, I have been able to observe Senator HATFIELD's skill in and commitment to achieving bipartisan solutions to problems. His role on the FDR Commission has been so valuable that we were able to amend the statute creating the Commission in order to allow him to continue to serve in the year after he leaves the Senate and so he can be present at the dedication next year as cochairman of the Commission. But for him and DAN INOUYE, our other cochairman, the FDR Memorial would still be in the planning stage.

Mr. President, Senator HATFIELD has been a fighter for the underrepresented, for the compassionate use of the power of the Federal Government, and for greater efficiency and effectiveness. I congratulate him on his most distinguished record of public service. We will deeply miss his good judgment, his expertise, his decades of experience, his wisdom, and his commitment to making Government work for all the people, but most of all, his gentle manner.

I thank the Chair and my colleagues, and yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to proceed in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FEDERAL LAW ENFORCEMENT DEPENDENTS ASSISTANCE ACT OF 1996

Mr. SPECTER. Mr. President, I want to comment briefly about the signing into law this morning of the Federal Law Enforcement Dependents Assistance Act of 1996.

This is legislation to provide education and job training benefits to widows or spouses of Federal law enforcement officers killed or rendered totally and permanently disabled—and their children—in the line of duty.

I introduced the legislation in the Senate following my chairing of the Ruby Ridge hearings which resulted in the tragic death of Marshal Degan.

I am proud to wear today the U.S. Marshal's badge of Bill Degan which was handed out at the signing ceremonies this morning.

Ruby Ridge was a great tragedy.

It involved the loss of three lives, all very valuable, and it cost the life of Bill Degan. I have had the opportunity to sit and visit with Mrs. Degan, his widow, and their two young sons, Bill, Jr., and Brian. Our meetings focused attention on the issue so that legislation could be passed.

On the House side, companion legislation was introduced by my distinguished colleagues, Congressman JON FOX, from suburban Philadelphia, and Congressman GERRY STUDDS, from Massachusetts. It applies to many law enforcement officers who have been tragically killed, one of whom is FBI agent Chuck Reid, who was gunned down on March 22, 1996, just a few months ago, in arresting a drug suspect in Philadelphia. It tells Federal law enforcement officers and their families that the Government stands behind them, and if they are killed or totally and permanently disabled in the line of duty, we will protect their spouses and their children. As we consider this matter further, it may be that similar benefits ought to be structured for law enforcement officers generally, for they represent the thin blue line which stands between the citizenry and violence in our streets, something in which I have had extensive experience as district attorney of Philadelphia.

I ask unanimous consent that two letters be printed in the RECORD from the Federal Investigators Association and Federal Law Enforcement Officers Association commending the Congress for this legislation.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FEDERAL INVESTIGATORS' ASSOCIATION,
Carle Place, NY, September 30, 1996.
Hon. ARLEN SPECTER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: As president of the Federal Investigators' Association (FIA), a professional and fraternal organization representing federal law enforcement agents throughout the United States, I wish to thank you, on behalf of our membership, for sponsoring Senate resolution 2101. Our Washington Director, Don Baldwin, happily reported to me last week that the bill has passed both houses of congress and is now awaiting the President's signature. We understand that there is no opposition and that the bill will be signed into law.

The Act will provide "educational assistance to the dependents of federal law enforcement officers killed or disabled in the performance of their duties." We applaud your actions in the aid to federal officers, who can no longer provide financial support to their families because of injury or death resultant from tragedies occurring in their work. The Act will relieve much of the stress which federal law enforcement officers' families deal with because a brave officer has lost his or her life or become disabled in the line of duty.

I understand that you acted immediately upon learning of the sad loss of federal officers at Ruby Ridge. You have done a great service for our federal law enforcement officers and their families, I am sure this will go a long way toward boosting the morale of all agents.

I am sure that I speak for the thousands of federal law enforcement officers and their dependents in thanking you for the sponsorship of this important legislation.

Sincerely yours,
J. MICHAEL DALY,
National President.

FEDERAL LAW ENFORCEMENT
OFFICERS ASSOCIATION,
September 18, 1996.
Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: On behalf of the over 12,000 members of the Federal Law Enforcement Officers Association (FLEOA), the largest association representing Federal criminal investigators in the nation, I am pleased to inform you that we fully support S. 1243, the "Federal Law Enforcement Dependents Assistance Act of 1966." I Also want to thank you for proposing this fine piece of legislation.

As you may already know, many states and local municipalities currently have legislation which ensures that the dependents of local officers killed or disabled in the line of duty receive assistance towards education or job training. Also, many local police agencies provide for the continuing education of survivors under the same circumstances. None of this exists at the Federal level. S. 1234 will correct this oversight regarding Federal law enforcement officers.

If you or your staff wish to contact me please call 212-637-6543.

Very truly yours,
VICTOR OBOYSKI,
National President.

Mr. SPECTER. I thank my colleague from Georgia for waiting.

I thank the Chair and yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, I ask unanimous consent that I be allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DATE RAPE DRUGS

Mr. COVERDELL. Madam President, there are a number of items that are still pending before the 104th Congress, one of which is legislation that could combat the surge of what is characterized as date rape drugs in the United States.

I have been working on this matter for the better part of a year. This scourge is growing in its use, particularly in the Southwest and East—Louisiana, Texas, Florida. It is an evil threat to the young people of America.

The legislation that has been winding its way through this 104th Congress makes the use of this drug or any drug as a weapon a Federal crime. With the help of Senator HATCH, it was expanded to create penalties for possession or distribution of this type drug. It ultimately came back to us in the House bill which included minimum sentencing, and the other side of the aisle took exception to that. But over the last several days, in working together, it appears that we are about to come to terms on it, and, in fact, this piece of legislation will become law. It is very important.

This is a weapon that cannot be seen, obviously cannot be heard. You cannot taste it. You cannot smell it. So the unsuspecting victim is subjected to a period for which they lose consciousness and memory, which makes it even more difficult for prosecutors to pursue the case.

I think by moving in swiftly, we are putting people on notice, we are warning potential victims, and we are setting the stage for prosecutors to take charge of anybody who would use this new drug in such an evil way.

I am standing here today encouraging all of those who are dealing with the remainder of these negotiations to get on with it and certify that, indeed, this becomes the law of the land.

OMNIBUS PARKS LEGISLATION

Mr. COVERDELL. Madam President, the Senate has in its possession the House-passed omnibus parks bill, and everybody within the sound of my voice in this Chamber has heard about the parks bill. I am very hopeful we can bring this legislation to a successful conclusion.

There are two very important features that affect our State. One is making a heritage trail out of a 150-year-old canal built in Augusta to provide power to the textile industry of that era. It is still providing power, and it is a beautiful stretch of unspoiled land that is a national heritage and a national treasure, and legislating its protection and development in such a way to enhance it is exceedingly important to that region of our State and that city of our State.

Further, it deals with Chickamauga and Chattanooga National Military Park Highway, which has been in contention for a long time and is something which must be resolved in order to deal with issues in the northeastern or northwestern part of our State.

So I guess I am just saying, here is another Senator who has not left Washington and will stay here until we put the omnibus parks bill to bed, hopefully successfully, because, as we have all said, it affects so many of our States in the Union. It is something we really need to get done.

FAREWELL TO SENATOR SAM NUNN

Mr. COVERDELL. In closing, Madam President, I once again bid farewell to one of the outstanding Members of this Senate, and that is my colleague from Georgia, Senator SAM NUNN. We are from different parties, different sides of the aisle. We have known each other as Georgia citizens for well over a quarter century.

I think he has made an exemplary contribution to his State and to his Nation. I believe he will be missed, and the authority that he brings to issues with regard to national defense and the security of our Nation will long be remembered in this Senate. I bid him adieu and safe journeys wherever his life takes him. I know we will be able to reach out and call on him on issues of national importance in the days to come. Even though he will be accessible in that way, I know this Senate is going to greatly miss the wisdom and wise ways of my colleague from Georgia, Senator SAM NUNN.

Madam President, I yield back whatever of the 10 minutes I may have.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, is the Senate now in morning business?

The PRESIDING OFFICER. Yes, it is.

Mr. DORGAN. Madam President, I ask unanimous consent to proceed in morning business for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, as we end this legislative session, I come to the floor to say a word about those who are leaving this Congress and also to talk about a couple of pieces of unfinished business.

SALUTE TO DEPARTING SENATORS

Mr. DORGAN. Madam President, other colleagues have come to the floor to discuss the departure of those with whom we have served who are leaving this Congress. In the Senate, we will see Senator BILL BRADLEY leaving the Senate, Senator HANK BROWN, Senator BILL COHEN, Senator JAMES EXON, Senator MARK HATFIELD, Senator HOWELL HEFLIN, Senator BENNETT JOHNSTON, Senator NANCY KASSEBAUM, Senator SAM NUNN, Senator CLAIBORNE PELL, Senator DAVID PRYOR, Senator PAUL SIMON, and Senator ALAN SIMPSON.

When you read that list, it is quite a substantial list of experience that the Senate will lose. Rather than say a lot about each of them, I just want to make some observations and take a look at those folks who are leaving the Senate this year. What they have contributed to this country is so at odds with what so many Americans think of politicians and perhaps even of the U.S. Senate these days.

There has been a public sport in the last decade or so in the negative politics of today that I suppose serves some interest. There are those who are trying to diminish or hurt this institution by suggesting that somehow the U.S. Senate, as an institution, is an unworthy place, that Members who serve in it are slothful, indolent folks who sleep till noon and perhaps then go to the club and maybe work an hour in the afternoon before they take a nap, and go home shortly after the nap.

Nothing could be further from the truth. The U.S. Senate is an extraordinary place, and the people who serve here are extraordinary people. I have never in my life had the privilege of serving with so many wonderful people, who are smart, dedicated, tough, honest, and hard-working people. They are on both sides of the aisle, Republican and Democrat.

When I look at this list of names, I think of the people here who work day and night, in many cases 7 days a week, including traveling in their States. You see them here early in the morning, you see them here late at night, always working. That is more the rule in the U.S. Senate with most all Members of the U.S. Senate.

But when I look at the people who are leaving at the end of this Congress, there are those who have been here a good number of years, and have substantial experience. They are going to be hard to replace. Oh, they will be replaced. There is no question about that. Yet it is hard to replace the kind of experience that comes with the service of SAM NUNN from Georgia or NANCY KASSEBAUM from Kansas, and I could go through the list of others as well.

I think it is interesting that in this age of discussion about term limits comes the suggestion by some that what is wrong with our country is that there are those who have too much experience. I have said it before, and I will say it again because I think it bears repeating. I wouldn't have traded one Bob Dole for all 73 freshmen House Republicans in terms of experience and service. What Senator Dole gave to this Senate for so many decades is an extraordinary commitment to public service. Now, I am not supporting him for President, and I am quick to point that out to my colleagues. But, I have a deep admiration for the extended service given our country by some of the great legislators in this country's history.

To suggest somehow that we should not have had the experience of Barry Goldwater or Hubert Humphrey, we should not have had the experience of Calhoun or Clay or Webster, the experience they gave us over so many years, really does not make much sense to me.

But, I did not come here to debate term limits. I came here to say that those who depart this Senate and who have contributed enormously to this country by their service in this Senate, demonstrate, the substantial commitment that so many people over two centuries have made to this country by serving in the U.S. Senate.

This service, for me, has been the greatest privilege of my life. I come from a town of 300 people and a high school class of 9. I never expected to be sworn in to the U.S. Senate. It is an extraordinary privilege, and I know that all of those who are leaving believe it to be so.

I add my voice to so many others who have, by name and person to person, described those who have been here and what they have contributed in the U.S. Senate. This is a remarkable group of Republicans and Democrats who have contributed greatly to our country, and I salute all of them, and I wish them well in their travels and all of their future endeavors.

TRANSFER OF SMALL BUSINESS AND FAMILY FARMS

Mr. DORGAN. Madam President, I want to mention two quick pieces of business. I have introduced a piece of legislation at the end of this Congress, intending to take it up in January again when a new Congress convenes, dealing with the estate taxes that we now have in our country. My piece of legislation deals specifically with the transfer of small businesses and family farms from parents to children.

The economy in this country is a kind of an interesting economy. We have large corporations which are given life only because we have given them life by law. We have said, by law, we will allow there to be created artificial people. They can sue and be sued, contract and be contracted with, even have names, but they are artificial. They don't live. They don't give blood. They don't have a beating heart. It is an artificial person. A corporation is recognized in law as artificial.

The interesting thing about the corporation is that it doesn't die. General Motors might get long in the tooth, but General Motors isn't going to die. It isn't going to have kidney failure or have heart disease. General Motors won't die. But a small business run by a husband and wife or a family is different. The husband and wife who start the business and run the business, they die.

So what happens when a family farm or a family business finds itself in a circumstance where the mother and the father who started that business and were running that business pass away. What happens when they want to transfer that business to the son or daughter?

Well, what happens too often is the son and daughter end up owning the business, plus a $300,000 or $400,000 tax bill from an estate tax burden that they must pay in order to run the business that their father and mother started. That does not make much sense to me.

Our incentive ought to be to try to say to the children, "You want to continue to run the family business? We want to help you do that. It's in our interest to help you do that." It is in our interest to continue those jobs and to see that businesses continue, as a family farmer or family business.

I have proposed a piece of legislation which would provide for up to $1.5 million of transferred assets to the children without an estate tax obligation. Those children can then inherit a business and be able to run the business, providing they want to run it.

If they do not want to run the family business, as far as I am concerned, whatever the current estate tax is, that is the tax imposed. If they want to continue to run that business for the next 10 years, I want that family farmer or business to operate without a crushing burden of estate taxes. And my legislation will accomplish that.

The estate tax was originally conceived during the Civil War to finance the Civil War. It has had fits and starts and various turns since then. We ought to make certain the estate tax, as a revenue device, does not interrupt the continuity of a family business or family farm in which the children wish to continue as a viable family business or family farm.

That was the intent of the legislation I have introduced at the end of this session. Of course, without an opportunity for action on it, I will have to, in January or February, in the new Congress, turn to it again and see if we can make some progress on it. I expect there will be bipartisan support for legislation of this type, and I hope that we will see some success.

THE TRADE DEFICIT

Mr. DORGAN. Finally, while I will not characterize this Congress, because it would take too long, I do want to say that one of the pieces of unfinished business in the Congress deals with trade. I want to just discuss that for a moment.

There are failures in this Congress and successes; and we can point to both. The 104th Congress is one of the strangest Congresses I have ever seen operate. It had more twists and turns than a road in hilly country.

It just started out with the kind of bizarre circumstance of people saying, "Well, we have no experience, and we're new here, and we don't intend to compromise. We got here because we bragged we have no experience, and we intend to prove we don't have any in the first 90 days. We don't intend to compromise on anything. And if you don't like it, we'll shut the Government down." And it went on and on, and it was a mess.

The American people, I think, did not like it much. The first year of this Congress was not a very productive year. The second year of this Congress, I think, was a productive year, especially the last 6 months. Progress was made on a health care reform bill, on the minimum wage, on immigration reform, on welfare reform, and on a range of issues that I think are important to this country. I think the credit for that can be given to a bipartisan spirit of cooperation in the waning months of this Congress.

But the one issue that was not dealt with, and has never been dealt with by this Congress, is an issue dealing with deficits. And, no, it is not the budget deficit. It is the trade deficit.

The budget deficit is down, way down, down more than by one-half. So the budget deficit has been coming down and moving in the right direction. But the trade deficit has not. Yet, almost no one discusses the trade deficit.

As I conclude my remarks today, I want to call the attention of my colleagues to an article written by the economist Lester Thurow. I ask unanimous consent to have this article printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DORGAN. It is entitled, "Awaiting the Crisis." This is by Lester Thurow, MIT economist. The subtitle is, "It's fundamental: No country can run a trade deficit forever."

And I want to read part of it.

> When something has gone on for a long time, human beings have a tendency to act as if it could go on forever—even when they know that it cannot. Consider the triangular trading pattern between the United States, Japan, and most of the rest of East Asia. Japan runs a huge trade surplus with the United States and now an even larger one with the other countries of East Asia, most of which pay for their enormous trade deficits with Japan by running even bigger trade surpluses with the United States. The United States ends up with a current account deficit (more than $150 billion in 1995) that is mostly attributable to its unfavorable balance of trade with Japan and most of the rest of East Asia.

He does not say it, but he should also include Mexico and Canada.

> Yet if there is one thing that we know about international trade, it is that no country, not even one as big as the United States, can run a trade deficit forever. Money must be borrowed to pay for the deficit, but money must also be borrowed to pay interest on previous borrowing.

And he goes on. The merchandise trade deficit in this country last year was $170 billion. And it is growing. There was a great deal of activity on this floor during this Congress talking about the budget deficit. The Federal budget deficit is diminishing, going down, way down. The trade deficit is going up. There has been almost no discussion about this on this floor except for myself and a couple of others.

What discussion does exist on this floor is generally referred to by others, the very people who have put us in this trade position, who say, "Well, that's simply the complaining by a few certifiable stooges that don't have any training at all."

Lester Thurow is right. No country can run a trade deficit forever. We can see Americans who wear Chinese shirts, Mexican shorts, and Italian shoes, and drive Japanese cars, and watch television on Taiwanese television sets, and then complain about their jobs. "What's happened to my job? I'm paid less. I don't have job security."

It simply does not add up. To the extent we have large trade deficits, because we import more than we export, it means that the manufacturing base of our country diminishes. No world economic power will long remain a world economic power unless it has a sustainable manufacturing base. You cannot move all that you produce overseas and still believe you will remain a strong economic power.

I am not suggesting that our country ought to have a policy by which we establish walls and prevent goods from coming in. I am not saying that at all. What I am saying is that we must have a trade policy that tries to move us toward some kind of trade balance so we get rid of these crippling trade deficits.

My colleague, Senator BYRD, from West Virginia, and I introduced a piece of legislation that we had hoped would be passed by this Congress in the waning days, and it was not. It would have established an emergency commission to end the trade deficit. Under this bill a commission would be impaneled to give us recommendations on how can we tackle this trade deficit, and what kinds of policies this country can employ to reduce this trade deficit.

The trade deficit must be repaid with a lower standard of living in our country. There is not any economist that will argue otherwise. To have a trade deficit that is this large, the largest in human history, and growing, is very dangerous for our country.

That does not argue, as I said, for protectionism. It does not argue for providing consumers with fewer choices. It simply argues that you must have some kind of balance in your trade policies. It suggests to other countries that there are reciprocal responsibilities.

Let me give you an example.

China sends us an enormous amount of products to be sold in our marketplace. And that is fine with me. But then what happens when China needs airplanes. And it does, because it does not manufacture airplanes except for small airplanes, some 50-seat airplanes. It does not manufacture the large planes. When China needs airplanes, because it has a $30-billion-plus surplus with us, or we have a deficit with them of over $30 billion, you would think that China would say, "All right, you buy the things that we produce that you need, so now when we need something you produce, airplanes, we'll buy them from you." It is not the way it works.

China says to us, "We'd like to buy some of your Boeing airplanes. By the way, you must manufacturer them in China. Yes. We'll buy your products if you manufacture them in China." I do not understand that. It does not make any sense to me, particularly with a country that is running up a giant trade surplus with us or is putting us in a position to have an enormous deficit with them. When it intends to buy something that we produce, it has a responsibility to buy it from our country, from our workers and from our producers.

The same is true with wheat. I will use China again, although I could use others. China has this enormous trade surplus with us, growing in a very significant way. It buys wheat, and we should be thankful that it buys wheat. But, it is off price shopping with other countries to try to figure out where it can buy discount wheat. China has a responsibility to buy wheat from us. When it is running up a $30-billion-plus trade surplus or putting us in a deficit position, it has a responsibility to us to buy our wheat.

I could talk at great length about Mexico and Japan and China and Canada. These countries have the significant portion of our trade deficit, and we should talk with them about the need for reciprocal trade policies. But I did not come to the floor to do that. I came to the floor to point out that Lester Thurow, the MIT economist, has written "No country can run a trade deficit forever."

Those in this country who have a nagging feeling somewhere between their brain and the pit of their belly understand what it is. Unfortunately, economists in this town do not and most politicians do not. That nagging feeling of uneasiness is to see a country whose manufacturing is increasingly moving elsewhere. It is not simply the manufacturing of low-skilled circumstances. No, it is the manufacturing with high-skilled labor that is moving elsewhere. The result is we are left in this country with jobs that move from high skill to low skill, from higher pay to lower pay, and from more security to less security. That hurts this country.

My message to the Congress and the President is that we cannot continue to ignore this problem. This article I asked to have printed in the RECORD is entitled "Awaiting the Crisis."

I remember in the last Congress we had a significant debate about NAFTA, the North American Free Trade Agreement. We were promised by economists and others that if we would pass NAFTA with Mexico and Canada, we would see several hundred thousand new jobs in our country. It turns out we passed NAFTA. I did not support it. I actively opposed it. We not only did not get 300,000 new jobs; we lost more than 300,000 jobs. One recent study places the job loss closer to 500,000 jobs.

It turns out the substantial new imports from Mexico are not imports resulting from low-wage, low-skill jobs. Instead, the imports are largely the result of high-skilled jobs that are still paying low wages in Mexico. They are the result of jobs in electronics, automobiles, and automobile parts. Those are jobs that used to be ours that are now south of the border.

I, personally, do not see that it advances this country's interest to put together trade strategies that result in jobs moving overseas. I might say with respect to that, just parenthetically, we not only have a trade policy that encourages that, we also have a tax policy that says, "By the way, shut your American plant, fire your American workers, and move your jobs overseas and we will give you a big fat tax break."

Twice I tried to get that changed on the floor of the Senate and twice I lost. But I will be back, because we will vote again on that in the next session of Congress. It might be in the interest of the largest international corporations to collect a tax break from moving jobs from Fargo or Bangor or Pittsburgh or Denver to Sri Lanka, Bangladesh, China, or Korea, but it is not in our interests. It might be in their interests, but it is not in ours. We ought to deal with that.

Madam President, this is an issue that the next Congress must tackle. Senator BYRD, the Senator from West Virginia, and I will reintroduce the legislation that we introduced toward the end of this session dealing with an emergency commission to end the trade deficit. I will continue to stimulate and agitate, if necessary, on this.

We must address this issue, but not in a way that retreats from the interests of expanded and open markets. We must address it in a way that focuses on what is in our economic interest as a country. We must not address it in a way that allows those who sloganeer about protectionism to claim anyone who does not share their view is protectionist.

How do we, at the same time as we countenance largely open markets, insist on our trading partners opening their markets to American producers and the products made by American workers? How do we do that? The failure to do that means we load our kids with debt that they will have to repay with a lower standard of living. This is not the budget debt. This is trade debt. The merchandise trade deficit this past year is close to $170 billion.

Madam President, let me again, as I conclude, pay honor and tribute to those who leave the U.S. Senate. It has been a privilege to me to serve with them.

EXHIBIT 1

AWAITING THE CRISIS

When something has gone on for a long time, human beings have a tendency to act as if it could go on forever—even when they know that it cannot. Consider the triangular trading pattern between the United States, Japan, and most of the rest of East Asia. Japan runs a huge trade surplus with the United States and now an even larger one with the other countries of East Asia, most of which pay for their enormous trade deficits with Japan by running even bigger trade surpluses with the United States. The United States ends up with a current account deficit (more than $150 billion in 1995) that is mostly attributable to its unfavorable balance of trade with Japan and most of the rest of East Asia.

Yet if there is one thing that we know about international trade, it is that no country, not even one as big as the United States, can run a trade deficit forever. Money must be borrowed to pay for the deficit, but money must also be borrowed to pay interest on previous borrowing. Even if the annual trade deficit does not grow, interest payments do until they are so large that they can no longer be financed. Americans can also sell their assets (land, companies, buildings) to foreigners to finance deficits, but that approach is also limited since eventually there will be nothing of value left to sell.

At some point the world's capital markets will quit lending to Americans (the risk of default and of being paid back in a currency of much lower value are simply too great), just as they have quit lending to everyone else. The question is not whether the end will come. It will. The question is when and how fast. Will it come as one big shock or as a series of smaller shocks that do less damage?

But no one knows, or can know, when or how fast. Economics is quite good when it comes to assessing fundamental forces, but it is horrible at timing and speed of adjustment. Economic theory simply says nothing about either.

When the ends comes, the biggest effects will be felt in most of the up-and-coming countries of East Asia. They will lose not just their United States market and trade surpluses but also their ability to run a trade deficit with Japan and finance the importation of Japanese products, including components and spare parts. Since much of what they sell in their domestic markets depends on these Japanese imports, cutbacks in production will have to be far larger than what a simple elimination of United States trade surpluses would indicate.

Many of the East Asian countries that think they have reduced their dependence on the American market in recent years will find that they have not. South Korea now sells less than it once did to the United States and more to China than ever before, but China could not afford to buy from South Korea it if it did not have a trade surplus with the United States. As China's sales fall in America, its purchases from South Korea will have to fall as well.

In addition, many of the countries in East Asia have their debts denominated in yen, even though most of their sales are denominated in dollars. As a result, when the yen rises in value vis-à-vis the dollar, the real value of their debts explodes. This effect was already apparent as the dollar slid from 120 yen to 80 yen over the last couple of years. Indonesia and China would have been in a lot of trouble if the dollar had not recovered.

As a consequence, when the United States loses its ability to finance its trade deficit, Japan will lose not just its American sales but also most of its East Asian sales. A few countries in East Asia, such as Taiwan, have large foreign-exchange reserves and will be able to continue to import Japanese components and spare parts. But most other have little in the way of foreign-exchange reserves—without their American sales these countries will become uncreditworthy. Their Japanese purchases will have to end almost instantly. Having lost their United States and Asian export surpluses, Japan's big export industries will have to undergo a big contraction.

Paradoxically, the problems will be the least severe in the United States. The standard of living there will certainly decline as imports fall back into balance with exports, but United States companies, such as auto manufacturers, will quickly add third shifts and expand production to grab the sales and market share that companies in Japan and the rest of East Asia will be forced to give up. The problems of the United States will be minor compared with those of Japan and the rest of East Asia.

Given this reality, governments should act now to rebalance trading patterns in order to avoid the crisis that will emerge if current trends are simply allowed to play themselves out. Everyone knows that a gradual readjustment that is deliberately engineered now will be a lot less painful than a sudden, market-forced adjustment at some point in the future.

But it is just as clear that these governments will fail to act in time. They will instead wait for the crisis to arrive.

Mr. DORGAN. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTING COLLEAGUES

Mr. GORTON. Madam President, 2, or 3 days ago I had the opportunity to speak on the floor about those of our colleagues on this side of the aisle who are ending their Senate careers with the termination and adjournment of this Congress.

I wanted to take this opportunity to speak briefly about my friends and colleagues on the other side of the aisle who are doing the same thing with particular reference to one who has become a special friend.

Many people have paid well earned tribute to the Senator from New Jersey, Mr. BRADLEY, for his brilliance, dedication, and purposefulness; to a particular colleague, Senator EXON of Nebraska, with whom I have been privileged to serve on both the Budget Committee and the Commerce Committee whose wit, sense of humor, and ability to diffuse difficult situations is wonderfully welcome; to perhaps a favorite of many, Senator SIMON of Illinois who, even when one disagrees frequently with him on issues, is always unfailingly friendly, thoughtful, forgiving, and forthcoming; to the courtly and courteous Senator PELL from Rhode Island.

Madam President, all are individuals that we will miss.

SENATOR BENNETT JOHNSTON

But I want to especially pay tribute to my dear friend and colleague, the senior Senator from Louisiana, BENNETT JOHNSTON; with common interests in many matters relating to energy, to all sorts of natural resources, to our parks, and particularly to a balanced Federal budget; the companionship that we had in search of a bipartisan solution to those questions and of the balanced budget during the course of the last year or two. We would be closer in any event.

But, Madam President, I want to put on the Record one unique set of circumstances that binds the two of us together in a way that illustrates in some respects how small this world is.

When I first came to the U.S. Senate in 1981, Senator JOHNSTON had been here for a considerable period of time and was a leading, highly respected, and very, very thoughtful Member of this body.

About 6 months after I was here, I visited at length my mother, who died just a couple of months afterward, at her home in Massachusetts, and was talking to her with great enthusiasm about this new challenge of my life and this new career; describing the friendships I had made, at which point I said, "One of the Democrats, mother, that I like best of all is BENNETT JOHNSTON. You know, he comes from Shreveport, LA, where your sister lived and raised her children, my cousins. I just think that BENNETT JOHNSTON is a really terrific Senator." And my mother smiled at me, and responded, and said, "Well, Slade, when you go back to the Senate, you ask Senator JOHNSTON whether he knows that his father proposed to me while we were undergraduates at Louisiana State University."

Well, Madam President, Senator JOHNSTON obviously did not know that his father had proposed unsuccessfully to my mother before he met and married the Senator's mother. But that brought us close enough together that he and I have called one another cousin ever since.

Madam President, of all of the people whom I will miss in this body at the end of this Congress, I want to say that I will very, very much miss my cousin, BENNETT JOHNSTON of Louisiana.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

TRIBUTE TO SENATOR BILL COHEN

Ms. SNOWE. Mr. President, I rise today to pay tribute and bid a reluctant farewell to an outstanding leader, friend, colleague, and mentor—and an individual who has been a tremendous credit to this institution and to his home State—the senior Senator from Maine, BILL COHEN.

The U.S. Senate is often referred to as the greatest deliberative body on earth, a reflection on the stature of its most outstanding individuals throughout our history. These leaders have all faced different challenges in different ages, but share the traits that bind men and women to greatness: courage, integrity, and a thoughtful approach to the issues of the day. They are people for whom public service is a calling, not a career; and a solemn trust not ever to be broken.

Senator BILL COHEN is one of these people.

BILL COHEN grew up in Bangor, ME, and would forever be instilled with the solid, common-sense, honest characteristics that are the hallmark of any good Mainer. From humble but hardworking roots, BILL COHEN would learn the values that have made him a great legislator, and a great leader.

Mainers are a proud and independent people, who believe in thinking for themselves but also in helping each other. They understand that there are no free rides—no endless summers. For every action there is a consequence, and with every right comes a responsibility. People are expected to make the most of the opportunities they have, but also to make certain those opportunities exist for others. They insist that a person keep their promises and be true to their word. And they believe the ultimate measure of any man or woman is how close they remain to their principles precisely when it is most difficult to do so.

It is against this backdrop that BILL COHEN started his political life, and he has carried these ideals with him throughout his tenure in the public arena. He entered politics knowing that he would have to make difficult decisions and willing to make them—but not knowing what or when. As it turned out, his moment would come very quickly.

It became clear early on that BILL COHEN would follow in the tradition of great Maine leaders like Margaret Chase Smith and Edmund Muskie. Indeed, from his earliest days in Congress, Representative COHEN distinguished himself as an island of reason in a stormy sea of scandal. While America was suffering a crisis of confidence, BILL COHEN charted a course straight through the heart of the storm as a member of the House Judiciary Committee considering Articles of Impeachment against a President. Although just a freshman in the House, BILL was already a man of conscience and courage—someone who was willing to make the tough calls and risk his political future for the sake of truth and America's honor.

One of our distinguished colleagues, Senator ROBERT BYRD, once said "What we really need is a constitutional amendment that says, 'There shall be some spine in our national leaders' ". I think Senator BYRD might agree that if we had more BILL COHEN's, we might not need such a measure.

Maine and America have come to know that they can count on BILL COHEN to approach issues with thoughtfulness and reason, and I think that Senators on both sides of the aisle have a tremendous respect for his intellect and integrity.

I think that is what Americans want in their leaders. BILL COHEN not only listens to his constituents, but has the capacity to put the day's problems and events into historical perspective. He has the intellect, the integrity, and the strength to know the right thing to do—and the right way to do it.

BILL COHEN does not rise and fall with the political tide, but at the same time he is very much aware of the issues and concerns swirling across America as well as the world. In much the spirit of lighthouse-keepers of Maine's past, BILL COHEN has always stood strong in the face of the often turbulent seas of politics, ever watchful and every ready to guide us in the right direction.

He has been a leader who believes it is his solemn responsibility not simply to echo public sentiment, but to deliberate upon the issues of the day and to add his own voice to the debate.

In fact, in 1992 he admonished that "Those of us in Congress must be willing to tell the American people what they need to know, not just what they want to hear." Otherwise, as he said just Friday in his eloquent farewell speech, "You don't need me; you just need a computer. * * *

It is that kind of powerful eloquence that has been such a persuasive voice for reason in this body. As we well know, Mr. President, BILL COHEN knows just the right thing to say for almost any occasion, and certainly has a gift for the language. Of course, it's not unusual people in our line of work to sprinkle their speeches with pithy little quotes from some famous writer. But let's be honest—most of these are usually stumbled upon by some clever speech writer leafing through "Bartlett's Famous Quotations." I mean, when was the last time you were actually gazing wistfully out the window, thinking, "You know, right now I'm reminded of that line in 'The Iliad'* * *."

Except for BILL. He really is sitting there, thinking about the cost of some arcane weapons system relative to gross national product and how it all reminds him of that line in "The Iliad."

How many of us use timeless poetry and literature to inform our views? Even more remarkably, how many of us use our own poetry and writings?

That is why those of us in this Chamber are well aware that BILL is about more than rollcall votes and unanimous-consent agreements. He is about the thoughtfulness and beauty of poetry; he is about contemplating our place in history; and he is about taking the time to really think about the world around us. He knows that what is really important—what is really lasting and worthy of our attention—is not something that can be gleaned from a briefing book. It must come from, as Plato might have said, the examined life. For Senator COHEN, the examined life is the only life worth living, and this philosophy is reflected in his public service.

Indeed, one might say that when it comes to values like honesty, integrity, and fairness, BILL COHEN helped write the book.

In the Senate, Senator COHEN has been there to defend the defenseless. He has been a compassionate pragmatist who believes, as I do, that we can balance the budget and still have room for humanity. As Woodrow Wilson once said, "The firm basis of government is justice not pity," and in that spirit BILL COHEN believes that we should help give people a hand up, not a hand out. And with boundless optimism and in the best Republican tradition, he believes in the power and potential of the individual. BILL said it best in a speech he gave on the Senate floor: "Is there anything more un-American than to deny a human being the chance to be the best he or she can be?

Indeed, there is a common thread that runs through BILL COHEN's career in government. In 1963, Martin Luther King, Jr., wrote, "Injustice anywhere is a threat to justice everywhere." It is upon that fundamental principal that Senator COHEN has based his work, and the yardstick against which he measures our quality of life—and Government—in America.

In a passionate speech he gave in the wake of the 1992 Los Angeles riots, BILL was typically eloquent and straightforward when he said: "If we expect people to be guided by the rule of law and the hand of justice, then justice must be done. * * * We who hold positions of honor and responsibility as lawmakers have an absolute duty to see to it that laws we pass are carried out with fairness and with complete impartiality."

Senator COHEN has been a tireless champion for justice, whether for seniors, minorities, women, and even the U.S. Government. In fact, especially the U.S. Government. BILL believes in the system—and he does not take lightly to that system being tarnished by corruption, waste, or special privileges. He was there to champion lobbying reform; he was there to ensure that criminal wrongdoing by public servants would not be tolerated; and he was there to strengthen the code of ethics for all who are entrusted with the public good.

BILL has also long been a respected and expert voice on intelligence and defense issues. As chairman of the Armed Services Subcommittee on Seapower and as former chairman of the Senate Intelligence Committee, BILL's leadership role at a key time in history laid the groundwork for many of the successes we enjoy today—from keeping communism at bay, to helping bring about the end of the cold war.

Throughout it all, the political battles, the tough votes, the late-night sessions, BILL COHEN never forgot where he came from. Since 1969, when he was first elected to public office as the mayor of Bangor, ME people have put their trust in BILL COHEN. He has never failed that trust. He has never failed to honor us with his service and he has never failed to make us all proud to call him Senator. I have certainly been proud to call him Senator, even senior Senator, but I feel even more privileged to be able to call him my friend.

BILL set the standard in modern Maine politics for all of us to follow. Indeed, if we ever had any hope of being successful, we had to follow it. And his advice and wise guidance over the years has been invaluable to me. I will forever appreciate the kindness he has shown. He has been a colleague, a mentor, and an inspiration, and I will miss him.

Mr. President, as Senator COHEN is about to embark on an exciting and fulfilling new journey, I wish him nothing but the best. But know this: This institution, his State, and this country, will miss him dearly because he has been, as an editorial once said, "as close to the ideal definition of a public servant as one can get."

DEPARTING SENATORS

Ms. SNOWE. Mr. President, I also would like to add my sentiments about the number of individuals who are departing the Senate on both sides of the aisle, all of whom have contributed greatly to this country and to their States and brought us great honor, all of whom have reflected the ideals the American people rightfully expect from their elected officials. I know it is going to be a great loss to this institution, to lose the kind of individuals who have represented what, I think, is the best of what is in America, and the best of what their States have represented.

I wish them all well. I am certainly sorry to see them all go. But I want to say they have certainly served their State and their country with honor.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate is in morning business, with a 5-minute limit on speeches.

SYRIAN TROOP MOVEMENTS

Mr. INHOFE. Mr. President, like most Americans, I have watched the events of the past several days in the Middle East with great concern. Through a series of miscalculations, the fragile peace process, which so many of us support and were hoping would be successful, seems to have been threatened by renewed violence.

As a strong supporter of Israel, I hope a reopening of the constructive dialog has been achieved in the White House in the past 24 or 36 hours. And I hope as well that both Israel and Palestinian leaders will renew their commitment to peace.

As they attempt to resolve their immediate differences, I urge Prime Minister Netanyahu and Chairman Arafat to act in good faith and with restraint, although I have to say, after having had a lengthy meeting with Mr. Arafat just a few weeks ago on the Gaza, I did not observe much restraint.

So often, dramatic events in one district of the world draw attention from some of the other things that are going on. I would like to call the attention of my colleagues to the concern that I have over other things that are taking place in that region of the world. I wish to call to my colleague's attention, current actions being taken by Syria, actions which may prove to be an even greater threat to the security of Israel and the stability of the Middle East.

A very dangerous game is being played by Syrian President Hafez Assad on the Golan Heights. For the past month, Syria has been conducting a series of troop movements along Israel's northern border, which will enable Syria to quickly launch an attack on Israel. Syria has redeployed up to 12,000 troops from in and around Beirut to within striking distance of the Golan Heights. This is the first significant manipulation of military forces since the Madrid Conference convened 5 years ago to initiate the peace process.

Only by standing on the edge of the Golan, which I have done many times, and I am sure the Senator presiding has also, can you get the full impact of the strategic significance of the Golan.

The Syrian troop movements is just the latest in a series of destabilizing actions by Assad. Despite repeated invitations for Prime Minister Netanyahu, Assad has refused to renew peace talks with Israel. Syria still harbors some 10 anti-Israel terrorist organizations in Damascus. Syria also supports the anti-Turkish, anti-Jordanian terrorists, and let's not forget Syria's destabilization of Lebanon with over 40,000 Syrian troops supporting Hezbollah terrorists.

Mr. President, the Syrian troop movements are additionally menacing in light of a serious surprise attack on Israel during the observance of Yom Kippur, the Jewish day of atonement in 1973.

In 1973, Syrian commando units were used to attack Israeli positions on Mt. Hermon during Yom Kippur, the day of fasting prayer and introspection, which was observed in Israel just last Monday. Syrian troop movements could force a dangerous escalation by virtue of the implied threat to Israel of their forward positions.

In the most recent redeployment, which took place just last week, special forces were moved to forward positions on the Syrian side of Mt. Hermon. These movements are most disturbing and significantly change the military picture. It was a similar force which captured an Israeli outpost on Mt. Hermon in 1973. They were only dislodged after heavy loss of life.

Mr. President, an editorial published in a recent Near East report outlines the threat to Israel of these recent Syrian actions.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TROUBLING SYRIAN TROOP MOVEMENTS

For several weeks, Syrian troops have been moving from the Beirut area to Lebanon's Bekaa Valley, close to Israeli positions on the Golan Heights. The New York Times (Sept. 18) said Israel and the U.S. are particularly concerned about the movement of crack Syrian commandos near Israeli listening posts on Mount Hermon, given that the 1973 Yom Kippur War began with a Syrian commando attack on Mount Hermon.

In its September 18 lead story, Ha'aretz reports that an intelligence assessment (presented in recent days to Prime Minister Netanyahu against the background of the troop movements) says that, while there are no signs indicating an immediate outbreak of hostilities, "the probability of war with Syria is no longer low." (In recent years, IDF intelligence assessments have said there is "a low probability" of such a war.)

The biggest military advantage Syria could gain from the latest troop movement would be a reduction in the time needed to move from a defensive to an attacking posture. "The main concern is not that the Syrians will try to attack the Galilee, but will try a quick capture of some key point, like Mt. Hermon. This evaluation is based largely on the nature of the Syrian forces sighted in the area: special commando units trained to engage in swift raids," wrote Ha'aretz intelligence expert Yossi Melman (Sep. 18).

While the Syrian movements are troubling, their significance should not be exaggerated. Israel and Syria have reportedly exchanged "pacifying messages" aimed at heading off a confrontation. Foreign Minister David Levy and U.S. Ambassador to Lebanon Richard Jones are said to be involved in calming things.

"I don't see anything particularly alarming in the redeployment," Jones said, adding that a military confrontation between Syria and Israel" seems pretty far-fetched" (Reuter, Sep. 17).

Prime Minister Netanyahu told the Knesset Foreign Affairs and Defense Committee: "Syria's intention is evidently to put psychological pressure on Israel and its new government. And, when pressure is applied to you, the main thing is don't get pressured."

Syria's bullying tactics come at a particularly inopportune time—just as Washington and Jerusalem have been working tirelessly to arrive at a new formula for resuming Israeli-Syrian talks. Damascus would do well to jettison the questionable threats and troop movements in favor of re-engaging in serious negotiations with Israel.

BALLISTIC MISSILE DEFENSE

Mr. INHOFE. Mr. President, if I can address one other subject very briefly since we are coming to the end of this session. I noticed an article in the current Reader's Digest. I happen to be one who has such respect for the Reader's Digest.

I was involved with a story 2 years ago with them. It took them 9 months to write the story. Everything is authenticated and documented in a way I don't know any other publication would equal. They were talking about ballistic missiles that increasingly will be used by hostile states and is a real serious problem.

We have stood on the floor of this Senate over and over and over again to try to address this problem, to make the people of America aware that we are probably in a more threatened position today than we have been in this country's history. They point out some things I had not thought about, putting it in proper context.

They said there are five reasons why the Nation must take steps to defend itself:

First, the ballistic missiles are proliferating. More than 20 nations are in the ballistic missile club, as they call it. Others are knocking on the door. This is something we have been saying over and over again. In fact, it has been 2 years since the former CIA Director, the first one under President Clinton, said that we know of somewhere between 25 and 30 nations that currently either have developed, or are in the final stages of developing, weapons of mass destruction, either biological, chemical, or nuclear.

This former CIA Director identifies five nations—Libya, Iraq, Iran, Syria, and North Korea—whose aggressive programs to arm missiles with nuclear, chemical, or biological weapons could threaten the United States.

The second thing they talk about is that missile range and accuracy are increasing rapidly. I suggest, Mr. President, that the reason for this is partly our fault because of what we have done in satellite technology.

I had occasion to become the first Member of Congress to fly a small airplane around the world a couple of years ago. I used that satellite technology. I never lost the satellite all the way around the world. Because of that, there is no way of guarding against other uses, and that means, through our global positioning system, other nations have incredible accuracy, and this is something that has to be taken into consideration.

The third point is warheads of mass destruction are within reach of many new missile powers.

We were shocked when we found out and discovered at the end of the gulf war that Saddam Hussein had a huge biochemical arsenal. Hundreds of tons were destroyed by the U.N. observers. We have no way of knowing where else in the world this could be happening.

The fourth point is, defense against ballistic missile attack is a practical reality. It is for political, not technological, reasons that the U.S. Government has chosen not to build a missile defense. I think that is very significant.

We not long ago debated the START II Treaty and we did, in fact, approve that from this body. I think I was the first one, the only one, who voted against it until later in the vote when three others joined. My argument was we were going back to accepting the confinements and restrictions that were imposed upon us in the 1972 ABM Treaty, which at that time didn't make sense to me, but it made more sense than it does today, because that was a bilateral treaty with a country that no longer exists, which says, "If you don't defend yourself, we will agree not to defend ourselves," therefore, that is a policy that offers some security.

I never really believed it did. However, it is now pointed out by more and more people that that policy was flawed initially and certainly is not one that today makes any sense. In fact, it was Dr. Henry Kissinger, who was the architect of the ABM Treaty in 1972, who said, "It is nuts to make a virtue out of your vulnerability."

So that is our posture today, where we are. The last thing they said is the longer we wait, the less time we may have.

We had an NIA estimate not too long ago, a national intelligence estimate, that many of us felt was flawed in many ways. I think it told the President what the President wanted to hear. It came to the conclusion that there is no threat out there for the next 15 years. I think there are many problems with this. First of all, they talk about the continental United States. I agreed with James Woolsey the other day when he said the last time he checked, Hawaii and Alaska were part of the United States.

The article also points out that it fails to mention that both Russia and China have ICBM's right now that have the capability of reaching the United States, along with the weapons of mass destruction.

I remember President Clinton saying in the House Chamber during his State of the Union Message that there is not a single Russian missile pointed at America's children. The head of the Russian strategic missile forces told CBS news on "60 Minutes" that his ICBM's could be retargeted in a matter of minutes. I think it is a great disservice to the American people for the President to try to imply that the threat is not out there.

Mr. President, many of the people in the intelligence community throughout the world have said that the United States of America is facing a greater threat today than we have faced since the Revolutionary War. I am deeply distressed that the President has been able to convince many of the American people that the threat is not out there, and I intend, certainly during this recess, to do all I can to be, if nothing more than a one-man truth squad, to get the American people to understand the real threat that is facing us today.

Mr. President, I ask unanimous consent that the missile defense article entitled "Defenseless Against Missile Terror" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Reader's Digest, October, 1996]

DEFENSELESS AGAINST MISSILE TERROR

(By Ralph Kinney Bennett)

"Ballistic missiles can and increasingly will be used by hostile states for blackmail, terror and to drive wedges between us and our allies."

This warning, delivered to Congress last spring by R. James Woolsey, former director of the Central Intelligence Agency, had a particular immediacy. Just weeks earlier, China had threatened Taiwan by test-firing missiles off Taiwan's shores. In a not-so-veiled warning against interference, China reminded a former U.S. diplomat that Los Angeles was within reach of its nuclear-tipped intercontinental ballistic missiles (ICBMs).

Ballistic missiles are becoming a dangerous factor in international relations, but the United States has yet to deal fully with the threat. Here are five reasons why the nation must take steps to defend itself:

1. Ballistic missiles are proliferating. More than 20 nations are in the ballistic missile "club." Others are knocking on the door. Although the United States stopped exporting ballistic missiles over two decades ago, Russia, China and North Korea eagerly peddle their rockets—often in the guise of aiding "space programs."

Pakistan, which has been developing its own ballistic missile, the Hatf, has reportedly acquired 30 nuclear-capable, medium-range M-11 missiles from the Chinese to counter India's growing missile force. Saudi Arabia owns Chinese CSS-2 missiles. Iran has added Chinese CSS-8s, a front-line ballistic missile, to its considerable arsenal of Soviet-made Scuds. There has even been a report that Peru, smarting from past reverses at the hands of its neighbors, entered into negotiations with North Korea last year to obtain ballistic missiles.

The CIA identifies five "rogue nations"—Libya, Iraq, Iran, Syria and North Korea—whose "aggressive" programs to arm missiles with nuclear, chemical or biological weapons could threaten the United States.

There are indications that Libya is seeking to buy ballistic missiles from North Korea . Iraq, whose Scud rockets rained down on Israel and Saudi Arabia in the Gulf War, is rapidly rebuilding production facilities to turn out an upgraded Scud called the El-Hussein.

In North Korea, scarce financial resources are being lavished on long-range Taepo Dong missiles. Intelligence sources in South Korea report that within five years, these rockets may be able to reach all of the western, and much of the central, United States.

2. Missile range and accuracy are rapidly increasing. By strapping on booster engines, countries can turn shorter-range missiles into multi-stage rockets—vastly increasing attack distance.

In December 1989 intelligence officials were astounded when Iraqi missile scientists successfully tested a powerful rocket bolted together from five Soviet Scud engines. Iraq's ballistic-missile research and development facility at Mosul was destroyed during the Gulf War, but it has been rebuilt and expanded. North Korea and China are also creating "hybrid" long-range missiles from rocket components. Moreover, experts add, China is going all-out to make its CSS-4 ICBM capable of carrying multiple nuclear warheads.

One problem for missile neophytes—accuracy—may have been inadvertently solved by the United States. Our Global Positioning System (GPS) uses an orbiting satellite network to provide an exact location fix on earth. Originally a U.S. defense program, GPS is now routinely available to anyone—including foreign governments.

Former CIA Director Woolsey explains that within a few years, GPS could give ballistic missiles such pinpoint accuracy that even with nonnuclear warheads, they would have immense destructive power. GPS could make it feasible, Woolsey warns, "for Saddam Hussein to threaten to destroy the Knesset (the Israeli parliament) or for Chinese rulers to cause a Chernobyl-like disaster at a Taiwanese nuclear-power plant."

3. Warheads of mass destruction are within reach of many new missile powers. The Grail for those building mass-destruction weapons is a "deliverable" nuclear warhead, one that is small enough and sturdy enough to be launched by a missile. Designing one requires technical sophistication and immensely complex calculations, which is why high-speed supercomputers are vital to advanced weapon designs.

Thus, national-security experts were dismayed when the Clinton Administration relaxed supercomputer export guidelines. Since then, U.S. computers capable of bomb design have gone to China and Russia. U.S. officials claim they will keep close track to ensure the technology is used only for civilian purposes. But as Stephen Bryen, a former Pentagon official and an expert on strategic technology transfer, notes, "It is absurd to believe that in a country bent on developing high-tech weapons, supercomputers will not end up being used by the military."

Meanwhile, countries such as Iran, Iraq, Libya and North Korea have not ignored the path to a big bang on the cheap: chemical and biological weapons. Pound for pound, poison gas and such deadly germs as anthrax can have the same mass-killing power as a nuclear bomb.

A chilling discovery at the end of the Gulf War was Saddam Hussein's huge biochemical arsenal; hundreds of tons were destroyed by U.N. observers. During the war, according to Gen. Hussein Kamil Hasan, Saddam's son-in-law, Iraq got as far as filling warheads with deadly germs such as the cancer-causing aflatoxin.

4. Defense against ballistic-missile attack is a practical reality. It's for political, not technological, reasons that the U.S. government has chosen not to build a missile defense. One of the first anti-missile weapons, the Nike-X, was ready by the early 1960s. But, partly as a gesture of good intentions toward the Soviets, then-Defense Secretary Robert McNamara refused to deploy it.

This restraint culminated in the U.S.-Soviet Anti-Ballistic Missile (ABM) Treaty of 1972, which limited both countries' defense systems. Although the Kremlin repeatedly violated the treaty by enlarging its ABM system to protect greater portions of the Soviet Union, by 1976 the United States had closed its sole missile-defense facility in North Dakota.

Only when President Ronald Reagan revived interest in an effective defense against ballistic missiles did funding pick up, and the United States went on to make astounding leaps in technology. The Reagan effort pointed to what is acknowledged to be the most elegant and effective technique for killing ICBMs—space-based sensing satellites and interceptor weapons (either lasers or rockets) that find and destroy missiles at their most vulnerable stage: shortly after launch. The space-based system would be augmented by ground-based, hyerfast anti-missile interceptors to "clean up" any remaining missiles or warheads.

In 1993 a panel of scientists assembled by the American Institute of Aeronautics and Astronautics (AIAA) reviewed a ballistic-missile defense system. The AIAA found "no technical barriers to the development and deployment" of a workable missile defense.

5. The longer we wait, the less time we may have. In November 1994, President Clinton issued Executive Order 12938, declaring missile proliferation to be a "national emergency." However, every Congressional effort to build a defense against attack has been vetoed by the President or thrown into a limbo of "further research."

A secret National Intelligence Estimate, prepared for the President last November declared flatly: "No country, other than the major declared nuclear powers, will develop or otherwise acquire a ballistic missile in the next 15 years that could threaten the contiguous 48 states and Canada."

Intelligence experts immediately pointed out the report's flaws. It virtually ignored Alaska and Hawaii ("They're part of the United States last time I heard, " says Woolsey); also, it brushed aside existing Russian and Chinese ICBMs and the threat of instability in, or accidental launches from, those countries. At least one freak launch of an armed Soviet missile during routine maintenance has been reported.

President Clinton has said "there is not a single Russian missile pointed at America's children." We have no way of verifying this—nor would it mean much, if true. Gen. Igor Sergeyev, head of Russia's strategic missile forces, told CBS News's "60 Minutes" that his ICBMs could be retargeted in "a matter of minutes." Indeed, another Russian general told Tass news agency last June that a multiple warhead test just conducted was the 25th launch in the past four years.

The Clinton Administration's missile-defense policy rests on two slim pillars. One is the U.S. intelligence program—which, says the report to the President, will spot missile programs "many years before deployment." But Los Alamos National Laboratory physicist and missile expert Gregory Canavan points out that intelligence analysts were completely surprised by Iraq's big 1989 missile test. Analysts also thought Iraq was five years away from building a nuclear weapon; documents and equipment uncovered after the Gulf War showed Iraq was about two years away.

The other pillar of the Clinton defense is the ABM treaty. However, this agreement—negotiated with a national entity that no longer exists—does not reflect the spread of ballistic missiles to dozens of nations around the globe. By bending over backward to comply with the treaty, the United States has purposely blunted what small air defense it has. This may already have cost American lives.

On the night of February 25, 1991, in the midst of the Gulf War, a Scud missile was fired from Iraq. The launch was picked up by American surveillance satellites, which computed the missile's speed and direction. The pooled information revealed the target area—Dhahran, Saudi Arabia, where American forces were stationed.

This vital information was transmitted almost instantly back to earth—but not to Dhahran's two batteries of Patriot missiles, upgraded anti-aircraft weapons intended to provide battle-zone missile defense. Because of concerns about ABM treaty compliance, the data went to the U.S. Space Command headquarters near Colorado Springs, Colo. There, analysts were supposed to evaluate the information and send it on to Saudi Arabia—a time-consuming process in the short life of a launched missile.

On that night, analysts were so unsure of the data that they didn't even phone a warning to the Patriot batteries. There was no attempt to intercept the missile, which hit a temporary barracks, killing 28 GIs.

Surveys show that the public believes the United States can "shoot down" incoming missiles. But if an ICBM were fired at the United States today, here is what would happen:

A vast network of reconnaissance satellites would detect the launch, compute its speed and predict its trajectory and approximate area of impact. Ground-based radars would track it. Then . . .

Nothing.

Untold numbers of Americans might die from a nuclear, chemical or biological strike.

Surely, no treaty, no faith in our ability to see over the political and technological horizon, should be allowed to stand in the way of a missile defense that would prevent this horrible outcome.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask unanimous consent that I be allowed to proceed in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE PROGRAM

Mr. CHAFEE. Mr. President, I want to take a few minutes this afternoon to discuss the Medicare Program. Restoring solvency to the U.S. Medicare Program is the greatest domestic challenge that the Congress will face when we reconvene in January 1997.

The Medicare Program is in deep trouble. The latest report is entitled, "Status of Social Security and Medicare Programs, a Summary of the 1996 Annual Reports." This is submitted by the trustees of the Medicare Program and the Social Security Program. I will restrict my remarks to the Medicare Program.

According to this report, the hospital insurance trust fund—that is the program that pays for the hospital bills for individuals on Medicare—will run out of money by the year 2001.

How far away is 2001? That is 4 years from this coming January. The trust fund is currently spending more money than it receives in revenues. Even now, more money is going out than is coming in.

According to a recent report, this shortfall is increasing at a rapid rate. The trust fund lost more than $3 billion—I would like to repeat that, Mr. President—the trust fund lost more than $3 billion in the month of August, according to the Treasury Department. That was a loss twice as high as the deficit occurred in August, 1995.

The Medicare part B program—what I have been discussing up to now is the part A program, the hospitalization. The part B program, which pays doctor's bills for our senior citizens, faces equally dismal fiscal problems. Unlike the hospitals' insurance program, this part of Medicare is voluntary. Retirees choose to participate. They then pay premiums into the system. And the premiums then go toward paying their doctor's bills.

However, the premiums paid by the participants in the part B program fall far short of paying for the cost of the program. When the program was set up it was never designed that the premiums that the retirees pay would cover the cost of the part B program, namely the doctor's bills. It started out that the individual's premiums would pay 50 percent of the cost of the program and the other 50 percent of the cost of the program would come from the general fund of the United States, from ordinary tax and other revenues that go into the general fund. That was 50–50.

Currently, by law, only a fourth of the program's costs are covered by the premiums. Twenty-five percent now is covered by the premiums that are paid by the beneficiaries. The remaining 75 percent is paid for from general tax revenues. In other words, Mr. President, we have the strange situation as follows. Income taxes paid by factory workers, or the secretary in some office, or the janitors sweeping the floors and waxing the floors, their income taxes pay 75 percent of the doctor's bills for our seniors. And this is true regardless of whether the senior is somebody living on a very modest income or a multimillionaire. So multimillionaires who are retired, on Medicare, have three-fourths of their doctor's bills paid by ordinary citizens, scrimping away, paying dutifully their income taxes.

The part B expenditures have been increasing at a rapid rate for many years, and are projected to nearly triple as a share of the Nation's economy by the year 2020. In other words, these costs are escalating as part of the total expenditures in our country. They are going up and up and up. And they will triple some 25 years from now.

Because the general fund pays 75 percent of these costs, as just outlined, the Medicare Program will drain an ever increasing amount of resources away from other important Federal programs. The more that goes out into this program for doctor's bills paid by the general fund, the less there is in the general fund to pay for education, and health care, Head Start programs, crime prevention, FBI, whatever it might be.

Early next century, starting in 2000, just some 4 years from now, the baby-boom generation will begin to reach retirement age and, as a consequence, start to demand benefits from the Medicare Program. They will reach 65. They will want what others have. The current Medicare Program, however, will be unable to meet those demands. It is essential that we begin to reform Medicare next year. We cannot wait any longer. So the changes we put in place can be instituted over a relatively long period. The longer we wait, the harder it is to institute the reforms that are necessary under Medicare.

If we make these changes starting next year, it will have two important benefits. It will allow future retirees to plan for the new system, in other words, if there are going to be changes then those about to retire can make some plans; and, second, as I mentioned before, it will provide some lead time so that the savings needed to restore solvency can be achieved.

It is also imperative that any reform of the Medicare Program be done on a bipartisan basis. The political stakes are simply too high for this program to be left at one party or the other's doorsteps. We have to be in this together. All of us, Democratic and Republican Senators, are going to have to take difficult votes on Medicare if the program is going to survive. Both parties, away from the campaign trail, do now recognize the need to reduce the Medicare spending.

For example, the President's last balanced budget proposal included reforms to Medicare that would have yielded $124 billion of savings over 6 years. That was the President's program, $124 billion of savings over 6 years. The final Republican plan proposed savings of $168 billion. The President's savings, $124 billion; the Republican final plan, $168 billion. Obviously, there is a figure somewhere in the middle of this range on which Republicans and Democrats can agree.

There already has been put together a bipartisan plan. That was the centrist coalition balanced budget plan which Senator BREAUX and I and others offered earlier this year. Some 20 of our colleagues joined with us to submit this program with important programmatic reforms to the Medicare system.

What did it do? It opened avenues for savings by allowing seniors to choose private managed care plans. And it created a new payment system to encourage the growth in the availability and accessibility of such plans. It called for slower growth in payments to hospitals, physicians, and other service providers. It called on higher income seniors to pay a greater share of the costs of the part B program. No longer, it seems to me, can a multimillionaire have the taxpayers pay for his or her doctor's bills just because he or she is on Medicare.

Finally, it increased the Medicare eligibility age to conform with the increase in the Social Security eligibility age which will begin in the year 2003. Starting in 2003, the age for retirement under Social Security will go up gradually. And we increase the eligibility age for Medicare to conform with that.

Together these reforms would reduce Medicare expenditures by $154 billion over the next 7 years. This was a fair and a balanced plan. I am pleased it received bipartisan support. And 46 Members of this body, 46 out of the 100 Senators, voted for that plan: 22 Republicans, 24 Democrats.

Mr. President, I am delighted that it appears that we can once again next year convene our centrist coalition with the able leadership of Senator BREAUX on the Democratic side, while I will be pleased to rally the Republican Members. I am convinced we can once again come forward with constructive solutions to the Medicare challenges.

Mr. President, in closing I would stress this. Members of this body are now scattering to 50 different States. All of them are going to be involved in the campaigns either as candidates themselves, or as helping those from their parties in their own States.

It is my earnest hope, Mr. President, that the Senators seeking reelection and, indeed, all Senators will not lock themselves into such positions that would prevent them from taking the necessary votes that are going to be required if we are going to reform the Medicare Program next year.

If we do not reform this program, if no one wants to touch it because it is too much of a hot potato, if it is regarded as the third rail which nobody can touch, leave it alone, then absolute disaster will face Medicare—the Medicare Program in the future.

So I again urge all my colleagues, those seeking reelection, those who are not even Senators yet but are challengers, not to get themselves into such a position that they are prevented from taking the tough votes that are required to reform the Medicare Program so that it will be there for future beneficiaries.

Mr. President, I see that no one else is desiring to speak at this time and, therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Without objection, it is so ordered.

Mr. BREAUX. I ask unanimous consent to that I be recognized for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIPARTISAN LEGISLATING

Mr. BREAUX. Mr. President, I take the floor to first commend one of our previous speakers this afternoon, the Senator from Rhode Island, the distinguished JOHN CHAFEE, who worked as one of our leaders in a truly bipartisan fashion in the last Congress in our mainstream coalition, the so-called Chafee-Breaux coalition. We had an equal number of Democrats and Republicans who really worked very hard together to try to address some of the problems facing this country with the inability of the Congress to really come together in any kind of a bipartisan fashion.

I have been in this business a relatively long number of years, and I think it becomes increasingly evident to me, and I think to many others, what the American people want us to do is to resolve our differences in a manner that makes sense, that is fair to the average American, and that gets the job done. More and more, people back home in my State of Louisiana want Congress to just make Government work. They elect us to do that. Yet they see so many times we seem to be engaged more in partisan battles that end up in stalemates and Government shutdowns, and people back home wonder whether what we do up here makes any sense at all.

One of the bright spots in this Congress was the opportunity that I had to work with many of my colleagues on this side of the aisle as well as on the Republican side of the aisle in that mainstream coalition, the so-called Chafee-Breaux organization. I think we really made some progress. We came very close to actually adopting a budget. We got 46 votes in the Senate on a package that was a real effort in Medicare reform, Medicaid reform, and it had a tax cut in it. It had an adjustment to the Consumer Price Index, which most economists agree is incorrect and does not properly state the amount of inflation for the entitlement program adjustment.

So we really, I think, went a long way toward getting a job done. We brought that package to the floor. It had welfare reform in it. It was debated. We had a surprisingly large number of votes from both sides of the aisle that said, yes, it is about time we move in this direction.

I was very proud of that effort, and I commend the Senator from Rhode Island and everybody who worked in that effort. Unfortunately, many of the Members who worked with us are not going to be back in the next Congress because they have decided to voluntarily retire from Senate service, and they are going to be missed. Each and every one of them was a major contributor to this effort. While their physical presence may be missed, I think the work they have helped us begin will still be with us in the next Congress. Their advice and assistance and recommendations, I hope, will still be forthcoming because they were very valuable members of our group this year and can be of very valuable assistance in a positive fashion in the next Congress.

So, having said that, I wish to also point out that there will be another day to bring this effort to the floor in the next Congress. We certainly intend to continue our organization, to continue our group, to see if we cannot bridge that gap between the two different aisles to form coalitions from the center out. I am absolutely convinced that the only way we solve difficult problems in any kind of a parliamentary body is by working from the center out in order to form a majority coalition. I am absolutely convinced that you can never start from the far left and hope to get a majority, nor can you start from the far right and ever hope to put together a majority on just about anything. But if you start from the middle and work out and gradually pick up more and more people, one day you find you have a majority, which is what a democracy demands from all of us. The people demand we make Government work. Hopefully, in the next Congress, we will be able to continue that effort and be even more successful than we were in this endeavor in this Congress.

My colleague from Rhode Island talked a little bit about Medicare. That is one of the real challenges we are going to face in the next Congress. Medicare is so easy to politicize, and both sides have contributed to that effort. We have scared people about the collapse of the Medicare system. We have scared people about not adequately funding it. People must be very confused.

I remember the story quite well when we were doing the debate on health care reform and we had the Clinton plan and there was a lot of discussion about it being too large, too much too soon, and all of those things.

I remember coming back home to New Orleans and having a lady come up to me in the airport and say, "You are all working on that health care reform back in Washington?" I said, "Yes, ma'am, we are." She said, "Whatever you do, don't let the Federal Government take over my Medicare." I said, "OK. We won't let that happen."

Medicare is a Federal program. It was passed under the administration of 1965. It is run by the people in Washington. It is totally a Federal program. She loved it, but she sure did not want the Federal Government having anything to do with it, although the Federal Government had everything to do with it. So people are very concerned about this issue, and I think that we have to be careful and try to not politicize it as we are all guilty of doing too often.

The facts are very scary. These are the facts. They are not Democratic facts or Republican facts. These are just facts about what is going to happen to Medicare from which so many seniors and their children benefit directly because mom and dad and grandfather and grandmother are taken care of.

We have a heck of a problem facing us. The hospital insurance fund, the so-called part A of Medicare that pays for the hospital insurance, which is financed by a 2.9-percent payroll tax, which is awfully high, equally divided between workers and their employers—part B, of course, covers doctor bills—the latest figures we have show that under part A, hospital insurance, how much we spend is exceeding how much we take in to such an extent that the trust fund, which now has a surplus of $121 billion, will be almost completely depleted by the year 2000.

That is not that far from now—completely depleted. The trust fund of $121 billion is gone in the year 2000, and it will run a deficit, which means we will not have enough money to pay the bills of up to $53 billion the next year, the year 2001, unless we make some changes.

CBO has projected the net Medicare outlays under the current law will increase at an average rate of 9.3 percent between this year and the year 2002. So we are going to be spending more money, and yet we are rapidly depleting the fund from which that money comes.

Our bill last year was one of three main proposals. The President's proposal called for savings of $116 billion; the Breaux-Chafee, Chafee-Breaux proposal had a savings of $154 billion over 7 years, and the Republican budget plan called for savings of $270 billion.

There is one thing that is certain and nobody should disagree: We are going to have to do something, and it is not going to be easy. It is going to be painful. We can make it less political and less painful if we try to bring together organizations and come from the center aisle out to come up with something that works.

Let us face it. It is a very inefficient system. The lady in New Orleans loved it, but she was not talking about how inefficient it is. It is inefficient because it is an old-style program. It is called fee-for-service. You send the bill; we pay the bill. No matter what the bill is, we pay it basically. Every other type of medical delivery system in this country is using innovative new programs—HMO's, preferred provider organizations, POS's, other types of innovative ways of delivering health care that has brought together a great deal of competition.

No. 1, we have to expand the options for Medicare beneficiaries, give them more choices, let the choices be more competitive and all aimed at providing quality service while at the same time doing it at a better price. So, we have to encourage the growth of managed care and have more alternatives for individuals than we have had in the past. Those are some of the things that we need to be looking at.

There are a whole bunch of options we put forth in our proposal, the Chafee-Breaux bill. We are going to be revisiting that in the next Congress. Today, obviously, is not the day or time to outline a comprehensive list on what we need to do with Medicare. Suffice it to say that both sides together, Democrats and Republicans, have to realize that this has to be one of our priorities in the early part of the next Congress.

I would, frankly, like to see the new President-elect—I hope that it is the President of my party, the incumbent President, but should the former Majority Leader Dole be elected, so be it—but whoever it is, I suggest very strongly that immediately following the election they immediately consider appointing a commission to take a look at this and have a recommendation ready for us when we get back in January. Why waste November, December, and January just talking about this issue? I suggest whoever wins on November 5, one of the first things they do is call for a bipartisan commission to begin work to present them with a recommendation when the new Congress begins so we can start from day one trying to forge a compromise that gets the job done in a number of entitlement areas, particularly in Medicare. We certainly have our work cut out for us.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, thank you, very much.

THE PARKS BILL

Mrs. BOXER. Mr. President, we sit here and watch the clock move forward as we close this Senate. I have been involved in the last several days in trying to get the parks bill before we leave. Forty-one States have park projects in this bill. It is extremely important to so many. We have been literally working round the clock to try to come to some agreement. Senator

BRADLEY, myself, Senator MURKOWSKI, Leon Panetta, and his staff have been virtually working on this full time for the last several days. We do not yet have an agreement. We are close to an agreement.

But there is a very important concept in the letter from the administration to Senator MURKOWSKI that deals with ensuring that all applicable laws would pertain to the Tongass. This is a sticking point at this moment.

Mr. President, I just come here to express my public wish that we can come together on this matter because it seems to me that it would be tragic if we couldn't come together when we are so close and we lose over 100 parks because one Senator felt that the wording didn't accurately reflect his view. I really feel that when we negotiate with one another—and it is very difficult to do it—that we know that underlying everything the laws of the United States of America will apply to whatever we do. So whether it was stated, or whether it was stated in writing or not, it should not, it seems to me, be a breaking point.

It has been a very long negotiation. I still have hope, although I have to say I think it is a 50–50 situation at this point. I hope that we can close this U.S. Senate out with a fitting tribute to the people we all serve, and pass this parks bill.

I just hope that we can come together. None of us gets everything we want in life. Certainly there are many things which I have been working for that are not reflected in this bill, and I will come back another day to fight those battles.

But when the House of Representatives gets to pass a bill with only 40 dissenting votes—I hope the majority leader and the minority leader agree—it seems to me that this U.S. Senate should be able to do the same thing.

We should try to help each other gain the respect we all deserve for our points of view but at the end of the day—and at the end of this day and at the end of this session—we ought to bring home a parks bill.

Mr. President, for me it has been a very exciting Congress in many ways, and toward the end, it was able to pick up some steam, and we were able to be more bipartisan. I only hope that in the next hour or so we will come together, and that we will get a parks bill that gives us all comfort. I say "gives us all comfort" because it is a good bill. It is a bipartisan bill, and it is what we were sent here to do.

Thank you, very much, Mr. President.

I yield the floor.

SENATOR SAM NUNN

Mrs. BOXER. Mr. President, I see that the Senator from Georgia has come to the floor. This is an opportunity for me.

I put a statement in the RECORD as a tribute to all of the Senators on both sides of the aisle who are leaving.

But I want to tell the Senator from Georgia how much I am going to miss his advice and counsel on issues that deal with security, and how much I respect his quiet dignity, his quiet leadership, and how much I wish him well and his family. I know, as Senator BRADLEY said yesterday, as he quoted a very famous poem, that he has miles to go before he sleeps. For Senator BRADLEY, Senator NUNN, and all of the other Senators who are leaving us—and as I said to Senator BRADLEY—I hope you will not need to take time out for a nap, let alone sleep, because we need the leadership that these great Senators have provided us on both sides of the aisle.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The distinguished and honorable Senator from Georgia is recognized.

Mr. NUNN. I thank the Chair.

Mr. President, I want to say first to the Senator from California that I thank her for her kind remarks. I have thoroughly enjoyed serving with the Senator from California, as well as the personal friendship that we developed, particularly since she has been in the Senate, but even before in conference committees that we had between the House and the Senate.

I enjoyed our affiliation, and I will be looking forward to the future years of excellent leadership by the Senator from California as I view this great body on C–SPAN, and as I watch the activities and follow the daily events.

THE PARKS BILL

Mr. NUNN. Mr. President, I might also add that I completely support the expressed desire and wish of the Senator from California that we pass a parks bill.

Interestingly enough, one of my campaign commitments is yet uncompleted since 1972. It is sort of hard to admit that it is still outstanding after 24 years. In that bill is the Chickamauga-Chattanooga National Park. That is the site of the famous Civil War battle where the road has to be taken out of the park because traffic is basically interfering with the park. This bill has the authorization requiring the completion of that project.

It is my hope that the Senate, before it adjourns, will help me carry out that very important campaign commitment that has been pending now for 24 years.

So I share the Senator's sentiments and thank her for her kind remarks.

A SPECIAL WORD OF APPRECIATION TO THE STAFF

Mr. NUNN. Mr. President, as the 104th Congress and my own Senate career draw to a close today, I want to say a special word of appreciation to our terrific floor staff and our support staff for all of their help to the Members and staff of the Armed Services Committee and to me personally during the past 2 years, and, indeed, during my entire Senate career.

I chaired the Armed Services Committee for 8 years and was ranking Democrat on that committee for 2 years before I became the chairman. During the last 2 years, I have been the ranking Democrat on the committee under Senator THURMOND's leadership.

So for 12 years of my Senate career, I have worked constantly with the floor staff. I observed them before that time. In these last 12 years, I have developed a very acute understanding and appreciation for their splendid service.

A great deal of work in the Senate takes place in the Senate committees. We know that. But the culmination of the completion of legislative process occurs right here on the Senate floor; always has, and always will.

Our guests in the gallery and the people who watch television around the country understand—because they watch and hear the procedures—that the legislative procedure on the Senate floor is complicated. It always has been. Maybe we can make it simpler. It always will be complicated because parliamentary rules in a democracy are complicated.

The sequencing of legislation, the filing and adopting of amendments, advising the Presiding Officer and individual Senators of parliamentary procedures, the taking down of every word that is spoken on the Senate floor—as our reporters do so well every day, even in the heat of debate—are all essential ingredients of the legislative process on the Senate floor. This process could not take place without the dedicated work of extraordinarily capable and talented staff members.

Our Democratic floor staff works under the direction of Marty Paone, the Secretary to the Minority. Marty stepped into some pretty big shoes when he took over from his predecessor and long-time valuable Senate staff member, Abby Saffold, but those shoes fit Marty very well today. Marty's thorough knowledge of the details of the legislative process have made him indispensable to the U.S. Senate. Marty has always been available to me and to my staff to provide counsel and assistance whenever we needed that assistance. I especially appreciate Marty's support in ensuring prompt consideration of the thousands of nominations that the Armed Services Committee reports every year.

On the staff of the Democratic leader Senator DASCHLE, John Hilley, who left last year to become the Assistant to the President for Legislative Affairs; Peter Rouse, Senator DASCHLE's Chief of Staff; Larry Stein and Randy

DeValk have worked very effectively with the Armed Services Committee Members and staff on national security issues and legislation.

Mr. President, I cannot say enough about the excellent day-to-day support we have had from Democratic floor staff of Brad Austin, Gary Myrick, Paul Brown, and Kelly Riordan who recently left the Senate staff. These individuals work under the leadership of our highly capable chief Democratic floor assistant, Lula Davis. I believe Lula is in the Chamber now. Lula is not only terrific in her leadership role; she always has time for a friendly word or often a humorous remark to put our heavy burdens in the proper perspective. Lula is even thoughtful enough to point out when the senior Senator from Georgia is wearing a tie that is "off color and out of style". Unfortunately, that sometimes occurs every day of the week. I am grateful for that kind of candid and frank advice from Lula in her leadership role. That probably is a little out of the scope of duty, but nevertheless it is appreciated.

Managing and passing defense authorization bills and other legislation in the Senate becomes more challenging every year. Lula, Brad, Gary, and Paul are terrific individuals, are great staff, and have always been indispensable in assisting us move our committee bills through the Senate.

I also want to thank our excellent Democratic cloakroom staff of Leonard Oursler, Christine Krasow, Paul Cloutier, and Brian Griffin. They must get asked about 1,000 times a week "When is the next vote? When are we going to get out? What time do we adjourn?" Of course, they do not always know, but they always give you a good answer and their best assessment. They never fail to cheerfully respond to that or any other question even though it may have been answered by them 100 to 1,000 times a day. Their selfless and dedicated service has made all of our jobs easier. Certainly, it has made mine easier during the entire time I have been in the Senate.

I should also note that while not working with them on a day-to-day basis as we do with our own floor staff, the Republican floor staff under the Secretary of the Majority Liz Greene has always worked with us to resolve any problems or issues associated with our committee's work. I must also note that Howard Greene was very helpful to me on many occasions and to the committee when he served as the Secretary of the Majority.

Legislative Clerk Scott Bates and his assistant David Tinsley; Bill Clerk Kathie Alvarez and her assistants Mary Anne Clarkson and Danielle Fling; and Enrolling Clerk Tom Lundregan and his assistant Charlene McDevitt are an indispensable part of the legislative process on the Senate floor.

Mr. President, I frankly do not know how they do it sometimes, but they are able to keep track of all the amendments on major bills and produce a complete Senate bill in a very short time.

Executive Clerk David Marcos and his assistant Michelle Haynes keep track of thousands of nominations that the Armed Services Committee and other committees of the Senate act on each year. We are deeply indebted to these capable people.

I also want to express my appreciation to the Senate Parliamentarian Bob Dove, and members of his office: Alan Frumin, Kevin Kayes, and Sally Goffinet, as well as their predecessors since I served in the Senate. When I came to the Senate, Dr. Floyd Riddick was the Parliamentarian, and he was succeeded by Murray Zweben, both of whom were excellent and took many, many hours of time to help junior Senators, like the Senator from Georgia, when we first arrived in the Senate. We were so desirous and in need of parliamentary advice. All of the Parliamentarian staff have consistently provided objective and timely answers to the many questions I have had over the years. I think that is true of other Senators and certainly true of our staffs as they have sought advice day in and day out.

Finally, Mr. President, I thank all of the official reporters of debate that takes place in the Chamber under the direction of Chief Reporter Ron Kavulick and all of the staff members who have the awesome responsibility of producing the verbatim transcript of the Senate's proceedings. Journal Clerks Bill Lackey, Mark Lacovara, and Patrick Keating, and Daily Digest Editor Thom Pellikaan and his assistants Linda Sebold and Kim Longsworth also play a key role in making the record of all of the activities of the Senate available to the public.

I am certain that I have left someone out in this listing of indispensable people, but certainly I intend to include all of the staff in my praise. The words that are spoken on the Senate floor and the action that the Senate takes will be preserved for history long after we are gone, thanks to these talented individuals who work miracles under extraordinary deadlines every day.

In summary, Mr. President, my final words in this Chamber are simply a thank you—a thank you to all the staff members who support the day-to-day activities on this Senate floor, for their dedicated service to the Senate and to our Nation. They, indeed, make this Republic work. They make the democratic system work. Everyone who follows the work of this great body should understand that the Senate could not function without the tremendous effort and professionalism these staff members provide.

I close by thanking my own personal staff that arrived with me in 1972, and those that depart with me in 1996, as well as those who will remain and serve in other offices and those who have left during the interim. I have had a remarkable personal staff. I have had a remarkable Armed Services Committee staff. I thank the staff members of the Armed Services Committee on the Democratic side and also on the Republican side who have been so faithful to their duties.

I have also had a remarkable staff on the Permanent Subcommittee on Investigations all of these years. I inherited that subcommittee and became acting chairman under the guidance of Senator Henry "Scoop" Jackson, one of our all-time great Senators. I have been associated with the subcommittee since about 1976, either as the vice chairman, acting chairman, chairman, or ranking Democrat on the committee under Senator ROTH.

Mr. President, it has been a real pleasure working with all of these staff members, and I wish all of them continued success in the future.

Finally, Mr. President, my colleagues in the Senate, I will not name each of you as there are so many Senators who I have been privileged to have been associated—like my good friend, Senator WARNER, is in the Chamber and others. I have served with a number of giants in the annals of Senate history.

I was in a seminar about 2 weekends ago. Some of the most distinguished people in the country were gathered together, famous authors who had written books, playwrights, people who succeeded fabulously in business, chief executive officers in corporations, famous sports figures, including Ray Floyd and Jack Nicklaus, great golfers. I looked around the room, and I was, of course, winding down my career. I asked myself the question, "Would you swap the last 24 years with any of these people, some of whom are fabulously wealthy, and most of whom are very famous?" My answer was, "No, I would not swap the last 24 years of service in the Senate with the service that any other person in this country or, indeed, in the world has rendered."

My service in the Senate and my service to the people of Georgia has been a very special privilege and certainly the highest honor of my life.

I thank the Chair, and I thank my colleagues.

The PRESIDING OFFICER. The Senator from Nebraska.

ON LEAVING THE U.S. SENATE

Mr. EXON. Mr. President, this will be my final speech as I conclude 18 years in the U.S. Senate. Measured in length, it may be my best in the opinion of many of my valued colleagues on both sides of the aisle.

What will I miss? Not the Washington DC morning traffic, and driving the obstacle courses. My Ford Taurus will get a reprieve from this pot hole capital of the world. My pocketbook will be spared from the $35 a shot in used hubcap replacement, experienced 10 times in only the last 2 years. With any luck, the Whitehurst freeway and its tributaries will be fully operable for 90 consecutive days sometime in the 21st century.

I leave this place with the confidence that we will continue to build our bridges to the future of America on the firm footings of national security policy. I have labored on the Armed Services Committee for the past 18 years. We won the cold war, after spending a lot of money, without firing a shot. I suggest that that is the best way to win wars. As the only true superpower of the world, we have the dual responsibility of providing for a strong national defense and, just as important, using our statute to lead and promote peace and understanding, including ratification and implementation of international agreements. To that end, a keen disappointment has been the failure this year to ratify in a timely fashion the chemical weapons convention.

A bright spot has been the signing at the United Nations 10 days or so ago of the compenhensive nuclear test ban treaty. This treaty is one that this Senator has been very much involved with. When I was in New York for that signing event, it was inspiring as a giant leap for mankind's survival. An editional from the Omaha World-Herald dated September 5, 1996, makes the case very well and I ask that it be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. In my retirement I will surely miss my Senate colleagues on both sides of the aisle. However, my loss of personal associations goes even further than that. I thank my personal staff here in Washington and in my Nebraska offices, many of whom have been with me for all those 18 years and indeed a few who were with me back when I was Governor of Nebraska.

The staff of the Budget, Armed Services, and Commerce Committees all were more of personal relationships and coworkers than just staff. The same is true of the Cloakroom personnel who have been so helpful and considerate over the years.

It has been the opportunity of a lifetime to serve in the U.S. Senate which is a collection of talented and dedicated individuals. I thank and appreciate all of you and I thank the people of the great State of Nebraska for making it possible for me to serve here. God bless and good luck.

Thank you, all. All of you have been great, and I shall always be indebted to you for your understanding and for your help.

Mr. President, I thank the Chair and, for the final time, I yield the floor.

EXHIBIT 1

[From the Omaha World Herald, Sept. 25, 1996]

A STEP TOWARD A SAFER WORLD

Leaders of more than 60 nations have given the world a fitting symbol of peace and hope to mark the approach of a new century.

On Tuesday, at the United Nations headquarters in New York, they signed a treaty agreeing not to set off nuclear explosions as a means of testing weapons. The signers included the main nuclear powers—the United States, Russia, France, the United Kingdom and China. Also signing were nations, such as Israel, that either have a covert nuclear program or the resources to start a nuclear weapons program if they wanted to.

President Clinton signed for the United States. He wrote his name with a pen used by President John Kennedy to sign a limited nuclear test ban treaty in 1963. The gesture in honor of Kennedy was appropriate. Kennedy's 1963 pact eliminated most open-air nuclear tests, as well as tests underwater and in space. Since then, most nuclear testing has been conducted underground. The agreement signed Tuesday adds underground tests to the ban, eliminating testing by explosion. It was hailed as a major step toward the elimination of nuclear weapons.

Certainly it would be premature to assert that the total elimination of nuclear weapons is likely, or even practical. India, a potential nuclear power, refused to sign, which is troubling. North Korea and Libya voted against the treaty in the United Nations, an illustration of the danger that remains when law-abiding nations disarm.

Caution is essential, as even a leading proponent of nuclear disarmament has written. Robert S. McNamara, who was Kennedy's defense secretary, wrote last year that he believes in total disarmanent "insofar as is practical." With that language, he said, he meant to call attention to "the necessity of maintaining protection against the covert acquisition of nuclear weapons by terrorists or nations violating the nuclear disarmanent agreements."

But it's a good time to act. The end of the Cold War and the collapse of communism have brought about a climate in which significant reductions in force can be realisitcally considered. Rising affluence tends to act as a brake on warlike behavior. The spread of democracy has reduced tensions. High-speed communications make it harder for dictators to maintain the regimented societies that start was against their neighbors.

Kennedy took a risk in 1963 when he limited the ability of the United States to test nuclear weapons at the height of the Cold War. The result was one of his greatest accomplishments. It demonstrated that good-faith negotiations could make the world safer and more secure. A treaty can't convert an evil heart into a good one. But it can reduce misunderstandings that sometimes lead to war.

Kennedy's treaty also laid a foundation of understanding on which further agreements could be negotiated. In 1974, the nuclear powers outlawed the testing of the largest nuclear weapons. In the 1980s, the inventory of U.S. and Soviet warheads and delivery systems was cut back in a series of arms-reduction pacts. In the 1990s, the drawdown of warheads continued and the nuclear nonproliferation pact was extended.

Yes, the practically of eliminating nuclear weapons may continue to be debated. But it shouldn't be abandoned as a goal. Dramatic progress has been made in the past three decades toward making the world less warlike. More progress can reasonably be assumed, even if it occasionally means taking a calculated risk.

TRIBUTE TO SENATOR SAM NUNN

Mr. THURMOND. Mr. President, over the course of the more than 40 years I have spent in the U.S. Senate, I have had the good fortune to serve with a number of people who have gone from being my colleagues to being my friends. Today, I rise to pay tribute to one such individual, SAM NUNN, who I am sad to note is ending his career in this body at the conclusion of the 104th Congress.

It is perhaps only natural that SAM would come to be one of my closest friends in the Senate, as we have much in common. To begin with, we represent neighboring States, and almost immediately after SAM arrived in the Senate, we began working together on a number of issues that were, and are, of concern and importance to our constituents. From 1972 to almost literally this day, SAM and I have cooperated on any number of matters, such as the Savannah River Site or Fort Gordon, that affect both our States. It would probably be safe to say that for many residents of South Carolina, SAM NUNN is like a third Senator to them. Additionally, I served with his great-uncle Carl Vinson, as well as with SAM's predecessor, Richard Russell, both of whom were true legends of the U.S. Senate, as well as great Georgians. Finally, we are both veterans, SAM served ably in the U.S. Coast Guard and Coast Guard Reserve, where he helped to protect our shores and maritime interests and undoubtedly learned the importance of a modern, well trained, and well equipped military.

Without question, I think the bond between SAM and I grew strongest during the years we spent together on the Senate Armed Services Committee, where we worked together to provide for the defense of the Nation. In the 24 years he served on that Committee, SAM went from a freshman member to one of the Nation's most knowledgable and respected experts on defense matters. In the process, he became the Committee's Chairman and Ranking Member, and played an important and influential role in the shaping of American defense policy during the cold War, and post-cold war eras. I have known no small number of committee chairmen in my time, and I certainly rank SAM NUNN as one of the most able and dedicated men to hold a position of such importance and responsibility.

Mr. President, SAM NUNN is known by the media, the public, and by his colleagues in Congress as a seriousminded individual, who approaches matters before him critically and carefully. Undoubtedly, his training as a lawyer and his service as a member of the Georgia

House of Representatives, helped prepare him for his duties in the U.S. Senate. During his time in this Body, SAM NUNN has represented the people of his State thoroughly and effectively, and he helped to turn the American military into the finest fighting force that history has known. I know that come January, I will miss SAM both as a colleague and friend, but I also know that I am glad he has spent the last 24 years in the Senate, and I am certain that he will continue to work to influence public policy and to ensure that the United States remains the strongest Nation in the world.

TRIBUTE TO SENATOR BILL BRADLEY

Mr. THURMOND. Mr. President, perhaps one of the greatest characteristics of our form of government is that it encourages literally anybody and everybody to seek elected office. As a result, we have avoided the creation of an elite ruling class, and the men and women who represent us in public office are individuals of diverse, interesting, and unique backgrounds. Just look to the 100 members of this Body and you will find a richly varied collection of experience and professions among our colleagues, and Senator BILL BRADLEY has perhaps the most unique background of our colleagues.

Though not a native son of the Garden State, BILL BRADLEY has been a part of New Jersey and the Northeast since his days as a history student at Princeton University. Clearly his time on that campus helped to influence how he would spend his years as an adult. A star member of the Tigers basketball team, BILL would serve as the Captain of the 1964 Olympic basketball team and eventually go on to play professional basketball for the New York Knicks for 10 years. BILL's excellence was not limited to under the baskets, his performance as a student earned him a coveted Rhodes Scholarship to the prestigious Oxford University where he received a master's degree.

For the past 18 years, BILL BRADLEY has ably represented the people of New Jersey in this Body. During his career as a Senator, BILL has brought many of the traits he learned on the basketball courts, and in the halls of two of the world's greatest learning institutions, to this Chamber. Without question, he is a careful student of the issues that come before the Senate, and he is always a thoughtful contributor to our debates. In particular, he is a forceful and passionate advocate for matters that are particularly close to his heart, which include economic development, the environment, education, fighting crime, and promoting racial harmony and equality.

Mr. President, despite his popularity, Senator BRADLEY has decided not to seek a fourth term in the U.S. Senate. While we will miss his participation in the National debate, I am certain that he will continue to seek ways in which to serve New Jersey and the United States. I join my friends and colleagues in wishing him well in whatever he chooses to pursue.

TRIBUTE TO SENATOR CLAIBORNE PELL

Mr. THURMOND. Mr. President, there are certain men and women who serve in the U.S. Senate who by their accomplishments or dedication to their constituents, have become stalwarts of this institution. Senator CLAIBORNE PELL of Rhode Island is one such man.

For the past 36 years, CLAIBORNE PELL has served capably and selflessly in this body, working hard to represent the interests and concerns of his constituents. In the process, he has championed a number of issues and measures that have become a regular and important part of life in America for many of our citizens. Among the accomplishments our colleague is most proud of are the establishment of Pell Grants, the National Endowment for the Arts, the National Endowment for the Humanities, and the National Law Enforcement Officers Memorial. Perhaps more than anything else, though, Senator PELL will be remembered for his commitment to the Foreign Relations Committee.

Given CLAIBORNE'S rich background in international affairs, it is not surprising that he should end up as one of this Body's and Nation's leading experts on foreign policy. Following his service as an officer in the Coast Guard during World War II, CLAIBORNE became a member of the Foreign Service, representing American interests in Czechoslovakia and Italy. Undoubtedly this extensive background was most beneficial to Senator PELL as he carried out his duties on the Committee on Foreign Relations, especially when he became its chairman.

A small State such as Rhode Island builds power and prestige through seniority, and during his almost four decades in the Senate CLAIBORNE PELL has worked tirelessly on behalf of his constituents. Without question, the "Ocean State" has benefited greatly from the dedicated service of its senior, and longest serving, Senator. Whoever replaces our friend in this Chamber will have a challenging task in attempting to match the commitment CLAIBORNE PELL brought to this job.

Mr. President, it has been a pleasure to have served with Senator PELL these many years. He is a man of integrity and ability who has done much to make our Nation a better and stronger place. I wish him great health and much happiness in the years to come.

TRIBUTE TO SENATOR JAMES EXON

Mr. THURMOND. Mr. President, I doubt that one can get any closer to the "Heartland of America" than Nebraska, a State which lies in the middle of the Nation and is known for its plain talking, and well grounded people. One man who has exemplified those characteristics during his long and distinguished career in the U.S. Senate is JIM EXON, who is retiring this year and returning home to the Cornhusker State.

JIM is of the generation of Americans who are veterans of World War II, individuals who understand and honor the notions of public service, sacrifice, and patriotism. To men of Senator EXON's generation, there is no problem that cannot be solved by rolling up one's sleeves, and sitting down and working together toward a resolution. In his three terms in the Senate, he repeatedly demonstrated his commitment to keeping America strong, helping our Nation's farmers, and ensuring that our rural citizens had a voice in Congress.

Nebraskans have been well served by this Senator during the past 18 years, because he was well prepared for the responsibilities and demands of the U.S. Senate. A veteran, JIM's military experience taught him how to be tough, self-resilient, and achieve goals and objectives. As a businessman, JIM learned the importance of meeting a payroll and operating without undue interference from the Government. As the Governor of Nebraska, he combined his military and business experiences to be one of that State's most successful chief executives, earning two terms in that office, which was followed by his election to the U.S. Senate in 1978.

For the past eighteen years, I have had the pleasure of serving with JIM on the Senate Armed Services Committee. In his capacity as a member of that Committee, JIM has worked hard to help provide for the defense of the United States, and to ensure that our men and women in uniform have the resources they need to do their jobs, and to meet any threat, anywhere. Without question, his experiences as a soldier and non-commissioned officer in the World War II Pacific Theater certainly helped to shape how he approached making defense policy.

Mr. President, Senator JIM EXON has served his State and Nation admirably and selflessly. He stands as an excellent example of the traditions of public service, and I hope that men and women in Nebraska and throughout the United States will follow the lead he has set to make America a better and stronger place for all her citizens.

TRIBUTE TO SENATOR DAVID PRYOR

Mr. THURMOND. Mr. President, on the nights when the Senate remains in session well past when most others have gone to bed, when tempers are short and most Members are frustrated that we have not made more progress, those are the times when a sense of humor really comes in handy. One colleague who consistently manages to find a bright spot when others only seem gloom, and who is able to find a humor in almost any situation, is our friend from Arkansas, DAVID PRYOR.

DAVID has capably represented the people of Arkansas as their Governor, and in both Houses of Congress. His career in our Nation's Capitol began in 1966 when he was first elected to the House of Representatives, and where he served in four Congresses. In 1979, he moved across the Hill to the Senate where he is about to complete his third term in office. Through his position on several key committees, DAVID has been able to work to make Arkansas an even better place to live, and I know his constituents are thankful for his efforts.

Though DAVID and I did not share any committee assignments, I have enjoyed serving with him in the Senate these many years. The "Sheriff", as I liked to call him as his father held that office in Arkansas, always approached his duties with enthusiasm and dedication, and he upheld the finest traditions of this institution. DAVID is truly a gentleman of the South, and I know that he will be missed by his many friends here in the Senate.

Mr. President, given the great number of successes Senator PRYOR has enjoyed throughout his life, I am certain that fate will again smile upon him in his career following the Senate. I wish good health and happiness in the years to come and am grateful for having had the opportunity to serve with him.

TRIBUTE TO SENATE SUPPORT STAFF

Mr. THURMOND. Mr. President, when one thinks of the U.S. Senate, most visualize this Chamber and the 100 Members as the greatest deliberative body in the world. To those of us who serve here though, we know that the Senate actually goes well beyond the floor and galleries found within these four walls and two stories of the Capitol.

One of the best kept secrets of the Senate are the people who work here and support our efforts in making the law. Especially critical to that process are a number of individuals who work with us day in and day out. I would like to take a moment to recognize these people and the valuable services they render to us, the U.S. Senate, and the Nation.

This body is all about debate, and the chief Parliamentarian, Bob Dove, and his assistants are critical to keeping the debate running smoothly. These men and women have the unenviable responsibility of interpreting the exhaustive and sometimes confusing rules of the Senate. Without question, anyone who has sat in the President's Chair and presided over the Senate has been grateful for the assistance of these men and women when proceedings are suddenly bogged down in a tangled web of motions, countermotions, amendments, and objections. Somehow or another, the Parliamentarians are always able to sort things out and keep everything back on track.

Each year thousands of people visit the Senate to observe their representatives at work. After getting a taste of what are often dry, and somewhat technical discussions, they leave here to tour and enjoy the Smithsonian, the National Galleries of Art, or one of the many monuments around town. The Reporters of the Senate, however, are unable to walk away from this Chamber no matter how tedious debate gets. These men and women spend long hours on their feet, faithfully and accurately keeping a transcript of the proceedings of this body. These detailed notes are transcribed and printed in the CONGRESSIONAL RECORD in the matter of less than 24 hours, a truly impressive feat. Without question, the men and women who work for chief reporter Ron Kavulick are truly worthy of commendation for their seemingly boundless levels of energy, and their unfaltering commitment to accuracy.

As each of us knows, the responsibilities of a Senator are not limited to this floor. We have committee meetings and hearings, leadership meetings, appointments with constituents, and many other matters which command our attention. Still, when it comes time for a vote, our place is here. The men and women in the Republican and Democratic Cloakrooms are largely responsible for helping us keep track of when measures are coming up, how much debate time has been allocated by the leadership, and when we need to be in the Chamber for votes. Our lives would be much more hectic if it were not for the helpful service of the Cloakroom personnel and I know that I speak for all the Members on this side of the aisle when I say that Hilary Newlin; Laura Martin; Brad Holsclaw; Michael Smythers; and Dave Schiappa all make our lives a little more organized and we greatly appreciate their efforts. The secretary for the majority, Elizabeth Greene, and her assistant, John Doney, can be proud of their cloakroom staff.

The two people who have been tasked with much of the physical and administrative matters of the Senate for most of the 104th Congress were Secretary of the Senate Kelly Johnston, and Sergeant at Arms Howard Greene. These individuals labored largely anonymously, and certainly with little thanks for their efforts; but without their contributions, we would not have had the many excellent and important services that their offices provide to us. Of course, two new people fill these positions, Gary Sisco as Secretary of the Senate, and Greg Casey as Sergeant at Arms. We welcome these men to the Senate and wish them great success in their careers.

On a more personal note, as most of my colleagues probably already know, I have long been an enthusiastic supporter of the Senate Page Program. Bringing young men and women to Washington to witness and participate in the legislative branch of Government is not only educational, but will hopefully encourage these students to aspire to posts in public service. It is important to both good government, and the continued well-being of the Republic, that bright, energetic, and concerned individuals get involved in public policy and governing the Nation. I am confident that the Senate Page Program will serve as a catalyst for some of tomorrow's leaders.

Mr. President, I know that there are literally thousands of people who make important contributions to the efficient operation of the U.S. Senate and I hope that they will not be offended that I have not recognized them personally. They may rest assured, however, that we very much appreciate their hard work.

RETIREMENT OF SENATOR PAUL SIMON

Mr. THURMOND. Mr. President, perhaps one of the greatest hallmarks of the U.S. Senate is the civility of the institution. Though the 100 Members of this body have views on the issues that are often far apart, we debate our differences politely and completely, and more often than not, are able to arrive at a compromise that benefits the majority of Americans. One Senator in particular has repeatedly demonstrated himself to be an individual of great decency and courtesy. This Senator is my good friend from Illinois, PAUL SIMON.

Senator SIMON has dedicated his adult life to public service. Beginning with a stint in the U.S. Army in the early fifties, and soon after his return to civilian life, he was elected to the Illinois house in 1954, and then to the Illinois senate in 1962. After his service in the legislature, PAUL SIMON was elected to the U.S. House of Representatives, where he served for 10 years, and played an important role in legislation concerning education, job training, and was instrumental in the establishment of the National Center for Missing and Exploited Children.

Since PAUL came to the Senate in 1984, we have worked together on many legislative initiatives, especially as we both had seats on the Judiciary and Labor and Human Resources Committees.

I commend Senator SIMON for his willingness to listen to debate with an open mind, and for having the resolve to reach an agreement that is in the best interest of our Nation. I have enjoyed working with my friend from Illinois through the years, and the Senate will not be the same without him. Unquestionably, PAUL has capably served his constituents throughout his tenure, and I wish him and his family much success and happiness in the future.

TRIBUTE TO SENATOR BRADLEY

Mr. PELL. Mr. President, I would like to pay tribute today to the senior Senator from New Jersey [Mr. BRADLEY], who announced last year that he would not seek reelection but that he would remain active in public life.

Blessed with both great academic and athletic gifts, BILL BRADLEY graduated from my alma mater, Princeton University, with honors in American history. He won a rhodes scholarship to Oxford University, where he earned his graduate degree after studying politics, philosophy, and economics. He was best known to many, before he came to the Senate, as a basketball player of tremendous skill and talent.

During his career in the Senate, four principles have guided BILL BRADLEY. He has sought to restore economic and personal security for American families, strengthen our civil society, protect our natural heritage and rethink America's role in the world. He has worked toward these goals on the Senate Finance Committee, the Energy and Natural Resources Committee and the Special Committee on Aging.

Others may focus on his contributions in the fields of economics and taxes, but I believe he BILL BRADLEY has been particularly effective in building bridges between peoples and spreading the values of democracy—methods which I also consider the best ways of building lasting security and peace.

BILL BRADLEY wrote the 1992 Freedom Exchange Act, the largest U.S. educational exchange initiative in history. I understand that more than 10,000 "Bradley kids" have come here from the former Soviet Union to study and absorb our culture and the lessons for freedom, democracy and a market economy.

The Senate will miss him and his spirit of independence. I am confident that, although he is retiring, he will not be out of public life. Whatever he and his family do, I trust that it will be as exciting and rewarding. The Senate, however, will truly miss him.

TRIBUTE TO SENATOR SIMPSON

Mr. PELL. Mr. President, the ties that bind us together here often transcend party identity and the affairs of the day, and they frequently span expanses of time and space.

Such are the ties on which my friendship with the senior Senator from Wyoming [Mr. SIMPSON] has been based. The initial tie was through his father, our former colleague, Milward L. Simpson, who in his early years—probably while he was a student at Harvard Law School in the 1920's—earned high repute as a tutor. And among the students he tutored with great effectiveness, were the children of my uncle, Clarence Pell. So I feel that my friendship with Senator ALAN SIMPSON began long ago with this family association.

ALAN SIMPSON brought to his work here in the Senate rare attributes of grace and good humor—qualities which help immeasurably in facilitating the often contentious and trying process of political accommodation. To my mind, these qualities of mind and spirit, which do so much to promote comity and civility, are almost as important as the substance of the great good work that ALAN SIMPSON has done in the fields of immigration reform, veterans affairs, and entitlement reform. Indeed, his success as a legislator is attributable in no small measure to the refreshing traits of character which he brought to the effort. Most important of all is his wonderful sense of humor—a quality often lacking in this body.

I value my association with ALAN and Ann SIMPSON over the years and wish them well in all that lies ahead.

THE 104TH CONGRESS

Mr. PELL. Mr. President, the 104th Congress certainly ended far better than it began. A year ago, I truly feared that the major accomplishments of my 36 years in the Senate were about to be jettisoned by the extreme agenda of the new majority. Now, as the Congress draws to a close, the outlook is considerably brighter, thanks in great measure to President Clinton's determined resistance to an unreasonable dismantlement of progressive government. I am immensely pleased, in particular, that the tide was turned on education and that we actually wound up with a 12 percent increase in Federal funding.

To be sure, there have been some disappointments, notable among them the failure to ratify the Chemical Weapons and Law of the Sea Treaties. And we should not lose sight of the fact that there is still momentum toward curtailment of many programs of great merit. I fervently hope that the coming election will produce a Congress that will be more moderate in outlook and further redress the balance toward progressive government.

TRIBUTE TO SENATOR CLAIBORNE PELL

Mr. PRESSLER. Mr. President, the Senate soon will bid farewell to one of its most legendary Members—the senior Senator from Rhode Island, CLAIBORNE PELL. I have had the distinct privilege of working with Senator PELL over the years on issues ranging from college student loans to United Nations reform.

Senator CLAIBORNE PELL entered the Senate in 1960. His stature in Rhode Island politics perhaps was best summarized by the Almanac of American Politics, which called him an "iron fist in a velvet glove." His political strength perhaps was no better demonstrated than when he was first elected to the Senate. In the Democratic primary for the Senate seat, he defeated the current sitting Governor at that time, as well as a former Governor and Senator. My good friend and soon to be Senior Senator from Rhode Island, JOHN CHAFEE—a former State chief executive himself—knows well the formidable political strength of his colleague, having once tried to unseat Senator PELL in 1972, only to come up short.

At the beginning of this Congress, I gave up my seat on the Foreign Relations Committee so that I could serve my State of South Dakota on the Finance Committee. It is safe to say I miss being on that Committee, in part because I enjoyed so much working with my friend from Rhode Island. His stewardship of that Committee as Chairman for 8 years was masterful. He chaired the Committee with quiet but firm strength. Perhaps his greatest legislative achievement during that time was the State Department Authorization bill that became law in 1994. As the ranking member of the International Operations Subcommittee, I worked closely with then Chairman PELL and the Subcommittee Chair, Senator KERRY of Massachusetts, to produce a sound, bipartisan bill. This legislation made significant strides to streamline the State Department bureaucracy. It also set us on a course to reform the United Nations, and made significant improvements in our Nation's nonproliferation laws.

Senator PELL's inspirational commitment to world peace is exceeded only by his strong dedication to the cause of education in this country. In 1972, Senator PELL shepherded to passage legislation that established the Basic Education Opportunity Grants Program—a college aid program for economically disadvantaged college students. Today, we know them as Pell Grants. Nearly 25 years after their creation, Pell Grants represent a beacon of hope for young people who desire to attend college but lack the resources to attend. This Congress has shown its firm commitment to the Pell Grant program. Indeed, Pell Grants are now at their highest level in the program's history.

The people of Rhode Island have numerous reasons to be proud of their senior Senator. His entire life has been devoted to public service—from membership in the Coast Guard to membership in the U.S. Senate. As we all know, our dear friend faces his greatest challenge to date—battling Parkinson's disease. Since he made this announcement last year, my wife Harriet and I have had Senator PELL in our prayers. He will continue to be.

We will miss the compassionate leadership of Senator CLAIBORNE PELL. Most important, we will miss his friendship. CLAIBORNE PELL can leave the Senate knowing that he has given our Nation a legislative legacy of the highest order, one that will be unrivaled for years to come. I wish my friend from Rhode Island the very best for many years to come.

TRIBUTE TO BILL BRADLEY

Mr. PRESSLER. Mr. President, I want to take a moment to pay tribute to one of my colleagues and Senate classmates who is leaving the Senate very soon—my friend from New Jersey, Senator BILL BRADLEY.

Senator BRADLEY entered the Senate the same year I did—1979. The roads BILL and I traveled to get to the Senate had some similarities, but mainly vast differences. My journey to the Senate weaved through my hometown of Humboldt to Oxford to Harvard Yard and, ultimately, to the House of Representatives. BILL BRADLEY's began in Crystal City, MO, where his father was a banker. BILL BRADLEY also was a Rhodes Scholar, but before that, he went to Princeton University, where he re-wrote both the NCAA and the Ivy League recordbooks as a basketball player. BILL BRADLEY's exploits on the hardwood at Princeton are the stuff of sports legend. I remember well his senior season, when he led the Princeton Tigers to the NCAA Final Four. Though the Tigers came up short, he set a tournament scoring record and was named the tournament's most valuable player.

Of course, BILL BRADLEY continued to be a standout basketball player on a professional level for 10 years with the New York Knicks. He helped the New York Knicks win the NBA world championship. Not long after he retired from professional basketball, Senator BRADLEY sought to be a standout in the political world. Yet again, he succeeded.

Senator BRADLEY must be feeling a strange sense of deja vous to hear many of his colleagues on both sides of the aisle calling for a simpler tax code. In 1982, our friend from New Jersey put forward his "Fair Tax" plan. He continued to advocate a restructuring of the tax code, and in 1986, his tenacious efforts paid off. The 1986 tax plan represented the most radical restructuring of the tax code in more than a generation. It is safe to say that this would not have occurred without Senator BRADLEY's legislative and leadership skills. It was Senator BRADLEY that who as the bridge between the competing House and Senate tax proposals, with the final plan bearing a great deal of similarity to Senator BRADLEY's 1982 plan.

The 1986 tax reform plan demonstrated that when Senator BRADLEY takes on an issue, he does so with firm determination. My friend from New Jersey and I have worked together on a number of issues and we have been on opposite sides on many others. He has taken strong stands on the environment, civil rights, and health care. When BILL BRADLEY speaks on any issue, whether I agree or disagree with him, his words are well thought and his arguments are well formulated. There is no question that he is a man of ideas, a man committed to examining the major problems of our Nation, proposing solutions, and working to get them accomplished. That is the stuff of leadership.

Senator BRADLEY has become a key player in our Nation's political dialogue. Indeed, he is a person to whom many of us in the Senate like to go to for his thoughts and his perspectives on any issue, ranging from the tax code to the NBA playoffs. That is why we should all be pleased that, although BILL BRADLEY may leave the Senate, he has made clear he intends to remain on the public stage.

I have enjoyed serving in the Senate with my friend from New Jersey. I particularly enjoyed serving with him these past two years on the Finance Committee. I will miss him. I certainly hope he takes advantage of the privileges afforded to former members and visits the Senate as often as possible. I wish him nothing but the very best as he embarks on the next chapter of what is already a legendary life and career. One can call Senator BRADLEY many things—basketball player, Rhodes scholar, tax reformer, and United States Senator. I am proud to call BILL BRADLEY my friend.

TRIBUTE TO SENATOR SAM NUNN—GEORGIA'S SENIOR SENATOR

Mr. PRESSLER. Mr. President, as the 104th Congress draws to a close, I would like to take a moment to bid farewell to my many good friends who today will cast their final votes in the United States Senate. Prominent among these departing leaders is the great Senator from Georgia—Senator SAM NUNN. As a fellow farmer, I have an inherent respect for Senator NUNN. His leadership and tenacity—so often demonstrated from his desk across the aisle—have time and again earned him the admiration of the members of this body and his constituents. His years of service to his country and state will be remembered forever.

Senator NUNN has dedicated much of his life to ensuring that United States defense capabilities remain the strongest in the world. A native of the area in Georgia where General Sherman's troops once rallied, his patriotism may be attributed in part to a long bloodline of military and Congressional service. In his roles as Chairman and Ranking Member of the Armed Services Committee, he consistently has fought to make certain our country has the most advanced military weaponry in the world. His efforts have helped ready our country to meet nearly any military challenge.

Mr. President, as I look across the room, I am reminded that another Georgian soon will be assigned the desk that Senator NUNN has occupied for nearly one-quarter of a century. Without a doubt, his desk will be difficult to fill, but I am sure Senator NUNN, in his wisdom and knowledge of this body, will do everything possible to guide Georgia's new Senator. As we prepare to leave our Nation's Capital and return to our respective districts, my wife Harriet and I wish SAM NUNN and his lovely wife Colleen, the very best for the future. Something tells me that the Senator from Georgia will continue to be a central figure in formulating our national security and foreign policies. It would be a mistake not to tap into SAM NUNN's knowledge, experience and leadership. God bless SAM NUNN as he embarks on interesting new challenges.

TRIBUTE TO SENATOR PAUL SIMON

Mr. PRESSLER. Mr. President, I would like to take a moment to pay tribute to my good friend from Illinois, PAUL SIMON. Senator SIMON will leave the Senate very soon, and I must confess that I will miss him. He is an outstanding legislator, and skillful writer, and most important, a kind friend to me and my wife Harriet.

Throughout his life, Senator SIMON has found success as a writer and editor. He is a prolific writer, and the author of many books, including perhaps the most comprehensive biography of Abraham Lincoln as a young legislator. The connection between these two Illinois favorite sons past and present doesn't end there. Both Abraham Lincoln and PAUL SIMON began their political careers in the Illinois legislature, and both at about the same time in their lives. Both built a reputation of honesty and forthrightness. Both sported bow ties. Where the careers diverged is somewhat ironic. Senator SIMON holds the very Senate seat unsuccessfully sought by Abraham Lincoln in his famous battle with Stephen Douglas in 1858. Yet, Abraham Lincoln of course won the presidency in 1860, an office Senator SIMON unsuccessfully sought in 1988.

Certainly, there's much more to Senator SIMON's career than his similarities with our Nation's greatest President. Much more. Senator SIMON has been his party's most outspoken crusader for a balanced budget amendment to the Constitution. I am proud to have been an original cosponsor of his balanced budget amendment. He worked very, very hard to get his amendment passed. We came so close last year—just one vote short. He can be very certain that we will work hard to resume the fight next year. I am confident that we will pass a balanced budget amendment. And when we do, and when the required number of States ratify the amendment, this Nation will owe a big thank you to our friend from Illinois.

The fight for a balanced budget amendment symbolizes the kind of commitment and determination Senator SIMON possesses as a legislator. I always enjoyed being on the same side of an issue with my friend from Illinois. I knew my chances of success were much improved if he was involved in any legislative effort I participated in. Conversely, I knew I had my work cut out for me when we were on opposite sides of an issue.

Senator SIMON was a champion of many causes—literacy, college student loans, limitations on television violence, just to name a few. We both served together as members of the Foreign Relations and Judiciary Committees. On Foreign Relations, he took a strong interest in the African continent. Indeed, in 1993, I sought his advice and perspectives before I made my trip to Africa to promote South Dakota agriculture.

There are so many things that can be said about Senator PAUL SIMON. He is an extraordinary man who has led an extraordinary life. What I will miss most however is his warmth and his kindness. If the Senate had an unofficial ambassador of goodwill, it was the senior Senator from Illinois. Senator SIMON regularly held open meetings in his office and had time for everyone who came to visit. That's the kind of Senator, the kind of man PAUL SIMON is. Senator SIMON is an extraordinary individual, and a good friend. Harriet and I wish he and his lovely wife Jeanne nothing but the best.

TRIBUTE TO SENATOR HANK BROWN

Mr. PRESSLER. Mr. President, I would like to take a moment to pay tribute to my friend from Colorado, Senator HANK BROWN. He and his lovely wife Nan have been good friends to me and Harriet. HANK BROWN is both worthy ally and worthy adversary. Over the years, I have worked with my friend from Colorado on several issues of mutual interest. I remember well the battles we have fought together and the times when we honorably have disagreed.

I remember one disagreement in particular. During my efforts in support of our South Dakota honey program, Senator BROWN was relentless to end Federal funding for the program. Yet, in his effort to end honey price supports, he still was willing to listen to my side. He even took the time to sit down to visit with honey producers from South Dakota. He listened to their concerns. I always will be grateful for that.

That is not the only time Senator BROWN and I have agreed to disagree. More than once, we have sparred over nuclear nonproliferation issues in South Asia. Senator BROWN and I travelled to South Asia together and debated this topic quite extensively. While he and I disagree on the best course of action our Nation should take to slow weapons-building programs in South Asia, I do not question for a second his efforts to promote peace in this unstable region of the world.

As fellow Vietnam veteran, Senator BROWN and I have shared a special personal involvement in preserving and protecting the interests of our veterans. He has done an outstanding job as a member of the Veterans Affairs Committee. He has dedicated hours of service to making certain that veterans programs meet each and every need of those who served bravely in our Armed Forces.

Finally, Senator BROWN has been a tenacious advocate in congressional efforts to balance the bloated Federal budget. He has been a prominent member of the Senate Budget Committee, and knows the vital importance of ending years of wasteful Government spending. He understands how necessary it is for us to put the Government's fiscal house in order. HANK BROWN has risen to the fiscal challenges placed before him on the Budget Committee and has fought hard to protect Americans' hard-earned incomes.

I will miss my friend and colleague from Colorado—his hard work, his good humor, and his friendship. During his term in office, HANK BROWN has demonstrated a sincere devotion to the people of his home State of Colorado. He is a hard-working, commonsense public servant, dedicated to the people he represents. We in the Senate will miss his willingness to listen to differing views and to work together to cut through Government gridlock. I wish my friend HANK and his wife Nan all the best.

TRIBUTE TO SENATOR NANCY KASSEBAUM

Mr. PRESSLER. Mr. President, today I pay tribute to my friend and colleague, Senator NANCY KASSEBAUM, on her retirement from the U.S. Senate. It is not easy for me to bid her farewell. I sincerely will miss her presence in this body. Nancy and I have served together since 1979, when we both came to this body. Since then, we have shared and fought for the same traditional midwestern ideals and values. Working together, we have succeeded in ensuring that our States get their fair share of Federal funding. She understands the unique needs of rural America. Few have shown her deep commitment to the interests of Kansas and the midwest.

It has been a great privilege for me to work with Senator KASSEBAUM. She has been an inspiration to me and countless others. Her hard work and dedication to this body and to the people she represents in Kansas are unprecedented.

During our years together on the Senate Foreign Relations Committee, I developed a deep respect for NANCY'S convictions and her commitment to aiding people in lesser-developed areas of the world. As both Chair and ranking member of the Subcommittee on African Affairs, Senator KASSEBAUM has shown compassion, tempered with pragmatism, in dealing with the unique issues of war-torn, famine-ravaged sub-Saharan Africa. Her expertise on issues affecting this area of the globe is unequaled in the Senate.

Senator KASSEBAUM's expertise does not end there. She also knows the United Nations inside and out. She has dedicated much of her time to reforming the waste, fraud, and abuse that is rampant within the UN. Frankly, she spearheaded increased congressional oversight of the UN. The Kassebaum Amendment withheld 20 percent of regular budget assessments beginning in fiscal year 1987, in an effort to make UN budget voting proportional to country assessments. A host of UN accounting and budgetary assessment reforms have followed in the wake of this amendment.

Senator KASSEBAUM also is a champion of education. She has worked tirelessly to secure increased funding for student financial aid and to reorganize the Jobs Corps program. As Chair of the Labor and Human Resources Committee, Senator KASSEBAUM also must be given credit for shepherding the Republican workfare plan through Congress. Because of her steadfast determination, we finally passed real welfare reform—reform that will end the failed "free lunch" approach to welfare and will bring aid to those who need it most. She is a tough, commonsense reformer, whose tenacity and calm resolve will never be forgotten nor easily replaced.

Finally, perhaps her crowning achievement of this Congress was passage this year of commonsense health care reform. Thanks to the Senator from Kansas, working Americans need not fear the loss of their health insurance policies when they change jobs or because of a pre-existing condition.

Thanks to the Senator from Kansas, the self-employed will be able to deduct a greater portion of their health insurance costs from their Federal tax liability. These represent real and positive health care reforms.

As the 104th Congress draws to a close, I wish my friend, NANCY KASSEBAUM, the very best as she embarks on new interests in her home state of Kansas and elsewhere. Her career in Washington has been distinguished. Her public service to her State and Nation are unrivaled in terms of results. Senator NANCY KASSEBAUM will be remembered as a first-class public official. I wish her all the best now and in the many years to come.

TRIBUTE TO SHEILA FRAHM, U.S. SENATOR FROM KANSAS

Mr. PRESSLER. Mr. President, I would like to pay tribute to my friend and colleague, Senator SHEILA FRAHM, for her outstanding service to the people of Kansas. As a former Kansas State Senator and Lieutenant Governor, SHEILA FRAHM has served her country and State with pride.

Senator FRAHM has a long and distinguished record of public service. She served as a member of the Kansas Board of Education, a Kansas State Senator, and was Kansas' first woman Senate Majority Leader. She also was the first woman in Kansas history to be elected Lieutenant Governor. As Lieutenant Governor, SHEILA FRAHM served as a member of the Governor's Cabinet and as Secretary of Administration, running the day-to-day operations of the Kansas State government.

Mr. President, in a matter of weeks, SHEILA FRAHM's life changed drastically. She gracefully moved into the Senate seat of one of the living legends of American political history, Bob Dole. Senator FRAHM has demonstrated time and time again that she can rise to any occasion. She did so yet again here in the Senate.

As a member of the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs, Senator FRAHM played a vital role in moving legislation during the final months of the 104th Congress. Senator FRAHM also came to the Senate at a time to help pass historic legislation, including workfare, health care and illegal immigration reform. In a few short months she has voted to pass the kind of legislation many of her colleagues have waited years to address. SHEILA FRAHM has earned the respect and admiration of her colleagues, her staff, and her constituents.

We will soon bid farewell to our colleague from Kansas—Senator FRAHM. My wife Harriet and I wish Senator FRAHM, her husband Kenneth, and their three daughters, the very best. I am proud to have served in the 104th Congress with Senator FRAHM. Her valuable contributions to the Senate will not be forgotten.

SALUTE TO GUST LARSON

Mr. PRESSLER. Mr. President, I would like to take a moment today to pay tribute to a great South Dakotan—Gust Larson of Midland. Gust is a "salt of the Earth" individual whose feet are planted firmly in the real world. Gust is truly one of South Dakota's unsung heroes. He deserves to be recognized for his leadership in helping to preserve rail service across South Dakota. I was privileged to work with Gust Larson several years ago on this issue. My association with Gust consists of some of the most productive and enjoyable work I have done as a United States Senator for South Dakota.

I first met Gust in the early 1980's when the Chicago & Northwestern Railroad [C&NW] filed for abandonment of the only east-west rail line across South Dakota. Gust owned the local grain elevator in Midland, a small town in the middle of western South Dakota with less than 300 residents. When the C&NW announced its abandonment plans, Midland and other communities along the rail line were devastated, as were all the farmers and ranchers who depended on the railroad to ship their grain to market.

The prospects for blocking the abandonment looked bleak at the time. Back then, rail consolidation was the norm throughout the Nation. All across the country, one rail line after another was being abandoned. Thus, given the climate of the times, few people held out much hope when the C&NW announced its intent to abandon the 164-mile line from Rapid City to Fort Pierre. Some people even said there was no point in fighting the abandonment because the railroads always got their way with the Interstate Commerce Commission [ICC].

Gust Larson was not one of those people. Gust is a fighter, and he was not about to give up his and his fellow South Dakotans only rail link to the outside world without a fight. Gust knew the rail line would certainly be abandoned if nothing was done. He could not stand by and lose the only rail link to the grain market terminals to the east and down south to the Gulf of Mexico. Loss of this line would result in higher costs for western South Dakota grain producers in shipping their grain to market.

I shared Gust's concerns. The so-called political experts at the time advised me to keep a low profile. They urged me not to get involved. Fighting the abandonment was seen as a lost cause. Well, I grew up believing that lost causes sometimes were the ones worth fighting for. And, like Gust, I would not stand idly by and let the C&NW abandon this important line. So, ignoring the advice of the naysayers, I joined Gust Larson's lost cause to save the rail line.

A shippers group called the Western South Dakota Railway Users Association was formed, and Gust agreed to serve as chairman. Some scoffed and said we were tilting at windmills in challenging a huge corporation like C&NW with all its financial resources and attorneys. Skeptics pointed out that the C&NW had filed several other abandonment petitions across the country, and all of them had been approved by the ICC. Why would our line be any different?

Despite these tremendous odds, we decided to take on the railroad. Gust and his fellow rail users held countless telephone conversations and meetings with my office to formulate strategy and develop a plan of action.

Frankly, I suspect that C&NW corporate officials who handled abandonment petitions on a regular basis didn't take Gust Larson and his small band of rail users very seriously. After all, the C&NW was successful in other abandonment requests, and all certainly involved the usual protests from people like Gust Larson. Well, the C&NW attorneys and executives were in for a surprise. They had never encountered someone like Gust Larson before.

I requested that the ICC send an administrative law judge to hold a formal field hearing in South Dakota. At the ICC hearing in Philip in September of 1983, Gust Larson and others emphasized to ICC Administrative Law Judge Edward McGrail the importance of preserving this important rail line. Much to the surprise of the naysayers and the C&NW, Judge McGrail issued a ruling against the railroad's abandonment request.

As expected, the C&NW appealed Judge McGrail's decision to the ICC. After intensive efforts, we convinced the Commission to let stand the judge's decision. Although Gust and the rest of us were very pleased by the Commission's action, we knew the battle was not over. We knew the C&NW could come back and file a new abandonment request, which would mean the battle would start all over again.

If the C&NW truly was not interested in operating the line, it could refuse to perform much-needed maintenance work on the line. This would lead to a gradual deterioration of the line's condition and ultimately a degradation of service. The only real solution was to find someone interested in operating the rail line. This obviously was no easy task.

We made a full-court press to identify potential buyers. After countless meetings and phone calls, we were able to convince a group of investors who were willing to take their chances on the future of this line. The Dakota, Minnesota, and Eastern Railroad [DM&E] was formed and an agreement was worked out with the C&NW to purchase the C&NW east-west rail line across the entire state of South Dakota and into Minnesota. Since its inception, the D&ME has invested millions of dollars in maintenance and track repair and has demonstrated its commitment to improving rail service for South Dakota shippers.

Today, many people may not realize how close western South Dakota came to losing its rail service to the east. Had Gust not stepped up to the plate to lead the local shippers group, who knows what might have happened?

Gust Larson is the pride of South Dakota. His effort to save the rail line is reminiscent of the legendary stories of tough, rugged fighters who turned a vast prairie into a state of enormous promise and opportunity. Generations from now, Gust Larson's story also will be legendary. He has made a lasting contribution to his community, his State and his country. It was one of the great privileges of my life to work with Gust. It is an honor to know Gust Larson. It is an even greater honor to call him my friend. I salute him. Thanks to the help of Gust Larson, the rumble of trains can still be felt and heard across western South Dakota.

TRIBUTE TO RETIRING SENATORS

Mr. PRYOR. Mr. President, when the 105th Congress meets for the first time early next year, this Chamber will have many new faces. This is partly because 13 of us, including myself, will leave this body to pursue other goals and ambitions. I rise today to pay a special tribute to those of my colleagues who will retire from the U.S. Senate at the end of this term.

Mr. President, it has been my pleasure to work with my distinguished colleague from New Jersey, Senator BILL BRADLEY, since 1978. We arrived together, and together we depart.

Senator BRADLEY's respect for the opinions of his colleagues and thoughtful demeanor have made him one of the true gentlemen of the Senate. I have enjoyed working with him on the Committee on Finance and the Special Committee on Aging. He has been a leader on tax reform, environmental protection, and violence prevention.

Senator BRADLEY established himself as a progressive leader in tax reform by proposing the Fair Tax Act in 1982. That later became the Tax Reform Act of 1986. This act closed most of the loopholes that had created unfair and unbalanced tax burdens on the people of the United States. This legislation also reduced Federal taxes on many low-income Americans.

BILL has taken a personal interest in the protection of the environment over the years. He passed legislation to protect the shores of not only New Jersey but of the entire country through his support of the Shore Protection Act of 1996 and has fought to protect millions of acres of virgin land from mining and development.

His determination to create jobs and to expand the police force in those areas have made Senator BRADLEY a leader in finding solutions to the violence that has become an everyday part of life in many communities.

The Senate is losing a great Member in Senator BILL BRADLEY. I wish him and his family the best in the future.

I also want to pay tribute today to Senator HANK BROWN. I have had the honor of serving with the Senator from Colorado on the Government Affairs Committee. In addition, he has been a leader in the fight for a balanced budget.

While he chose to serve only one term in the Senate, HANK had spent 10 years in the House of Representatives. I served in the House and know how difficult the schedule can be, splitting time between Washington and my home district, leaving little time to see family and friends. Yet, while a Member of Congress, he earned a masters of law degree from George Washington University. HANK is always looking for new things to learn and new ways to grow as an individual. I am sure that, after he moves back home, HANK will find many new experiences from which to learn whatever he chooses to do. He has served the people of Colorado well and will be missed.

Senator BILL COHEN and I came to the Senate in 1978 and I have greatly enjoyed working with him over the years. In addition to being an effective Senator and a true champion for his State of Maine, Senator COHEN also found the time to author eight books.

I have served with BILL COHEN on the Governmental Affairs Committee and he has been a reliable ally in the struggle to reform our government's procurement practices. Too many people think that our work is done here in the Congress when we pass appropriations bills. Senator COHEN is among a small group of Senators who realizes that the oversight process is just as important as approving the money.

Mr. President, the Senate will certainly miss the insights and energy of Senator BILL COHEN.

Mr. President, the senior Senator from Nebraska, JAMES EXON, is another of my colleagues who has decided not to seek another term in the U.S. Senate. I know that Senator EXON's retirement will cast a shadow over the great State of Nebraska and this body.

Senator EXON's friendship has been extremely important to me during my time as a member of the Senate. I will miss him as we continue with the next phase of our lives. We have been friends for 20 years, dating back to the days when we served our respective States as Governor. JAMES EXON was one of a group of Senators who dropped by a gathering of folks from Arkansas last week. I was honored that he took the time out of his schedule to attend the gathering.

I appreciated Senator EXON's help on many pieces of legislation, including his strong support for my work to keep pharmaceutical drug prices down. He was also an original cosponsor of the Taxpayer Bill of Rights, and worked with me to make the Internal Revenue Service more accountable for its actions. I am grateful for his help and support throughout the years.

Mr. President, it has been an honor and a privilege to serve alongside Senator EXON here in this great body. We came to the Senate as dear friends, and I hope to continue the friendship in the future. Barbara and I have enjoyed our time spent with JAMES and Pat Exon, and we wish them the best in the future.

Mr. President, one of this country's true statesmen, Senator MARK HATFIELD of Oregon, has been a Member of this body since 1966. I am truly grateful to have had the opportunity to serve with this great man.

Senator HATFIELD's dedication to his State and Nation can be seen by his mere length of service. For the past 30 years, MARK HATFIELD has worked hard to improve living conditions for the people of Oregon and the United States. Senator HATFIELD has always been an ardent proponent of peace as he has continually worked to end armed conflict. It was Senator HATFIELD who offered an amendment with then Senator McGovern to end the Vietnam war.

Senator HATFIELD is also a man of great conscience. MARK has deep-seated beliefs and he stands by those beliefs regardless of the consequences. Senator HATFIELD has always looked to both parties for help in enacting important legislation. It is for this reason that MARK HATFIELD is one of the most respected and influential Members of the U.S. Senate.

Mr. President, Oregon is lucky to have a public servant who is as dedicated as MARK HATFIELD. Barbara and I wish MARK and Antoinette all the best and on behalf of my colleagues, I want to thank my friend MARK HATFIELD for all he has done for this institution and this Nation.

Mr. President, the senior Senator from Alabama, HOWELL HEFLIN—known to many as the Judge—and I came to the Senate together in 1978. I have had the honor of serving the last 18 years with this dedicated public servant.

HOWELL HEFLIN embodies the spirit of the U.S. Senate. Senator HEFLIN is a true gentleman and statesman. Therefore, it is not ironic that he is one of the most popular Members of the U.S. Senate and one of the most beloved public figures ever in the State of Alabama. Whenever times get tough, HOWELL is always there to liven up the mood with his great wit and personality. I have had the opportunity to serve on the Agriculture, Nutrition, and Forestry Committee with Senator HEFLIN and I have seen firsthand the tireless effort he has given to improving the cotton, soybean, and peanut programs. Farmers all over this country should thank HOWELL HEFLIN for the contributions he has made to agriculture. Knowing the importance of agriculture in my own State of Arkansas, I am very thankful for the leadership of HOWELL HEFLIN.

Senator HEFLIN has always believed in doing what is right and standing up for what you believe in. He regularly crosses party lines and votes his own personal beliefs. This is refreshing in a time when partisanship seems to take precedence over all other things.

Mr. President, it has truly been an honor for me to work with such a great man as HOWELL HEFLIN, but most importantly, it has been an honor for me to call this man my friend. Barbara and I consider HOWELL and Mike to be among our closest friends and we will miss them greatly. We wish them all the best as they return home to Tuscumbia, AL. And while the U.S. Senate is losing one of its most dedicated members, Alabama is getting back two wonderful citizens in HOWELL and Mike Heflin.

Mr. President, over the last 24 years, the distinguished Senator from Louisiana, BENNETT JOHNSTON, has become one of the most accomplished and dedicated Members to have served in the Senate. As chairman of the Energy and Natural Resources Committee for 8 years, and now the ranking member, the Senator's remarkable leadership has led to important legislation in energy policy.

Mr. President, one of the greatest things I will miss about the Senate is the wonderful relationships that Barbara and I have formed over the past 18 years, including the one we have with BENNETT JOHNSTON and his lovely wife, Mary. As we both travel back to our neighboring States in the South, I look forward to continuing this friendship. I wish them all the best in their years ahead. I am truly honored, Mr. President, to have served with such a fine man.

Another fine colleague who arrived with me to the U.S. Senate in 1978 is NANCY LANDON KASSEBAUM, the distinguished senior Senator from Kansas. She has done an outstanding job representing Kansas and is truly a dedicated public servant.

My fellow Arkansans and I were honored when Senator KASSEBAUM spoke at the unveiling of the portrait of Hattie Caraway, who represented Arkansas in the U.S. Senate and was the Nation's first woman to be elected to the Senate. Senator KASSEBAUM gave an eloquent speech that demonstrated how far women have come in the U.S. Senate.

It has been an honor to serve with the Senator from Kansas. She has always been willing to cross this center aisle to accomplish what is best for the Nation. When she leaves this body, her humility and dedication will be sorely missed. Indeed, the State of Kansas and her colleagues in the U.S. Senate will be saddened by her departure. Barbara joins me in wishing her all of our best in the future.

Mr. President, one of the finest men to ever serve as U.S. Senator, SAM NUNN of Georgia, is also leaving this body. SAM NUNN's tireless dedication, loyalty, and determination extend not only to his work as Senator, but in his personal life as well. Barbara and I have enjoyed many years of friendship with SAM and Colleen NUNN. I will carry many happy memories of that friendship with me as I return to Arkansas.

Senator SAM NUNN has won not only my admiration and respect, but that of the American people. His efforts on the Senate Armed Services Committee, the Permanent Subcommittee on Investigations and the Small Business Committee are testaments to his desire to maintain peace, hope and prosperity in America. His work has also earned him the distinction of one of the greatest national security and foreign policy experts of our time. All who have worked with SAM NUNN, all who have followed his career, surely recognize the numerous contributions he has made. I will miss him. America will miss this great Senator even more.

When I was first elected to the Senate in 1978, Senator CLAIBORNE PELL had been here for 18 years. I had always assumed he would be here long after I left. When Senator PELL retires this year, he leaves an impressive record of accomplishments in the areas of education, the arts, and foreign policy. He has been more than a Senator from Rhode Island, but a true statesman for the entire Nation.

Senator PELL was instrumental in instituting the education scholarships for disadvantaged students that bear his name. Untold numbers of students have had the opportunity to go to college through the Pell Grant Program. He has continued to be an advocate for education throughout his career. Senator PELL recognized early on that the education of our children is the best investment this country could make.

Senator PELL has been a true friend and teacher to many of us here in the Senate. I wish him well in his retirement. He has certainly earned it.

Mr. President, last week my colleagues and I gathered in this chamber to pay tribute to our dear friend, the senior Senator from Illinois, PAUL SIMON, by decorating ourselves with a trademark PAUL SIMON bow tie. I have known this distinguished man for many years and have always found him to be a man of the highest regard in his love for this country of ours. He serves as a guide to all of us who serve in public life through his honesty and decency.

Mr. President, PAUL SIMON stands strong for the things he believes in his heart to be good and true. But under no circumstance has he ever turned a deaf ear to any of us wanting to express our views or concerns. As I told this body just last week—as I go to the University of Arkansas next semester to speak to students from various educational backgrounds—If I am ever asked the question by one of those students as to how to pattern their lives for a political future, I will tell them to look at the life of PAUL SIMON, both the political life and the personal life. I say this because PAUL SIMON has humanized politics and the Government for each of us. I thank my friend for his leadership and service to this country and wish him a health and happy future.

Mr. President, my good friend and colleague, Senator ALAN SIMPSON, is also leaving this body at the end of the term. Eighteen years we have served here together, separated only by this center aisle. And it is this very aisle that ALAN SIMPSON has worked his career at building a bridge across—to join both sides in doing what is best for every citizen of this great Nation of ours. Over the past several years, I have had the honor and privilege of working with my friend, not only on this floor, but also on the Finance Committee and the Special Committee on Aging. His hard work and dedication to the people of this country have served as a constant reminder to me and my colleagues of what we have been sent here to do—and that is to serve the people of our home States and all citizens of the United States.

ALAN SIMPSON's humorous and unique approach to business on this floor will be a great loss. Mr. President, ALAN SIMPSON is one of the greatest doers and builders that we have ever seen in this body, and his presence will be sorely missed. Barbara and I wish my friend and his beautiful wife Ann the very best in the years to come.

Mr. President, I know that all of my friends who are leaving will miss the Senate. But I have even more confidence that those remaining in the Senate, and millions of citizens back home, will miss these wonderful public servants and the energy and wisdom they go generously gave to their country. We are truly a better nation for their contributions.

A TRIBUTE TO SENATOR HANK BROWN

Mr. HOLLINGS. Mr. President, I rise today to salute the senior Senator from Colorado, Senator HANK BROWN, for his 16 years of service in Congress. He has worked for the citizens of Colorado as a Member of the House of Representatives, and was elected president of the 97th Congress Republican freshman class. He also has served his State for one term as a U.S. Senator.

Everyone was surprised when Senator BROWN was the first Republican to announce in late December 1994 that he would not seek reelection in 1996. At that time, Senator BROWN said he had tired of his life inside the beltway and had always thought of his time in Washington as a "period of temporary service." As a result, at the end of this Congress, HANK BROWN will leave the Senate and return to Colorado with his wife, Nan, and their family.

During the last 6 years, I have seen Senator BROWN work diligently on the budget, support environmental and agriculture issues affecting his State of Colorado, and deal with foreign policy matters that affect our Nation as a whole.

HANK BROWN and I have worked side-by-side on the Budget Committee and, while we did not see eye-to-eye all the time, his dedication to Republican spending priorities was tireless and unsurpassed. I know that members of his party will miss his ideas and input when we begin the arduous budget process next year.

Senator BROWN has also work for the people of Colorado on environmental and agriculture issues. He introduced legislation to protect the Cache La Poudre River flood plain and worked diligently to establish national trails along Colorado's western slope. He also came down to the Senate floor to fight for the rights of Colorado ranchers when we debated the controversial topic of grazing fees.

As a member of the Foreign Relations Committee, HANK BROWN has supported military aid and training to Eastern European countries. And, I am pleased to say, after studying the ins and outs of the General Agreement on Trade and Tariffs, Senator BROWN joined me and several other Senators by voting against that abomination of a trade agreement. Even today, I regret that the Senate in the 103d Congress saw fit to pass that treaty and that the President supported its passage. But, I'll save that talk for another time.

The long and short of it, Mr. President, is that HANK BROWN will be missed in the Halls of the Capitol. I bid the good Senator, his wife Nan, and their three children farewell as they leave Washington, DC, and wish HANK many happy years of retirement. May it hold new challenges and exciting opportunities.

A TRIBUTE TO SENATOR DAVID PRYOR

Mr. HOLLINGS. Mr. President, I rise today to pay tribute to one of the great men of the Senate. He has served his State of Arkansas with honor as a State Representative, Governor, Member of Congress and finally as a U.S. Senator. Despite this wonderful career, he has not lost touch with the "common man."

I know all my colleagues agree, DAVID PRYOR is truly one of the most well-liked members of this body. Whether defending the Special Committee on Aging and the Nation's elderly or as the primary sponsor of the Tax Payer Bill of Rights, you can count on the Senator from Arkansas tirelessly and doggedly fighting to do what he believes is right. However, no matter how heated the battle, Senator PRYOR always maintains his cool and always treats his fellow Senators with dignity and respect.

Senator PRYOR has accomplished much in his career, but he will always be remembered as the No. 1 advocate for the Nation's elderly. Having served as chairman and ranking member of the Special Committee on Aging, he has led the way in his dedication to protecting and enhancing the lives of our senior citizens.

As a member of the Agriculture Committee, DAVID PRYOR has worked to protect the American farmer, and, as the primary sponsor of the Tax Payer Bill of Rights, he almost singlehandedly focused attention on IRS abuses of the American taxpayer.

There is no doubt the Senate will miss DAVID and his charming wife, Barbara. Barbara has worked diligently to bring outstanding Arkansas art to Washington so all visitors to DAVID's office can enjoy it. The Senate will miss their personal touch and we wish them well.

TRIBUTE TO SENATOR WILLIAM COHEN

Mr. HOLLINGS. Mr. President, Senator BILL COHEN is one of our colleagues who often comes to mind when considering the mainstream in this body. The presence of these individuals who defy labeling is indeed fortunate in the effort to achieve the compromise so essential in government. I have noted over the years that observers attempting to define these so called liberal Republicans, conservative Democrats, and "moderates", often were describing colleagues like BILL COHEN who simply considered the issue at hand on the merits and decided, in his judgement, in the interest of the greater good. Party Line and dogma have never been decisive factors in his decisions, and as a result he was regularly numbered among those who brought about the compromise necessary for progress.

First elected to the House in 1972, BILL COHEN immediately demonstrated his fortitude and independent thinking in dealing with perhaps the most traumatic issue to face the Congress in this century. As a member of the impeachment committee charged with the responsibility of considering the actions of the Nixon Administration, he spoke eloquently of the imperatives of accountability and responsibility in the conduct of public officials. True to the principles evidenced in that courageous beginning, he remains today a spokesman for and example of civility in government and public service.

BILL came to the Senate in 1978 where he quickly established himself as a dedicated and studious member, mastering the intricacies of a diverse set of issues facing our Nation. He was a spokesman for military preparedness long before others in more recent times adopted the popular mantra of "military readiness". His service on the Armed Services Committee has clearly established BILL COHEN not only as a guardian of military preparedness but also as a protector of those who serve in the ranks of our Armed Forces. His exemplary service on the Intelligence Committee was of invaluable benefit to this Nation on issues of grave importance to our National Security. His evenhandedness in his service on the Judiciary Committee and his sensitivity and compassion demonstrated while on the Committee on Aging again stand as testimony to the quality of his service to the people of Maine and this Nation.

Senator BILL COHEN departs our ranks with the respect and admiration of all of his colleagues on both sides of the aisle. We wish him and Janet the very best in the future.

A TRIBUTE TO SENATOR PAUL SIMON

Mr. HOLLINGS. Mr. President, I rise today to pay tribute to my friend and colleague, Senator PAUL SIMON, who is leaving the Halls of Congress after 22 years of distinguished service in both the House and the Senate.

Simply put, PAUL SIMON epitomizes what we think of when we use the term public servant. Since 1954, he has served the people of Illinois as a State Representative, as a State Senator, as Lieutenant Governor, as a member of the U.S. House of Representatives and as a United States Senator. At every level of government, PAUL has proven to be a model of thoughtfulness and integrity.

As a fellow member of the Senate Budget Committee, PAUL SIMON stands out, not because of his trademark bow tie, but because of his dogged desire to eliminate our crushing debt burden and his willingness to take the tough medicine necessary to accomplish that goal. Moreover, PAUL has keenly understood our obligation to repay not only the public debt but also the debt owed to Social Security and other government trust funds.

In addition to his efforts to get our Nation's finances in order, PAUL SIMON has been a tireless advocate for the need to expand educational opportunities for all Americans. Specifically, he has been a leader in ensuring that those with disabilities receive public education, in combating illiteracy through passage of the National Literacy Act, and more recently, in expanding access to higher education by championing the direct college loan program.

While all of us in this body will sorely miss his leadership and cordiality, our loss is Southern Illinois University's gain where PAUL will head up the Simon Public Policy Institute. We wish both him and his wife Jeanne the very best in all their future endeavors.

A TRIBUTE TO SENATOR BILL BRADLEY

Mr. HOLLINGS. Mr. President, I rise today to bid farewell to the senior Senator from New Jersey, Senator BILL BRADLEY. Since the first day this professional basketball player walked onto the floor of the Senate in 1979, I have been proud to work closely with him on numerous issues.

As all Senators know, we spend hours on the Senate floor, toiling away on legislation that affects our home States, other Members' States, and America as a whole. But, I believe BILL BRADLEY will be most-remembered for his endless struggle to rewrite our tax code in the Tax Reform Act of 1986, his unwavering dedication to reform our campaign finance system, and his tireless efforts to protect the health and welfare of American men, women, and children.

I remember well when, in June of 1986, the Senate overwhelmingly supported the Tax Relief Act by a vote of 97–3. Although this legislation was guided carefully through the Congress by Senator Bob Packwood, I would like to take the time today to give credit where credit is due. Without the dedication of the Senator from New Jersey, this bill would have died a thousand deaths on its journey from the House Ways and Means Committee to President Reagan's desk.

After we passed this monumental legislation, Senator BRADLEY said, "Each senator was willing to sacrifice something that was important to his or her State to do what was in the best interest of the country." Thank goodness for Senator BRADLEY's foresight and coalition building. Without him, many of those gaping tax loopholes we closed would still exist and millions of low-income Americans would have fallen well-below the poverty line.

I also would like to commend BILL BRADLEY for joining me in our fight to reform the campaign finance system through a constitutional amendment. I will miss his assistance behind-the-scenes and on the Senate floor and am hopeful that he will continue to work toward a fair and equitable system for all political candidates when he leaves this distinguished body.

Mr. President, I cannot leave the floor without mentioning Senator BRADLEY's commitment to the health and well-being of American men, women, and children. During the 104th Congress, he fought against cuts to the Food Stamp Program, the WIC Program, Medicare, Medicaid, and Social Security. Indeed, he joined me and 33 other Senators in 1995 to protect the Social Security Trust Fund by voting against the balanced budget amendment. That vote took courage, Mr. President, and I commend him for it.

In closing, I would like to address the good Senator's work on legislation which we recently passed here in the Senate and which the President has signed into law. Known around Senator BRADLEY's office as the "Baby Bill," the Newborns' and Mothers' Health Protection Act of 1995 will ease the worry of many families experiencing the miracle of childbirth. Thanks to BILL BRADLEY, hospitals will be required to protect the health of new mothers and their infants for a minimum of 48 hours following a vaginal birth and a 96-hour stay after Caesarean births. I was pleased to co-sponsor this bill and am thrilled that Senator BRADLEY can leave the Senate following such a grand accomplishment.

Mr. President, to say that BILL BRADLEY will be missed in the Senate is an understatement. Although he is retiring as a U.S. Senator, I do not believe we have heard the last of BILL BRADLEY in the political arena. I wish him, his wife, Ernestine, and their daughter, Theresa Anne, all the best for the future and a safe journey home to Montclair.

A TRIBUTE TO SENATOR ALAN SIMPSON

Mr. HOLLINGS. Mr. President, I rise at this time to pay tribute to my friend and colleague, ALAN SIMPSON, who is retiring after serving for 18 years in this body.

None of us should have been surprised by AL's entrance into politics. After all, he learned firsthand about the life of a public servant from his father, Milward, who served the people of Wyoming as Governor from 1954 to 1958 and as a U.S. Senator from 1962 to 1966.

After graduating from college, AL SIMPSON began serving his country as a 2d lieutenant in the U.S. Army where he was a member of the 5th Infantry Division and the 2d Armored Division during the Army Occupation in Germany. In 1956, he returned home, went to law school, and joined his father's law firm in Cody, WY. In 1964, he was elected to the State legislature where he represented his home county for 13 years.

Mr. President, regardless of whether one thinks that it was destiny or industry that brought AL SIMPSON to Washington, his 18 years of service have left an indelible legislative mark.

Since he became chairman of the Judiciary Committee's Immigration Subcommittee, the Senator from Wyoming has worked assiduously in developing tough laws to crack down on illegal immigration and commonsense policies to govern legal immigration. Indeed, it is a fitting testament to his efforts that one of the last measures passed in the 104th Congress was an immigration reform bill that he authored.

But immigration is just one of the many contentious issues that ALAN has been willing to take on. As a member of the Senate Finance Committee, he recognized the demographic strains that Social Security and Medicare will face in the coming decades and was one of the first Senators to bring serious attention to this issue.

Mr. President, AL SIMPSON and I have agreed on many issues and disagreed on many others, but as one trial lawyer to another, I have always had a profound respect for his directness, his tenacity, his candor, and most of all, his ability to tell a good joke. While we shall all miss his good humor and good counsel, we wish both him and his wife, Ann, all the best in their future endeavors.

A TRIBUTE TO SENATOR NANCY LANDON KASSEBAUM

Mr. HOLLINGS. Mr. President, I rise in tribute to one of the great nonpartisan, effective Senators of this body, NANCY LANDON KASSEBAUM.

Senator KASSEBAUM's 18 years in the Senate have been marked by shifts back and forth in control of the Senate. She was elected into the minority, came into the majority within 2 years, returned to the minority in her second term, and recently returned to the majority.

She has been the Senator we needed in these times. Whichever direction the winds of partisanship blew, she was the safe haven for compromise and progress in the public interest. That is why her endorsement is courted so assiduously on both sides.

Mr. President, I emphasize that the winds have blown back and forth, but Senator KASSEBAUM has fixed on the great issues that concern all Americans and sought the solutions we needed. I remember when we saw skyrocketing deficits in this body that we worked together to make a freeze work. I had a "Fritz Freeze" and she had a "K. G. B." freeze—KASSEBAUM, GRASSLEY, BIDEN, and BAUCUS. Finally, we worked together in 1987 on a joint, compromise freeze. She has also tackled limiting campaign spending from a Constitutional point of view. We all know the importance of finding a way to limit the influence of money in politics, and she has not been reluctant to advance a thoughtful position on that. And she has been a leader on making historic progress in South Africa. She has been the Senate's voice on Africa, and we appreciate that. Furthermore, she has been deeply involved in the issue of health research, particularly on Orphan Drugs. Basic health research is America's particular pride and strength, and she made sure that those with rare diseases are included in our hopeful enterprise. That is a contribution that will change the lives of families through the generations, who otherwise would have suffered without any hope whatsoever. Mr. President, these are all issues that are fundamentally important and nonpartisan. They reflect her judgment and her leadership, and we are privileged to have worked with her on them.

Finally, Mr. President, I must brag on my home city of Charleston. Senator KASSEBAUM has recognized its beauty through her frequent visits, and, coincidentally, it is home to her son, his wife, and their children. I hope we will see more of her there after this Congress is over, but, certainly, she has been a real leader that we will miss in this Senate.

TRIBUTE TO SENATOR JIM EXON

Mr. LAUTENBERG. Mr. President, I rise to wish my friend, JIM EXON, an enjoyable retirement from this body. It's been a pleasure to serve him for the past 13 years, especially on the Budget Committee; together, we've fought for issues which were important to the average American. When I think of JIM's many accomplishments, I will especially remember his commitment to the Medicare program and his opposition to cutting Medicare to pay for tax breaks for the wealthy.

For the past 2 years, JIM has served as ranking minority member of the Budget Committee. It's been a tumultuous time. But as a businessman who founded a successful company, he brought to the Senate significant business skills and a commitment to fiscal responsibility. That was also evident in JIM's work on the Armed Services Committee, where he was a persistent and effective voice to reduce waste in the Defense Department.

Recognized in the Senate as an authority on agriculture, rural America, commerce, national defense and transportation, JIM was, above all, a voice for Nebraska's interests. Whether fighting for fair international trade agreements for mid-west agriculture, or cosponsoring legislation that made Medicare reimburse rural and urban hospitals at the same rate, or having Nebraska's Niobrara River declared a National Scenic River, JIM always championed the State he had served as Governor.

It's no wonder that the book "Politics in America" notes that JIM EXON, "makes a real contribution to the Senate as a mirror of public opinion in America's heartland. It is hard to think of anyone else in the chamber who so seems attuned to the questions and concerns of the typical middle-American."

JIM, your presence in the Senate will be sorely missed. Others may fill your seat, but few will be able to fill your shoes. As you begin the next stage of your career and your life, I wish you all the best.

THE IMPACT OF DIFFERENTIAL EXPORT TAX SYSTEMS ON U.S. OILSEED PROCESSORS

Ms. MOSELEY-BRAUN. Mr. President, last month, as we were voting on an extension of the Generalized System of Preferences, I spoke on the floor about a tax system employed by certain countries, including Brazil and Argentina, that operates to confer an unfair competitive advantage on exports of oilseed products from those countries at the expense of United States producers of these products. These unfair tax schemes, commonly known as differential export tax systems, or DETs, have been of great concern to all soybean growing states, including my State of Illinois, one of the leading soybean States in our country.

As I explained last month, these tax schemes, which operate in much the same way as WTO-impermissible export subsidies, make a mockery of the principles of free and fair trade. Until these unfair tax schemes are eliminated in countries throughout the world, U.S. processors will continue to lose ground in world markets for soybean meal and oil.

I was therefore pleased to learn that the Government of Brazil recently passed a law that eliminates these tax schemes in the states that employ them. I want to take this opportunity to commend the Government of Brazil for this major achievement. By this action, the Brazilian Federal Government has greatly contributed to the further liberalization of world trade. I am hopeful that other countries that continue to rely upon these trade-distorting tax schemes will be encouraged to follow the lead of Brazil and take similar steps toward trade liberalization. I will continue to monitor this issue closely, and if we do not see further progress in this regard, the Senate Finance Committee should consider examining this issue in more detail as part of its trade agenda in the next Congress.

LORD & COMPANY, INC.

Mr. WARNER. Mr. President, I am proud today to praise an outstanding Virginian and his Virginia company. Juan G. "Bill" Cabrera is President of Lord & Company, Inc., in Manassas, VA, and last week Mr. Cabrera was named the Minority Small Business Person of the Year for his region of the country.

Government contracts are crucial to our country in so many ways. First, they are an essential part of Virginia's economy, especially in the Northern Virginia area. Second, through minority contracting programs, our government provides invaluable opportunities to minority-owned businesses to get a necessary foothold in the marketplace. Third, our taxpayers deserve and demand that they receive the maximum value for their money.

Mr. Cabrera and his company are a perfect example of this important combination. He moved the fledgling company from Alabama to Virginia in 1984 where it began to acquire more contracts in the fields of instrumentation, controls, and monitoring systems. In 1991, the Small Business Administration certified the firm for the section 8(a) program, and Lord & Company took off.

The company has received numerous quality awards from the Departments of the Navy and Army, Fairfax County Public Schools, and numerous private companies. Moreover, Mr. Cabrera has made special efforts to diversify his workplace by hiring single parents, minorities, and others in need of employment. The company has also started its own contracting program by adopting a small minority-owned business and assisting it with technical and managerial support.

Mr. Cabrera has been recognized for his talents before, having served as a delegate to the White House Conference on Small Business and attending the Amos Tuck School of Minority Business Executive Program at Dartmouth College.

In sum, Mr. Cabrera has shown remarkable energy in providing solid work product to the taxpayers and his other clients, community involvement to his area, and jobs to his growing number of employees. I am proud to salute him for his recent award and look forward to hearing about Lord & Company's continued success.

S. 1986, UMATILLA BASIN PROJECT COMPLETION ACT

Mr. HATFIELD. Mr. President, for two decades, I have worked to resolve the fishery and irrigation conflicts in the Umatilla River Basin in the northeastern region of my State of Oregon. In 1988, with the passage of the Umatilla Basin Project Act, we brought all interests together behind a project which advanced the goal of restoring anadromous fish runs in the Umatilla River. The act authorized pumping facilities to allow three irrigation districts, which previously withdrew their water from the Umatilla River, to receive an equal volume of water from the adjacent Columbia River to irrigate their crops and, in return, leave their water in the river for fish. The project, which has had no negative impact on the Columbia River, enabled the reintroduction of salmon stocks in the Umatilla River that had been lost since the 1960's. Benefits of the project have been felt by both the fish and the irrigators in the basin, whose water supply is much more stable today than it was in the 1980's.

The Umatilla Basin Project has been a product of years of debate and grassroots consensus building. I had hoped to build on that spirit this year and reach an agreement which would have allowed the fourth, and final, Umatilla Basin irrigation district, the Westland Irrigation District, to also exchange Umatilla River for Columbia River water. The potential for such an agreement to finally solve a number of remaining and long-standing water issues in the basin was very promising, and, last July, I introduced a bill to complete the project, address the Federal Government's treaty fishery obligations to the Umatilla Tribes, adjust the boundaries of the four irrigation districts to formally incorporate lands that had long been irrigated with project water, and resolve water supply concerns jointly held by the Umatilla Indian Reservation and the City of Pendleton, OR.

I commend the Umatilla Tribes, Umatilla Basin Irrigation Districts, the State of Oregon, Water Watch of Oregon and the City of Pendleton for their diligent efforts to attempt to resolve this complex and difficult array of issues. Since last April, my staff has worked virtually nonstop with all of these local interests, Congressman COOLEY, the House Resources Committee staff, the Senate Energy and Natural Resources Committee staff, the Bureau of Reclamation, and the Clinton administration in an effort to forge a consensus agreement. Unfortunately, the consensus I had hoped for was not achieved. While the parties agreed on the need to construct facilities to allow the final Columbia River exchange, referred to as Phase III, and other efforts to improve the Umatilla fishery, they could not agree on the terms and timing of the irrigation district boundary adjustment.

The four irrigation districts agreed to an environmental review of their boundary adjustment proposal. They also agreed to provide significant mitigation water for fish until the year 2003, or until a substantial portion of the Phase III exchange was on line, whichever came first. They could not agree, however, to give the Secretary of the Interior the authority to act on the information obtained in connection with a National Environmental Policy Act review, which was a condition of the boundary adjustment decision. Unfortunately, this discretion was, in the eyes of the Clinton administration, an essential element of any agreement. In addition, the irrigation districts insisted that the authorization of the Columbia River exchange facilities and other facilities intended to improve the fishery be conditioned upon the satisfaction of their boundary adjustment request. At this late date in the congressional session, these differences of opinion proved to be insurmountable.

Though my desire to complete the Umatilla Basin Project is great, I could not allow myself or others to forget the overriding objective of the 1988 Umatilla Basin Project Act. That act states that the decision to adjust the irrigation districts' boundaries "shall be considered as secondary to the purpose of providing water for fishery purposes." While it is understood that the Umatilla Basin Project should not necessarily disadvantage irrigation districts, restoration of the anadromous fish runs must continue to be its predominant mission.

I regret that the parties failed to reach consensus on this most important issue, and I hope that the Oregon Delegation will work together with the affected parties in the 105th Congress to reach consensus on the issues that remain.

RETIRING SENATORS

Mr. KERRY. Mr. President, I have spoken on the Senate floor in a personal tribute to Senator CLAIBORNE PELL of my neighboring State of Rhode Island, and I wish him well in his retirement, but this year we in the U.S. Senate are losing 12 other colleagues, all of whom have left a unique mark on this institution and have served their states and the American people with dignity and integrity. All have been committed to the concerns of their constituents and have fought for issues that have moved this Nation forward and kept us strong, safe, and powerful. We shall miss each of them, and we shall miss their friendship, camaraderie, and counsel.

SENATOR JAMES EXON

I want to pay tribute to the Senior Senator from Nebraska, Senator JIM EXON. The institution of the U.S. Senate is the hallmark of American democracy. Few Members with whom I have served have more skillfully represented national concerns and constituent interests during the long and arduous deliberations and debates in committee and on the floor of the U.S. Senate than JIM EXON.

As Senator EXON leaves this body, he leaves a long and distinguished public service record, a legacy of independence, dependability, and a tough, common sense approach to policy as well as politics which will not be forgotten. As ranking minority member of the Budget Committee during the challenging early days of the 104th Congress, Senator EXON, knowing full well the shortcomings of the Republican budget, withstood the early onslaught of positive publicity for the new majority, and tirelessly devoted his efforts to leading the charge in committee not only to point out, line by line, what was wrong, but to convince the American people that he was right.

Senator EXON has been an anchor of reasoned debate and bi-partisanship on defense, transportation, and business issues as well as on budget issues; and with his characteristic firmness, perseverance, and drive, he has always reflected the best of the pioneer tradition of his beloved Nebraska. With his retirement, we will have lost a skilled and committed colleague who cares about public service and whose career is a symbol of institutional pride and personal responsibility to the common good.

SENATOR MARK HATFIELD

I want to pay tribute to the senior Senator from Oregon, MARK HATFIELD, who has been a beacon of bi-partisanship in this Chamber. Senator HATFIELD has always been, above all, a statesman dedicated to the Senate tradition of reasoned debate and responsible bipartisan solutions. In seeking common ground, whether on the budget or on issues of arms control and peace or on issues affecting the day to day lives of his constituents and families across America, Senator HATFIELD has never been afraid to exercise his legendary independence, even if it meant risking the wrath of his party.

Another word that aptly describes the long and distinguished public service career of Senator HATFIELD, is "independence." In every one of his votes he has shown extraordinary integrity, and I have been especially inspired by his work on arms control and his commitment to common sense in national and international affairs.

At a time in this institution when we hear partisan politics in a shrill crescendo, we shall miss his quiet, steady voice of reason and his humanity, for he has been, in many ways, the conscience of the Senate. MARK HATFIELD has left a mark on this place. I am hopeful we all will remember the standard he has set.

SENATOR BILL BRADLEY

I want to pay tribute to Senator BILL BRADLEY of New Jersey whose intellect and passion for ideas tempered by a common sense perspective have made him a calm voice for bipartisanship and logic. Senator BRADLEY has never been bound by the way things have always been done. He has always found a way to break new ground, find a better way, reach higher, and strive harder to help redefine and restructure our response to children in the inner city, to race relations in America, to tax reform and campaign finance reform.

He led the 1986 tax reform bill and led the effort to delink human rights in China from the need to extend most-favored-nation status. I worked with him in that effort and recognized the keen, sharp historical perspective that he brings to human rights, international economics, and international relations.

We have shared a commitment to Campaign Finance Reform and, again, his extraordinary ability to find a new way, try a different idea, and devise a better solution to our common problems has been inspiring as has been his commitment. We have learned to respect his judgment and analysis.

Mr. President, the quality of leadership and service embodied in the life and career of Senator BRADLEY serves as a model for every young American, and he shall be missed in the 105th Congress.

SENATOR HANK BROWN

I want to pay tribute to the distinguished senior Senator from Colorado, HANK BROWN with whom it has been a pleasure to serve. When I was chairman of the Subcommittee on Terrorism, Narcotics, and International Operations and he was the ranking member, we developed an extraordinary working relationship and I welcomed his friendship and his counsel.

Senator BROWN is thoughtful and deeply committed to the truth. He is fearless in his willingness to buck the system and ignore political pressures to do what he believes is right. His commitment and counsel in finding the truth in the BCCI investigation led to legislation that tightened the banking laws and addressed narcotics trafficking.

Mr. President; in my work with Senator HANK BROWN, I do not recall a time when he lost his sense of humor or the twinkle in his eye. His calm forceful commitment to his county, to his constituents, and to this institution will be missed. I am grateful to have had the opportunity to serve with him.

SENATOR SAM NUNN

I want to pay tribute to the senior Senator from Georgia, Senator SAM NUNN. I do not believe there is any Member of the Senate who is more studious and astute. Any American who believes that a strong national defense is a necessity in this changing world, will look to the career of Senator NUNN with respect and admiration. His specific knowledge and keen analysis of defense issues, international relations, and armed services is without equal. When it comes to NATO, his undertaking of the complex historical relationships and potential policy alternatives that have developed during the evolution of our involvement in NATO have made him a world leader and the voice of reasoned debate.

Senator NUNN has led the fight for more efficient uses of defense resources and greater accountability of defense contractors. He has been an invaluable ally in this institution to every American in uniform. He has been a calm, reasonable leader in the defense debate of the post-cold-war era.

Senator NUNN is as thoughtful as he is astute, as committed as he is wise, and as influential as he is fair. We will miss the kind of leadership that Senator NUNN has brought to this institution. We can be sure that debates on the floor of the Senate in the 105th Congress and thereafter will echo his leadership, his resolve, and his commitment. His influence in defense policy—his legacy—will be felt for years to come. I join my colleagues in wishing him well.

SENATOR BILL COHEN

I want to pay tribute to the senior Senator from Maine, Senator BILL COHEN, a fellow New Englander, and our most renowned author, who has been respected on both sides of the aisle for his intellect and his down-east devotion to his beloved Maine. Senator COHEN's intelligence and his substantive approach to the issues are surpassed only by his extraordinary range of talents.

Senator COHEN is known in this chamber for his devotion to detail and reasoned analysis of the issues, and recently he has expressed his concerns about partisanship and the political atmosphere which has dominated debate on the Senate floor. But his concern has never led to criticism of the process, people, or promise of this institution or of the purpose and function of government. He has always been a positive influence and has sought to make government in general and the Senate in particular responsive, efficient, and accountable. Negativism has not been a part of Senator COHEN's vocabulary.

He is going home to New England, and we know how much he loves his State of Maine, the beauty and the majesty of the rocky coast that reaches out into the Atlantic. As a fellow New Englander, I understand his love for it. His roots are as deep as his commitment to his beliefs and principles, and whatever he chooses to do, we wish him well.

SENATOR HOWELL HEFLIN

I want to pay tribute to the Senior Senator from Alabama, Senator HOWELL HEFLIN—Judge HEFLIN, or just Judge, as he is known to his colleagues—whose long public service career has shaped the judicial system in this Nation. His temperance, knowledge, experience, and constitutional scholarship have helped preserve the integrity of the word "justice" in our democracy and taught us the lesson of judicial temperament and legislative leadership.

If there is one word that describes Senator HEFLIN it is deliberative. He weighs the issues, individually without concern for party or political expedience. He evaluates, analyzes, reevaluates and makes a decision based on the facts and only the facts. Senator HEFLIN has represented the people of Alabama with grace, charm, intelligence, and integrity. His service and his character represent the best of the U.S. Senate and his leadership and perspective shall be sorely missed when the Judiciary Committee convenes in the 105th Congress.

SENATOR NANCY KASSEBAUM

I want to pay tribute to the Senator from Kansas, NANCY KASSEBAUM, one of this institution's most respected authorities and most effective leaders on Labor and Human Resources issues. She is an extraordinary person whose quiet commitment and personal integrity have marked a public service career that has lived up to her family name and to the expectations of the people of her beloved Kansas.

Her bipartisan leadership culminated this year in passage of the Kennedy-Kassebaum health insurance bill that protects health benefits for million of working Americans and relieves them of the fear of losing their health insurance if they lose their jobs or have a preexisting condition. She was instrumental in giving America this landmark health reform legislation when many said it could not be done this year. I have also known Senator KASSEBAUM to be deeply committed to foreign affairs and especially to concerns of African nations.

Her name has become synonymous with education, public health, labor, and employment policies, but her devotion is to her family and to Kansas. The Senate will miss her, but the people of Kansas will have her home.

SENATOR BENNETT JOHNSTON

I want to pay tribute to Senator BENNETT JOHNSTON of Louisiana who has served for 24 years on the Senate Energy and Natural Resources Committee. He has been either the chairman or the ranking member of that committee for 16 of those 24 years and every year he has left his mark on this Nation's policies on the preservation and development of natural resources.

His legislative skills and his knowledge of energy and natural resource issues are extraordinary and have led to the development of policies and programs that have had a deep and lasting impact on our Nation.

He has served the people of Louisiana faithfully, fairly, and with diligence, and his legislative skills, leadership, and knowledge will be missed in the 105th Congress.

SENATOR ALAN SIMPSON

I want to pay tribute to my friend and colleague from Wyoming, Senator ALAN SIMPSON, who has always brought his unique perspective to bear on the critical issues of our time. His carefully reasoned and focused approach often has helped this Chamber see the essential center of issues with which he has been associated during his years on the Judiciary and Finance Committees.

I have worked with Senator SIMPSON on camping finance reform and the candor, humor, and skill with which he approached the issue was refreshing, insightful, and direct. He is the kind of Senator whom the American people seek and re-elect because he reflects their interests and their ability to weed through the details to find the essential truth.

Senator SIMPSON has served the interests of the people of Wyoming and of the West with profound skill and style and his personal commitment to immigration policy will mark a long and distinguished public service career. The Senate has been a better place because of the leadership of Senator ALAN SIMPSON.

SENATOR PAUL SIMON

I want to pay tribute to my colleague from Illinois, Senator PAUL SIMON. We shall long remember the Senator who wore a bow tie every day. He brought to this Chamber a dignity and scholarship that has lifted the level of debate and preserved the grand traditions of this institution.

Senator SIMON has been a national leader on literacy and on the power of the written word. His career and his life are a tribute to knowledge, learning, and the pursuit of excellence. Senator SIMON has walked these corridors with a quiet dignity and brought to them a sense of decency that we shall long remember.

Senator SIMON is truly a skilled teacher. He has taught us, in the U.S. Senate, the lesson of civility and he has taught us and every American who has heard his message that it is in the best interest of this Nation to put a premium on intellect again. He has done so in his actions, words, and deeds, and he shall be missed not only for his bow ties but for his honorable public service, his powerful independence, and his skill as a leader, a debater, and a quintessential U.S. Senator.

SENATOR DAVID PRYOR

I want to pay tribute to my distinguished colleague from Arkansas, Senator DAVID PRYOR who is a skilled and effective legislator with a gentlemanly southern charm and a modesty that belies his extraordinary skills and accomplishments.

Of his many accomplishments, not the least of which is his agricultural record for the people of Arkansas, Senator PRYOR became an outspoken critic of the prices that pharmaceutical companies charge for prescription drugs and his leadership on the issue brought national attention to the problem and gave hope to millions of elderly Americans who could not afford their medication.

Senator PRYOR's record of leadership in public service is marked by compassion and civility. I wish him all the best as he leaves the Senate and takes on new challenges.

MEN OF COLOR HEALTH INITIATIVE

Mr. KERRY. Mr. President, at this time, I would like to take a moment to recognize, encourage, and pay tribute to a comprehensive, new health initiative called "The Men of Color Health Initiative" which was started at the Harvard Street Neighborhood Health Center in my State of Massachusetts in 1993. This outstanding health service has combined years of careful and thoughtful research with a grassroots outreach program that brings to light important health care issues such as access to health care for people of African, Asian and Latino descent throughout Massachusetts and the United States.

The Men of Color Health Initiative was inspired by the need to address, in a comprehensive and culturally appropriate manner, the many health and social issues facing men of color today. In 1993, representatives of this program embarked upon a statewide study to examine why ethnic minority men did not routinely have access to the health system. This project was designed to educate and activate men of African, Asian and Latino descent with regard to healthy lifestyles and appropriate medical care. The key to this process was the need to understand the health care needs, experiences, issues and perceptions of these highly exposed and often neglected groups.

This focused health care initiative takes a large step forward in attempting to help men of color become more aware of the health care options they have today. Many of the men interviewed before the inception of this program indicated that hospital emergency rooms were insensitive, inefficient, nonresponsive, and biased against ethnic minority men. There was an underlying distrust in and cynicism about the health system today. Many stated that language barriers keep them away from the options that they do have.

This program has gone the extra mile to see that the necessary surveys are conducted and discussion groups are available for male health system users and community-based providers to elicit information about viable methods to reach the population at risk. I applaud the efforts of this superb program and I wish it much success in the future. This thoughtful and successful program should be a model for others across the United States.

THE FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT

Mr. LEVIN. Mr. President, on May 23, I introduced a bill—S. 1797—to implement the recommendation of the National Performance Review that we should "require [Federal Prison Industries] to compete commercially for Federal agencies' business" instead of having a legally protected monopoly. My bill would ensure that the taxpayers get the best possible value for their Federal procurement dollars. If a Federal agency could get a better product at a lower price from the private sector, it would be permitted to do so—and the taxpayers would get the savings.

Mr. President, many in both government and industry believe that FPI products are frequently overpriced, inferior in quality, or both. For example, I understand that the Veterans Administration has sought repeal of FPI's mandatory preference on several occasions, on the grounds that FPI pricing for textiles, furniture, and other products are routinely higher than identical items purchased from commercial sources. Most recently, VA officials estimated that the repeal of the preference would save $18 million over a 4-year period for their agency alone, making that money available for veterans services.

Similarly, the Deputy Commander of the Defense Logistics Agency, wrote in a May 3, 1996, letter to Members of the House that FPI has had a 42-percent delinquency rate in its clothing and textile deliveries, compared to a 6-percent rate for commercial industry. For this record of poor performance, FPI has charged prices that were an average of 13 percent higher than commercial prices.

On July 30, 1996, the master chief petty officer of the Navy testified before the House National Security Committee that the FPI monopoly on Government furniture contracts has undermined the Navy's ability to improve living conditions for its sailors. Master Chief Petty Officer John Hagan stated, and I quote:

> In order to efficiently use our scarce resources, we need congressional assistance in changing the Title 18 statute that requires all the Services to obtain a waiver for each and every furniture order not placed with the Federal Prison Industry/UNICOR. * * * Speaking frankly, the FPI/UNICOR product is inferior, costs more, and takes longer to procure. UNICOR has, in my opinion, exploited their special status instead of making changes which would make them more efficient and competitive. The Navy and other Services need your support to change the law and have FPI compete with GSA furniture manufacturers. Without this change, we will not be serving Sailors or taxpayers in the most effective and efficient way.

Mr. President, S. 1797 is supported by the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Federation of Independent Business, the Business and Industrial Furniture Manufacturers' Association, the American Apparel Manufacturers' Association, the Industrial Fabrics Association International, and the Competition in Contracting Act Coalition. It is also supported by hundreds of small businesses from Michigan and around the country that have seen FPI take jobs away from their businesses and give them to persons convicted of crimes and serving time in prison, and are justifiably outraged.

We all want to do what we can to ensure that we make constructive work available for Federal prisoners, but the way we are doing it is wrong. As one small businessman in the furniture industry put it in testimony at a House hearing earlier this year:

> Is it justice that Federal Prison Industries would step in and take business away from a disabled Vietnam veteran who was twice wounded fighting for our country and give that work to criminals who have trampled on honest citizens' rights, therefore effectively destroying and bankrupting that hero's business which the Veteran's Administration suggested he enter?

Mr. President, my bill would not restrict FPI's business. It would not require FPI to close any of its facilities. It would not force FPI to eliminate any jobs for Federal prisoners. It would not undermine FPI's ability to ensure that inmates are productively occupied. It would simply require FPI to compete for Federal contracts on the same terms as all other Federal contractors. That is simple justice to the hard-working citizens in the private sector, with whom FPI would be required to compete.

Mr. President, I intended to offer S. 1797 as an amendment to either the Commerce, Justice, State Appropriations bill or the omnibus appropriations bill. Unfortunately, the Commerce, Justice, State Appropriations bill was never brought to the Senate floor, and the omnibus appropriations bill was brought up under an agreement which permitted no amendments. This parliamentary situation made it impossible for me to bring S. 1797 before the Senate for its consideration.

I want to assure Federal Prison Industries, however, that this issue is not going to go away. The issue is too important to the taxpayers, and too important to the many small businesses adversely affected by unfair competition from Federal Prison Industries, to be ignored.

Earlier today, I received a letter transmitting the administration's formal position on S. 1797. This letter clearly indicates the administration's agreement that the process by which Federal agencies purchase products from Federal Prison Industries needs to be reformed. That letter states:

> The Administration favors reform of Federal Prison Industries to improve its customer service, pricing, and delivery while not endangering its work program for Federal inmates. . . . The Administration will present reform proposals for the House and Senate Judiciary Committees in the next session of Congress.

I ask that a copy of this letter appear in the CONGRESSIONAL RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Mr. President, with this letter, the administration has promised to join us in a serious reevaluation of the process by which Federal Prison Industries sells its products to other Federal agencies. The heart of that process is, of course, FPI's mandatory source status. The administration has made a commitment to present us with a reform proposal in the next Congress, and I intend to hold the administration to that commitment.

Mr. President, I do not consider myself to be an enemy of Federal Prison Industries. I am a supporter of the idea of putting Federal inmates to work. A strong prison work program not only reduces inmate idleness and prison disruption, but can also help build a work ethic, provide job skills, and enable prisoners to return to product society upon their release.

However, I believe that a prison work program must be conducted in a manner that does not unfairly eliminate the jobs of hard-working citizens who have not committed crimes. FPI will be able to achieve this result only if it diversifies its product lines and avoids the temptation to build its work force by continuing to displace private sector jobs in its traditional lines of work.

We need to have jobs for prisoners, but it is unfair and wasteful to allow FPI to designate whose jobs it will take, and when it will take them. Competition will be better for FPI, better for the taxpayer, and better for working men and women around the country. I look forward to working with the administration in the next Congress to make reform of Federal Prison Industries a reality.

EXHIBIT 1

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 3, 1996.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: During consideration of the FY 97 appropriations bill for Commerce, Justice and State, you had originally proposed a floor amendment incorporating your bill, S. 1797, regarding the Federal Prison Industries. At the time, the Administration developed a statement regarding that amendment. Since the amendment was never introduced, no statement was ever sent.

At your request, we are providing you in this letter with the statement that would have been sent. It reads as follows:

"The Administration favors reform of Federal Prison Industries to improve its customer service, pricing, and delivery while not endangering its work program for Federal inmates. The appropriations process is not the best way to address this issue. The Administration will present reform proposals for the House and Senate Judiciary Committees in the next session of Congress."

Very truly yours,

STEVEN KELMAN,
Administrator.

ASPEN STRATEGY GROUP RECOMMENDS MEASURES TO REDUCE NUCLEAR PROLIFERATION THREAT

Mr. NUNN. Mr. President, our Nation faces many national security challenges in the post-cold war era. I can think of no greater challenge than the threat posed by the proliferation of weapons of mass destruction. The Aspen Strategy Group, which I chair along with Ken Dam, is committed to providing a bipartisan forum within which to address this and other national security concerns.

In August of this year, the Aspen Strategy Group, which included top U.S. national security officials and experts, met in Colorado to discuss our Nation's proliferation challenges and policies. I believe the observations from these meetings, as well as the resulting ideas and recommendations, will enhance our Nation's understanding of these important issues.

Mr. President, I ask unanimous consent to have printed in the RECORD the Aspen Strategy Group's recommendations related to the threat of nuclear proliferation.

There being no objection, the material was order to be printed in the RECORD, as follows:

BIPARTISAN ASPEN STRATEGY GROUP RECOMMENDS PRACTICAL MEASURES TO REDUCE NUCLEAR PROLIFERATION THREATS

The Aspen Strategy Group (ASG), chaired by Senator Sam Nunn and Ken Dam, met in Aspen, Colorado on 10–15 August to examine post-cold war threats presented by the proliferation of weapons of mass destruction (WMD). Several top U.S. officials, including the Secretary of Defense, attended the ASG meeting, along with leading experts on weapons proliferation from the United States and other countries. The group reached a general (although not necessarily unanimous) consensus on several points.

The ASG believes that the proliferation of weapons of mass destruction constitutes one of the greatest threats the United States faces in the post-cold war era. Accordingly, controlling WMD proliferation is among our top national security policy priorities.

Efforts to control WMD proliferation provide a mixture of good news and bad:

Important progress has been achieved in restraining—even rolling back—nuclear proliferation. The Nuclear Nonproliferation Treaty has been extended indefinitely. The nuclear weapons formerly controlled by Ukraine, Belarus and Kazakhstan have been consolidated in Russian hands. South Africa has voluntarily dismantled its nuclear arsenal. Brazil and Argentina terminated their nuclear efforts, and North Korea has frozen its weapons program. And, most recently, a Comprehensive Test Ban Treaty has been approved.

But new threats have also appeared, and they appear particularly difficult to control. Russia continues to present a "loose nukes" problem. Moreover, the dangers of biological and chemical weapons proliferation have become more acute. Dual use BW and CW technology is widely available, and such weapons activities are relatively easy to conceal. Subnational groups as well as states have sought (successfully in the case of the Aum

Shinrikyo cult in Japan) to acquire such capabilities. Millenarian or terrorist groups, moreover, may not be susceptible to the rational calculus of deterrents.

The Aspen Strategy Group believes that, while there is no "silver bullet" with which to eliminate threats of WMD proliferation, there are a variety of steps that should be taken to lessen current risks. These include:

(1) Enhance Nunn-Lugar Legislation. The Nunn-Lugar program was designed to improve U.S. security by preventing hostile parties from acquiring the nuclear weapons, materials, and technology of the former Soviet Union. It has achieved demonstrable results. Yet Nunn-Lugar funds have been targeted for cuts by congressional appropriations committees, and critics cite Russian policies vis-a-vis Chechnya, Bosnia or the Middle East as grounds for such cuts.

The ASG agreed that the Nunn-Lugar legislation is not a favor to Moscow. Rather, it serves the security interests of the United States, and it deserves to be fully funded. The group urges the Administration to exert greater efforts to marshall support for this legislation, and enjoin Congress to extend to it the financial support its success to date warrants.

(2) Ratification of the Chemicals Weapons Convention. Congressional ratification of the CWC is long overdue. While this treaty will not eliminate all CW threats, it does provide significant benefits—not least the assurance that foreign governments will be obligated to monitor terrorist threats.

Some complain about the treaty's enforcement provisions. But the CWC will soon achieve the ratification by the 65 governments that are required for it to go into effect. The ability of the United States to propose modifications and qualifications to the enforcement provisions depends on its being one of the countries ratifying its adoption. Staying out of the treaty, moreover, could place our chemical firms at a commercial disadvantage.

Others are concerned that the CWC will not cover the most critical cases, i.e., those in which national governments are determined to develop chemical weapons and seek to evade controls. This may be true, but dealing with these cases will require the effort of international coalitions, and the cooperative process of enacting the CWC will facilitate the establishment of such coalitions. The treaty would also establish international norms for compliance and monitoring, providing objective goals for these coalitions. In light of these benefits, the ASG urges the Congress expeditiously to ratify the CWC.

(3) Improve federal, state and local capabilities to respond to CW and BW attacks. If a foreign state or terrorist group utilized CW or BW attacks against our people, the first authorities on the scene will be state and local authorities. Thus, cooperation between federal and local authorities is more important than ever, as is cooperation between domestic law enforcement agencies and national intelligence organizations.

The ASG believes the United States, building on the base established by the Nunn-Lugar legislation and subsequent Nunn-Lugar-Domenici amendments, should undertake a more comprehensive effort to develop and coordinate policies for dealing with BW and CW threats. The initial agenda for such a program should include:

The development of coordinated interagency and federal/state/local government plans for responding to a CW and/or BW attack, including the sharing of information, personnel and equipment;

The review of statutes and other legal institutions necessary for effective cooperation between different levels of government on this issue;

The promotion of cooperation between government authorities in the chemical and pharmaceutical industries to develop measures to monitor materials that could be used to create chemical and biological agents.

(4) Review U.S. policy of "no first use." With the end of the cold war and the disintegration of the Warsaw Pact, one pillar underlying our reluctance to commit to "no first use" of nuclear weapons has disappeared. During the Gulf War the Bush Administration warned Saddam Hussein that any use of chemical or biological weapons would provoke a massive U.S. response—allowing the inference that nuclear weapons might be used. While ASG members held different views about the desirability of translating the Gulf war declaratory policy into a general principle of U.S. policy, they agreed on the importance and timeliness of an official review of this issue.

(5) Preserve a full-court defense against Iraqi efforts to acquire WMD. Iraq continues to develop weapons of mass destruction in defiance of the international community. Diplomatically, it seeks to initiate United Nations monitoring and remove sanctions. The ASG believes that we must not compromise on the UN enforcement of sanctions on Iraq or its efforts to monitor Iraqi WMD activities. The maintenance of adequate U.S. forces to ensure Iraq's compliance remains essential.

(6) The role of the media. The ASG urges that the media consider its own role in dealing with issues related to weapons of mass destruction. The widespread availability of sensitive information is a significant factor in the ability of nations and subnational groups to develop WMD. The effectiveness of terrorist groups to employ such weapons for coercion may depend on media reactions. And, if a real or suspected CW or BW attach should occur, the media response (if it stimulated public panic) could greatly complicate the efficacy of official actions.

These are delicate issues, for they raise questions about civil liberties and freedom of the press. Government officials must be particularly sensitive to these matters in their efforts to address the problem. Yet the media must begin to develop standards for responding to reports of terrorist WMD threats or attacks. Some discussion between representatives of the media and government officials about how the government and the press deal with each other in a crisis and how press freedoms can be reconciled with a need for public order and security would be timely and relevant.

* * *

TRIBUTE TO MARV TEIXEIRA

Mr. REID. Mr. President, I rise today to honor one of Nevada's leaders, Mayor Marv Teixeira. For the citizens of Carson City, he has been a determined and tireless fighter whose efforts and achievements will be appreciated for generations to come.

For 7 years, Marv has served as the mayor of Nevada's capital city. With characteristic good humor and affability, Mayor Teixeira has fought hard on behalf of the city and State he loves. His devoted leadership has made the town he calls "Nevada's best kept secret" an even better place.

Mayor Teixeira has been instrumental in bringing new companies and new jobs to Carson City. These efforts have helped change the face of Carson City to a thriving manufacturing town with old west charm. Mayor Teixeira has gracefully overseen a city with a growing population and has devoted himself to easing Carson's downtown traffic through securing funding for the Carson City bypass. His accomplishments as mayor can be seen all over the city, from building the centralized city hall complex, the senior citizen's center, and the Pony Express Pavilion to instituting a million dollar downtown beautification project. He activated public access television in Carson City and found funding for a $19 million public safety complex.

It is my pleasure to speak today in tribute to Marv Teixeira and congratulate him on his many years of outstanding public service. For the excellence with which he performed his job, Nevada owes Marv Teixeira a debt of gratitude.

* * *

COMMENDING GAO COMPTROLLER GENERAL CHARLES A. BOWSHER

Mr. WARNER. Mr. President, I rise today to honor one of our Nation's most dedicated and loyal public servants, Comptroller General of the United States Charles A. Bowsher.

On September 30 of this year, Charles Bowsher will complete his term of office as Comptroller General of the United States and head of the General Accounting Office.

In 1981, President Reagan appointed Mr. Bowsher to a 15-year term as Comptroller General of the United States. This appointment capped a long and distinguished career in both the public and private sectors. Prior to his appointment, Mr. Bowsher was associated with Arthur Andersen & Co. Between 1967 and 1971, he interrupted his 25-year career at Arthur Andersen to serve as Assistant Secretary of the Navy for Financial Management.

During those years, Mr. President, I had the privilege of working with Chuck Bowsher in my capacity as Under Secretary—and later Secretary—of the Navy. His critical work as Assistant Secretary earned him the Distinguished Public Service Awards from both the Navy and the Department of Defense.

Mr. President, the General Accounting Office, or GAO as we call it, is one of the least heralded agencies of the Federal Government. Congress created the GAO in 1921 with the mandate to audit, evaluate, or investigate virtually all Federal Government operations—wherever they might take place. In other words, the GAO serves as a watchdog over the taxpayers' money—guarding against fraud, abuse, and inefficient allocation of public funds.

In its oversight capacity, the GAO produces in-depth reports at the specific request of congressional committees, or on its own initiative. Recently, GAO reports have served as a nonpartisan factual basis for congressional debate on issues ranging from health care reform and the savings and loan crisis to the Federal budget deficit and efforts to reinvent government. Meanwhile, the agency continues to monitor high-risk government activities that could lead to major losses from waste, fraud, abuse, and mismanagement.

Under Chuck Bowsher's leadership, the GAO has saved taxpayers billions and billions of dollars. GAO recommendations assist Members of Congress and the executive branch in making difficult decisions on the effective use of scarce Federal funds. Over the past decade, Congress has implemented numerous GAO recommendations—including budget reductions, cost avoidances, appropriations deferrals, and revenue enhancements—totaling more than $100 billion. Each year, the agency issues more than 1,000 written reports, and its officials testify as many as 300 times before congressional committees.

In short, Mr. President, under Chuck Bowsher's leadership the GAO has done an outstanding job of protecting the taxpayers' interests while promoting sound fiscal management practices throughout the Federal Government. I urge my colleagues to join me in honoring a truly exceptional public servant who has served this Nation with integrity, dedication, honor, and dilligence—the Honorable Charles A. Bowsher.

ENVIRONMENTAL SENSITIVITY IN THE PIPELINE BILL

Mr. LOTT. Mr. President, last Thursday, the Senate passed by unanimous consent S. 1505, the Accountable Pipeline Safety and Partnership Act. I'm pleased that the following day, the House of Representatives also adopted the bill by a significant margin. The bill has now been sent to the President for his signature.

Mr. President, in the hours leading up to House consideration of the bill, a concern was raised that a provision in the bill might impact wetlands protection.

By way of background, let me say that under current law, the Department of Transportation [DOT] is required to identify unusually sensitive environmental areas. Once these areas have been identified, DOT is to promulgate special rules to minimize the chances of a liquid pipeline accident in these areas. DOT is currently in the process of implementing this provision of the law.

In fact, current law does not identify wetlands as one of the areas DOT should look at when making its identification of these unusually sensitive environmental areas. That is why I and my fellow cosponsors attempted to remedy this situation through language in S. 1505. The bill directs DOT to include "critical wetlands" in its consideration.

Apparently, the use of the term "critical" has raised a question in some parts of the environmental community as to whether we are attempting to create a new category of wetlands that might undermine other wetlands protection programs carried out by the Environmental Protection Agency or the Corps of Engineers. This is just not true.

I want to assure first, the American people and second, the environmental community, that the language of S. 1505 is simply intended to give direction to the Department of Transportation, and its Office of Pipeline Safety.

In no way are the words intended to have any precedent-setting effect on any other law or agency. In no way are the words designed to diminish the role of DOT to protect the environment and the public's safety in and around pipelines.

Mr. President, I have recently spoken to all of my cosponsors of S. 1505, and they too agree with what I have just said. They too share the same interpretation of the words and the intention of the legislation.

This language will strengthen the pipeline safety program's protection of both the environment, and the public's safety.

Mr. President, again I want to reiterate this language is not intended to have any impact outside the pipeline safety program. I believe the criticisms aimed at the use of the term "critical wetlands" are unjustified. I believe it is a false canard.

Mr. President, I hope this statement clears up any administration misconception that may exist on this matter. And, I hope the President promptly signs this legislation.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, October 2, the Federal debt stood at $5,235,509,457,452.56.

One year ago, October 2, 1995, the Federal debt stood at $4,987,587,000,000.

Five years ago, October 2, 1991, the Federal debt stood at $3,675,035,000,000.

Ten years ago, October 2, 1986, the Federal debt stood at $2,125,302,000,000.

Fifteen years ago, October 2, 1981, the Federal debt stood at $994,220,000,000 which reflects an increase of more than $4 trillion, $4,241,289,457,452.56, during the past 15 years.

HERE'S WEEKLY BOX SCORE ON U.S. FOREIGN OIL CONSUMPTION

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending September 27, the United States imported 6,536,000 barrels of oil each day, 1,258,000 less than the 7,794,000 imported during the same week a year ago.

Nevertheless, Americans relied on foreign oil for 50 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 6,536,000 barrels a day.

THE 50TH ANNIVERSARY OF THE NICHOLAS G. BERAM VETERAN'S ASSOCIATION

Mr. ABRAHAM. Mr. President, on November 16, 1996, the Nicholas G. Beram Veteran's Association will celebrate its 50th anniversary at a dinner event in Randolph, MA. I regret very much that I will not be able to join the members of this fine organization on their special occasion. However, I would like to take a few moments to share with the members of this body the association's half-century of history.

The Nicholas G. Beram Veteran's Association was founded in 1946 by a small group of Syrian-Lebanese veterans from the Boston area. From 25 charter members this group has grown to over 250 veterans; its ranks comprised of individuals who have served their country with distinction in every military conflict since World War II.

The Nicholas G. Beram Veteran's Association has made commendable efforts in honoring the service, not only of its own members, but of all Arab-American veterans. The deceased receive a special service at the wake, and their families are presented with an American flag. This year more than 450 graves of Arab-American veterans in 15 cemeteries in the Boston area were decorated. Additionally, the association maintains a long-established scholarship fund that provides annual $1,000 grants to up to nine students.

As the grandson of Lebanese immigrants, I take special pride in the activities of the Nicholas G. Beram Veteran's Association. I salute its members for their five decades of commitment to their heritage and service in our Nation's Armed Forces. On behalf of all my Senate colleagues, I congratulate the Nicholas G. Beram Veteran's Association on what I am certain will be a successful anniversary celebration, and extend my best wishes for future years of continued prosperity.

LOW INCOME HOUSING CREDIT

Mr. WELLSTONE. Mr. President, Senators MOSELEY-BRAUN and BAUCUS and I want to call attention to a matter that is very important to the small group affected. At the end of my remarks I will ask that a letter to HUD Secretary Henry Cisneros, signed by myself and Senators BAUCUS and MOSELEY-BRAUN, be included in the RECORD. We are asking the Secretary to review the criteria for income determination for the low-income housing tax credit and consider using the criteria and standards already in effect under the low-income guidelines for section 8 of the U.S. Housing Act as income guidelines for the low-income housing tax credit.

Senators BAUCUS and MOSELEY-BRAUN have seen situations in Montana and Illinois similar to one facing the community of Hibbing, MN. Several years ago, the city of Hibbing organized a development program to purchase and restore the historic Androy Hotel in downtown Hibbing. The hotel was run down and had been abandoned. The rehabilitation was important to the city of Hibbing not only because of the history of the Androy Hotel, but because it symbolically dominates the downtown area.

The rehabilitated hotel has been constructed for much needed senior citizen housing and there has been historic restoration of the hotel ballroom and lobby on the first floor. The low-income housing tax credit program made some of the funding provided by the city of Hibbing and a local bank possible.

The low-income housing tax credit restricts the use of housing units to seniors of a certain income level. Unfortunately, because of a unique situation, many Hibbing seniors are just above the prescribed income level. This is because in Hibbing there is a long history of saving for retirement due to the commitment by the iron mining industry to solid pension programs and Social Security income for both spouses. Thus, almost all low-income seniors in Hibbing who would like to move to the Androy are not eligible to do so.

If the Secretary were to apply different income guidelines such as section 8 low-income housing guidelines to the low-income housing tax credit, the Androy Hotel and other buildings rehabilitated for low-income elderly residents could be occupied. There is a great need for more affordable housing in many communities, particularly for those on fixed incomes. Many senior citizens welcome the opportunity to move to facilities for seniors that are in their own communities.

I ask unanimous consent that our letter to Secretary of Housing and Urban Development Henry Cisneros be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 2, 1996.

Hon. HENRY G. CISNEROS,
Secretary, U.S. Department of Housing and Urban Development, Washington, DC.

DEAR MR. SECRETARY: We are writing to bring to your personal attention some unique situations in Illinois, Montana, and Minnesota relating to the use of the low income housing tax credit. Some serious problems have developed with certain facilities during the "rent up" phase in projects designed for senior citizens.

Senior citizens were supposed to live in these housing projects, but the income limits for the elderly populations are the problem. Senior citizens are uniquely over income in these areas in which the projects are located.

The Department of the Treasury has issued a notice explaining that, for purposes of determining qualifications as a low income housing project, the income of individuals and area gross income will be determined in a manner consistent with the determination of annual income and the estimates for median family income under Section 8 of the U.S. Housing Act of 1937.

Therefore, because of the authority which has been delegated to HUD regarding income determination for the low income tax credit, we would ask that you consider and review existing criteria and standards already in effect under Section 8 of the U.S. Housing Act of 1937 to determine if these guidelines provide any relief for these situations. There are special factors that create these situations in our states and probably others as well.

We would appreciate your review of this issue and look forward to hearing from you.

Sincerely,

CAROL MOSELEY-BRAUN,
PAUL WELLSTONE,
MAX BAUCUS,
U.S. Senators.

CAMPAIGN FINANCE REFORM

Mr. MCCAIN. Mr. President, before the Senate adjourns and we all go home and spend time with our families and our constituents, I wanted to join my good friend, Senator FEINGOLD, to discuss the issue of campaign finance reform.

This year, Senator FEINGOLD and Senator THOMPSON and myself introduced comprehensive campaign finance reform legislation. Our bill was the first bipartisan effort in this area in over 10 years. We worked hard, and we fought a valiant fight. Unfortunately, we did not succeed. But I am here today to put the Senate on notice that the fight is far from over—as a matter of fact, it is just beginning.

Our effort is about restoring the public's faith in the Congress and the electoral system. It is about elections being won or lost based on idealogy, not fundraising. It is about leveling the playing field between challengers and incumbents. And it is about bringing a dramatic change to the status quo.

Mr. President, poll after poll demonstrates that the public has lost faith in the Congress. One of the reasons this has occurred is because the public believes—rightly or wrongly—that special interests control the political and electoral system. In order to limit the ability of special interests to control the process, we must enact campaign finance reform.

Well, Mr. President, as I stated, we will continue in our efforts. We will be introducing a new campaign finance reform bill on the first day of the 105th Congress. And we will be taking all necessary steps to ensure that our bill is addressed early in the Congress.

During consideration in the 104th Congress, countless hearings were held on this matter. I believe we all learned a considerable amount from those hearings. But as every schoolchild knows, some day you have to move past the classroom, go into the real world, and put what you learned to good use. We are at that stage.

Mr. President, as I have often noted, if we do nothing on this matter we invite the contempt of the American people and such contempt is a poison that hurts our democracy. Simply, we must act to pass campaign finance reform.

In closing, Mr. President, I want to thank Senator THOMPSON and most importantly, my good friend, Senator FEINGOLD, for all they have done on this subject. I am deeply grateful to have them as my comrades-in-arms as we move forward to fight for this needed reform again.

Mr. FEINGOLD. Mr. President, I rise today to join with my colleague and good friend, the senior Senator from Arizona, to once again urge our colleagues on both sides of the aisle to join us in making a commitment to pass meaningful bipartisan campaign finance reform.

Just a few months ago, we had an abbreviated but spirited discussion here on the Senate floor about the issue of campaign reform. The Senator from Arizona and I, along with the Senator from Tennessee, Senator THOMPSON, brought to this floor the first bipartisan campaign finance reform bill in a decade.

The importance of the bipartisan nature of that effort should not be glossed over too quickly. For the previous 10 years, the battle over campaign reform had been marked by partisan skirmishes—Democrats accusing Republicans of defending the status quo, Republicans accusing Democrats of attempting to rig a system to protect their congressional majorities. And not surprisingly, nothing was accomplished.

But last year, in what one newspaper called the "most hopeful and remarkable legislative development in Washington of 1995", three U.S. Senators of vastly differing political and philosophical ideologies, sat down in a room and drafted a comprehensive reform proposal that was designed to be fair to Democrats, Republicans, liberals and conservatives alike.

We certainly had our differences. I have long been a supporter of public financing. The Senator from Arizona believes we can encourage candidates to limit their campaign spending and reduce campaign costs by providing free television time to congressional candidates. The Senator from Tennessee is one of this Congress' most ardent advocates of congressional term limits. But despite these differences, we also found we had many commonalities in how we believe our political system should function.

For example, we each have significant misgivings about the role money plays in our electoral system. We shared a concern that more and more Americans are choosing not to run for public office because they lack the access to the millions of dollars necessary to run a competitive campaign. We were troubled that Americans have come to view their elected leaders and representatives with a depth of cynicism not seen since the early 1970's.

That is why we put together a proposal that could be supported by Democrats and Republicans alike. That proposal, for the first time ever, would have provided congressional candidates access to low-cost media and postage rates in exchange for a candidate's voluntary compliance with limits on their campaign spending. Specifically, candidates would have had to agree to three limits: a limit on their overall spending based on the size of their State, a strict limit on the amount of personal funds they expend during their campaign, and a requirement to raise at least 60 percent of their campaign funds from individuals residing in their home States.

The proposal had a number of other important provisions as well. The bill would have sharply limited the influence of political action committees. It would have reformed the congressional franking process which has seen its share of abuse in recent years. It would have restricted the practice of bundling campaign contributions to circumvent contribution limits. It would have provided candidates greater protection from independent expenditures and required greater accountability for those who engage in negative advertising.

And perhaps most importantly, it would have essentially shut down the soft money system—a system that has shown itself this year to be completely out of control. Soft money, a term used to describe an unregulated and unlimited flow of money between the special interests and Washington lawmakers, is severely undermining and compromising the effectiveness of the Presidential system and is making a mockery of every single one of the limits we have in current law that governs how much individuals and entities may contribute to congressional candidates.

So what happened here on the Senate floor last June, Mr. President? After a limited debate we were unable to gain the 60 votes necessary to overcome a procedural hurdle and cut off a filibuster. But we did receive a remarkable 54 votes, including several from our colleagues on the other side of the aisle. Let me repeat that, Mr. President. A strong majority in the U.S. Senate voted in favor of advancing the McCain-Feingold reform proposal.

Some have said that this doomed any hope for campaign finance reform, that this was the end of the line for this issue. On the contrary Mr. President, this is clearly just the beginning for bipartisan campaign finance reform. It took us 3 years to reform our lobbying disclosure laws. It took us 3 years to finally reform the Senate's rules on the acceptance of lobbyist-provided gifts, meals, and vacation junkets. And it may take us just as long to see real campaign reform enacted into law.

I for one am fully confident that we will prevail. We will prevail because it is becoming increasingly difficult for opponents of campaign reform to defend an indefensible system that is crumbling all around them. To suggest that the current system is fair, is functional, and is worthy of the voters' trust is simply an absurd proposition and no one is buying it.

We have already begun to hear some of the numbers coming in and it is becoming clear that the current trend of skyrocketing campaign costs will continue through the 1996 elections. The distinguished Senator from Arizona and I will be back here during the opening days of the 105th Congress to discuss those numbers and to shine a spotlight on some of the darkest corners of our political system.

Two years ago at this time, my Republican colleagues were touting their Contract With America and the issues they hoped to address in the first 100 days of the new Congress. I said it countless times then that one issue that was conspicuously missing from that contract was campaign finance reform. I was, quite frankly, astonished that although other reform issues were mentioned, there was not a single word about what has to be considered the mother of all reform issues. It was entirely omitted from the contract.

Not surprisingly, we did not debate campaign finance reform in the first 100 days of the 104th Congress. Or the second 100 days. Or the third, or the fourth. In fact, we did not debate campaign finance reform here in the Senate until 18 months after the start of the 104th Congress. Eighteen months, Mr. President. It was a pretty good strategy by our opponents. They knew that by waiting so long to schedule debate on campaign reform that it would be highly unlikely that there would be enough time in the legislative session for a proposal to work its way through the legislative process and become law.

In the House, the strategy was even simpler. They just refused to allow the bipartisan reform bill modeled after the McCain-Feingold bill to come up for a vote. By only allowing votes on a Democratic reform bill and a Republican reform bill, the House leadership guaranteed that no reform bill would leave the House alive.

So rather than throwing any kind of knockout punch, the Congress has chosen to bob and weave around the issue of campaign finance reform. This cannot be allowed to happen in the 105th Congress, and that is why the Senator from Arizona and I are joining today to call on our colleagues on both sides of the aisle to agree to debate campaign finance reform here on the Senate floor during the first 100 days of the 105th Congress. It does not matter if Republicans retain control of this body or if Democrats can reclaim the majority—campaign reform must be the subject of floor debate in the first 100 days of 1997, regardless of the outcome of the elections.

Mr. President, the campaign finance reform landscape has experienced a significant shift in recent years. When I arrived here in 1993 and in the years before that, there was certainly a significant block of Senators that believed that money had little role in the outcome of elections. They believed that the embodiment of true political reform was to have unlimited campaign spending coupled with even less regulation of the entire campaign finance system.

Some still cling to that viewpoint, Mr. President, but not many. I'd like to point to a vote on the floor of the House of Representatives just about 2 months ago. On July 25, the House voted on legislation backed by Speaker GINGRICH that had as its foundation the Speaker's view that our campaign system is not overfunded as most of us believe, but is in fact underfunded. That legislation, known as the Thomas bill, would have opened up the campaign finance system and permitted unlimited campaign spending to continue without providing any assistance to challengers and not a single reform of the soft money process.

What happened to that bill, Mr. President? Quite simply, it was obliterated on the House floor by a vote of 259 to 162. Nearly 70 Republican House Members, nearly 70 of them Mr. President, rebelled against the Speaker and voted against his bill.

We have seen some amazing things happen in the other body over the course of the last 2 years. We have seen some eye-opening votes over there. But I cannot think of another single vote where so many Republican House Members defied Speaker GINGRICH and voted against a bill that he was so prominently a part of.

Mr. President, considering that the Speaker's point of view was so universally condemned on the floor of the House, and considering that the McCain-Feingold bill received a majority of votes in this body, I not only think that bipartisan campaign finance reform is a strong possibility, I think that it is a strong probability. Republicans want it, Democrats want it, incumbents want it, challengers need it, and most importantly, the American people are demanding it.

I would hope that our other colleagues, on both sides of the aisle, will join the senior Senator from Arizona and I in insisting that the 105th Congress address the issue of campaign finance reform in the first 100 days of the next congressional session. I want to once again thank my colleague and friend from Arizona for his perseverance on this issue.

NATIONAL STUDENT/PARENT MOCK ELECTION

Mr. HATCH. Mr. President, it is my pleasure to highlight a program that brings a greater comprehension and appreciation of the democratic process to millions of American students from kindergarten through high school: the National Student/Parent Mock Election.

The benefits of this fine program cannot be underestimated. Students who have participated in the National Student/Parent Mock Election report that it had a profound effect on them and made them aware of the rights and the responsibilities inherent in their U.S. citizenship. By stressing the importance of voter participation early on, these students gain a greater understanding of the democratic process, particularly the fact that democracy does not happen by itself. It succeeds only if citizens are informed and participate.

Many of the "State Election Headquarters" which collect the votes from the schools will host spirited mock "conventions" complete with student "delegates" and "anchors" reporting the outcomes of the Presidential and Congressional elections. Taking part in these events gives students a sense of political ownership. Students also see first hand the work and effort that go into a political campaign.

State participation in the National Student/Parent Mock Election is crucial. For example, in my own state of Utah, Governor Michael Leavitt has proclaimed October 30 as "Mock Election Day." More than 46,000 Utah students have registered to vote, doubling voter turnouts from the last election.

The California Mock Election will employ a formal voter registration procedure so that students can better understand the voting process. Besides voting for the President and 52 Members of the House of Representatives, California students will vote on 3 statewide propositions dealing with clean water, racial discrimination, and the minimum wage.

In Kansas, a local public broadcasting station plans to air a live town hall meeting. Candidates for the U.S. House of Representatives and the Senate will answer questions put to them by schoolchildren.

Those who are interested in participating in the Mock Election can call the Mock Election's toll-free number (800-230-3349) and may visit the Mock Election's new Internet Website at http://allpolitics.com.

Mr. President, it only makes sense that habits learned young set the course for adult behavior. Through the Student/Parent Mock Election, young people are hopefully beginning a commitment to responsible citizen involvement that they will continue as adults. I commend those individuals who have worked so hard to make the National Student/Parent Mock Election a nationwide success.

1996 NATIONAL STUDENT/PARENT MOCK ELECTION

Mr. KENNEDY. Mr. President, every Member of Congress understands the importance of elections. We know that the votes cast on November 5 will determine the future leadership and direction of communities across the country, and of the Nation as a whole. We know that informed voters are the essence of our democracy.

As citizens across the country focus on this year's elections and its outcomes, the National Student/Parent Mock Election is helping young students learn about the importance of the election process. The Mock Election offers parents and teachers across the country an opportunity to help students learn about democracy, make decisions about key issues, and understand the meaning of the civic responsibility on which democracy survives and thrives.

On October 30, 1996, millions of students and parents across the country will cast their votes for President, Vice President, Senators, Representatives, Governors, and local officials as part of the National Student/Parent Mock Election. In 1992, over 5 million Mock Election participants cast votes in all 50 States and Washington, DC. Every State called in their votes on who would win the elections and recommendations on key national issues to the National Mock Election Headquarters, as over 20 million viewers watched on television.

The 1996 National Student/Parent Mock Election is sponsored by Time Magazine, CNN, Time Warner, Macmillan/McGraw-Hill, Xerox Corp., American Happenings, and Electronic Data Systems, and is also supported by an $80,000 grant from the U.S. Department of Education.

The National Student/Parent Mock Election is an on-going project. In the fiscal year 1997 Omnibus Appropriations Act, passed by the Senate on Monday, September 30, and signed by President Clinton, the project will receive $125,000 from the U.S. Department of Education to continue to educate students on key issues and the principles of democracy throughout the school year that begins in September, 1997.

This year, the Massachusetts Corporation for Educational Telecommunications [MCET] serves as the Massachusetts Mock Election coordinator. MCET plans to make the Massachusetts Mock Election one of the most important mock elections in the Nation. Through the use of new technologies, MCET will reach a wider audience than ever before and will provide interactive programming so that students can actually debate the issues that are important to them—not just read about them.

A live, interactive broadcast series of these programs will be delivered to all Massachusetts schools via satellite well before the election. The first program will engage students, parents, and teachers in discussions of election-related issues important to students—education and employment. The second program will offer students the opportunity to talk to local politicians and others working in politics about what it takes to be a leader. The third program will be the Mock Election Day coverage on October 30. Massachusetts students will cohost all three programs with Katy Abel of Boston's Channel 7 News.

The lessons that students and their parents learn as participants in the Mock Elections will benefit American politics for years to come. If the next generation of Americans is well prepared for the challenges of democracy, our liberties will be in good hands.

SENATE ACTION ON CONFIRMING FEDERAL JUDGES

Mr. BIDEN. I'm glad that I have been able to work closely with my Republican colleagues in a spirit of cooperation on a number of important issues that have come before the Senate this year.

I must say, however, I am disappointed this bipartisan spirit has not allowed us to confirm seven judicial nominations remaining on the calendar—all well-qualified people who have had hearings and were reported favorably by the Judiciary Committee.

I think that we should stop, right now, and talk about what's going on here.

No one understands better than I the heat that can be generated over judges in an election year. But let me set the Record straight—absolutely straight:

The Senate, under Democratic leadership, faithfully confirmed Republican Judges in Presidential election years.

All year, Republicans have been offering assurances that the Senate would continue this bipartisan approach and put judges through.

But today, it has become crystal clear that the bipartisan spirit of the past has been broken. And let's tell it like it is: My Republican colleagues have decided to grind confirmations to a halt as we head toward the coming Presidential election.

Currently, there are 63 vacancies on the Federal bench.

This year, the Judiciary Committee has held only 5 nominations hearings, and reported out only 23 nominees to fill these vacancies. We should have done more.

The Judicial Nominees who were fortunate enough to pass through the committee this session have been further held up here on the floor.

Not one judge was confirmed before July 10 this year and none have been confirmed since August 2.

As a result, the Senate has confirmed only 17 district judges and no circuit judges this session. Seven nominees are currently pending on the floor—three for the district courts and four for the circuit courts.

Some have suggested that shutting down the confirmation process is par for the course in an election year. They are wrong. And let me set the record straight.

George Bush made nearly one-third of his 253 judicial nominations in 1992, a Presidential election year. As chairman of the Judiciary Committee, I held 15 nominations hearings that year, including 3 in July, 2 in August, and 1 in September.

In 1992—the last Presidential election year—the Senate continued to confirm judges through the waning days of the 102d Congress. We even confirmed seven judges on October 8—the last day of the second session.

As a result, the Senate confirmed all 66 nominees the Judiciary Committee reported out that year—55 for the District courts and 11 for the circuit courts. Let me repeat: This session, only 17 district judges have been confirmed and no circuit judges have been confirmed.

And let me say: 1992 was not an off year. To the contrary: It represented the Senate's practices over the last decade:

In 1988—an election year—we conformed 42 district and circuit court nominees, including 12 judges confirmed in October that year.

In 1984—an election year—we confirmed 43 nominees, including 13 judges in October.

And in 1980—an election year—we confirmed 64 nominees, including 10 judges on September 29.

Overall, during the past 16 years, since 1980, the Senate has confirmed an average of 51 nominees each year.

Overall, during the last 4 election years, the Senate has done even better, confirming an average of 54 nominees each year.

Let me repeat: our track record this session: The Senate has only confirmed 17 judges.

The Senate has been dragging its feet despite the undeniable fact that these judges are badly needed. The Federal trial and appellate courts to which we confirm judges apply our Federal laws. Without a steady supply of judges, these courts cannot enforce our laws.

Right now, 12 of the Nation's 94 Federal judicial districts and 5 of the 12 circuit courts have judicial emergency vacancies—that's what the Judicial Conference of the United States calls vacancies that have existed for 18 months or more.

These emergency districts had an average of 635 criminal case filings in 1995—almost twice the national average of 355 filings. There average backlog of 4,153 cases exceeds the national average of 2,853 cases by 46 percent—1,300 cases.

The President has nominated judges for 15 of the 17 emergency courts. Three have received hearings and await a committee vote, three more are bottled up on the floor.

This is not the way we should be doing business here—and this is most certainly not business as usual as far as I'm concerned.

We should put a stop to the politics, and confirm these judges today.

MINING PATENT MORATORIUM

Mr. CRAIG. Mr. President, I would like to engage in a colloquy with the distinguished Chairman of the Energy and Natural Resources Committee concerning a report on mining patents that was recently completed by the Department of the Interior.

Mr. MURKOWSKI. Mr. President, I would gladly engage in such a colloquy with my distinguished colleague, the Chairman of the Forests and Public Land Management Subcommittee of the Energy and Natural Resources Committee. The senior Senator from Idaho has worked on mining law reform legislation for several Congresses and is a recognized expert in the area of mining and natural resources. I am pleased to discuss the mining issue with him.

Mr. CRAIG. I thank the Chairman for his kind words. In July, the Energy and Natural Resources Committee received a copy of a report from the Interior Department, entitled "Five Year Plan for Making Final Determination on Ninety Percent of Grandfathered Patent Applications Pursuant to Public Law 104–134." My subcommittee has not yet fully analyzed the report that addresses the mineral patent moratorium which was enacted originally on September 30, 1994, for fiscal year 1995, and extended through fiscal year 1996 on April 25, 1996. I believe the Appropriations Committee received the report as well.

Mr. MURKOWSKI. The Energy and Natural Resources Committee received the report. I am concerned that the report appears to provide a partisan justification for Secretary Babbitt's various actions and inactions regarding the mineral patenting process since 1993.

Mr. CRAIG. I share your concern, and I note that the report provides a plan to process 90 percent of the mineral patent backlog in five years, which may or may not be effective. The Conference Report on H.R. 3610, Department of Defense Appropriations Act, extended the patent moratorium for fiscal year 1997. In your view has the Congress endorsed Secretary Babbitt's actions and his plan?

Mr. MURKOWSKI. Certainly not in my view. We will review the adequacy of the Secretary's plan at the appropriate time.

Mr. CRAIG. I agree, and I note further that the Congress is clearly not in a position to ratify or reject the Department's determinations regarding individual patent applications which are pending and are identified in the Secretary's report as "grandfathered," or impliedly identified as not "grandfathered" by their absence on the list.

Mr. MURKOWSKI. I completely agree. The legality of the Secretary's actions, inactions and determinations affecting individual patent applicants will be reviewed, as needed, by the federal courts in accordance with due process law.

Mr. CRAIG. One final concern which I have is that the Interior Department may be construing the "five-year" schedule to clear the patent backlog as somehow shielding the Department from claims of unreasonable delay by individual patent applicants in the interim. Such a construction would be clearly contrary to our intent, which was to keep the patent application processing moving forward.

Mr. MURKOWSKI. I share your concern. Such a construction would thwart our purpose entirely.

Mr. CRAIG. I thank the distinguished Chairman for this colloquy.

BURMA SANCTIONS

Mr. McCONNELL. Mr. President, over the weekend, more than 500 Burmese citizens were arrested—more than double the number picked up in an outrageous sweep back in May.

And, their crime, Mr. President? Their crime was an effort to participate in a conference on the future of democracy called by Daw Aung San Suu Kyi, Burma's legitimately elected leader.

Just as discouraging as the arrests is the action taken against Daw Aung

San Suu Kyi. The street to her home has been cut off by armed guards, and I understand over 100 troops have been deployed in and around her compound.

Her weekly addresses to supporters have been cut off.

Her movements are completely restricted.

In fact, when I asked if anyone from our embassy had direct contact with her, I was told the phone lines have been cut along with access to her home.

So, at this moment, as I speak, there is no certainty as to her physical well-being—we have no idea what condition Daw Aung San Suu Kyi is in—we have no idea what SLORC goons may be doing within her home, now, a prison.

But, I want to remind my colleagues of something terribly important that this courageous woman has repeatedly emphasized—she is not the issue—she is only a symbol, a champion for her nation's freedom.

Her cause, her call to us is to restore democracy to her beleaguered homeland, Burma.

Mr. President, I have come to the floor today, once again, to call upon the administration to take decisive action to assist Aung San Suu Kyi and her supporters.

This time, the circumstances are different.

On Monday, when the President signed the omnibus appropriations bill, the foreign operations section included provisions setting a new policy course for Burma.

Although many of my colleagues agreed with language I had included in the bill which imposed immediate sanctions, the Senate and the foreign operations conferees agreed to a weaker position offered by my colleague from Maine and endorsed by the adminstration.

This language, which the administration supported, required a ban on new investment under specific conditions.

The administration agreed to move forward "if the Burmese government has physically harmed, rearrested for political acts or exiled Aung San Suu Kyi or has committed large-scale repression of or violence against the Democratic opposition."

That's exactly what the law requires.

Ironically, in the case of defining repression, every official I spoke with suggested sanction would be invoked if SLORC took action similar to the May offensive—I might add, no one actually believed SLORC would be so ruthless to repeat so sweeping and offensive an attack on peaceful democratic activists.

Mr. President, in the past this administration has issued ultimatums to SLORC.

In 1994, Tom Hubbard, then Deputy Assistant Secretary of State for Asian Affairs traveled to Rangoon and warned SLORC that if we did not see improvements in human rights, democracy, and drug trafficking, the United States would take appropriate punitive action.

SLORC immediately challenged the demarche and launched a massive military attack against ethnic groups generating more than 80,000 refugees. Attacks in the countryside were matched by rounding up democracy advocates in Rangoon.

America's response? The administration looked the other way.

The next year, Ambassador Albright traveled to Rangoon and repeated the message and saw virtually the same results—massive detentions, torture, and arrests—a complete rejection of our concerns and interests.

Now, we are faced with the worst deterioration of the internal situation since the stolen elections in 1990.

SLORC has accused Aung San Suu Kyi of collaborating with outside groups and foreign embassies against the interests of Burma. Senior officials have denounced the legislation just signed into law—there is no question the recent events reflect SLORC's decision to directly challenge America's commitment to democracy and its champions so obviously under siege.

This time, SLORC is challenging more than an ultimatum issued in a meeting of State Department officials—this time the junta is challenging American law.

There are few countries I can identify these days with regimes so repugnant, unjust, and ruthless as SLORC.

They represent a direct and dangerous threat not only to their own citizens but ours as well.

A few weeks ago, I was sent photographs of senior SLORC military intelligence officers enjoying a meal with Khun Sa, the region's most notorious opium warlord.

These pictures would convince even the most singleminded SLORC business crony that doing business with SLORC is subsidizing and doing business with drug traffickers—and even oil companies with so much on the line in Burma, have to recognize that those kind of relationships are not in America's interests.

Mr. President, I understand the NSC will convene a deputies meeting today at 3 to review options for Burma.

No doubt one of the options will be a ban on visas. Let me make clear to anyone in the administration listening—such a step is not enough.

When we were in conference on the foreign operations bill, the administration pledged to issue a Presidential order banning visas to SLORC officials if we would agree to modify our language making such an action mandatory. We did and we expect the administration to live up to this commitment which was made long before the actions taken this weekend.

Nothing short of fulfilling the additional obligations spelled out in law will meet the test our Nation and our credibility face today in Burma.

Democracy is under siege—meaningful support and time are running out—lives are on the line. I urge the President to take swift action to save a nation, its people, and American honor.

INAUGURAL CEREMONIES

Mr. WARNER. Mr. President, on September 19, 1996, the Joint Congressional Committee on Inaugural Ceremonies organized to prepare for the next congressionally hosted inauguration.

It is appropriate now, as we prepare to adjourn less than four months away from Inauguration Day 1997, to reflect on the historic arrangements Congress has made to ensure that this confirmation of the voters' will is carried out publicly as our electoral cycle is completed.

Mr. President, once again Congress prepares for an inauguration of a President of the United States. This was the initial responsibility that faced the First Congress. When the Senate established its first quorum on April 6, 1789, Congress was the only functioning branch of the Federal Government; the executive and judicial branches did not yet exist. On April 6, Members of the Senate and House of Representatives met in the Senate Chamber to count the electoral ballots and declare George Washington elected president. They dispatched messengers to notify General Washington at Mount Vernon. On April 9, the Senate appointed a committee "to make the necessary arrangements for receiving the President" and to meet with any committee that the House appointed for such purposes. Those committees, which reported their plan for the inauguration on April 25, were the precursor of today's Joint Congressional Committee on Inaugural Ceremonies.

Every four years since Congress has held presidential inaugural ceremonies. On April 30, 1789, President Washington took his oath on a balcony at Federal Hall, where Congress was then meeting in New York City. By 1793 Congress had moved to Congress Hall in Philadelphia, and Washington took his oath this time in the Senate Chamber. Four years later, John Adams's inaugural occurred in the larger House Chamber. In 1800 the Federal Government transferred to its permanent home in Washington, DC, and on March 4, 1801, Thomas Jefferson became the first president inaugurated in the U.S. Capitol Building. That ceremony took place in the Senate Chamber (now restored as the Old Supreme Court Chamber). James Madison was sworn into office in the new House Chamber in 1809 and again in 1813. After British troops burned the Capitol in 1814, James Monroe's inauguration in 1817 was held across the street, in front of the temporary Capitol building, on the present site of the Supreme Court. These were the first inaugural ceremonies performed outdoors. Poor weather forced the inauguration back indoors in 1821, but since Andrew Jackson's inauguration in 1829, the ceremonies generally have been conducted outdoors to accommodate growing numbers of citizens wishing to attend.

From 1825 until 1977 presidential inaugurations took place on the East Front of the Capitol, where large platforms were erected on the steps leading to the Rotunda. At first these ceremonies were held on March 4th. The adoption of the Twentieth Amendment to the Constitution in 1933 advanced the date to January 20th. Franklin D. Roosevelt became the first to take his oath under this amendment, on January 20, 1937. Roosevelt's first three inaugurals took place at the Capitol, but in 1945, while the National was still engaged in the Second World War, Roosevelt overruled congressional objections and took the oath of office at the White House. The Inaugural Ceremony resumed at the Capitol with Harry Truman's ceremony in 1949.

Ronald Reagan's inauguration on January 20, 1981, saw the ceremonies shift to the Capitol's West Front, where the terraces served as the inaugural platform and where even larger crowds could be accommodated down the Mall. Frigid weather in 1985 forced President Reagan's second inauguration indoors into the Capitol Rotunda.

Between Inaugurations, nine individuals have taken the presidential oath of office elsewhere. Following the death or resignation of presidents, vice presidents were sworn into office at the White House, in a Washington hotel, a New York City brownstone, a Vermont farmhouse, and aboard Air Force One.

Gerald R. Ford assumed the Vice Presidency under the 25th amendment to the Constitution on the resignation of Vice President Spiro Agnew and Ford was sworn in as President August 9, 1974 on the resignation of Richard M. Nixon.

I ask unanimous consent that a press release which documents the members of the Committee and their official actions in the first Committee organizational meeting and the text of Senate Concurrent Resolutions 47 and 48, authorizing the Committee and inaugural arrangements, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT LEADERSHIP ELECTS WARNER TO INAUGURAL POST

Senator John Warner has been elected chairman of the Joint Congressional Committee on Inaugural Ceremonies, the committee created by Congress every four years to oversee the inauguration for the President of the United States.

In addition to Warner's selection, the committee decided to hold the 53rd inauguration on the West Front of the Capitol. The inaugural will take place January 20, 1997.

In keeping with tradition, Warner's nomination was put forward by Senate Democratic Whip Wendell Ford, D-Ky., and seconded by Senate Majority Leader Trent Lott, R-Miss. In addition to Lott and Ford, other members are: Speaker of the House Newt Gingrich, R-Ga., House Majority Leader Richard Armey, R-Tex. and House Minority Leader Richard Gephardt, D-Mo.

Senator Warner is the first Virginian to chair the Joint Inaugural Committee since 1945, when Senator Harry Byrd, Sr., D-Va., chaired the panel.

Historically, the Joint Inaugural Committee is formed the year prior to the Congressionally-hosted ceremonies, and ceases operation after the ceremonies conclude. The committee, which was authorized March 20, is charged with the planning and execution of all inaugural activities at the U.S. Capitol, including the swearing-in ceremony and the traditional inauguration luncheon that follows.

During the meeting, Warner announced that former Assistant Secretary of Commerce for Oceans and Atmosphere Jennifer Joy Wilson, will be executive director of the committee. Wilson also served as chief of staff to former Virginia Republican Gov. John Dalton.

S. RES. 47

Resolved by the Senate (the House of Representatives concurring), That a Joint Congressional Committee on Inaugural Ceremonies consisting of 3 Senators and 3 Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on the 20th day of January 1997.

S. RES. 48

Resolved by the Senate (the House of Representatives concurring), That (a) the rotunda of the United States Capitol is hereby authorized to be used on January 20, 1997, by the Joint Congressional Committee on Inaugural Ceremonies (the "Joint Committee") in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

(b) The Joint Committee is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of Federal Government, under arrangements between such Committee and the heads of such departments and agencies, in connection with such proceedings and ceremonies. The Joint Committee may accept gifts and donations of goods and services to carry out its responsibilities.

ANNUAL REFUGEE CONSULTATION

Mr. SIMPSON. Mr. President, in accordance with the Refugee Act of 1980, I ask unanimous consent to have printed in the RECORD a copy of a letter to the President dated September 30, 1996, and signed by Senator KENNEDY as ranking member and by me as chairman of the Subcommittee on Immigration of the Judiciary Committee, and a copy of Presidential Determination 96-59, concerning refugee admissions for fiscal year 1997.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 30, 1996.

The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Under the provisions of the Refugee Act of 1980, members of the Committee on the Judiciary have now consulted with your representatives on the proposed admission of refugees for Fiscal Year 1997.

We note that refugee numbers continued a gradual downward trend. We would comment that the 78,000 figure, while technically correct as to refugee admissions, does not reflect the Cuban entrants, who for all intents and purposes are treated as refugees. We believe that it would be helpful in future years if the reports of State, HHS, and INS included information on the admission of Cuban—and other—entrants, as well as refugees. We believe that would provide both a clearer and more realistic picture of the overall admissions process.

We are hopeful, as well, that next year's report will include a discussion of refugee welfare dependence in its "analysis of the anticipated social, economic, and demographic impact" of proposed refugee admissions, and the steps that are undertaken to move refugees to self-sufficiency.

We want to congratulate the Administration on its role in the successful completion of the Comprehensive Plan of Action, and on the significant accomplishment in bringing this historic program to an end. We believe that, after 20 years and 1.2 million persons resettled, the close of the Southeast Asian and the Amerasian programs is appropriate, and expect that the "ROVR" initiative, by which a number of the remaining Vietnamese may be considered for U.S. resettlement, will fit within the 10,000 numbers allocated to Southeast Asia.

We can foresee fast-moving refugee situations developing in Bosnia and Iraq. We trust that the Administration will maintain close contact with the Congress regarding its plans in these areas. When significant numbers of former residents return to Bosnia, for example, serious instability could quickly ensue. Similarly, the situation in Iraq could change dramatically at any moment. Such changes might necessitate the use of Emergency Refugee and Migration Assistance (ERMA) or other emergency measures.

We commend the Administration for acting rapidly to move 2,100 Iraqis who have worked closely with this country and the United Nations in northern Iraq out of harm's way. We urge that the Administration consider the safety of those Kurdish employees of American non-governmental organizations working in Iraq.

We share your commitment to strengthening U.S. refugee admissions and assistance programs consistent with the guiding principles set forth in the Refugee Act of 1980. We continue to believe that the United States should do its share in providing resettlement opportunities to true refugees who cannot safely return home nor stay in the region of first asylum. We strongly support the need to contribute our fair share to life-saving assistance programs. Such programs provide assistance to so many more refugees that the resettlement of the much smaller numbers who have no other option and are of special humanitarian concern to the United States.

We support your proposal for sufficient funds to provide cash and medical assistance to eligible refugees during their first eight months after arrival here.

We concur with your proposal to admit 78,000 refugees in FY97.

Most sincerely,

EDWARD M. KENNEDY,
Ranking Member, Subcommittee on Immigration.
ALAN K. SIMPSON,
Chairman, Subcommittee on immigration.

THE WHITE HOUSE,
Washington, September 30, 1996.

PRESIDENTIAL DETERMINATION NO. 96-59

Memorandum for the Secretary of State:

Subject: Presidential Determination on FY 1997 Refugee Admissions Numbers and Authorizations of In-Country Refugee Status Pursuant to Sections 207 and 101(a)(42), Respectively, of the Immigration and Nationality Act, and Determination Pursuant to Section 2(b)(2) of the Migration and Refugee Assistance Act, as Amended.

In accordance with section 207 of the Immigration and Nationality Act ("the Act") (8 U.S.C. 1157), as amended, and after appropriate consultation with the Congress, I hereby make the following determinations and authorize the following actions: The admission of up to 78,000 refugees to the United States during FY 1997 is justified by humanitarian concerns or is otherwise in the national interest; provided, however, that this number shall be understood as including persons admitted to the United States during FY 1997 with Federal refugee resettlement assistance under the Amerasian immigrant admissions program, as provided below.

The 78,000 funded admissions shall be allocated among refugees of special humanitarian concern to the United States as described in the documentation presented to the Congress during the consultations that preceded this determination and in accordance with the following regional allocations; provided, however, that the number allocated to the East Asia region shall include persons admitted to the United States during FY 1997 with Federal with Federal refugee resettlement assistance under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988, as contained in section 101(e) of Public Law 100-202 (Amerasian immigrants and their family members); provided further that the number allocated to the former Soviet Union shall include persons admitted who were nationals of the former Soviet Union, or in the case of persons having no nationality, who were habitual residents of the former Soviet Union, prior to September 2, 1991:

Africa	7,000
East Asia	10,000
Europe	48,000
Latin America/Caribbean	4,000
Near East/South Asia	4,000
Unallocated	5,000

The 5,000 unallocated federally funded numbers shall be allocated as needed. Unused admissions numbers allocated to a particular region within the 78,000 federally funded ceiling may be transferred to one or more other regions if there is an overriding need for greater numbers for the region or regions to which the numbers are being transferred. You are hereby authorized and directed to consult with the Judiciary Committees of the Congress prior to any such use of the unallocated numbers or reallocation of numbers from one region to another.

Pursuant to section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(b)(2), I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the overseas refugee admissions program will contribute to the foreign policy interests of the United States and designate such persons for this purpose.

An additional 10,000 refugee admissions numbers shall be made available during FY 1977 for the adjustment to permanent resident status under section 209(b) of the Immigration and Nationality Act (8 U.S.C. 1159(b)) of aliens who have been granted asylum in the United States under section 208 of the Act (8 U.S.C. 1158), as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with section 101(a)(42)(B) of the Act (8 U.S.C. 1101(a)(42)) and after appropriate consultation with the Congress, I also specify that, for FY 1997, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence:

a. Persons in Vietnam
b. Persons in Cuba
c. Persons in the former Soviet Union

You are authorized and directed to report this determination to the Congress immediately and to publish it in the Federal Register.

WILLIAM J. CLINTON.

LENDER LIABILITY PROVISIONS IN THE OMNIBUS APPROPRIATIONS BILL

Mr. LAUTENBERG. Mr. President, earlier this week we passed the omnibus appropriations bill. Included in that bill are provisions that clarify lender liability issues under Superfund. These are important provisions that make it clear that lenders that do not participate in management are not liable under Superfund or the underground storage tank provisions of RCRA.

It is also important, however, that we clarify a critical aspect of these provisons. First, you and I are aware of the colloquy in the CONGRESSIONAL RECORD of September 30, 1996, between Senators SMITH and D'AMATO regarding the Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996. The colloquy seems to suggest that under the bill, EPA has no authority whatsoever to promulgate regulations on CERCLA liability. That was not my understanding of the intent of the lender and fiduciary provisions.

My understanding is that our intention was to substantially endorse EPA's addressing of lender liability under Superfund in its 1992 lender liability rule, and to validate EPA's prior exercise of rulemaking authority for lenders and fiduciaries. Addressing lender liability specifically in this bill was necessary because, in 1980, Congress did not foresee how its original language, protecting security interest holders from liability, would be interpreted. Congress also could not have foreseen the restrictive view in *Kelley* v. *EPA*, 15 F.3d 1100 (D.C. Cir. 1994), of EPA's authority to issue rules interpreting Superfund authority. The omnibus appropriations bill specifically addresses and modifies the earlier interpretations of the original language. Should new circumstances again arise concerning interpretations of lender and fiduciary liability, we believe and it is our intent that EPA has the authority to clarify and refine the liability rules applying to lenders and fiduciaries.

Mr. BAUCUS, is it correct that nothing in the lender liability provisions in the omnibus appropriations bill, precludes EPA from issuing rules to clarify and refine the rules applying to lenders and fiduciaries?

Mr. BAUCUS. Yes, what you have expressed is my understanding of the intent of Congress in enacting this legislation.

Mr. LAUTENBERG. That earlier colloquy also talked about a recent opinion of the U.S. Court of Appeals for the District of Columbia, *Kelley* v. *EPA*, 15 F.3d 1100 (D.C. Cir. 1994), reh'g denied, 25 F.3d 1088 (D.C. Cir. 1996). I think it is important that we avoid any misunderstanding, based on that case, concerning EPA's authority to issue rules. The Kelley decision struck down EPA's original lender liability rule, but this legislation recognizes EPA's authority to promulgate rules in this area. This is consistent with our general intent that EPA should use its expertise to issue authoritative interpretations of CERCLA, whether by guidance or regulation. For example, EPA has issued guidances pertaining to the liability of residential homeowners, de minimis and de micromis parties, and others. Such clarifications and expressions of prosecutorial discretion have served to reduce litigation and given the regulated community and others clarity over questions of liability.

Mr. BAUCUS, is it correct that the lender liability provisions in the omnibus appropriations bill are intended to reaffirm EPA's ability to issue such interpretative guidance?

Mr. BAUCUS. Yes, that is my understanding of the intent of the lender and fiduciary liability provisions.

ON THE POLITICIZATION OF THE FBI BY FBI GENERAL COUNSEL HOWARD SHAPIRO

Mr. GRASSLEY. Mr. President, on September 25, the Judiciary Committee held a hearing about the White House and FBI files matter. I attended that hearing for the testimony of Mr. Craig Livingstone. However, I was necessarily absent for the testimony of FBI General Counsel Howard Shapiro.

I was unable to make my comments a part of that record. However, I am compelled to make them a part of the RECORD of this body. This is an extremely important issue, in my view. And it begs the attention of all of my colleagues.

Allegations have been made against Mr. Shapiro that he has been too cozy with the Clinton White House. I'd like to remind my colleagues that when law enforcement plays footsie with the White House, law enforcement decisions become political. And that can lead to a gross abuse of the powers of law enforcement. Civil liberties can be trampled on, and the pursuit of justice can be frustrated.

After the White House travel office firings, the FBI was accused of allowing itself to be politicized. Bureau Director Louis Freeh said he would put an end to even the appearance of a cozy relationship. He said, "I told the President that the FBI must maintain its independence and have no role in politics." Mr. Freeh understands the necessity of keeping a wall between politics and law enforcement.

But, Mr. President, many of us in the Congress are not convinced that Mr. Freeh has reconstructed that wall. Questions arise because of specific actions taken in the Filegate matter by his general counsel. Mr. Shapiro is Director Freeh's hand-picked counsel. In the wake of the allegations, Mr. Freeh has expressed confidence in Mr. Shapiro, much as he did with agent Larry Potts. Mr. Potts was involved in the disaster at Ruby Ridge.

The sum of Mr. Shapiro's actions greatly benefited the subjects of congressional and independent counsel investigations; that is, present and former White House employees. At the same time, Mr. Shapiro's actions may have done much harm to the investigations.

Four specific actions suggest that Mr. Shapiro played ball with the White House:

Issue 1. On July 16, Shapiro gave a heads-up to the White House about what was found in Craig Livingstone's FBI background file by the staff of the House Government Reform and Oversight Committee. The chairman had been invited to review the Livingstone file by Director Freeh. But before the chairman arrived, Mr. Shapiro notified the White House of a politically explosive item contained in the file.

In the file, it was discovered that an FBI agent had interviewed former White House Counsel Bernard Nussbaum. The agent's notes say that Nussbaum reported the First Lady was instrumental in hiring Mr. Livingstone.

Mr. Livingstone is one of two central players in the Filegate affair. One of the important, unanswered questions is, who hired him and why. Clearly, the information had relevance to the investigation.

But the effect of Mr. Shapiro's heads-up was to alert the White House damage control operation. That way, everyone could get their stories straight before being interviewed. Sixteen people under investigation, and/or their attorneys, and/or members of the damage control team knew about the item before the Chairman of the Committee could read the file. This includes a witness about to go before a federal grand jury.

Mr. Shapiro claims his purpose for the heads-up was to make sure both sides were equally apprised. It was his effort to appear neutral. However, Mr. Shapiro managed to achieve the opposite of his stated intention. He gave everyone being investigated a heads-up. That's a fact. The investigators were the last to know. That's also a fact. If Mr. Shapiro were really being neutral, he would have refrained from doing anything. Instead, he gratuitously appointed himself referee and inserted himself in the middle of three investigations. Now, as a result, his actions and judgment must be called into question.

Just one month prior to this—on June 14—this very same Howard Shapiro personally authored the FBI's own review of the files matter. That review vowed that the FBI never would be "victimized" again by the White House. In my judgment, that hollow promise was broken barely a month later.

Issue 2. Mr. Shapiro also gave the White House an advance copy of the Gary Aldrich book. That's the controversial and revealing book written by the FBI agent who formerly investigated the backgrounds of White House employees. Mr. Shapiro gave the advance copy to the White House damage control outfit. That way, the White House could prepare ahead of time its vitriolic attack-responses against Mr. Aldrich once the book was published.

Mr. Shapiro's stated reason for this heads-up was he was concerned the book might reveal sensitive White House security information. Yet, in a letter dated September 18 from White House counsel Jack Quinn to Chairman WILLIAM CLINGER regarding the matter, Mr. Quinn mentions no such issue. Rather, Quinn says the issue was "the integrity of the Bureau's background investigation process." It wasn't sensitive White House security matters at all.

In addition, when asked for the first time about giving the Aldrich book to the White House, Shapiro described the exchange as a much more casual event. On July 30, he was deposed by the House committee. On page 82 of his deposition, Shapiro says, "Well, I called and advised Jack Quinn that there was a book in draft that had been given to us to review that * * * based on our prior experience we could not ensure would not be published before we completed our review of it. And I believe, if my recollection is correct, that I asked him if he wanted to have a copy of it." Mr. Shapiro goes on to say he didn't discuss the contents of the book with Mr. Quinn.

This is how I see it, Mr. President. First, Mr. Shapiro provided the book to the White House as a courtesy. Then he discovered his action came under scrutiny. It was highly controversial. Once again, he was accused of playing footsie with his contracts at the White House. So he rationalized what he had done by inventing the story of sensitive White House security information being at the heart of his concern.

Frankly, I don't buy it. It isn't backed up by Mr. Quinn, and it isn't backed up by Mr. Shapiro's own testimony when he was first asked about it. Furthermore, isn't it fair to assume that, if Mr. Shapiro is sincere about his motives, he would have sent a copy of the Aldrich book to the Secret Service since it is responsible for sensitive White House security matters?

Issue 3. On July 16, Mr. Shapiro authorized two FBI agents to pay a visit to Agent Dennis Sculimbrene upon Shapiro's discovery of the controversial information found in Mr. Livingstone's FBI background file. Mr. Sculimbrene was the agent who had prepared the Livingstone file. White House officials were questioning the accuracy of the file. As a consequence, Mr. Shapiro took it upon himself to once again referee the situation. He sent the two agents to Sculimbrene to clarify the discrepancies. Later that day, Sculimbrene's work station was also searched by FBI agents.

The problem with this action by Shapiro is that it could be seen as intimidation of an agent at the behest of White House officials. Moreover, in the process of sending these agents, Shapiro created at least the appearance of a conflict of interest for himself. As General Counsel, he inserted himself into an operational matter. On that part of the operation, he could no longer be an independent, impartial legal advisor to the Director. Instead of defending the FBI, he has to defend his own actions. This conflict now allows the public to question his motives and the plausibility of his explanations.

Finally, Mr. Shapiro took this action without consulting the independent counsel, and despite the Attorney General's June 20 announcement that continued involvement in this matter by the FBI would constitute a conflict of interest.

Issue 4. A July 25 letter from Mr. Quinn to the FBI Director was first read to Mr. Shapiro over the phone to get his opinion as to the tone and some editorial content of the letter. That letter was highly political, attacking the credibility of some FBI agents, and also attacking the chairman of a standing committee of the U.S. House of Representatives in the performance of his oversight responsibilities. That hardly shows an arm's-length relationship between the White House and the FBI in the midst of this political confrontation.

Mr. Shapiro has responded to each of these issues. It's on the record, for everyone to see.

I have reviewed that record. In my view, Mr. Shapiro's explanations ring empty. The inescapable conclusion is, he's been playing footsie with the White House. At the very least, there's a clear-cut appearance problem. Neither is good for the FBI's image or for the public's confidence in the Bureau.

I look at the results, not the explanations. The results are, what he did helped those being investigated. What he did interferred with the investigations. That's my interpretation. And that's a fair interpretation because he inserted himself into these matters. He appointed himself a referee in the arena of politics. And frankly, that gives the FBI a black eye, and it further erodes the confidence the public has in the Bureau.

As a senior member of the Judiciary Committee, and chairman of its oversight subcommittee, this Senator can no longer have confidence in Mr. Shapiro's impartiality. I do not have confidence that he will discontinue this cozy relationship with the White House.

I note the many credible voices in both bodies of Congress calling for Mr. Shapiro's resignation. This Senator has reserved judgment on that question. It is my intention to thoroughly review the complete hearing record, together with Mr. Shapiro's responses to my and others' follow-up questions. Upon completion of that review, I will come to my own conclusion as to whether or not Mr. Shapiro can continue to fulfill his responsibilities in a credible and impartial manner.

DETENTION AND 212(c) WAIVERS FOR CRIMINAL ALIENS PROVISIONS OF H.R. 2202

Mr. ABRAHAM. Mr. President, I would like to ask the chairman of the Judiciary Committee to clarify a few changes made in the criminal alien provisions of the Senate immigration bill when the House and Senate conferees adopted the conference report on H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. These provisions are included in this omnibus appropriations measure. I know Senator HATCH was deeply involved in the development of the section on criminal aliens, as a conferee on this legislation.

First, I would like to ask about a change made to the exception to mandatory detention for criminal aliens. Section 303(a) of the conference report would add to the Immigration and Nationality Act a new section providing for mandatory detention of criminal aliens by the Attorney General prior to deportation or exclusion, which was already required under the Anti-terrorism and Effective Death Penalty Act signed into law earlier this year. That section in the conference report also includes a provision permitting release in extremely narrow circumstances—specifically, only for criminal aliens who qualify for the Witness Protection Program under section 3521 of title 18, United States Code, in the discretion of the Attorney General. I would like to ask the Senator if this section, new section 236(c)(2), requires that the criminal alien actually be admitted to the Witness Protection Program, under section 3521 of title 18, before being eligible for release?

Mr. HATCH. Yes. The criminal aliens may be released from custody only if the Attorney General has accepted the alien into the Witness Protection Program. That is reflected in the statutory language specifically providing that the release provision applies "only if" the Attorney General makes a determination pursuant to section 3521 of title 18, United States Code to accept an alien into the Witness Protection Program.

Mr. ABRAHAM. Then, the release criteria regarding the criminal alien's safety to the community, the severity of the offense, and the criminal alien's likelihood of appearing for deportation proceedings are to be applied after the alien has been accepted to the witness protection program?

Mr. HATCH. Yes. Those criteria are intended to limit the circumstances in which criminal aliens who have been admitted to the Witness Protection Program may be released. The statutory language in new section 236(c)(2) clearly provides that those are additional limits on the Attorney General's release authority. The fact that a criminal alien has been admitted to the program is not alone sufficient to justify releasing that alien. In order to release the alien, the Attorney General must also be satisfied that the alien will not pose a danger to the safety of other persons or of property, is likely to appear for any scheduled proceedings, and the Attorney General is required to give due consideration to the severity of the offense committed by the alien.

Mr. ABRAHAM. The Senate Immigration bill included a somewhat different set of criteria for the release of criminal aliens prior to deportation, permitting release only for aliens who are cooperating with law enforcement authorities or for purposes of national security, in the Attorney General's sole and unreviewable discretion. Could you explain the purpose of this change?

Mr. HATCH. The conference report provision is intended to limit the conditions for release permitted in the Senate bill to those necessary to serve the purposes the Senate was trying to accomplish. The Senate provisions may have permitted releases under more circumstances than were truly necessary. To begin with, the conference report does not permit the release of criminal aliens for purposes of cooperating with law enforcement unless the alien has been accepted into the Witness Protection Program pursuant to section 3521 of title 18. Nor does the conference report permit the release of criminal aliens for purposes of national security, because it was difficult to imagine a circumstance in which the release of a convicted criminal would serve our national security interests—unless the criminal had been accepted into the Witness Protection Program.

Thus, I can assure the Senator from Michigan that the central purpose of the Senate amendments regarding mandatory detention—preventing the release of criminal aliens to further prey on American citizens—is furthered by the conference provision to an even greater degree than the Senate provision.

Mr. ABRAHAM. Finally, I have one more question for the distinguished Senator from Utah, regarding the changes made to eligibility of criminal aliens for waivers of deportation or exclusion under old section 212(c) of title 8, United States Code. The Anti-terrorism and Effective Death Penalty Act signed into law earlier this year, as well as the Senate Immigration bill, eliminated the possibility of 212(c) waivers for any criminal aliens who had committed any of several crimes that make aliens deportable under section 241 of title 8, United States Code. The conference report restores 212(c)-type waivers for criminal aliens who have not been convicted of aggravated felonies. Could you explain the purpose of this change?

Mr. HATCH. Let me say first of all that I share the Senator's concern with the procedural abuses under this country's immigration laws that have long been available to criminal aliens. The limitations on 212(c)-type eligibility for criminal aliens in the conference report, which appear in new section 240A(a), is intended to put an end to that. The reason the total bar on 212(c) review for criminal aliens in the Terrorism Act was revised to bar only aggravated felons was that, first, the definition of "aggravated felony" has been expanded to encompass most of the deportable crimes under old section 241, for which 212(c) review was barred in the Terrorism Act. Second, there was some concern that there might be certain rare circumstances we had not contemplated, when removal of a particular criminal alien might not be appropriate. For example, an alien with one minor criminal conviction several decades ago, who has clearly reformed and led an exemplary life and made great contributions to this country, we believed ought to retain eligibility for a waiver of deportation or exclusion.

Mr. ABRAHAM. So, 212(c) relief—or new section 240A(a) relief—is intended only for highly unusual cases involving outstanding aliens such as the one you describe?

Mr. HATCH. That is correct. The extraordinary circumstances necessary for a grant of 212(c) relief should refer to the insignificance of the crime, and to substantial contributions to society made by the alien. To qualify for section 212(c) or analogous relief, despite the existence of a criminal conviction, an alien will have to show substantial benefits this county from granting the relief—not the potential hardship to the alien from not granting relief. I understand your concern that relief under this section will not be so limited, since it has not been so limited in practice in the past. We believed, however, that passage of the Anti-terrorism and Effective Death Penalty Act sufficiently demonstrated the Congress' serious concern about the abuse of section 212(c), that we could expect Immigration Judges to begin using their discretion under section 212(c) more judiciously. As you know, the Terrorism Act eliminated 212(c) relief for virtually any alien who had been convicted of any crime, including some misdemeanors. Several members believed that only by eliminating Immigration Judges' discretion to grant section 212(c) relief to criminal aliens altogether could we prevent section 212(c) from being used to grant relief too freely. The prevailing view was that the Terrorism Act sent a clear message that section 212(c) was being abused, and that Immigration Judges could be expected to respond to that message and take a hard look at 212(c) relief. The partial restoration of section 212(c) relief for aliens who have not committed aggravated felonies will test that theory.

Mr. ABRAHAM. That, of course, has been my concern. Section 212(c) relief was always intended to apply only to "those cases where extenuating circumstances clearly require such action"—as Congress put it when it enacted section 212(c) as part of the Immigration and Nationality Act in 1952. For the past 8 years, however, 212(c) relief has been granted to more than half of all who apply, the vast majority of whom are criminal aliens, amounting to thousands of criminal aliens per year.

Mr. HATCH. I agree with the Senator. Now that we have restored section 212(c) waivers for a small percentage of criminal aliens we expect Immigration Judges to use their discretion under this new section only in unusual cases involving exceptional immigrants whose criminal records consist only of minor crimes committed many years ago.We expect that to be the case under these new provisions.

Mr. ABRAHAM. If the limited restoration of section 212(c) relief does not include reasonable limitations on its use, I will be prepared to work with my colleagues to address that problem. Is my understanding correct that you too will pay close attention to how this provision is interpreted?

Mr. HATCH. Yes. I would also like to let the Senator from Michigan know how much I appreciate his commitment and dedication on this issue.

Mr. ABRAHAM. Thank you. I would likewise thank the Chairman of the Judiciary Committee for his diligent efforts on this issue in conference and his explanation of the conference report's provisions.

TRANSFER OF PERSONS FOUND NOT GUILTY BY REASON OF INSANITY

Mr. HATCH. Mr. President, I would like to make several brief comments regarding a provision included in the Economic Espionage Act passed yesterday. That legislation included an amendment I offered when this bill first passed the Senate to permit the transfer of Federal defendants found not guilty by reason of insanity from the inadequate facility of St. Elizabeths Hospital to the custody of the Attorney General.

Each of the approximately 26 inmates affected by this legislation were confined prior to the enactment of the Insanity Defense Reform Act of 1984. Since 1984, Federal inmates found not guilty by reason of insanity have been turned over to the custody of the Attorney General for appropriate treatment. This corrective legislation would extend this treatment to the pre-IDRA confinees.

St. Elizabeths Hospital is in a state of disrepair. According to press reports, the 70-year-old heating system is unreliable and can leave patients shivering in the cold during the winter months. The hospital staff is completely overwhelmed, and shortages of important antidepressant medicines have been reported by doctors.

These conditions should concern us all, and we should seek workable long-term solutions. But, we should deal promptly with current problems. What is particularly troubling is the lack of security at the facility, which is putting the public at risk. There are 26 Federal defendants in the hospital that may be a danger to themselves and others. Among these inmates is John Hinckley, Jr., who attempted to assassinate President Reagan in 1981.

According to the Department of Justice, there have already been three known escapes by these inmates in the last 2 years. Fortunately, all of these inmates were recaptured, but not before one of them traveled to North Carolina and allegedly sexually molested two 3-year-old girls before he was found and returned to custody. Sadly, the hospital did not notify the Marshals Service, which is responsible for the security of these inmates, of a single escape.

St. Elizabeths Hospital apparently does not have the capability to provide adequately for the security or well-being of these 26 Federal defendants, even though the Federal Government pays $450 per inmate per day, which works out to $164,250 per inmate annually. It is time that the Federal Government take responsibility of these individuals for their own safety and the safety of the general public.

This bill transfers these 26 Federal defendants to the custody of the Attorney General. This will allow the defendants to be placed in appropriate Federal Bureau of Prisons medical facilities, for a fraction of the current cost, and to receive care appropriate to their conditions. The Justice Department has estimated that by transferring even half of the 26 patients to Federal medical facilities that the United States would save at least $1.5 million annually.

The bill also requires that St. Elizabeth's Hospital provide to the Department of Justice the medical and treatment records for these inmates and bars the hospital from preventing doctors from discussing the inmates' treatment with Department of Justice officials. The hospital has been withholding the records, making it impossible for the Department—which is, after all responsible both for the inmates' well-being and for paying for their upkeep—to make effective decisions.

With respect to this records and access provision, I would like to briefly mention another related provision of this legislation. At the request of Senator LEAHY, we have included a provision clarifying the effect of the record and access provision on doctor-patient testimonial privileges.

This provision is intended to ensure that this legislation in no way alters the current state of the law regarding such testimonial privileges. Where these testimonial privileges currently exist, they will continue to have effect. Where they do not now apply, this legislation does not make them applicable.

I do not believe that any doctor-patient privilege is applicable to the treatment of the patients affected by this legislation. Indeed, it would be anomalous if, in a post-adjudication setting, such a privilege did exist. It would frustrate the ability of the government to provide appropriate care and treatment for these patients entrusted to the Government's care as a result of the adjudication.

Mr. President, this legislation provides for the safety and well-being of the public and of affected patients in a fiscally responsible manner. I am pleased by its adoption by the Congress.

Mr. President, I ask unanimous consent that a letter from the Department of Justice endorsing this legislation be printed in the RECORD following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, February 7, 1996.
Hon. ALBERT GORE,
President of the Senate,
U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed for your review and appropriate reference is a draft bill, entitled the "Act to Improve the Treatment of and Security for Certain Persons Found Not Guilty by Reason of Insanity in the District of Columbia" ("Act"). A section by section analysis of the bill is also enclosed.

This legislation is intended to improve the treatment and security of approximately twenty-six persons who were found not guilty by reason of insanity in the District of Columbia, prior to the enactment of the Insanity Defense Reform Act of 1984 (IDRA). At present, these persons are committed to the custody of the District of Columbia's St. Elizabeths Hospital, although the United States remains financially responsible for them.

The Act would amend 18 U.S.C. §4243 to establish constitutional procedures—in essence notice and an opportunity for a hearing for each individual person—under which the Attorney General could take custody of these persons. To foreclose constitutional concerns that might arise if the release conditions and procedures pertaining to such persons were changed, the Act makes a series of technical amendments to 18 U.S.C. §4243 to ensure that these matters would continue to be governed by standards identical to those under the District of Columbia rather than IDRA.

The enactment of the bill would give the Justice Department the option of leaving this fairly small class of persons in St. Elizabeths, contracting with a state or private facility for their treatment in a secure setting, or placing them in a Bureau of Prisons medical facility. The Department would not have to handle all the persons the same way, but could pick and choose the best course of treatment for them individually, keeping in mind required security and public safety concerns.

The benefits of this legislation are threefold. First, the transfer of custody may allow for an improvement of medical and mental health care and treatment over that which is presently available at St. Elizabeths Hospital. Second, some patients have escaped from St. Elizabeths and engaged in criminal activity. These patients should be placed in more secure facilities. Third, the United States is presently incurring medical bills of $450.00 per day for each of these inmates. Transfer of custody to a Federal medical facility would result in savings per patient of nearly $120,000.00 per year. Even if only half of these patients were transferred to such a facility, the United States would realize annual savings of at least $1.5 million.

The Act would require the District of Columbia and St. Elizabeths Hospital to provide the Attorney General access, within prescribed time limits, to medical records pertaining to the persons whose custody could be transferred to the Attorney General. This portion of the bill would resolve a pending suit the Department of Justice has brought against the District of Columbia over these records. The District has refused the Department access to these records, despite the fact that the United States is financially responsible for the care and treatment of the persons to whom the records pertain at an annual cost of more than $4 million. Access to these records, interviews with mental health professionals who have examined the persons to whom they pertain, and access to the patients themselves, are all important in enabling the Department of Justice to properly evaluate the condition of these patients before any transfer would be effected. The Act would prohibit the District of Columbia from preventing persons in its employ from providing such information to the Department of Justice or a contractor hired for this purpose, and would permit an interview with any patient who voluntarily consented to be interviewed.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this proposal to Congress.

I hope the bill will be promptly introduced, referred to the appropriate committee for consideration and enacted.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

INTERIOR APPROPRIATIONS

Mr. DOMENICI. Mr. President, I rise to engage the distinguished chairman of the Interior Appropriations Committee in a brief colloquy on the recently passed Omnibus Appropriations bill.

Mr. GORTON. I would be happy to engage my colleague in a colloquy.

Mr. DOMENICI. Mr. President, the recently passed months appropriations bill contains funding for many programs within the Department of Interior. It also includes funding for several programs administered by the Department of Energy [DOE]. I rise today to offer my support for continued funding for the DOE Office of Oil and Gas Technologies.

This program plays an important role in the technological aspects of oil and gas development. Moreover, this office plays a critical role in the international arena at a time when the world energy market is undergoing a substantial transformation. The move away from central planning and increased competition in many nations has presented unprecedented opportunities for U.S. companies with the expertise and experience in developing oil and gas production.

The fall of the Soviet Union and the gradual opening of markets in Latin America and Asia have unleashed significant potential for United States companies. For several decades, and some cases longer, oil and gas reserves have been almost entirely under State control. Only recently have these markets been open to outside investment.

Mr. GORTON. Would the Senator yield for a question?

Mr. DOMENICI. I would be happy to respond to the chairman of the subcommittee.

Mr. GORTON. If the opportunities exist for U.S. companies, what role does the Government play?

Mr. DOMENICI. The Office of Oil and Gas Technologies plays a vital role in two major areas. First, DOE will help ensure that the regulatory structures that emerge in these developing countries are favorable to U.S. businesses. This is a particularly important mission for the DOE to undertake because the Office of Oil and Gas Technologies has the technical experience and day-to-day interactions with businesses involved in this area. Moreover, because the energy business in many countries is still wholly or partially controlled by the Government, the prestige of the U.S. Government play a key role in gaining access to the markets for U.S. companies.

Second, the U.S. Government needs to be vigilant in helping ensure that the technical and business implications of new trading agreements in the energy sector do not discriminate against U.S. businesses—especially service companies and smaller independent producers who often lack the resources to track these international developments. Since we are making the investment in the technology, we should also make the relatively much smaller investment in helping to ensure that this business and technology do not face unfair competition overseas.

Mr. GORTON. I thank the Senator for yielding.

Mr. DOMENICI. As we have seen in the past few years, tremendous opportunities have arisen for U.S. companies abroad. I hope that the Chairman will join me in supporting continued funding for the Office of Oil and Gas Technologies and their international competitiveness work. I yield the floor.

COMMENDING MICHAEL J. MATTHES FOR HIS SERVICE TO THE U.S. SENATE

Mr. WARNER. Mr. President, I would like to commend Michael J. Matthes for his exemplary service to the U.S. Senate, and to me, for these past two legislative sessions of the 104th Congress.

Mike is a graduate of the U.S. Naval Academy and has served with distinction for fifteen years in the U.S. Navy.

He has earned the rank of commander and has had extensive experience as a nuclear submarine officer.

He has served as a legislative military advisor in my office with great skill and professionalism.

The Senate will greatly miss his sound judgment, good counsel, and witty sense of humor. Soon he will assume his new duties as a commander of a nuclear submarine.

As Mike quickly became a member of my office family, I witnessed in his daily demeanor his devotion and love for his wife, Mara, and his four lovely daughters, Kelly, Cailin, Colleen, and Sarah.

Mr. President, the Senate has benefited greatly from Mike's service. I wish he and his family every success in the future and hope that his Navy career will soon bring him back to the Senate.

EXPATRIATION PROVISION OF THE IMMIGRATION BILL

Mr. MOYNIHAN. Mr. President, the immigration bill signed into law on September 30 includes the following provision:

SEC. 352. EXCLUSION OF FORMER CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID UNITED STATES TAXATION

(E) FORMER CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID TAXATION.—Any alien who is a former citizen of the United States who officially renounces United States citizenship and who is determined by the Attorney General to have renounced United States citizenship for the purpose of avoiding taxation by the United States is excludable.

The wording of the statute is embarrassing. How can an alien renounce U.S. citizenship? In what capacity would said alien do so officially? One assumes that a court of law would find the language incoherent and unenforceable. Still, the intention is clear and needs to be addressed.

This is the way we legislate at 5 o'clock in the morning 4 days before adjournment. One wonders how many other similar items ended up in the continuing resolution passed by the Senate less than 6 hours before the end of the fiscal year.

The provision imposes an extraordinary penalty on certain persons who exercise the legal prerogative of expatriation: permanent exile from the United States. Wealthy individuals who renounce their American citizenship to avoid U.S. taxation—expatriates, as they are called—have now been added to the list of terrorists, convicted criminals, persons with communicable diseases, and others who are by statute deemed unworthy of admission to the United States.

It occurs infrequently, but expatriation to avoid taxes is even so a genuine abuse. By renouncing their U.S. citizenship, individuals may avoid taxes on gains that accrued during the period in which they acquired their wealth—and while they were afforded the benefits and protections of U.S. citizenship.

This issue was considered by the Finance Committee early in the 104th Congress. In March 1995, a measure to address the problem was included in Senate legislation to restore the health insurance deduction for the self-employed. Prior to the House-Senate conference, however, concerns were raised about whether the expatriation provision comported with article 12 of the International Covenant on Civil and Political Rights, which states: "Everyone shall be free to leave any country, including his own." The United States is a party to this treaty, and it is accordingly law. We consulted a number of scholars, but there was no immediate consensus on the matter.

Because of the urgency of the underlying legislation, which had to be enacted before the April 17th tax return filing deadline, the conferees chose to drop the expatriation provision so that the questions of international law could be studied. That decision by the conferees was met with criticism in the Senate. This was surprising, since I believed—and I said on the Senate floor more than once—that it was our duty to act with special care when dealing with the rights of persons who are despised.

The issues of international law were later resolved, and on April 6, 1995, I introduced S. 700, the first Senate bill to tax expatriates on gains accrued prior to expatriation. Subsequently, Chairman ARCHER introduced a bill that did not follow the accrued gains approach, but instead built on current law. In my view and that of the Treasury Department and most other tax experts, the House bill will not effectively deter tax-motivated expatriation. However, the Joint Committee on Taxation estimated that the House bill raised more revenue, and it was included as an offset in the recently enacted Health Insurance Portability and Accountability Act of 1996.

Now, having failed to adopt the preferable—in my view—Senate expatriation measure, we have compounded our error by enacting an ill-advised provision to punish tax-motivated expatriates by banishing them from the land.

The appropriate response to exploitation of a loophole in the Tax Code is to close the loophole. Just 6 months ago, the Deputy Attorney General of the United States agreed. On March 13, 1996, Deputy Attorney General Jamie S. Gorelick wrote to House Speaker GINGRICH in opposition to the provision. She wrote:

> The Administration believes that tax issues should be addressed within the context of the Internal Revenue Code, and that it would be inappropriate to use the [Immigration and Naturalization Act] to attempt to deter tax-motivated expatriation.

A short while later, however, the administration reversed its position. On May 31, 1996, Ms. Gorelick wrote another letter in support of the provision. I ask unanimous consent that excerpts of both letters be printed in the RECORD.

Mr. President, we were unable in this Congress to secure needed changes in the tax laws to resolve, again in my view, the expatriation problem. We ought to have enacted S. 700. Instead, we have enacted a measure that does not reflect well on a free society. I do hope we will reconsider this matter early in the 105th Congress.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, DC, March 13, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER GINGRICH: This letter presents the views of the Administration concerning H.R. 2202, the "Immigration in the National Interest Act of 1995," as reported by the Committee on the Judiciary on October 24, 1995.

Many of the provisions in H.R. 2202 advance the Administration's four-part strategy to control illegal immigration. This strategy calls for regaining control of our borders; removing the job magnet through worksite enforcement; aggressively pursuing the removal of criminal aliens and other illegal aliens; and securing from Congress the resources to assist states with the costs of illegal immigration that are a result of failed enforcement policies of the past. The Administration's legislative proposal to advance that strategy is H.R. 1929, the "Immigration Enforcement Improvements Act of 1995," introduced by Representative Howard Berman on June 27, 1995.

The Administration endorses a framework of legal immigration reform that respects our immigration tradition while achieving a moderate reduction in overall admission numbers to promote economic opportunities for all Americans. The Administration seeks legal immigration reform that promotes family reunification, protects U.S. workers from unfair competition while providing employers with appropriate access to international labor markets to promote our global competitiveness, and promotes naturalization to encourage full participation in the national community.

While the Administration strongly supports reform of the current immigration law that affects both illegal and legal immigration, and H.R. 2202 contains many provisions that are similar or identical to the Administration's legislative proposal, enforcement initiatives, and overall strategy, H.R. 2202 raises serious concerns in specific areas that we hope the House of Representatives will examine thoroughly. The Administration's concerns include, but are not limited to the following:

* * *

Section 301(e) amends section 212 (a)(10) of the INA, as redesignated by this bill, by adding a new subparagraph which makes inadmissible any alien, who is a former citizen and who the Attorney General determines has officially renounced his citizenship for purposes of avoiding taxation by the United States.

The Administration has proposed changes in the Internal Revenue Code to remove incentives that encourage certain U.S. citizens to avoid U.S. taxes by renouncing U.S. citizenship. The Administration approach has been passed by the Senate twice and is being considered in the ongoing balanced budget negotiations. The Administration believes that tax issues should be addressed within the context of the Internal Revenue Code, and that it would be inappropriate to use the INA to attempt to deter taxmotivated expatriation.

* * *

Sincerely,

JAMIE S. GORELICK,
Deputy Attorney General.

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, DC, May 31, 1996.

Hon. LAMAR SMITH,
Chairman, Subcommittee on Immigration and Claims, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Administration on H.R. 2202, the "Immigration Control and Financial Responsibility Act of 1996". The Administration is reversing decades of neglect in controlling illegal immigration. Many of the provisions in both the House and Senate bills would ratify the Administration's efforts in the field to combat illegal immigration. The administration's four-part strategy calls for regaining control of our borders; protecting U.S. workers through worksite enforcement; aggressively removing criminal and other deportable aliens; and obtaining the resources that are necessary to make the strategy work. Both the House and Senate bills contain many provisions that support the Administration's enforcement initiatives and are based on or similar to the Administration's legislative and budget proposals.

We look forward to working with the conference committee to craft a strong, fair, and effective immigration bill. However, H.R. 2202 raises serious concerns in specific areas that we hope the conference committee will examine thoroughly. In addition, a number of amendments to the Immigration and Nationality Act (INA) made by the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. 104–132, present substantial obstacles to the effective enforcement of the immigration laws. The conference committee has an opportunity to remedy some of those problems with a careful and more comprehensive approach to amending the INA. The Administration's views include, but are not limited to the following:

* * *

We strongly recommend adoption of the House provisions contained in sections 301 (except 301(c) and (f)), 303, 304, 305, 307, 308, and 309. However, an amendment must be made to strike section 241(d) (added by the AEDPA) which provides that aliens "found in" the United States without having been inspected and admitted are inadmissible. This language is problematic, will lead to litigation; and is inconsistent with the House immigration bill. In addition, there is no waiver provision for inadmissibility under the newly-created section 212(a)(9), even for immediate relatives of U.S. citizens. We strongly recommend the inclusion of a discretionary waiver of inadmissibility.

* * *

Sincerely,

JAMIE S. GORELICK,
Deputy Attorney General.

The PRESIDING OFFICER. The Senator from Virginia.

FAREWELL TO OUR COLLEAGUE FROM NEBRASKA

Mr. WARNER. Mr. President, may I add my remarks to those by many Senators in the Chamber as we bid a fond farewell to our colleague from Nebraska. Senator EXON and I came to the Senate together and, from our first day, served together on the Senate Armed Services Committee. Senator EXON attended his last hearing of that committee earlier this afternoon and, once again, propounded the tough questions as he has done year after year, coming directly to the point of the issue, but bringing to bear a background in which he draws upon the distinguished period of his life from World War II, when he was proud to wear the uniform of this country in the cause of freedom.

He is another who has worn the uniform who is leaving the Senate. The Senate gradually, primarily because of change of times and demographics, has fewer and fewer in its membership who served in uniform. Having had that privilege, he brought with him that knowledge that could be applied, that is unique and particularly useful when our Armed Services Committee had to make decisions relative to the safety, welfare, training, and the active duty pay of the men and women of the Armed Forces.

So, not only does the Senate today salute him at the end of this chapter of his career in public service, but so do generations of the men and women of the Armed Forces.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank my dear friend and colleague from Virginia for his most kind remarks. Indeed, we came here together. But, indeed, we knew each other even before that.

I remember very well my friend, the Senator from Virginia, when he served as Secretary of the Navy with great distinction. When I was Governor of Nebraska, he was the head of the centennial commission and came out to Nebraska. That is the first time I really got well acquainted with JOHN WARNER. At that time I had no idea we would eventually serve in the U.S. Senate.

As students of history understand, and I think most people would believe, probably more great individual contributors to government at all levels have come from the State of Virginia than from any other. Certainly, I just want to say from my perspective, none has done more, none has dedicated himself more fervently to what he thought was right for Virginia and for the United States of America than my good and dear friend, JOHN WARNER.

I wish you nothing but the best, my friend. I assure you that we will be keeping in touch.

Thank you very much.

Mr. WARNER. I thank my distinguished colleague. I wish to carefully note in the RECORD that that was a statement of courage, looking to the future, and not marking any imminent retirement by myself from the U.S. Senate.

The PRESIDING OFFICER. The Senator from Virginia.

A TRIBUTE TO SAM NUNN

Mr. WARNER. Mr. President, I was privileged to shake the hand of SAM NUNN just now, the distinguished, esteemed Senator from Georgia, as he departed the Chamber. He said to me, "This will be our last handshake on the floor of the U.S. Senate."

That was, indeed, a very moving split second for me, because we have, through the 18 years that I have been a member of the Armed Services Committee, shaken hands many times on this floor—and on occasion shaken a few fists at one another. But the period that I remember the best is when he was chairman of the committee, having succeeded a long line of very distinguished individuals: John Stennis, "Scoop" Jackson, John Tower, Barry Goldwater—all Senators. But my most memorable period is when I was privileged to serve as the ranking member of the Armed Services Committee some 6 years. I served with the chairman, who was Senator NUNN, and we took, in each of those years, to this floor legislation of our committee, the authorization bills, and debated them with our colleagues, sometimes long into the night.

We don't seem to have the night sessions as we did in the old days, but I can remember leaving the Chamber with some of those bills and the Sun was coming up—12, 14, 16 hours of continuous debate as 1 day's activities on usually a 3- or 4-day consideration of our bill.

So I will miss him a great deal. He is a very dear friend.

I think back on how he was elected to the Senate in 1972 and served on the Armed Services Committee for 24 years. He served as chairman of the Manpower and Personnel Subcommittee in the seventies. I remember serving briefly with him on that subcommittee. He was chairman of the committee, of course, after becoming ranking minority member. It is a distinguished career.

He was chairman of the full committee from 1986 to 1993 and now, in the last years of his career, again is the ranking member. I point that out because he was always, to the maximum extent possible by any Member of the U.S. Senate, bipartisan in his approach to the responsibilities of our committee and those issues that related to national security and foreign affairs.

He followed in the tradition of two great Georgia Members of the U.S. Congress, his uncle, Congressman Carl Vinson, chairman of the House Armed Services Committee. I have a picture, which I treasure greatly, from when I was Secretary of the Navy. I recommended to the President of the United States, at that time Richard Nixon, that the tradition in the U.S. Navy that existed from the first day of a sailing ship should be broken and that the Navy should name a ship for a living individual.

The Secretary of Defense, Mel Laird, at that time, consulted with me. I took the decision to Mr. Laird. He said, "Let's give it a try."

Mr. Laird had been in the U.S. Navy in World War II. We went to see the President. The President had been in the Navy. He was an officer during World War II. Three sailors sat down and decided we would name a supercarrier the "Carl Vinson," on the occasion of his 50th year in the Congress of the

United States and concluding many of those years as chairman of the House Armed Services Committee.

I mention that because we had a model of the ship built and the President of the United States, myself and Secretary Laird presented that model to Carl Vinson. SAM NUNN is in the picture. It is a remarkable picture, because Senator NUNN's sideburns were down almost below his jaw. I will never forget that. It hangs in his office.

Another distinguished Member of Congress, of course, was Richard Russell, who was chairman of the Senate Armed Services Committee for 16 years. I will have further to say about that Senator as I close my remarks.

Senator NUNN quickly established himself as one of the leading experts in the Congress and, indeed, all of the United States on national security and foreign policy. He gained a reputation in our country and, indeed, worldwide as a global thinker, and that is where I think he will make his greatest contribution in the years to come, wherever he may be, in terms of being a global thinker.

His approach to national security issues has been guided by one fundamental criteria: What SAM NUNN believes is in the best interest of the United States of America.

As a junior Senator in 1978, he ultimately voted in favor of the Panama Canal Treaty because he thought—Mr. President, he thought—it was in the long-term national security interest of our Nation, even though he knew it was not a popular position, particularly in the South and most particularly in Georgia. He supported the policies of Presidents of both parties when he thought they were right, and he raised questions about the policies of the Presidents of both parties when he thought questions needed to be raised.

But, again, as we look back in the history of Congress and its constitutional role in foreign policy—and how many debates have I been in and Senator NUNN and others, for example, on the War Powers Act, on consultation? Just today in the Senate Armed Services Committee, and I think quite properly, questions were raised about the level of consultation between the President, President Clinton, and the Congress. But SAM NUNN, to me, applied what is known as the "Vandenberg rule," a very distinguished former Member of the U.S. Senate, recognized for his strength in foreign policy, who, to paraphrase his saying, always believed that partisanship politics should be checked at the water's edge, and that has been a guiding light for Senator NUNN.

SAM NUNN always worked, as I say, in a bipartisan fashion, almost invariably. His numerous initiatives and legislative accomplishments invariably have Republican and Democratic cosponsors. Senator NUNN is fond of saying that he has yet to see a problem or a challenge facing this country that can be solved by only one political party. How true that is in national security and foreign policy.

I started to go over his accomplishments and just selected a few, because I was involved. He was a tremendous supporter of the welfare of our men and women in uniform and their families. He helped restore quality of force, the total arms force, following the serious problems that we had in the aftermath of Vietnam; indeed, during Vietnam. He coauthored the Nunn-Warner benefits package of 1980, perhaps the first single piece of legislation for which I have received, I think unjustifiably, but nevertheless some modest recognition.

He was a leader in establishing a program of transition benefits in the nineties to military and civilian employees of DOD who lost their jobs as a result of the downsizing of the defense infrastructure of the military services.

NATO was a very, very favorite subject. I traveled with him on many occasions to NATO, as I did through the capitals of the world, and sat with him when he, on a one-on-one equal basis shared views with heads of state, heads of government, world leaders in Europe, in Asia, and the Middle East.

He was a strong supporter of maintaining NATO as an active and energetic alliance. He wrote three reports to the Senate on the health of the NATO alliance. He is very highly regarded by political and military leaders throughout the NATO community.

If there were one subject to concern him the most—and, indeed, it does me and, I am sure, almost every Member of this body—it is the proliferation of the knowledge of how to construct weapons of mass destruction, proliferation of that knowledge and, indeed, the proliferation of the arming of the weapons themselves.

Senator NUNN, together with Senator LUGAR of Indiana, created the Cooperative Threat Reduction Program to help countries of the former Soviet Union dismantle their weapons of mass destruction and the facilities to produce such weapons.

He also offered legislation to improve our domestic capability in counterterrorist use of weapons of mass destruction. I joined him. I happened to be the manager of the defense bill at the time that amendment was raised by Senators NUNN, LUGAR, and DOMENICI.

And I joined as a cosponsor in authorizing the Department of Defense and other Government agencies of the Federal Government to share with local law enforcement some of the basic knowledge of how to deal with the situation, should they be confronted with the threat of the use of, say, a crude weapon, chemical or biological weapon of mass destruction in any of our 50 States. I urge the communities to avail themselves of that authorization in our most recent 1997 bill.

We had our differences. We have fought toe to toe on this floor when I, together with Senator Dole and others, passed the gulf resolution, that resolution to authorize President Bush to utilize the men and women of the United States, a half a million of whom were in positions ready, together with perhaps the most magnificent allied coalition ever formed in the history of the world, to repel the invasion of Saddam Hussein.

But it was necessary in the President's mind to have the support of the Congress of the United States. And that is a chapter in history that should be studied carefully by all Presidents, because when the men and women of the Armed Forces go forward beyond our shores, in harm's way, we want the total support of both the Presidency and the Congress and, to the extent possible, the people of the United States behind those troops, particularly when the risk of personal injury is very high.

We had our differences. We fought that battle. It was about a 5-vote difference in the outcome. But from the very moment of the decision of the United States to support the resolution, which I was privileged to draft under the direction of the then-leader, Senate Dole, from the very first minute of the vote by the Senate of the United States, Senator NUNN backed President Bush in his decision to use force and to turn around the situation that was tragic in the eyes of the world.

We had our differences on the interpretation of the ABM, the SALT, the START treaties, but always, once again, bipartisanship was foremost.

A moment ago Senator NUNN spoke about the staff of the Senate. One of his hallmarks was his ability to attract the finest people for professional staff, in the years particularly when he was chairman and ranking member of the Senate Armed Services Committee, and in the Governmental Operations Committee. And I think that is the hallmark of a great Senator, the ability to attract quality staff, to spend long hours of dedicated service to their Nation and to their Senate.

Mr. President, Senator NUNN always had a profound preference, as he should, for Senator Russell. He used to say from time to time that he only temporarily was the holder of the Senate seat from Georgia which was once held by Richard Russell. And I thought I would conclude my remarks by reading the remarks of our distinguished colleague, the Senator from West Virginia, Senator BYRD, at the unveiling of the statue in the Russell rotunda of Senator Richard Russell of Georgia. I ask unanimous consent to have the entire remarks printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RICHARD B. RUSSELL, Jr. (D-GA, 1933–1971)

> At the unveiling of the statue of Russell in the rotunda of the Russell Senate Office Building on January 24, 1996, Senator Byrd said of Russell:
>
> "He was *the* senator, the uncrowned king of the southern block, and he was as truly a Senate man as was Henry Clay or Daniel Webster or John C. Calhoun or Thomas Benton or any of the other giants who had preceded him.
>
> "Senator Russell's philosophy of government was rooted in constitutionalism. . . . He was always regarded as one of the most fair and conscientious members of this body.
>
> "Through it all he served his nation well. Richard Russell followed his own star. He did not pander. His confidant was his conscience. He was always the good and faithful servant of the people. He was good for the Senate, and he loved it dearly. I can say without any hesitation that he was a remarkable senator, a remarkable American, a remarkable man who enjoyed the respect and the affecting of all who served with him."

Mr. WARNER. But I shall read this one paragraph.

> Through it all he served his nation well. Richard Russell followed his own star. He did not pander. His confidant was his conscience. He was always the good and faithful servant of the people. He was good for the Senate, and he loved it dearly. I can say without any hesitation that he was a remarkable Senator, a remarkable American, a remarkable man who enjoyed the respect and the affection of all who served with him.

I think, Mr. President, certainly this Senator, and I feel most, can say that Senator BYRD's remarks capturing the magnificence of Richard Russell—SAM NUNN can return to Georgia with a clear conscience that he did his best to fulfill the reputation of Richard Russell of Georgia. I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

TRIBUTE TO RETIRING SENATORS

Mr. LAUTENBERG. Mr. President, I too join our many colleagues in wanting to say goodbye, good luck, and thank you to our colleagues. All of them are leaving this body. And as they leave they leave a mark of great distinction, each and every one of them.

I cannot help, Mr. President, as I review the names of those who are retiring—we have heard several comments from many colleagues about the names, and they are all familiar—but I cannot help but note that when you talk about people like Senator PELL, Senator HATFIELD, Senator NUNN, Senator KASSEBAUM, Senator JOHNSTON, Senator SIMPSON, Senator BRADLEY, Senator COHEN, Senator EXON, Senator HEFLIN, Senator PRYOR, Senator SIMON, Senator BROWN, this is a really distinguished group of people, Mr. President.

And when I think of what each of them brings to our deliberations, to the body, to the Senate, they have enriched us substantially, each one of them, some with longer lists of legislation than others, but each one with a unique character, and a list of people of principle, of integrity, of honesty. And one of the things I think that each of us has to consider is who is going to follow, who is going to follow over these next few years as we approach the 21st century. Is there going to be a sense of what this institution is about? Are they going to have respect?

Mr. President, as I said, the question as to those who follow, will they have the respect, the reverence, not only for this institution, but for the way we operate as a Government, with the respect that I think has been denied of more recent years by many, who choose to use this place often as a battleground, as opposed to a people's forum, trying to, in many cases, get the edge, get the leg up, get the publicity, get the press?

I do not want to be too nostalgic here. These are wonderful people who, with the help of good health, will go on to do many other things. It strikes me, at a particular time when things seem to be so unruly in our society, so much hostility, so much anger, so much confusion that we take the best of us in this group and say so long to them with not only respect and reverence for them but with some misgivings, some apprehension as to the ordinary citizens of our society who are not serving in this body as they greet the newcomers. There will be many of them—I do not know how it ranks in the numbers that have come in a single class.

Mr. President, I say goodbye to each of those individuals. I want to make particular note of the retirement of my colleague, Senator BILL BRADLEY, with whom I have worked very closely over these years, with whom I have shared prospects for what we can do for New Jersey, for the country, unity of opinion, and sometimes a different approach to how we got to these goals, Mr. President, but nevertheless someone whose friendship I treasure and whose presence will be missed here, in particular by me, because of our close association.

In particular, as I mentioned BILL BRADLEY, Senator MARK HATFIELD and others, who have served this body so well. I will miss them all and I know we will be a different place.

This body is far bigger than the total sum of the individuals who serve it, and we will continue on, God willing, with strength and with purpose and with comity and collegiality. That is my wish.

TRIBUTE TO SENATOR MARK HATFIELD

Mr. President, I rise to say goodbye, once again, to my colleague, MARK HATFIELD, who is retiring after serving the people of Oregon, and the United States, for 30 years as a member of this body.

Recently, I have been contemplating MARK' absence from the Appropriations Committee. Whether as chairman or ranking member, his leadership will be missed. And as I reviewed our contacts over the years, I wanted to acknowledge that, even given our different party affiliations, our relationship has been one of the most satisfying associations I've ever had in my life. This man has special qualities that endeared him to many, including this Senator.

Despite the constant fray, MARK was always true to his beliefs and was able to maintain and express his convictions, without confrontation or belligerence. His value system set standards in the Senate for all to admire, and perhaps emulate. Undoubtedly, his legacy of good will, honesty and integrity benefited all who served with him.

In the area of public service, Senator HATFIELD's career has been distinguished by an uncompromising commitment to improve the human condition and to address what he has so eloquently called "the desperate human needs in our midst." Among the many issues on which we fought together, was the work we did to ensure that hundreds of thousands of refugees from Southeast Asia would not face persecution and that refugees, worldwide, are given a fair hearing by the American Government. Under his leadership, we also worked together to end U.S. nuclear testing and to reduce defense spending. Although MARK HATFIELD has sometimes stood alone in his humanitarian and courageous efforts, he never shied away from acting according to his conscience. So it is no wonder that all of his Senate colleagues have the deepest and most sincere respect for him.

As chairman of the Senate Appropriations Committee, MARK has been an inspiration. He was consistently a voice of reason. He tried to avoid partisanship and worked tirelessly to unite, not divide. His concern was always policy, not politics. As Chairman of the Transportation Subcommittee, Senator HATFIELD has demonstrated that he views investment in our infrastructure as an investment in our future.

Because he chose to spend 30 years in the public arena, we are all better off. Whether addressing health care, energy, environment, transportation policy, nuclear testing, or refugee issues, Senator HATFIELD's convictions and commitment have elevated the debate in this chamber. He has always been passionate; he has always been thoughtful; he has always been fair.

I know I speak for all my colleagues when I say that MARK HATFIELD's compassion and convictions will be sorely missed by all of us in this Chamber. It has been a pleasure to serve with him and to enjoy the warmth of his friendship; I wish him my very best as he goes on to new challenges and continues to contribute to his State and his country.

TRIBUTE TO SENATOR ALAN SIMPSON

Mr. President, I rise today to pay tribute to Senator ALAN SIMPSON of Wyoming, who is retiring from the U.S. Senate.

Mr. President, I know that many of my colleagues on both sides of the aisle, and across the political spectrum, will miss ALAN SIMPSON in the years to come. You do not have to agree with ALAN on every issue to appreciate his warmth, his great sense of humor, and his outstanding abilities as a legislator. Perhaps ALAN's greatest talent is being able to tenaciously fight for an issue, but in a manner that leaves even his opponents with smiles on their faces.

Mr. President, I also think of ALAN SIMPSON as someone who is willing to stand up for what he believes, even when his closest colleagues may disagree with him. I have special respect for his steadfast support for a woman's right to choose, a position that put him at odds with many in his party. ALAN's belief that families, not politicians, should make basic moral decisions like abortion is consistent with his principles, and he deserves our credit and our respect for his willingness to defend those principles, no matter what the cost. Undeniably, ALAN is a man of courage.

Mr. President, ALAN SIMPSON and I have disagreed on many issues. But I have tremendous respect for the Senator and a real affection for the man. Whatever our differences on policy, I consider him a great friend. And I hope that he and Ann and I will find the occasion to share some time together whenever and wherever we can do that.

Senator SIMPSON has made a real contribution to this great institution. I wish him the very best as he leaves the Senate, and I hope we will continue to hear his views, and benefit from his quick mind and unique wit, in the years ahead.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. President, I rise today to honor a truly great U.S. Senator, HOWELL HEFLIN, on his retirement from this body. The Senator was a tireless champion for the people and interests of Alabama. And as a lawyer, judge, and a U.S. Senator, HOWELL has been a consistent and constant supporter of racial justice and civil rights for all.

One of the most moving movements in the Senate was when Senator HEFLIN spoke about Senator MOSELEY-BRAUN's attempt to deny the United Daughters of the Confederacy a renewal of the patent for their organization's official design. Senator HEFLIN rose and said, "I have many connections through my family to the Daughters of the Confederacy * * * but the Senator from Illinois is a descendant of those that suffered the ills of slavery." Senator HEFLIN voted with Senator MOSELEY-BRAUN.

Mr. President, although we did not agree on every issue, I always respected Senator HEFLIN's intelligence, integrity, and independence. It is very unfortunate that the Halls of the Senate will no longer resonate with his voice of moderation and reason.

Mr. President, as Senator HEFLIN leaves the Senate, I want to wish him and his family all the best.

TRIBUTE TO SENATOR CLAIBORNE PELL

Mr. President, I rise to pay tribute to a true giant of the U.S. Senate, the senior Senator from Rhode Island, CLAIBORNE PELL. He has served our Nation and his State with great distinction for 36 years in this body.

Mr. President, Senator PELL has so many Senate accomplishments that I do not have time to recount them all. However, I do want to highlight his work in three areas: Foreign relations, education, and transportation.

In foreign affairs, he has worked for peace since the end of World War II. He actually helped establish the modern United Nations. He served as a Foreign Service officer, and later as chairman and ranking member of the Foreign Relations Committee. In all of these positions, he tirelessly worked to expand democracy throughout the world and to promote peaceful resolutions to conflict.

Mr. President, whenever you hear the word education in the Senate, the first person you think of is CLAIBORNE PELL. He was a key architect of the 1965 Education Act that provided the first Federal funding for elementary and secondary education. He was also instrumental in creating the National Endowment for the Arts and the National Endowment for the Humanities. Finally, he wrote the student aid program that bears his name: Pell Grants. These grants give low income students the opportunity to attend college and the chance to attain the American dream.

Mr. President, Senator PELL and I worked most closely on transportation issues. And it is no exaggeration to say that CLAIBORNE PELL is a visionary in the transportation field. Many years ago, he wrote a book, "Megalopolis Unbound", which advocated high speed ground transportation to deal with future urban congestion. Senator PELL and I worked to make his vision a reality by fighting to ensure quality rail service in the Northeast corridor and through the construction of the new Providence AMTRAK station.

Mr. President, the Senate is losing an extraordinary Senator and statesman. Although he leaves a great void in the Senate, I want to wish my friend CLAIBORNE PELL and his family health and happiness for many years.

TRIBUTE TO SENATOR BENNETT JOHNSTON

Mr. President, I rise today to honor BENNETT JOHNSTON, the senior Senator from Louisiana, as he prepares to leave this body after 24 years of distinguished service. It has been a privilege to serve with BENNETT.

I worked with Senator JOHNSTON on the Budget and Appropriations Committees, and I was impressed with the way he handled the tough issues. He is a skillful negotiator, always willing to try to find a compromise to end legislative gridlock. For JOHNSTON, the important thing was policy, not politics.

Although we will all miss Senator JOHNSTON, he will be especially missed by the people of the Pelican State. He actively championed Louisiana's interests, particularly in the areas of education and infrastructure.

At the national level, Senator JOHNSTON understood the dangers of depending on foreign oil. And he consistently argued for the formulation of a comprehensive, national energy policy.

Mr. President, it is true that the Senator from Louisiana and I did not agree on every issue that came before the Senate. But I learned quickly that he was a very skilled legislator, who was always willing to defend his convictions.

Mr. President, the citizens of Louisiana will certainly miss BENNETT JOHNSTON's commitment and concern, and I will miss the integrity and intelligence he brought to the Senate. I wish him well in his future endeavors.

TRIBUTE TO SENATOR SAM NUNN

Mr. President, I rise today to pay tribute to one of the most dedicated Members of the United States Senate, SAM NUNN, on his retirement.

Few members have worked so doggedly to protect the defense and security of our country as Senator NUNN. When he came to the Senate in 1972, Sam brought a commitment to make this Nation more secure by strengthening America's defenses, by reducing the threat of nuclear war, by eliminating wasteful Pentagon spending and by fostering pride in America.

While his accomplishments are numerous, I view his leadership in the effort to support the dismantling of nuclear weapons in the former Soviet Union as one of his most important and far reaching contributions. Without exaggeration, this initiative significantly reduced the risk of accidental nuclear war. For this alone, all Americans owe him a debt of gratitude.

Through his dedication to our men and women in uniform, Senator NUNN proved that there is more than one way to defend your country. And by securing the enactment of National Service legislation, which offers generous education benefits in exchange for public service, Senator NUNN is helping to instill in our young people the importance of public service and as well as a respect for American values.

Mr. President, I have tremendous respect for Senator NUNN's work on behalf of the people of Georgia and the

United States. Though we have not always shared the same view on defense policy, I have always admired his careful analysis, deliberation and evaluation.

His 24 years of public service in the Senate will undoubtedly leave a lasting imprint on the national security and defense policy of our Nation. I know that I join with all of his Senate colleagues in saying that Senator NUNN's presence will be sorely missed. I extend my best wishes as SAM leaves the Senate and begins the next phase of his career.

TRIBUTE TO SENATOR BILL COHEN

Mr. President, I rise today to honor a distinguished Member of this body, Senator BILL COHEN, who will be leaving the Senate at the end of the 104th Congress.

Mr. President, the Senate is losing one of its most respected and dedicated members. BILL COHEN is the kind of person that Americans want, and America needs, in Government. He is someone with unquestioned integrity, who has always done what he believes to be right, even if his own party disagrees with him.

BILL COHEN first came to national attention at one of our Nation's darkest hours, during the Watergate scandal. As a member of the House Judiciary Committee, he was one of the first Republicans to break ranks with President Nixon, and he led a group of moderate Members who supported a resolution of impeachment. It was the right thing to do. And it was typical of the kind of independent thinking that has marked BILL COHEN's career ever since.

From his days on the Watergate Committee, BILL COHEN has worked hard to promote ethics in Government, and he has made an enormous contribution in this area. He has helped strengthen the Office of Government Ethics, and he worked to enact legislation that substantially increased reporting requirements for lobbyists. Senator COHEN also joined me in the successful effort to ban most gifts to Members of Congress.

Mr. President, BILL COHEN is one of the most thoughtful Members of this body, someone who thoroughly studies an issue before announcing a position. Consequently, when BILL COHEN comes to this floor, people listen. They admire his judgment, his fairness, his integrity, and so do I. I have not agreed with BILL COHEN on every issue, but I have always respected his scholarship, his leadership, his statesmanship.

It has been a privilege to serve with BILL COHEN in the Senate, and it is unfortunate that people of his stature have decided to leave this body. But I want to wish BILL all the best as he leaves this body for new challenges. He has served his country with distinction, we will all miss him very much.

TRIBUTE FOR SENATOR PAUL SIMON

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to my colleague and friend, PAUL SIMON. When I think of PAUL's extraordinary career in the Senate, I'm reminded of a remark by Toni Morrison, "As you enter positions of trust and power, dream a little before you think." Although PAUL's intellectual abilities are well known, he even holds 39 honorary degrees, he is also a great dreamer. For he has dreamed of a country where no child has to live in poverty, where no young person is denied an education because of financial reasons and where no senior citizen is bankrupted by a medical emergency.

And PAUL has tirelessly fought to make those dreams reality. It is not surprising that in 1983, during his 10 years in the House, Time magazine noted that SIMON passed more legislation that year than other Members of the House of Representatives.

In the Senate, PAUL has been particularly concerned with affording every American the opportunity of an affordable education. Among his accomplishments in this area, he recently enacted major education and job training legislation which includes the National Literacy Act, the School-to-Work Opportunities Act and the Job Training Partnership Act Amendments. He was also the leading champion of the new direct college loan program, enacted in 1991 as a pilot program and expanded in 1993 as a replacement for the guaranteed student loan program.

Mr. President, PAUL and I have personally fought many battles together. And although I could speak about his support on any number of issues, I want to especially recall his constant and consistent efforts on the issue of gun control. I knew that I could always count on Senator SIMON's support in the continuing struggle to take guns off our streets.

When I think of PAUL's retirement from the Senate, I remember the words of Thomas Jefferson. When Jefferson presented his credentials as U.S. Minister to France, the French Premier remarked, "I see that you have come to replace Benjamin Franklin. Jefferson corrected him; saying, "No one can replace Dr. Franklin, I am only succeeding him."

In much the same way, Paul SIMON is also irreplaceable. As he begins the next phase of his career, I wish my friend continued success and best wishes.

TRIBUTE FOR SENATOR DAVID PRYOR

Mr. President, I rise to offer my best wishes to Senator PRYOR on his retirement from the Senate. All of his colleagues will miss DAVID's candor and commitment, but his presence in Washington will be especially missed by the people of Arkansas and by our Nation's senior citizens.

Senator PRYOR's motto has always been "Arkansas Comes First." And as he's noted, it's more than a slogan—it's a way of life. Throughout his career, he's been a fighter for Arkansas' interests and for her people. As a member of the Agricultural Committee, DAVID's leadership led to the development of innovative programs and legislation to aid Arkansas' farmers and to protect her resources.

Senator PRYOR is also considered one of Washington's leading advocates for older Americans. Starting in 1989, he served for 6 years as chairman of the Senate Special Committee on Aging. He is nationally recognized for his work to help save the Social Security system, to reform the nursing home industry and to lower the price of prescription drugs. He also endeavored to ensure that Government institutions preserve the essential dignity of our country's elderly.

Mr. President, as a member of the Finance Committee, Senator PRYOR also wrote the Taxpayer Bill of Rights, the first piece of legislation in over 40 years which guaranteed certain rights to individuals when dealing with the Internal Revenue Service.

If I had to sum up DAVID PRYOR's Senate career, including the 6 years he held the number three leadership post, in a single word, that word would be service. And that reminds me of a remark by the great humanitarian, Albert Schweitzer. He noted, "The only ones among you who will be truly happy are those who have sought out, and found how to serve." If that's true, than DAVID PRYOR is definitely the happiest of men.

As he leaves the Senate, I wish my colleague well as he begins the next stage of his career, and his life.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting one nomination which was referred to the Committee on Commerce, Science, and Transportation.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORTS ON MOTOR VEHICLE SAFETY AND HIGHWAY SAFETY FOR CALENDAR YEAR 1995—MESSAGE FROM THE PRESIDENT—PM-176

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I transmit herewith the 1995 calendar year reports as prepared by the Department of Transportation on activities under the Highway Safety Act, the National Traffic and Motor Vehicle Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972, as amended.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 3, 1996.*

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

S. 94. A bill to amend the Congressional Budget Act of 1974 to prohibit the consideration of retroactive tax increases.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry:

Ann Jorgensen, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, for a term expiring May 21, 2002.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 2190. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to require the Internal Revenue Service to collect child support through wage withholding and to eliminate State enforcement of child support obligations other than medical support obligations; to the Committee on Finance.

By Mr. SIMPSON (for himself and Mr. KYL):

S. 2191. A bill to amend the Immigration and Nationality Act, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, to modify provisions of law relating to public assistance and benefits for aliens; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 2192. A bill to authorize the Secretary of the Army to award the Ranger Tab to veterans of certain service in the Republic of Vietnam during the Vietnam era; to the Committee on Armed Services.

By Mr. LUGAR:

S. 2193. A bill to establish a program for the disposition of donated private sector and United States Government nonlethal personal property needed by eligible foreign countries; to the Committee on Foreign Relations.

By Mr. CRAIG:

S. 2194. A bill to provide the public with access to quality outfitter and guide services on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself, Mr. DODD, and Mr. SIMON):

S. 2195. A bill to provide for the regulation of human tissue for transplantation to ensure that such tissue is handled in a manner to preserve its safety and purity, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG (for himself, Mr. LEVIN, Mr. BRADLEY, and Mr. DEWINE):

S. 2196. A bill to require the Secretary to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison, to redesign the half dollar circulating coin for 1997 to commemorate Thomas Edison, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FAIRCLOTH (for himself and Ms. MOSELEY-BRAUN):

S. 2197. A bill to extend the authorized period of stay within the United States for certain nurses; considered and passed.

By Mr. STEVENS (for himself and Mr. MOYNIHAN):

S. 2198. A bill to provide for the Advisory Commission on Intergovernmental Relations to continue in existence, and for other purposes; considered and passed.

By Mr. LEAHY (for himself, Mr. MCCONNELL, and Mr. HEFLIN):

S. 2199. A bill to provide funding for the nutrition, education, and training program authorized under the Child Nutrition Act of 1966, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN (for himself, Mr. ABRAHAM, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. CAMPBELL, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. D'AMATO, Mr. DASCHLE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. ROCKEFELLER, Mr. SIMON, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 311. A resolution designating the month of November 1996 as "National American Indian Heritage Month"; to the Committee on the Judiciary.

By Mr. LOTT (for himself, Mr. ROTH, and Mr. DASCHLE):

S. Res. 312. A resolution saluting the service of John L. Doney; considered and agreed to.

By Mr. LOTT:

S. Res. 313. A resolution relating to the retirement of Jeanie Bowles, Superintendent of Documents, United States Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 314. A resolution authorizing the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders to make certain appointments after the sine die adjournment of the present session; considered and agreed to.

By Mr. LOTT:

S. Res. 315. A resolution appointing a committee to notify the President concerning the proposed adjournment of the session; considered and agreed to.

By Mr. LOTT:

S. Res. 316. A resolution tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 317. A resolution tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

By Mr. LOTT:

S. Res. 318. A resolution to commend the exemplary leadership of the Democratic Leader; considered and agreed to.

By Mr. DASCHLE:

S. Res. 319. A resolution to commend the exemplary leadership of the Majority Leader; considered and agreed to.

By Mr. LOTT (for Mr. HATFIELD):

S. Res. 320. A resolution authorizing the printing of a Senate document; considered and agreed to.

By Mr. BYRD:

S. Res. 321. A resolution authorizing the acceptance of pro bono legal services by a Member of the Senate challenging the validity of a Federal Statute in a civil action pursuant to a statute expressly authorizing Members of Congress to bring such a civil action; considered and agreed to.

By Mr. THURMOND:

S. Res. 322. A resolution to commend the exemplary leadership of the Democratic Leader; considered and agreed to.

By Mr. THURMOND:

S. Res. 323. A resolution to commend the exemplary leadership of the Majority Leader; considered and agreed to.

By Mr. LOTT:

S. Res. 324. A resolution to provide funding for the Office of Senate Fair Employment Practices to carry out certain transition responsibilities; considered and agreed to.

By Mr. BROWN:

S. Con. Res. 74. A concurrent resolution to provide for a change in the enrollment of H.R. 3539.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 2190. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to require the Internal Revenue Service to collect child support through wage withholding and to eliminate State enforcment of child support obligations other than medical support obligations; to the Committee on Finance.

THE UNIFORM CHILD SUPPORT ENFORCEMENT ACT OF 1996

Mr. KERRY. Mr. President, I am introducing legislation today to help ensure that children across this country get the economic support they need and deserve from both parents in order to have a wholesome childhood, grow up healthy, and thrive.

Mr. President, child support reform is an urgent public issue because it affects so many children. In 1994, one out of every four children lived in a family with only one parent present in the home. Half of all the 18.7 million children living in single-parent families in 1994 were poor, compared with only slightly more than one out of every 10 children in two-parent families. Clearly the payment of child support by the absent parent is an important determinant of the economic status of these children.

Unfortunately, the failure to pay child support is extraordinarily widespread, cutting across income and racial lines. Of the 10 million women raising children with an absent parent, over 4 million had no support awarded. Of those 5.4 million women who were due support, slightly over half received the full amount due, while a quarter received partial payment, and a quarter received nothing at all. Let me repeat that, Mr. President—more than half of the women with child support orders received no support or less than the full amount.

Mr. President, common sense will tell you that children are hurt when parents do not pay support. But perhaps some evidence will make the point even clearer. A recent survey of single parents in Georgia, Oregon, Ohio, and New York documents the real harm children suffer when child support is not paid: During the first year after the parent left the home, more than half the families surveyed faced a serious housing crisis. Nearly a third reported that their children went hungry at some point during the year. And over a third reported that their children lacked appropriate clothing such as a winter coat.

Mr. President, it is also clear that better child support enforcement can produce a lot more money for children. A 1994 study by the Urban Institute estimates that if child support orders were established for all children with a living noncustodial father and these orders were fully enforced, aggregate child support payments would have been $47.6 billion dollars in 1990—nearly three times the amount of child support actually paid in this country.

Unfortunately, this country has made all too little progress in tackling the child support problem, and this has been true under both Democratic and Republican administrations. For all women over the past decade, the average child support payment due, the average amount received, as well as the percentage of women with awards, have remained virtually unchanged—adjusting for inflation. Similarly, the State child support enforcement system that serves welfare families and nonwelfare families who ask for help has made progress in paternity establishment, but little progress overall. Over 500,000 children had their paternity established by State agencies in fiscal year 1994—a 50 percent increase over the last 5 years. But fewer than one out of every five cases served by State agencies had any child support paid in fiscal year 1994—a figure that has risen only slightly since fiscal year 1990. Mr. President, it is an intolerable situation for our Nation's children when State child support agencies are making absolutely no collection in 80 percent of their cases.

My bill will help make sure that we achieve real progress for children. During this session, Congress passed some important improvements in the child support system in the welfare bill that recently became law. My bill would give States a chance to implement these new changes and then assess their success or failure. If these reforms succeed in dramatically improving the performance of State child support offices, then this bill would not tinker with success. If, however, we do not see dramatic improvement in collections within the next 3 years, this bill would ensure that we take bold steps to help children. This bill would leave establishment of paternity and child support orders at the State level but move collection of support to the national level where we can more aggressively pursue interstate cases and send a message to all parents obligated to pay support that making full and timely support payments is an obligation as serious as making full and timely payment of taxes. If more than half the States do not achieve a 75-percent collection rate in their child support cases, then the system of collection would be federalized to ensure that children get the support they need and deserve.

Mr. President, it has been 12 years since this Congress passed the first major child support legislation. However, despite this legislative effort and additional reforms in 1988, according to a recent study there is a higher default rate on child support payments than on used car loans. I do not believe a single Member of this body will argue with me that this is wrong. If, under the newly revised Federal law, States can rectify this situation, we can all take pleasure and satisfaction from watching them do it. If they cannot, we must no longer stand idly by wringing our hands. I urge my colleagues to support this bill so that America's children of every income level will be assured of the support they need and deserve.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniform Child Support Enforcement Act of 1996".

SEC. 2. EFFECTIVE DATE; AMENDMENTS.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect on the 1st day of the 1st calendar month that begins after the 3-year period that begins with the date of the enactment of this Act, if the Secretary of Health and Human Services certifies to the Congress that on such 1st day more than 50 percent of the States have not achieved a 75 percent collection rate in child support cases in which child support is awarded and due under the jurisdiction of such States pursuant to part D of title IV of the Social Security Act.

(b) ELIMINATION OF PROVISIONS OF LAW RELATING TO STATE ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS OTHER THAN MEDICAL SUPPORT OBLIGATIONS.—Not later than 90 days after the effective date of this Act and the amendments made by this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of the Congress a legislative proposal proposing such technical and conforming amendments as are necessary to eliminate State enforcement of child support obligations other than medical support obligations and to bring the law into conformity with the policy embodied in this Act.

SEC. 3. NATIONAL CHILD SUPPORT ORDER REGISTRY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of the Treasury shall establish in the Internal Revenue Service a national registry of abstracts of child support orders.

(2) CHILD SUPPORT ORDER DEFINED.—As used in this section, the term "child support order" means an order, issued or modified by a State court or an administrative process established under State law, that requires an individual to make payments for support and maintenance of a child or of a child and the parent with whom the child is living.

(b) CONTENTS OF ABSTRACTS.—The abstract of a child support order shall contain the following information:

(1) The names, addresses, and social security account numbers of each individual with rights or obligations under the order, to the extent that the authority that issued the order has not prohibited the release of such information.

(2) The name and date of birth of any child with respect to whom payments are to be made under the order.

(3) The dollar amount of child support required to be paid on a monthly basis under the order.

(4) The date the order was issued or most recently modified, and each date the order is required or scheduled to be reviewed by a court or an administrative process established under State law.

(5) Any orders superseded by the order.

(6) Such other information as the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall, by regulation require.

SEC. 4. CERTAIN STATUTORILY PRESCRIBED PROCEDURES REQUIRED AS A CONDITION OF RECEIVING FEDERAL CHILD SUPPORT FUNDS.

Section 466(a) of the Social Security Act (42 U.S.C. 666(a)), as amended by section 382 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, is amended by inserting after paragraph (19) the following:

"(20)(A) Procedures which require any State court or administrative agency that issues or modifies (or has issued or modified) a child support order to transmit an abstract of the order to the Internal Revenue Service on the later of—

"(i) the date the order is issued or modified; or

"(ii) the effective date of this paragraph.

"(B) Procedures which—

"(i) require any individual with the right to collect child support pursuant to an order issued or modified in the State (whether before or after the effective date of this paragraph) to be presumed to have assigned to the Internal Revenue Service the right to collect such support, unless the individual affirmatively elects to retain such right at any time; and

"(ii) allow any individual who has made the election referred to in clause (i) to rescind or revive such election at any time.".

SEC. 5. COLLECTION OF CHILD SUPPORT BY INTERNAL REVENUE SERVICE.

(a) In General.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions), as amended by section 1204(a) of the Taxpayer Bill of Rights 2, is amended by adding at the end the following new section:

"SEC. 7525. COLLECTION OF CHILD SUPPORT.

"(a) Employee To Notify Employer of Child Support Obligation.—

"(1) In general.—Each employee shall specify, on each withholding certificate furnished to such employee's employer—

"(A) the monthly amount (if any) of each child support obligation of such employee, and

"(B) the TIN of the individual to whom each such obligation is owed.

"(2) When certificate filed.—In addition to the other required times for filing a withholding certificate, a new withholding certificate shall be filed within 30 days after the date of any change in the information specified under paragraph (1).

"(3) Period certificate in effect.—Any specification under paragraph (1) shall continue in effect until another withholding certificate takes effect which specifies a change in the information specified under paragraph (1).

"(4) Authority to specify smaller child support amount.—In the case of an employee who is employed by more than 1 employer for any period, such employee may specify less than the monthly amount described in paragraph (1)(A) to each such employer so long as the total of the amounts specified to all such employers is not less than such monthly amount.

"(b) Certain Obligations Exempt.—This section shall not apply to a child support obligation for any month if the individual to whom such obligation is owned has so notified the Secretary and the individual owing such obligation more than 30 business days before the beginning of such month.

"(c) Employer Obligations.—

"(1) Requirement to deduct and withhold.—

"(A) In general.—Every employer who receives a certificate under subsection (a) that specifies that the employee has a child support obligation for any month shall deduct and withhold from the wages (as defined in section 3401(a)) paid by such employer to such employee during each month that such certificate is in effect an additional amount equal to the amount of such obligation or such other amount as may be specified by the Secretary under subsection (d).

"(B) Limitation on aggregate withholding.—In no event shall an employer deduct and withhold under this section from a payment of wages an amount in excess of the amount of such payment which would be permitted to be garnished under section 303(b) of the Consumer Credit Protection Act.

"(2) Notice to secretary.—

"(A) In general.—Every employer who receives a withholding certificate shall, within 30 business days after such receipt, submit a copy of such certificate to the Secretary.

"(B) Exception.—Subparagraph (A) shall not apply to any withholding certificate if—

"(i) a previous withholding certificate is in effect with the employer, and

"(ii) the information shown on the new certificate with respect to child support is the same as the information with respect to child support shown on the certificate in effect.

"(3) When withholding obligation takes effect.—Any withholding obligation with respect to a child support obligation of an employee shall commence with the first payment of wages after the certificate is furnished.

"(d) Secretary To Verify Amount of Child Support Obligation.—

"(1) Verification of information specified on withholding certificates.—Within 45 business days after receiving a withholding certificate of any employee, or a notice from any person claiming that an employee is delinquent in making any payment pursuant to a child support obligation, the Secretary shall determine whether the information available to the Secretary under section 3 of the Uniform Child Support Enforcement Act of 1996 indicates that such employee has a child support obligation.

"(2) Employer notified if increased withholding is required.—If the Secretary determines that an employee's child support obligation is greater than the amount (if any) shown on the withholding certificate in effect with respect to such employee, the Secretary shall, within 45 business days after such determination, notify the employer to whom such certificate was furnished of the correct amount of such obligation, and such amount shall apply in lieu of the amount (if any) specified by the employee with respect to payments of wages by the employer after the date the employer receives such notice.

"(3) Determination of correct amount.—In making the determination under paragraph (2), the Secretary shall take into account whether the employee is an employee of more than 1 employer and shall appropriately adjust the amount of the required withholding from each such employer.

"(e) Child Support Obligations Required To Be Paid With Income Tax Return.—

"(1) In general.—The child support obligation of any individual for months ending with or within any taxable year shall be paid—

"(A) not later than the last date (determined without regard to extensions) prescribed for filing his return of tax imposed by chapter 1 for such taxable year, and

"(B)(i) if such return is filed not later than such date, with such return, or

"(ii) in any case not described in clause (i), in such manner as the Secretary may by regulations prescribe.

"(2) Credit for amount previously paid.—The amount required to be paid by an individual under paragraph (1) shall be reduced by the sum of—

"(A) the amount collected under this section with respect to periods during the taxable year, plus

"(B) the amount (if any) paid by such individual under section 6654 by reason of subsection (f)(3) thereof for such taxable year.

"(f) Failure To Pay Amount Owing.—If an individual fails to pay the full amount required to be paid under subsection (e) on or before due date for such payment, the Secretary shall assess and collect the unpaid amount in the same manner, with the same powers, and subject to the same limitations applicable to a tax imposed by subtitle C the collection of which would be jeopardized by delay.

"(g) Credit or Refund for Withheld Child Support in Excess of Actual Obligation.—There shall be allowed as a credit against the taxes imposed by subtitle A for the taxable year an amount equal to the excess (if any) of—

"(1) the aggregate of the amounts described in subparagraphs (A) and (B) of subsection (e)(2), over

"(2) the actual child support obligation of the taxpayer for such taxable year.

The credit allowed by this subsection shall be treated for purposes of this title as allowed by subpart C of part IV of subchapter A of chapter 1.

"(h) Child Support Treated as Taxes.—

"(1) In general.—For purposes of penalties and interest related to failure to deduct and withhold taxes, amounts required to be deducted and withheld under this section shall be treated as taxes imposed by chapter 24.

"(2) Other rules.—Rules similar to the rules of sections 3403, 3404, 3501, 3502, 3504, and 3505 shall apply with respect to child support obligations required to be deducted and withheld.

"(3) Special rule for collections.—For purposes of collecting any unpaid amount which is required to be paid under this section—

"(A) paragraphs (4), (6), and (8) of section 6334(a) (relating to property exempt from levy) shall not apply, and

"(B) there shall be exempt from levy so much of the salary, wages, or other income of an individual as is being withheld therefrom in garnishment pursuant to a judgment entered by a court of competent jurisdiction for the support of his minor children.

"(i) Collections Dispersed to Individual Owed Obligation.—

"(1) In general.—Payments received by the Secretary pursuant to this section or by reason of section 6654(f)(3) which are attributable to a child support obligation payable for any month shall be paid (to the extent such payments do not exceed the amount of such obligation for such month) to the individual to whom such obligation is owed as quickly as possible. Any penalties and interest collected with respect to such payments also shall be paid to such individual.

"(2) Shortfalls in payments made by other withheld amounts.—If the amount payable under a child support obligation for any month exceeds the payments (referred in paragraph (1)) received with respect to such obligation for such month, such excess shall be paid from other amounts received under subtitle C or section 6654 with respect to the individual owing such obligation. The treasury of the United States shall be reimbursed for such other amounts from collections from the individual owing such obligation.

"(3) Families receiving State assistance.—In the case of an individual with respect to whom an assignment of child support payments to a State is in effect—

"(A) of the amounts collected which represent monthly support payments, the first $50 of any payments for a month shall be paid to such individual and shall not be considered as income for purposes of calculating amounts of State assistance, and

"(B) all other amounts shall be paid to such State pursuant to such assignment.

"(j) TREATMENT OF ARREARAGES UNDER CHILD SUPPORT OBLIGATIONS NOT SUBJECT TO SECTION FOR PRIOR PERIOD.—If—

"(1) this section did not apply to any child support obligation by reason of subsection (b) for any prior period, and

"(2) there is a legally enforceable past-due amount under such obligation for such period,

then such past-due amount shall be treated for purposes of this section as owed (until paid) for each month that this section applies to such obligation.

"(k) DEFINITIONS AND SPECIAL RULES.—

"(1) DEFINITIONS.—For purposes of this section—

"(A) WITHHOLDING CERTIFICATE.—The term 'withholding certificate' means the withholding exemption certificate used for purposes of chapter 24.

"(B) BUSINESS DAY.—The term 'business day' means any day other than a Saturday, Sunday, or legal holiday (as defined in section 7503).

"(2) TIMELY MAILING.—Any notice under subsection (c)(2) or (d)(2) which is delivered by United States mail shall be treated as given on the date of the United States postmark stamped on the cover in which such notice is mailed.

"(l) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) WITHHELD CHILD SUPPORT TO BE SHOWN ON W-2.—Subsection (a) of section 6051 of such Code, as amended by section 310(c)(3) of the Health Insurance Portability and Accountability Act of 1996, is amended by striking "and" at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting ", and", and by inserting after paragraph (11) the following new paragraph:

"(12) the total amount deducted and withheld as a child support obligation under section 7525(c)."

(c) APPLICATION OF ESTIMATED TAX.—

(1) IN GENERAL.—Subsection (f) of section 6654 of such Code (relating to failure by individual to pay estimated income tax) is amended by striking "minus" at the end of paragraph (2) and inserting "plus", by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

"(3) the aggregate amount of the child support obligations of the taxpayer for months ending with or within the taxable year (other than such an obligation for any month for which section 7525 does not apply to such obligation), minus".

(2) Paragraph (1) of section 6654(d) of such Code is amended by adding at the end the following new subparagraph:

"(D) DETERMINATION OF REQUIRED ANNUAL PAYMENT FOR TAXPAYERS REQUIRED TO PAY CHILD SUPPORT.—In the case of a taxpayer who is required under section 7525 to pay a child support obligation (as defined in section 7525) for any month ending with or within the taxable year, the required annual payment shall be the sum of—

"(i) the amount determined under subparagraph (B) without regard to subsection (f)(3), plus

"(ii) the aggregate amount described in subsection (f)(3)."

(3) CREDIT FOR WITHHELD AMOUNTS, ETC.—Subsection (g) of section 6654 of such Code is amended by adding at the end the following new paragraph:

"(3) CHILD SUPPORT OBLIGATIONS.—For purposes of applying this section, the amounts collected under section 7525 shall be deemed to be a payment of the amount described in subsection (f)(3) on the date such amounts were actually withheld or paid, as the case may be."

(d) PENALTY FOR FALSE INFORMATION ON WITHHOLDING CERTIFICATE.—Section 7205 of such Code (relating to fraudulent withholding exemption certificate or failure to supply information) is amended by adding at the end the following new subsection:

"(c) WITHHOLDING OF CHILD SUPPORT OBLIGATIONS.—If any individual willfully makes a false statement under section 7525(a), then such individual shall, in addition to any other penalty provided by law, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than 1 year, or both."

(e) NEW WITHHOLDING CERTIFICATE REQUIRED.—Not later than 90 days after the date this Act takes effect, each employee who has a child support obligation to which section 7525 of the Internal Revenue Code of 1986 (as added by this section) applies shall furnish a new withholding certificate to each of such employee's employers. An certificate required under the preceding sentence shall be treated as required under such section 7525.

(f) REPEAL OF OFFSET OF PAST-DUE SUPPORT AGAINST OVERPAYMENTS.—

(1) Section 6402 of such Code, as amended by section 110(*l*)(7) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, is amended by striking subsections (c) and (h) and by redesignating subsections (d), (e), (f), (g), (i), and (j) as subsections (c), (d), (e), (f), (g), and (h), respectively.

(2) Subsection (a) of section 6402 of such Code, as so amended, is amended by striking "(c), (d), and (e)" and inserting "(c) and (d)".

(3) Subsection (c) of section 6402 of such Code (as redesignated by paragraph (1)) is amended—

(A) by striking "(other than past-due support subject to the provisions of subsection (c))" in paragraph (1),

(B) by striking "after such overpayment is reduced pursuant to subsection (c) with respect to past-due support collected pursuant to an assignment under section 402(a)(26) of the Social Security Act and" in paragraph (2).

(4) Subsection (d) of section 6402 of such Code (as redesignated by paragraph (1)) is amended by striking "or (d)".

(g) REPEAL OF COLLECTION OF PAST-DUE SUPPORT.—Section 6305 of such Code is hereby repealed.

(h) CLERICAL AMENDMENTS.—

(1) The table of sections for subchapter A of chapter 64 of such Code is amended by striking the item relating to section 6305.

(2) The table of sections for chapter 77 of such Code is amended by adding at the end thereof the following new item:

"Sec. 7525. Collection of child support."

(h) USE OF PARENT LOCATOR SERVICE.—Section 453(a) of the Social Security Act (42 U.S.C. 653(a)) is amended by inserting "or the Internal Revenue Service" before "information as".

By Mr. SIMPSON (for himself and Mr. KYL):

S. 2191. A bill to amend the Immigration and Nationality Act, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, to modify provisions of law relating to public assistance and benefits for aliens; to the Committee on the Judiciary.

THE ALIEN PUBLIC ASSISTANCE BENEFITS AMENDMENTS OF 1996

Mr. SIMPSON. Mr. President, this legislation is necessary to put into law those very important provisions of the recent immigration bill which were deleted at the insistence of the White House.

The taxpayers of the United States, and particularly those in the most heavily immigration-impacted States such as California, deserve our protection of the public treasury as contained in this measure.

Without the provisions included in this bill, persons who are eligible to receive food stamps and other public assistance will now be permitted to bring to the United States their immigrant relatives whose income is also below the threshold for many of the Nation's welfare programs. And this, despite, our professed tradition of not allowing any person "likely, at any time, to become a public charge" to immigrate to this country.

Without the provisions of this bill, illegal aliens will continue to receive drivers' licenses, and under the "motor-voter" law provisions, these illegal aliens with drivers' licenses could well wind up voting in U.S. elections.

Without the protections contained in this bill, illegal aliens could continue to receive treatment for AIDS at taxpayers' expense. Please hear that—persons who should not even be in the country—who are here in violation of our laws—could receive treatment for AIDS at a current average cost of $119,000 per person.

Without this legislation, illegal aliens will be permitted to remain in public housing for up to 18 months, even after they have been identified and are determined to be ineligible for this taxpayer-funded assistance. An unconscionable result.

Without the provisions of this bill, immigrants who have become dependent on taxpayer-funded welfare will now be able to evade deportation because of a previous court decision-making immigrants on public assistance immune from deportation. This bill will clearly define the term "public charge" and make that important provision enforceable once again.

Without the provisions herein, illegal aliens will continue to receive Social Security credit for performing unauthorized work in the United States. A startling result.

Without the procedures provided in the measure for verifying an immigrant's eligibility for welfare, we will continue to have illegal aliens who obtain welfare merely by claiming they are a U.S. citizen.

And, without the authorization provided in this bill, States will not have the authority to establish their own verification systems in order to prevent illegal aliens from obtaining State and local welfare benefits.

Mr. President, the provisions in this bill were included in the illegal immigration bills that passed by overwhelming majorities in both Houses of Congress. However, by holding the sword of a Government shutdown over the head of the Congress, President Clinton forced the Senate to delete these important provisions. This legislation will swiftly restore them.

Most immigrants are hard working and self-sufficient. Many of those who do use welfare use it only because our laws and processes make it available to them. If it is not available, they will continue to work hard, succeed, and obtain the American dream without welfare—just as immigrants to this country have for most of our history.

However, this administration not only resists sensible controls on the use of welfare by legal immigrants, it also insists on provisions that will result in illegal aliens accessing the welfare system—for example, by falsely claiming to be U.S. citizens. The American people should be appalled by that.

Mr. President, the efforts of this administration to so dramatically change a vital part of title V of the illegal immigration bill at the last minute ill-serves the taxpayers of this country. Both its policies and its tactics are dead wrong. This bill will remedy that cunning manipulation of the legislation process, and I urge my colleagues to support it.

By Mr. LUGAR:

S. 2193. A bill to establish a program for the disposition of donated private sector and United States Government nonlethal personal property needed by eligible foreign countries; to the Committee on Foreign Relations.

THE U.S. VOLUNTARY AND MATERIAL ASSISTANCE ACT OF 1996

• Mr. LUGAR. Mr. President, I introduce the "United States Voluntary and Material Assistance Act of 1996."

This bill establishes a program for the voluntary transfer of nonlethal equipment and goods donated by the private sector and made available as surplus personal property by Federal agencies. The recipients of these donations are eligible foreign countries who make legitimate requests through the program.

My bill combines the surpluses generated from our wealth, the innate generosity of the American people, our entrepreneurial dynamism, and our humanitarianism into a cost-effective program of public-private assistance to serve our foreign policy and commercial interests.

The bill I am introducing today would look to both Federal agencies and the private sector for donations of usable goods and equipment for shipment abroad. The disposition of surplus personal property from the Federal Government is managed and regulated under the Federal Property and Administrative Services Act of 1949, and amendments thereto. The system of priorities that now exists for disposing surplus Federal property would not be altered by this new program. My bill would simply add foreign recipients to the list of eligible domestic recipients. It would place foreign countries at the end of the current pecking order of eligibility behind domestic claimants for receiving surplus Federal property.

U.S. private organizations and individuals presently donate surplus property to virtually any recipient they want. Many prefer to donate their goods to domestic groups or to private voluntary organizations. However some wish to ship their donated goods to foreign recipients. Nothing in my proposed bill would mandate any change in the manner private sector organizations now donate their surplus properties. In fact, private organizations wishing to donate charitable goods abroad now find the process difficult, time consuming, and expensive. This bill would make it easier, faster, and less costly to do so.

Mr. President, this legislation will bring benefits to many participants. It will provide us with another tool to conduct American foreign policy. It will benefit private enterprises such as businesses, farms, associations, schools, and others who make charitable donations to the program. It will strengthen private voluntary groups and non-governmental organizations who receive and transfer donated items, and it will bring help to recipient countries and requesting organizations in those countries. The bill is, I believe, a winner for all parties involved.

If enacted, this bill would add another cost-effective tool for carrying out U.S. foreign policy. It will help fill some of the gap created by the steady reductions in our official foreign assistance program.

My bill would provide donated equipment and goods at much lower costs than official foreign assistance, thereby further reducing the burden on American taxpayers. Because the goods are donated and not procured, because the shipping costs can be negotiated downward through competitive bidding, because the program requires very little management and bureaucratic infrastructure, and because it will rely heavily on volunteers and nongovernmental organizations, the cost of providing foreign assistance will be significantly reduced.

Mr. President, some small-scale model programs now providing donated humanitarian goods abroad claim they provide more than ten dollars' worth of items for every one dollar invested. In cases where transportation costs are low and the value of the donated goods are high, there can be a better than 100 to 1 ratio in the value of donations supplied to the cost of the program.

In addition to the cost effectiveness, this program inspires and reinforces the generosity and volunteer spirit of the American people. It encourages extensive grassroots involvement to make the program a success.

There are numerous private groups and individuals already lending voluntary assistance overseas. Many are supported by the Federal Government, others operate on their own funds or with funds privately raised. A modestly funded program providing humanitarian assistance to the Newly Independent States of the former Soviet Union, for example, involves charitable contributions and shipments of donated goods from more than 700 cities in all 50 States and from virtually every congressional district. Thousands of American citizens willing to give of their time, talents, and resources make this program work. The program I am proposing will involve less bureaucracy, less redtape, less funding, and more voluntarism. Because of this, spare equipment and disposable goods can be provided more quickly and at lower costs than traditional official foreign assistance.

Participation in international assistance efforts by the private sector is generally limited to collecting and making donations or preparing goods for shipment. My bill seeks to expand and strengthen their participation by creating a viable second track for assistance alongside the government-to-government track.

While overall responsibility for management of the program will reside with a program coordinator in the Department of State, several provisions in my bill strengthen and encourage the role of the private sector. The coordinator is authorized to enlist the services of private organizations and voluntary organizations to collaborate in all phases of the program. Finally, the bill enhances the role of private organizations and voluntary groups by authorizing their involvement in identifying and verifying requests from abroad, receiving donations, and distributing and monitoring items once they are delivered.

Donations of excess goods to eligible countries can bring many tangible and nontangible benefits to American business. Many American firms already donate large quantities of usable medical, agricultural, educational, pharmaceutical, and other equipment and consumables to foreign countries. This is testimony to the generosity and pragmatism of American business.

The practicality of donating surplus goods is extensive. Apart from the positive public relations that voluntary donations can bring, the disposal of surplus goods can reap other concrete advantages for American business. Donations of goods can help open valuable storage space and reduce related costs for both the Federal Government and private donors who wish to upgrade, restructure, or reinventory their stocks of equipment and products. It can generate financial benefits to private businesses by reducing tax liabilities derived from charitable donations not fully depreciated.

American businesses can also enjoy market advantages by making donations to countries where they have little or no market presence. This can be a considerable advantage for companies wishing to establish an international market presence, to learn about foreign markets, establish or expand business networks, or generate interest in their products. Acts of good will can have a self-serving motive.

Let me spell out some of the major features of this bill. First, my bill would establish a program coordinator in the Department of State who would be responsible for the overall management of the program. The coordinator will be more than a recycler of surplus property. He will have the responsibility for responding to legitimate requests from abroad by developing a system for identifying, receiving, and shipping donations. He will be charged with overseeing the receipt, classification, storage, shipment, and use of donated properties to the program. Finally, he will be charged with ensuring quality control of the donations and surplus properties so that the program does not become a repository for unwanted goods. He would be charged with assisting private voluntary organizations and nongovernmental organizations in the implementation of the program.

My bill will permit only non-lethal property donations or surplus items under the program. No item designed for military, religious, or political use will be allowed.

The program will not generate needs but would attempt to satisfy those requests which have been authenticated through our overseas missions, Peace Corps, or private voluntary organizations. The search for usable items in the United States will take place only after the coordinator has received a legitimate request from abroad and entered it into the program. Once identified, a donation must be certified as acceptable for their intended use. This program must not and will not be an outlet for damaged goods which only add to the cost of the program and undermine its objectives.

In addition to quality assurances, the bill requires that the coordinator develop a policy to ensure that the donations and Federal surpluses be used, operated, and maintained by the recipient in a manner that was intended when requested and transferred.

Only those countries now eligible for U.S. foreign assistance can participate. Additional requirements to enhance the integrity of the program are built into the program. The transferred items cannot be resold for profit by or in the recipient country and no transfer will be permitted to countries which impose special import duties on the donated properties.

The bill suggests that the President and the coordinator test the efficacy of the program in pilot programs in sub-Saharan Africa. While there are needs around the world, the needs of sub-Saharan Africa countries are most serious and extensive. It is my hope that a significant effort can be devoted to this underdeveloped region of the world.

Finally, the bill authorizes a modest appropriations for fiscal years 1997 and 1998 of $20 and $25 million respectively. These funds will be used to establish the program, and pay for personnel, related infrastructure, and transportation costs involved in shipping donations abroad.

I hope the United States Voluntary and Material Assistance Act of 1996 will draw the support of the U.S. Senate and the Congress.•

By Mr. CRAIG:

S. 2194. A bill to provide the public with access to quality outfitter and guide services on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

THE OUTFITTER AND GUIDE POLICY ACT OF 1996

• Mr. CRAIG. Mr. President, I am introducing today legislation to provide the public with access to high quality outfitter and guide services on Federal lands.

The public served are visitors to the remote and challenging backcountry of our national forests, public lands, wildlife refuges, national parks, and in a dew instances, lands managed by the Bureau of Reclamation. Many people lack the skills, equipment, and experience to visit the rugged areas found on our public lands. They depend upon the services of professional outfitters and guides for traveling into these areas, for their comfort and safety, and for gaining the memorable experiences that keep millions of people returning to these special places each year.

The 374 small outiftter and guide businesses spread across my State of Idaho are stable businesses and substantial contributors to Idaho's economy. The total gross economic effect attributed to outfitting and guiding activities in Idaho is in excess of $100 million annually, benefiting many local motels, restaurants, retail stores, and a backcountry transportation network of charter air and bus companies.

Because Idaho is a prime destination for American and international visitors, the typical Idaho outfitter does reasonably well in his or her business, with a net return of 10 percent of gross revenue, according to a study in 1993 by the University of Idaho's Department of Resource Recreation and Tourism.

Nationally, the statistics are not as rosy. Studies indicate the outfitter and guide industry as a whole expect to net only 4.1 percent of their gross revenue. Nonetheless, these outfitter and guide services will attract a significant economic benefit—new money, if you will—to the rural communities and counties in which they operate.

With the exception of concessioner law governing hospitality services at national parks, this Congress has never addressed the practices of the outfitter and guide industry and the needs of the millions of visitors who use these services on Federal lands.

The outfitter and guide industry is a multifaceted venture. Idaho's cowboys are such an integral part of our culture that it's difficult to establish a date upon which they became part of the recreation industry. Idaho's whitewater industry traces back as an offshoot of surplus World War II rafts and has enjoyed booming growth since the end of the 1940's. Alongside these activities has developed a complex offering of hunting, fishing, hiking, llama packing, photography tours, outdoor skills training—anything needed to whet the appetite and meet the expectations of visitors to our State.

It wasn't until 1982 that the Forest Service and the Bureau of Land Management established a formal policy for the issuance and administration of outfitter and guide special use permits. But Bureau of Reclamation has only this year begun to develop such a policy with no input whatsoever from this Congress.

Most outfitters will tell you that they have an excellent relationship with their agency partners. There is a clear emphasis in this partnership on high quality service to the public, resource protection and a fair return to the government for the opportunity of doing business on public lands.

Over the past 4 years, however, an increasing number of outfitters and guides have witnessed steady deterioration of this professional relationship. That deterioration is occurring at the field level, undoubtedly as a consequence of agency reorganization, down-sizing, budget restraints, and decentralization of policy review. Individual problems are difficult to address in formal administrative procedures, because Congress has never created the fundamental principles to guide this relationship.

Outfitters in my State also believe—and they make a credible case—that there is an alarming surge of bias against commercial operations in congressionally designated wilderness and other backcountry management areas.

As guiding services are eliminated or reduced in these areas, so go the opportunities for our own citizens and our international visitors to experience the American West in a manner reminiscent of the way Jim Bridger and Lewis and Clark once saw it.

I am introducing legislation today to address this deficiency. I am introducing this legislation so a discussion can begin on an outfitter and guide policy. I will pursue a policy in the coming Congress.

This bill begins a process of setting in place clear policy for agency managers to provide access to the Federal lands for that segment of the public that needs or desires the services of outfitters and guides. It expresses the intent of this Congress that those needs will be met through competition in the quality of services offered to the public, through responsible resource protection, and through a fair fee to the government.

This bill also raises the bar and sets a higher standard for outfitter and guide performance in the next century. We want and need their investment in the training and equipment and facilities required by the public to visit backcountry. That's not a job the agencies can or should be doing.

If outfitters are living up to their commitment to the public, their investment should be secured and good service rewarded by performance-based renewal of a right to operate.

But I think Congress has been very clear in debating proposed concessions policy reform that satisfactory is just no longer good enough. Congress needs to give the agencies a clear signal that the bad and the mediocre are to be removed from a system upon which the American public relies for its use and enjoyment of recreation resources.

Over the past 4 years, my colleague from Utah and my colleague from Arkansas have grappled with the unique and sometimes peculiar details of the outfitter and guide industry. Similarly my colleague from Alaska, who is also the author of concessions policy legislation, is very knowledgeable of the very large outfitter and guide industry in his State.

I would hope that in the next Congress we can combine our efforts to meet the needs of a public who confront a very diverse choice of recreation opportunities on Federal lands. I am convinced that we err in attempting to squeeze these diverse operations into the same mold. There is a uniqueness in the outfitters and guide industry that deserves to be addressed separately.

I want to assure my colleagues that my introduction of outfitter and guide legislation is not solely a reaction to their efforts. The possibility of this legislation has been a point of discussion among Idaho outfitters and myself for over 2 years.

In the meantime, the hunch that the agency relationship was disintegrating has become a reality. Some far-ranging problems have been developing and have taken on clarity for an industry that is critically important to the economy of my State and most other Western States. We were perhaps shortsighted in not addressing the overall structure and operations of this industry in a more formal fashion at the beginning of this decade.

I look forward in the coming months to detailed discussions of the steps to be taken in correcting these problems.●

By Mr. WYDEN (for himself, Mr. DODD, and Mr. SIMON):

S. 2195. A bill to provide for the regulation of human tissue for transplantation to ensure that such tissue is handled in a manner to preserve its safety and purity, and for other purposes; to the Committee on Labor and Human Resources.

THE HUMAN TISSUES SAFETY ACT OF 1996

● Mr. WYDEN. Mr. President, I introduce the Human Tissues Safety Act of 1996. I want to acknowledge at this time the hard work and cosponsorship of my colleagues, Senators DODD and SIMON, who have acted tirelessly in crafting this legislation which I believe enjoys broad support throughout the industry, and which offers patients receiving transplanted human tissues substantial new safety protection and assurance of quality.

This bill addresses regulation by the Food and Drug Administration of human tissue, including cells grown from a patient's own tissue, for transplantation. The bill also addresses the regulation of stem cells obtained from umbilical cord blood, which involves similar issues.

The purpose of this legislation is to ensure that human tissue is regulated in a manner that ensures its safety, while allowing efficacy to be demonstrated through the use of patient outcome registries rather than premarket approval mechanisms that would impede patient access and burden the development of important new tissue repair therapies.

Mr. President, I find it shocking that FDA does not even have a list of the hundreds of tissue banks in this country that process human tissue from cadavers. Without such a list, FDA cannot send inspectors to these tissue banks to ensure that they comply with the Agency's infectious disease screening requirements. We should not wait until a child get AIDS from infected tissue to empower FDA to ensure compliance with its infectious disease screening requirements.

At the same time, our bill would create reduced regulation for the safest type of human tissue—human cells that are taken from a patient biopsy, grown in cell culture, and then reimplanted into the same patient to repair or replace similar tissue. This type of tissue, known as autologous tissue, presents no risk of infectious disease. Although autologous tissue has historically been unregulated, both in the U.S. and throughout the world, the FDA recently announced that it would begin requiring premarket approval for this class of tissue in December 1997.

The FDA's policies for allogeneic, that is, from a donor source, and autologous, that is, from the same patient, tissue are inconsistent with the concept of regulating products based on risk. For instance, cartilage that is obtained from a cadaver presents a number of risks—infectious disease, rejection by the patient's body, graft-versus-host disease, and the risks associated with using immunosuppressive drugs—but is not subject to premarket approval. It does not make sense to require premarket approval for a patient's own cartilage, when alternative, and more risky, sources of cartilage are essentially unregulated.

This bill approaches this field from a very different perspective. We begin with a recognition that transplantation of human tissue, whether allogeneic or autologous, has been an unregulated practice of medicine for over thirty year. During this time, the major problems with tissue and, for that matter, organ transplantation have been, first, the risk of infectious disease and, second, the lack of enough donated tissues and organs for all the patients who need them. There has never been any demonstrated need for a premarket approval mechanism for tissue transplantation. Indeed, the lack of premarket approval has permitted rapid progress to occur in this field, along with faster patient access to important new therapies.

This bill also recognizes that human cells and tissues are not drugs, biological products, or medical devices, and that it is inappropriate to regulate them as if they were. Drugs may be toxic or carcinogenic, while tissue is not. Drugs circulate in the bloodstream and have systemic effects, while tissue is typically transplanted into a localized area and does not circulate in the blood. For these, and many other reasons, tissue is generally less risky than the products that FDA traditionally regulates. The results of transplantation generally are much more predictable than are the effects of a synthetic chemical. It does not make sense to regulate human tissue under a regulatory regime designed for vastly different products. Nor does it make sense to regulate autologous tissue more stringently than allogeneic tissue.

We also recognize that, unlike the patented products that FDA regulates, human tissue transplantation typically involves nonproprietary substances, such as heart valves, bone marrow, corneas, and ligaments. As a result, it's difficult for physicians, tissue banks, and biotechnology companies that develop new ways to use tissue to financially justify the expenditures associated with meeting premarket approval requirements. It is unclear, for instance, that bone marrow transplantation would have been developed had FDA required premarket approval for this technology. And, indeed, when FDA decided to require premarket approval for human heart valves, two of the four tissue banks that supplied these heart valves to surgeons went out of business.

The bottom line is that FDA's plan to regulate many types of human tissue as if they were drugs, and to regulate autologous tissue more stringently than allogeneic tissue, is an exercise of trying to fit square pegs in round holes. It will significantly increase the costs of developing new tissue repair therapies, while delaying patient access for years.

This bill also addresses the regulation of umbilical cord blood, a related field with tremendous medical promise. Until recently, a baby's umbilical cord was considered to be a disposable medical waste. Now we know that umbilical cord blood is a rich source of stem cells, which like bone marrow can be used in transplantation to treat childhood leukemia and other cancers. In fact, cord blood stem cells are even better than bone marrow stem cells because cord blood cells require less precise donor matching than bone marrow cells.

Bone marrow transplantation has been essentially unregulated for the past 30 years, and during that time the principal problem has not been a lack of safety or efficacy, but a lack of bone marrow. Only about 10 percent of transplant candidates are able to obtain a donor match in time to save their lives. So cord blood transplantation is an exciting and potentially lifesaving new development.

Unfortunately, while bone marrow transplantation was developed at a time when FDA did not feel the need to subject every new therapy to premarket approval, cord blood transplantation was not. As in the case of autologous cell therapies, FDA is proposing to regulate cord blood transplantation as if it were a drug, significantly hindering the development of this new therapy.

Mr. President, this bill does not answer all of the questions. For example, I believe that when we take up this legislation at the beginning of the next Congress we must address issues including safeguarding the confidentiality of proprietary company and patient information likely to be recorded during the registry process. Also, oversight will be needed to ensure that if and when FDA implements this process, an overriding theme drives the regulatory exercise . . . that being that the rigor of the FDA's requirements match, but not exceed, the degree of manipulation a particular human tissue product undergoes.

This is an exciting and potentially very important new field of biomedical research. It is my intention to focus on this issue early in the next Congress.●

By Mr. LAUTENBERG (for himself, Mr. Levin, Mr. DeWine, and Mr. Bradley):

S. 2196. A bill to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison, to redesign the half dollar circulating coin for 1997 to commemorate Thomas Edison, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE THOMAS ALVA EDISON SESQUICENTENNIAL COMMEMORATIVE COIN ACT

Mr. LAUTENBERG. Mr. President, I rise on behalf of Senators Bradley, Levin, and myself, to submit a resolution that would direct the Secretary of the Treasury to mint coins in 1997 commemorating the 150th anniversary of Thomas Alva Edison's birth.

The genius behind more than 1,300 inventions, including the incandescent light bulb, the alkaline battery, the phonograph and motion pictures, Edison was awarded the Congressional gold medal in 1928 "for development and application of inventions that have revolutionized civilization in the last century." We have the opportunity to again honor one of the world's greatest inventors by issuing both commemorative and circulating coins with Mr. Edison's likeness.

Mr. President, not only would these coins honor the memory of Thomas Edison, they would also raise revenue to support organizations that preserve his legacy. The two New Jersey Edison sites, the "invention factory" in West Orange, NJ, and the Edison Memorial Tower in Edison, NJ, are both in poor condition. Irreplaceable records and priceless memorabilia are in danger of being destroyed because of leaky roofs, defective electrical systems and faulty sprinkler systems. The profits raised from surcharges on the commemorative coins would provide funds to repair and preserve these and five other historical Edison sites across the country and to expand educational programs that teach us about this great American.

Let me emphasize that this legislation would have no net cost to the Government. In fact, because circulating coins are a source of Government revenue known as seigniorage, this bill will reduce Government borrowing requirements, thereby lowering the annual interest payments on the national debt. An Edison commemorative coin program also has strong support among America's numismatists whose interest is crucial to the success of any coin program.

Mr. President, I introduce this legislation at the end of the 104th Congress with the expectation that it will be reintroduced in the next Congress and passed next year during the sesquicentennial of the birth of Thomas Alva Edison. This legislation would honor a great American inventor, it would provide seigniorage to the Treasury to help service the national debt, it is popular among coin collectors, and it would provide sorely needed funds to important historical sites.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Thomas Alva Edison Sesquicentennial Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress hereby finds the following:

(1) Thomas Alva Edison, one of America's greatest inventors, was born on February 11, 1847, in Milan, Ohio.

(2) Thomas A. Edison's inexhaustible energy and genius produced more than 1,300 inventions in his lifetime, including the incandescent light bulb and the phonograph.

(3) In 1928, Thomas A. Edison received the Congressional gold medal "for development and application of inventions that have revolutionized civilization in the last century".

(4) 1997 will mark the sesquicentennial of Thomas A. Edison's birth.

TITLE I—COMMEMORATIVE COINS

SEC. 101. COIN SPECIFICATIONS.

(a) Denominations.—In commemoration of the sesquicentennial of the birth of Thomas A. Edison, the Secretary of the Treasury (in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $1 Silver coins.—Not more than 350,000 1 dollar coins, each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(2) Half dollar silver coins.—Not more than 350,000 half dollar coins, each of which shall—

(A) weigh 12.50 grams;

(B) have a diameter of 1.205 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) Legal Tender.—The coins minted under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) Numismatic Items.—For purposes of section 5134 of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 102. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this title only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 103. DESIGN OF COINS.

(a) Design Requirements.—

(1) In general.—The design of the coins minted under this title shall be emblematic

of the many inventions made by Thomas A. Edison throughout his prolific life.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this title there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the years "1847–1997"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(3) OBVERSE OF COIN.—The obverse of each coin minted under this title shall bear the likeness of Thomas A. Edison.

(b) DESIGN COMPETITION.—Before the end of the 3-month period beginning on the date of the enactment of this Act, the Secretary shall conduct an open design competition for the design of the obverse and the reverse of the coins minted under this title.

(c) SELECTION.—The design for the coins minted under this title shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 104. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this title shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this title.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this title beginning January 1, 1997.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this title after December 31, 1997.

SEC. 105. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this title shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this title at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this title shall include a surcharge of—

(1) $14 per coin for the $1 coin; and

(2) $7 per coin for the half dollar coin.

SEC. 106. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

SEC. 107. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—The first $7,000,000 of the surcharges received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary as follows:

(1) ⅐ to the Museum of Arts and History, in the city of Port Huron, Michigan for the endowment and construction of a special museum on Thomas A. Edison's life in Port Huron.

(2) ⅐ to the Edison Birthplace Association, Incorporated, in Milan, Ohio, to assist in such association's efforts to raise an endowment as a permanent source of support for the repair and maintenance of the Thomas A. Edison birthplace, a national historic landmark.

(3) ⅐ to the National Park Service for use in protecting, restoring, and cataloguing historic documents and objects at Thomas A. Edison's "invention factory" in West Orange, New Jersey.

(4) ⅐ to the Edison Plaza Museum in Beaumont, Texas, for expanding educational programs on Thomas A. Edison and for the repair and maintenance of the museum.

(5) ⅐ to the Edison Winter Home and Museum in Fort Myers, Florida, for historic preservation, restoration, and maintenance of Thomas A. Edison's historic home and chemical laboratory.

(6) ⅐ to Greenfield Village in Dearborn, Michigan, for use in maintaining and expanding displays and educational programs associated with Thomas A. Edison.

(7) ⅐ to the Edison Memorial Tower in Edison, New Jersey, for the preservation, restoration, and expansion of the tower and museum.

(b) EXCESS PAYABLE TO THE NATIONAL NUMISMATIC COLLECTION.—After payment of the amount required under subsection (a), the Secretary shall pay the remaining surcharges to the National Museum of American History, Washington, D.C., for the support of the National Numismatic Collection at the museum.

(c) AUDITS.—The Comptroller General of the United States shall have the rights to examine such books, records, documents, and other data of any organization which receives any payment from the Secretary under this section, as may be related to the expenditures of amounts paid under this section.

SEC. 108. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

Mr. BRADLEY. Mr. President, I rise today to pay tribute to an extraordinary American and New Jerseyan. A hero of the imagination whose ingenuity and continuing output of technology profoundly changed the lives of people throughout the world. A genius who set a standard for American inventiveness that has keyed our progress as a nation.

Mr. President, it gives me great pleasure in my final floor statement to join my colleague from New Jersey, Senator LAUTENBERG, in introducing the THOMAS A. Edison Commemorative Coin Act.

In the spring of 1876, the young Thomas Alva Edison, not yet 30 years old, moved 15 of his workers to the small town of Menlo Park, NJ. This young man, who had decided to go into the "invention business," did not see inventions as strokes of luck. Rather, Edison believed that inventions were the products of dedicated work and purpose.

Mr. President, before he had reached 21 years of age, Edison was granted his first patent for a telegraphic vote-recording machine. He had developed this machine while he was reporting the votes of Congress over the press wires from his job as a telegraph operator. With this invention, at each rollcall Members of Congress would simply press a button at their seats, immediately registering the vote at the Speaker's desk, where votes were counted automatically. Already at this early age, Edison showed that he was ahead of his time. In response to his invention, the House declared that it was not ready for automated voting, and the Senate today continues to go by voice vote. For this, at the very least, it is suitable that Congress recognize Thomas Edison.

At Menlo Park, Edison developed a string of remarkable new technologies that would shape human history. In 1876 he was instrumental in improving the telephone to reach marketability. In 1877, Edison sang "Mary Had a Little Lamb" and played it back to his astonished workers, having invented the first "talking machine," or phonograph. On New Years' Eve in 1880, Edison illuminated Menlo Park at night with forty incandescent light bulbs, which he had developed 1 year earlier. In 1883, he extended the use of electricity to develop an electric railway that soon became the basis of an electric street car system. In 1891, he produced a Kinetoscope and 35 mm film using celluloid, two products which were the predecessors of all later motion-picture machines and film.

Despite his achievements, Edison was a man who held that there was no such thing as genius, and his many failed trials and efforts inspired him to say that his success was "99 percent perspiration and 1 percent inspiration." For Thomas Edison, inventing was a passion, and he demanded as much from those who worked with him.

In authorizing the Secretary of the Treasury and the U.S. Mint to produce a commemorative coin in his memory, it is my hope that we will never forget to acknowledge Edison's contributions and inventive spirit. Once the costs of the production of the coin are recovered, proceeds from the sale of this coin will fund the renovation and upkeep of seven sites in five different States dedicated to preserving Edison's work, including the Invention Factory in West Orange, NJ, and the Edison Memorial Tower in Edison, NJ.

Mr. President, it is an honor for me to pay tribute to the Wizard of Menlo Park, whose inventions had a scope and effect which are truly awe-inspiring. We are duty-bound as a nation to preserve the memory of a man who developed technology that carried human speech and experience beyond time and space, and transformed night into day for millions of Americans.

I hope my colleagues will join me in strong support of this legislation.

ADDITIONAL COSPONSORS

S. 47

At the request of Mr. SARBANES, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 47, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 1385

At the request of Mr. BREAUX, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1385, a bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under part B of the Medicare Pprogram.

S. 1660

At the request of Mr. GLENN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1660, a bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

S. 1756

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1756, a bill to provide additional pension security for spouses and former spouses, and for other purposes.

S. 1951

At the request of Mr. FORD, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 1951, a bill to ensure the competitiveness of the United States textile and apparel industry.

S. 2061

At the request of Ms. SNOWE, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 2061, a bill to amend title II of the Trade Act of 1974 to clarify the definition of domestic industry and to include certain agricultural products for purposes of providing relief from injury caused by import competition, and for other purposes.

S. 2165

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 2165, a bill to require the President to impose economic sanctions against countries that fail to eliminate corrupt business practices, and for other purposes.

S. 2188

At the request of Mr. SIMPSON, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of S. 2188, a bill to provide for the retention of the name of the mountain at the Devils Tower National Monument in Wyoming known as "Devils Tower", and for other purposes.

SENATE CONCURRENT RESOLUTION 73

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Concurrent Resolution 73, a concurrent resolution concerning the return of or compensation for wrongly confiscated foreign properties in formerly Communist countries and by certain foreign financial institutions.

SENATE CONCURRENT RESOLUTION 74—TO PROVIDE FOR A CHANGE IN THE ENROLLMENT OF H.R. 3539

Mr. BROWN submitted the following resolution; which will lie over, under the rule:

S. CON. RES. 74

Resolved by the Senate (the House of Representatives concurring); That the action of the Acting President pro tempore of the Senate and the Speaker of the House of Representatives in signing the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, is rescinded and the Clerk of the House of Representatives shall, in the reenrollment of such bill, add the following section at the end of title XII:

SAC. 12 . CONSTRUCTION OF RUNWAYS.

Notwithstanding section 332 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 457), or any other provision of law that specifically restricts the number of runways at a single international airport, the Secretary of Transportation may obligate funds under chapters 471 and 481 of title 49, United States Code, for any project to construct a new runway at such airport, unless this section is expressly repealed.

SENATE RESOLUTION 311—DESIGNATING THE MONTH OF NOVEMBER 1996 AS "NATIONAL AMERICAN INDIAN HERITAGE MONTH"

Mr. MCCAIN (for himself, Mr. ABRAHAM, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. CAMPBELL, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. D'AMATO, Mr. DASCHLE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. ROCKEFELLER, Mr. SIMON, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 311

Whereas American Indians and Alaska Natives were the original inhabitants of the land that now constitutes the United States;

Whereas American Indian tribal governments developed the fundamental principles of freedom of speech and separation of powers that form the foundation of the United States Government;

Whereas American Indians and Alaska Natives have traditionally exhibited a respect for the finiteness of natural resources through a reverence for the earth;

Whereas American Indians and Alaska Natives have served with valor in all of America's wars beginning with the Revolutionary War through the conflict in the Persian Gulf, and often the percentage of American Indians who served exceeded significantly the percentage of American Indians in the population of the United States as a whole;

Whereas American Indians and Alaska Natives have made distinct and important contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas American Indians and Alaska Natives deserve to be recognized for their individual contributions to the United States as local and national leaders, artists, athletes, and scholars;

Whereas this recognition will encourage self-esteem, pride, and self-awareness in American Indians and Alaska Natives of all ages; and

Whereas November is a time when many Americans commemorate a special time in the history of the United States when American Indians and English settlers celebrated the bounty of their harvest and the promise of new kinships: Now, therefore, be it

Resolved, That the Senate designates November 1996 as "National American Indian Heritage Month" and requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 312—SALUTING THE SERVICE OF JOHN L. DONEY

Mr. LOTT (for himself and Mr. ROTH) submitted the following resolution; which was considered and agreed to:

S. RES. 312

Whereas, John L. Doney has served the United States Senate since September 1980;

Whereas, Mr. Doney has during his Senate career served in the capacities of staff assistant to Senator Bill Roth, Senate Post Office Clerk, Republican Cloakroom assistant, assistant secretary to the minority, culminating in his appointment as assistant secretary to the majority:

Whereas, throughout his Senate career Mr. Doney has been a reliable source of advice to Senators and staff alike;

Whereas, Mr. Doney's more than 16 years of service have been characterized by infinite patience, unfailing good humor, and a deep sense of respect for this institution;

Therefore be it resolved, That the Senate salutes John L. Doney for his career of public service to the United States Senate and its members.

SENATE RESOLUTION 313—RELATING TO THE RETIREMENT OF THE SUPERINTENDENT OF DOCUMENTS, U.S. SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 313

Whereas the Senate has been advised of the retirement of its Superintendent of Documents, Ms. Jeanie Bowles;

Whereas Jeanie Bowles became an employee of the Senate of the United States on January 3, 1971, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the Senate of the United States for a period that included thirteen Congresses;

Whereas Jeanie Bowles has served with distinction as Assistant Editor in the Office of the Official Reporters, which position she was appointed to February 2, 1981;

Whereas Jeanie Bowles has served with distinction as Superintendent of Documents, which position she has held since June 16, 1986;

Whereas Jeanie Bowles has discharged her responsibilities with efficiency, devotion, and grace, in particular dedicating her Senate service to the advancement of young people.

Now, therefore, be it

Resolved, That the Senate of the United States commends Jeanie Bowles for her exemplary service to the Senate and the Nation; wishes to express its deep gratitude and appreciation for her long, faithful, and outstanding service; and extends its best wishes upon her retirement.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Jeanie Bowles.

SENATE RESOLUTION 314—TO AUTHORIZE CERTAIN APPOINTMENTS AFTER THE SINE DIE ADJOURNMENT OF THE PRESENT SESSION

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 314

Resolved, That notwithstanding the sine die adjournment of the present session of the Congress, the President of the Senate, the President of the Senate pro tempore, the Majority Leader of the Senate, and the Minority Leader of the Senate be, and they are hereby, authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

SENATE RESOLUTION 315—RELATIVE TO THE PROPOSED ADJOURNMENT OF THE SESSION

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 315

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join a similar committee of the House of Representatives to notify the President of the United States that two Houses have completed their business of the session and are ready to adjourn unless he has some further communication to make to them.

SENATE RESOLUTION 316—TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 316

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fourth Congress.

SENATE RESOLUTION 317—TENDERING THE THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 317

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fourth Congress.

SENATE RESOLUTION 318—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 318

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

SENATE RESOLUTION 319—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 319

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

SENATE RESOLUTION 320—AUTHORIZING THE PRINTING OF A SENATE DOCUMENT

Mr. LOTT (for Mr. HATFIELD) submitted the following resolution; which was considered and agreed to:

S. RES. 320

Resolved, That there be printed with illustrations as a Senate document a compilation of materials entitled "Committee on Appropriations, United States Senate, 129th Anniversary, 1867–1996", and that there be printed two thousand additional copies of such document for the use of the Committee on Appropriations.

SENATE RESOLUTION 321—AUTHORIZING THE ACCEPTANCE OF PRO BONO LEGAL SERVICES BY A MEMBER OF THE SENATE

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. RES. 321

Resolved, That (a) notwithstanding the provisions of the Standing Rules of the Senate or Senate Resolution 508, adopted by the Senate on September 4, 1980, pro bono legal services provided to a Member of the Senate with respect to a civil action challenging the validity of a Federal statute that expressly authorizes a Member to file an action—

(1) shall not be deemed a gift to the Member;

(2) shall not be deemed to be a contribution to the office account of the Member; and

(3) shall not require the establishment of a legal expense trust fund.

(b) The Select Committee on Ethics shall establish regulations providing for the public disclosure of information relating to pro bono legal services performed as authorized by this resolution.

SENATE RESOLUTION 322—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER

Mr. THURMOND submitted the following resolution; which was considered and agreed to:

S. RES. 322

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

SENATE RESOLUTION 323—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. THURMOND submitted the following resolution; which was considered and agreed to:

S. RES. 323

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

SENATE RESOLUTION 324—RELATIVE TO SENATE FAIR EMPLOYMENT PRACTICES

Mr. LOTT submitted the following resolution; which was considered and agreed to.

S. RES. 324

Resolved, That the Secretary of the Senate shall transfer an amount not to exceed $100,000, from the resolution and reorganization reserve of the miscellaneous items appropriations account, within the contingent fund of the Senate, for use by the Director of the Office of Senate Fair Employment Practices for salaries and expenses of such Office through January 30, 1997, related to carrying out the responsibilities of such Office in accordance with section 506 of the Congressional Accountability Act of 1995 (2 U.S.C. 1435). Effective date is October 1, 1996.

AMENDMENTS SUBMITTED

SINE DIE ADJOURNMENT CONCURRENT RESOLUTION

LOTT AMENDMENT NO. 5426

Mr. LOTT proposed an amendment to the concurrent resolution (H. Con. Res. 230) providing for the sine die adjournment of the second session of the One Hundred Fourth Congress; as follows:

Strike all after the resolving clause, and substitute the following in lieu thereof:

"That when the House adjourns on the legislative day of Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2 The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

THE CACHE LA POUDRE RIVER NATIONAL WATER HERITAGE AREA ACT

BROWN AMENDMENT NO. 5427

Mr. LOTT (for Mr. BROWN) proposed an amendment to the bill (S. 342) to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado, and for other purposes, as follows:

Strike all after the enacting clause and add the following:

CACHE LA POUDRE

SECTION 100. SHORT TITLE.

This Act may be cited as the "Cache La Poudre River Corridor Act".

SEC. 101. PURPOSE.

The purpose of this title is to designate the Cache La Poudre Corridor within the Cache La Poudre River Basin and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

SEC. 102. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Cache La Poudre Corridor Commission established by section ___04(a).

(2) CORRIDOR.—The term "Corridor" means the Cache La Poudre Corridor established by section ___03(a).

(3) GOVERNOR.—The term "Governor" means the Governor of the State of Colorado.

(4) PLAN.—The term "Plan" means the corridor interpretation plan prepared by the Commission pursuant to section ___08(a).

(5) POLITICAL SUBDIVISION OF THE STATE.—The term "political subdivision of the State" means a political subdivision of the State of Colorado, any part of which is located in or adjacent to the Corridor, including a county, city, town, water conservancy district, or special district.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT OF THE CACHE LA POUDRE CORRIDOR.

(a) ESTABLISHMENT.—There is established in the State of Colorado the Cache La Poudre Corridor.

(b) BOUNDARIES.—The boundaries of the Corridor shall include the lands within the 100-year flood plain of the Cache La Poudre River Basin, beginning at a point where the Cache La Poudre River flows out of the Roosevelt National Forest and continuing east along the floodplain to a point ¼ mile west of the confluence of the Cache La Poudre River and the South Platte Rivers in Weld County, Colorado, comprising less than 35,000 acres, and generally depicted as the 100-year flood boundary on the Federal Flood Insurance maps listed below:

(1) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0146B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(2) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0147B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(3) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0162B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(4) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0163C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(5) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0178C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(6) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080102 0002B, February 15, 1984. Federal Emergency Management Agency, Federal Insurance Administration.

(7) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0179C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(8) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0193D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(9) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0194D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(10) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0208C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(11) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0221C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(12) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0605D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(13) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080264 0005A, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(14) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0608D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(15) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0609C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(16) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0628C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(17) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080184 0002B, July 16, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(18) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0636C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(19) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0637C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of the boundaries of the Corridor.

(c) PUBLIC ACCESS TO MAPS.—The maps shall be on file and available for public inspection in—

(1) the offices of the Department of the Interior in Washington, District of Columbia, and Denver, Colorado; and

(2) local offices of the city of Fort Collins, Larimer Country, the city of Greeley, and Weld County.

SEC. 104. ESTABLISHMENT OF THE CACHE LA POUDRE CORRIDOR COMMISSION.

(a) CACHE LA POUDRE CORRIDOR COMMISSION.—

(1) IN GENERAL.—Upon the recommendation of the Governor, the Secretary is authorized to recognize, for the purpose of developing and implementing the plan referred to in subsection (g)(1), the Cache La Poudre Corridor Commission, as such Commission may be established by the State of Colorado or its political subdivisions.

(2) REFLECTION OF CROSS-SECTION OF INTERESTS.—The Secretary may provide recognition under paragraph (1) only if the Commission reflects the following:

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 15 members appointed not later than 6 months after the date of enactment of this Act. Of these 15 members—

(A) 1 member shall be a representative of the Secretary of the Interior which member shall be an ex officio member;

(B) 1 member shall be a representative of the Forest Service, appointed by the Secretary of Agriculture, which member shall be an ex officio member;

(C) 3 members shall be recommended by the Governor and appointed by the Secretary, of whom—

(i) 1 member shall represent the State;

(ii) 1 member shall represent Colorado State University in Fort Collins; and

(iii) 1 member shall represent the Northern Colorado Water Conservancy District;

(D) 6 members shall be representatives of local governments who are recommended by the Governor and appointed by the Secretary, of whom—

(i) 1 member shall represent the city of Fort Collins;

(ii) 2 members shall represent Larimer County, 1 of which shall represent agriculture or irrigated water interests;

(iii) 1 member shall represent the city of Greeley;

(iv) 2 members shall represent Weld County, 1 of which shall represent agricultural or irrigated water interests; and

(v) 1 member shall represent the city of Loveland; and

(E) 3 members shall be recommended by the Governor and appointed by the Secretary, and shall—

(i) represent the general public;

(ii) be citizens of the State; and

(iii) reside within the Corridor.

(2) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission from among members appointed under subparagraph (C), (D), or (E) of paragraph (1). The chairperson shall be elected for a 2-year term.

(3) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(c) TERMS OF SERVICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each member of the Commission shall be appointed for a term of 3 years and may be reappointed.

(2) INITIAL MEMBERS.—The initial members of the Commission first appointed under subsection (b)(1) shall be appointed as follows:

(A) 3-YEAR TERMS.—The following initial members shall serve for a 3-year term:

(i) The representative of the Secretary of the Interior.

(ii) 1 representative of Weld County.

(iii) 1 representative of Larimer County.

(iv) 1 representative of the city of Loveland.

(v) 1 representative of the general public.

(B) 2-YEAR TERMS.—The following initial members shall serve for a 2-year term:

(i) The representative of the Forest Service.

(ii) The representative of the State.

(iii) The representative of Colorado State University.

(iv) The representative of the Northern Colorado Water Conservancy District.

(C) 1-YEAR TERMS.—The following initial members shall serve for a 1-year term:

(i) 1 representative of the city of Fort Collins.

(ii) 1 representative of Larimer County.

(iii) 1 representative of the city of Greeley.

(iv) 1 representative of Weld County.

(v) 1 representative of the general public.

(3) PARTIAL TERMS.—

(A) FILLING VACANCIES.—A member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of the member's term.

(B) EXTENDED SERVICE.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

(d) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission.

(e) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

SEC. 105. STAFF OF THE COMMISSION.

(a) STAFF.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out the duties of the Commission.

(1) APPOINTMENT AND COMPENSATION.—Staff appointed by the Commission—

(A) shall be appointed without regard to the civil service laws (including regulations); and

(B) shall be compensated without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(c) STAFF OF OTHER AGENCIES.—

(1) FEDERAL.—Upon request of the Commission, the head of a Federal agency may detail, on a reimbursement basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the Commission's duties. The detail shall be without interruption or loss of civil service status or privilege.

(2) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) STATE.—The Commission may—

(A) accept the service of personnel detailed from the State, State agencies, and political subdivisions of the State; and

(B) reimburse the State, State agency, or political subdivision of the State for such services.

SEC. 106. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out this title.

(2) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) MATCHING FUNDS.—The Commission may use its funds to obtain money from any source under a program or law requiring the recipient of the money to make a contribution in order to receive the money.

(d) GIFTS.—Except as provided in subsection (e)(3), the Commission may, for the purpose of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services received from any source.

(e) REAL PROPERTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may not acquire real property or an interest in real property.

(2) EXCEPTION.—Subject to paragraph (3), the Commission may acquire real property in the Corridor, and interests in real property in the Corridor—

(A) by gift or device;

(B) by purchase from a willing seller with money that was given or bequeathed to the Commission; or

(C) by exchange.

(3) CONVEYANCE TO PUBLIC AGENCIES.—Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate non-Federal public agency, as determined by the Commission. The conveyance shall be made—

(A) as soon as practicable after acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used in furtherance of the purpose for which the Corridor is established.

(f) COOPERATIVE AGREEMENTS.—For the purpose of carrying out the Plan, the Commission may enter into cooperative agreements with Federal agencies, State agencies, political subdivisions of the State, and persons. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action that may affect the implementation of the Plan.

(g) ADVISORY GROUPS.—The Commission may establish such advisory groups as it considers necessary to ensure open communication with, and assistance from Federal agencies, State agencies, political subdivisions of the State, and interested persons.

(h) MODIFICATION OF PLANS.—

(1) IN GENERAL.—The Commission may modify the Plan if the Commission determines that such modification is necessary to carry out this title.

(2) NOTICE.—No modification shall take effect until—

(A) any Federal agency, State agency, or political subdivision of the State that may be affected by the modification receives adequate notice of, and an opportunity to comment on, the modification;

(B) if the modification is significant, as determined by the Commission, the Commission has—

(i) provided adequate notice of the modification by publication in the area of the Corridor; and

(ii) conducted a public hearing with respect to the modification; and

(C) the Governor has approved the modification.

SEC. 107. DUTIES OF THE COMMISSION.

(a) PLAN.—The Commission shall prepare, obtain approval for, implement, and support the Plan in accordance with section ____08.

(b) MEETINGS.—

(1) TIMING.—

(A) INITIAL MEETING.—The Commission shall hold its first meeting not later than 90 days after the date on which its last initial member is appointed.

(B) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the chairperson or 7 of its members, except that the commission shall meet at least quarterly .

(2) QUORUM.—Ten members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(3) BUDGET.—The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

(c) ANNUAL REPORTS.—Not later than May 15 of each year, following the year in which the members of the Commission have been appointed, the Commission shall publish and submit to the Secretary and to the Governor, an annual report concerning the Commission's activities.

SEC. 108. PREPARATION, REVIEW, AND IMPLEMENTATION OF THE PLAN.

(a) PREPARATION OF PLAN.—

(1) IN GENERAL.—Not later than 2 years after the Commission conducts its first meeting, the Commission shall submit to the Governor a Corridor Interpretation Plan.

(2) DEVELOPMENT.—In developing the Plan, the Commission shall—

(A) consult on a regular basis with appropriate officials of any Federal or State agency, political subdivision of the State, and local government that has jurisdiction over or an ownership interest in land, water, or water rights within the Corridor; and

(B) conduct public hearings within the Corridor for the purpose of providing interested persons the opportunity to testify about matters to be addressed by the Plan.

(3) RELATIONSHIP TO EXISTING PLANS.—The Plan—

(A) shall recognize any existing Federal, State, and local plans;

(B) shall not interfere with the implementation, administration, or amendment of such plans; and

(C) to the extent feasible, shall seek to coordinate the plans and present a unified interpretation plan for the Corridor.

(b) REVIEW OF PLAN.—

(1) IN GENERAL.—The Commission shall submit the Plan to the Governor for the Governor's review.

(2) GOVERNOR.—The Governor may review the Plan and, if the Governor concurs in the Plan, may submit the Plan to the Secretary, together with any recommendations.

(3) SECRETARY.—The Secretary shall approve or disapprove the Plan within 90 days. In reviewing the Plan, the Secretary shall consider the adequacy of—

(A) public participation; and

(B) the Plan in interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

(c) DISAPPROVAL OF PLAN.—

(1) NOTIFICATION BY SECRETARY.—If the Secretary disapproves the Plan, the Secretary shall, not later than 60 days after the date of disapproval, advise the Governor and the Commission of the reasons for disapproval, together with recommendations for revision.

(2) REVISION AND RESUBMISSION TO GOVERNOR.—Not later than 90 days after receipt of the notice of disapproval, the Commission shall revise and resubmit the Plan to the Governor for review.

(3) RESUBMISSION TO SECRETARY.—If the Governor concurs in the revised Plan, he may submit the revised Plan to the Secretary who shall approve or disapprove the revision within 60 days. If the Governor does not concur in the revised Plan, he may resubmit it to the Commission together with the Governor's recommendations for further consideration and modification.

(d) IMPLEMENTATION OF PLAN.—After approval by the Secretary, the Commission shall implement and support the Plan as follows:

(1) CULTURAL RESOURCES.—

(A) IN GENERAL.—The Commission shall assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the conservation and interpretation of cultural resources within the Corridor.

(B) EXCEPTION.—In providing the assistance, the Commission shall in no way infringe upon the authorities and policies of a Federal agency, State agency, or political subdivision of the State concerning the administration and management of property, water, or water rights held by the agency, political subdivision, or private persons or entities, or affect the jurisdiction of the State of Colorado over any property, water, or water rights within the Corridor.

(2) PUBLIC AWARENESS.—The Commission shall assist in the enhancement of public awareness of, and appreciation for, the historical, recreational, architectural, and engineering structures in the Corridor, and the archaeological, geological, and cultural resources and sites in the Corridor—

(A) by encouraging private owners of identified structures, sites, and resources to adopt voluntary measures for the preservation of the identified structure, site, or resource; and

(B) by cooperating with Federal agencies, State agencies, and political subdivisions of the State in acquiring, on a willing seller basis, any identified structure, site, or resource which the Commission, with the concurrence of the Governor, determines should be acquired and held by an agency of the State.

(3) RESTORATION.—The Commission may assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the restoration of any identified structure or site in the Corridor with consent of the owner. The assistance may include providing technical assistance for historic preservation, revitalization, and enhancement efforts.

(4) INTERPRETATION.—The Commission shall assist in the interpretation of the historical, present, and future uses of the Corridor—

(A) by consulting with the Secretary with respect to the implementation of the Secretary's duties under section ____10;

(B) by assisting the State and political subdivisions of the State in establishing and maintaining visitor orientation centers and other interpretive exhibits within the Corridor;

(C) by encouraging voluntary cooperation and coordination, with respect to ongoing interpretive services in the Corridor, among Federal agencies, State agencies, political subdivisions of the State, nonprofit organizations, and private citizens; and

(D) by encouraging Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations to undertake new interpretive initiatives with respect to the Corridor.

(5) RECOGNITION.—The Commission shall assist in establishing recognition for the Corridor by actively promoting the cultural, historical, natural, and recreational resources of the Corridor on a community, regional, statewide, national, and international basis.

(6) LAND EXCHANGES.—The Commission shall assist in identifying and implementing land exchanges within the State of Colorado by Federal and State agencies that will expand open space and recreational opportunities within the flood plain of the Corridor.

SEC. 109. TERMINATION OF TRAVEL EXPENSES PROVISION.

Effective on the date that is 5 years after the date on which the Secretary approves the Plan, section ____04 is amended by striking subsection (e).

SEC. 110. DUTIES OF THE SECRETARY.

(a) ACQUISITION OF LAND.—The Secretary may acquire land and interests in land within the Corridor that have been specifically identified by the Commission for acquisition by the Federal Government and that have been approved for the acquisition by the Governor and the political subdivision of the State where the land is located by donation, purchase with donated or appropriated funds, or exchange. Acquisition authority may only be used if the lands cannot be acquired by donation or exchange. No land or interest in land may be acquired without the consent of the owner.

(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of the Commission, provide technical assistance to the Commission in the preparation and implementation of the Plan pursuant to section 108.

(c) DETAIL.—Each fiscal year during the existence of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties under section 107.

SEC. 111. OTHER FEDERAL ENTITIES.

(a) DUTIES.—Subject to section 112, a Federal entity conducting or supporting activities directly affecting the flow of the Cache La Poudre River through the Corridor, or the natural resources of the Corridor shall consult with the Commission with respect to the activities;

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary or Administrator of a Federal agency may acquire land in the flood plain of the Corridor by exchange for other lands within the agency's jurisdiction within the State of Colorado, based on fair market value, if the lands have been identified by the Commission for acquisition by a Federal agency and the Governor and the political subdivision of the State or the owner where the lands are located concur

in the exchange. Land so acquired shall be used to fulfill the purpose for which the Corridor is established.

(2) CONVEYANCE OF SURPLUS REAL PROPERTY.—Without monetary consideration to the United States, the Administrator of General Services may convey to the State of Colorado, its political subdivisions, or instrumentalities thereof all of the right, title, and interest of the United States in and to any surplus real property (within the meaning of section 3(g) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(g)) within the State of Colorado which the Secretary has determined is suitable and desirable to meet the purposes for which the Corridor is established. Subparagraph (B) of section 203(k)(3) of such Act shall apply to any conveyance made under this paragraph. For purposes of the preceding sentence, such subparagraph shall be applied by substituting "the purposes for which the Cache La Poudre Corridor is established" for "historic monument purposes".

SEC. 112. EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS, RESTRICTIONS, AND SAVINGS PROVISIONS.

(a) EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.—

(1) VOLUNTARY COOPERATION.—In carrying out this title, the Commission and Secretary shall emphasize voluntary cooperation.

(2) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this title shall be considered to impose or form the basis for imposition of any environmental, occupational, safety, or other rule, regulation, standard, or permit process that is different from those that would be applicable had the Corridor not been established.

(3) ENVIRONMENTAL QUALITY STANDARDS.—Nothing in this title shall be considered to impose the application or administration of any Federal or State environmental quality standard that is different from those that will be applicable had the Corridor not been established.

(4) WATER STANDARDS.—Nothing in this title shall be considered to impose any Federal or State water use designation or water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent to the Corridor, that is more restrictive than those that would be applicable had the Corridor not been established.

(5) PERMITTING OF FACILITIES.—Nothing in the establishment of the Corridor shall abridge, restrict, or alter any applicable rule, regulation, standard, or review procedure for permitting of facilities within or adjacent to the Corridor.

(6) WATER FACILITIES.—Nothing in the establishment of the Corridor shall affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers.

(7) WATER AND WATER RIGHTS.—Nothing in the establishment of the Corridor shall be considered to authorize or imply the reservation or appropriation of water or water rights for any purpose.

(b) RESTRICTIONS ON COMMISSION AND SECRETARY.—Nothing in this title shall be construed to vest in the Commission or the Secretary the authority to—

(1) require a Federal agency, State agency, political subdivision of the State, or private person (including an owner of private property) to participate in a project or program carried out by the Commission or the Secretary under the title;

(2) intervene as a party in an administrative or judicial proceeding concerning the application or enforcement of a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including, but not limited to, authority relating to—

(A) land use regulation;

(B) environmental quality;

(C) licensing;

(D) permitting;

(E) easements;

(F) private land development; or

(G) other occupational or access issue;

(3) establish or modify a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including authority relating to—

(A) land use regulation;

(B) environmental quality; or

(C) pipeline or utility crossings;

(4) modify a policy of a Federal agency, State agency, or political subdivision of the State;

(5) attest in any manner the authority and jurisdiction of the State with respect to the acquisition of lands or water, or interest in lands or water;

(6) vest authority to reserve or appropriate water or water rights in any entity for any purpose;

(7) deny, condition, or restrict the construction, repair, rehabilitation, or expansion of water facilities, including stormwater, water, and wastewater treatment facilities; or

(8) deny, condition, or restrict the exercise of water rights in accordance with the substantive and procedural requirements of the laws of the State.

(c) SAVINGS PROVISION.—Nothing in this title shall diminish, enlarge, or modify a right of a Federal agency, State agency, or political subdivision of the State—

(1) to exercise civil and criminal jurisdiction within the Corridor; or

(2) to tax persons, corporations, franchises, or property, including minerals and other interests in or on lands or waters within the urban portions of the Corridor.

(d) ACCESS TO PRIVATE PROPERTY.—Nothing in this title requires an owner of private property to allow access to the property by the public.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated not to exceed $50,000 to the Commission to carry out this Act for each of the first 5 fiscal years following the date of enactment of this Act.

(b) MATCHING FUNDS.—Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds or in-kind contributions of services or materials from non-Federal sources.

Amend the title so as to read: "A Bill To Establish the Cache La Poudre River Corridor".

THE BLACK REVOLUTIONARY WAR PATRIOTS COMMEMORATIVE COIN ACT

D'AMATO AMENDMENT NO. 5428

Mr. LOTT (for Mr. D'AMATO) proposed an amendment to the bill (H.R. 1776) to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States Commemorative Coin Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—COMMEMORATIVE COIN PROGRAMS

Sec. 101. Commemorative coin programs.
Sec. 102. Design.
Sec. 103. Legal tender.
Sec. 104. Sources of bullion.
Sec. 105. Quality of coins.
Sec. 106. Sale of coins.
Sec. 107. General waiver of procurement regulations.
Sec. 108. Financial assurances.

TITLE II—NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND

Sec. 201. National Law Enforcement Officers Memorial Maintenance Fund.

TITLE III—STUDY OF FIFTY STATES COMMEMORATIVE COIN PROGRAM

Sec. 301. Short title.
Sec. 302. Study.
Sec. 303. Fixed terms for members of the Citizens Commemorative Coin Advisory Committee.
Sec. 304. Mint managerial staffing reform.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Fund" means the National Law Enforcement Officers Memorial Maintenance Fund established under section 201;

(2) the term "recipient organization" means an organization described in section 101 to which surcharges received by the Secretary from the sale of coins issued under this Act are paid; and

(3) the term "Secretary" means the Secretary of the Treasury.

TITLE I—COMMEMORATIVE COIN PROGRAMS

SEC. 101. COMMEMORATIVE COIN PROGRAMS.

In accordance with the recommendations of the Citizens Commemorative Coin Advisory Committee, the Secretary shall mint and issue the following coins:

(1) DOLLEY MADISON.—

(A) IN GENERAL.—In commemoration of the 150th anniversary of the death of Dolley Madison, the Secretary shall mint and issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph shall be emblematic of the 150th anniversary of the death of Dolley Madison and the life and achievements of the wife of the fourth President of the United States.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—

(i) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this paragraph beginning January 1, 1999.

(ii) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this paragraph after December 31, 1999.

(E) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of $10 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the National Trust for Historic Preservation in the United States (hereafter in this paragraph referred to as the "National Trust") to be used—

(i) to establish an endowment to be a permanent source of support for Montpelier, the home of James and Dolley Madison and a museum property of the National Trust; and

(ii) to fund capital restoration projects at Montpelier.

(2) GEORGE WASHINGTON.—

(A) IN GENERAL.—The Secretary shall mint and issue not more than 100,000 $5 coins, each of which shall—

(i) weigh 8.359 grams;

(ii) have a diameter of 0.850 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph shall be emblematic of George Washington, the first President of the United States.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—

(i) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this paragraph beginning May 1, 1999.

(ii) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this paragraph after November 31, 1999.

(E) SURCHARGES.—All sales of coins minted under this paragraph shall include a surcharge of $35 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Mount Vernon Ladies' Association (hereafter in this paragraph referred to as the "Association") to be used—

(i) to supplement the Association's endowment for the purpose of providing a permanent source of support for the preservation of George Washington's home; and

(ii) to provide financial support for the continuation and expansion of the Association's efforts to educate the American people about the life of George Washington.

(3) BLACK REVOLUTIONARY WAR PATRIOTS.—

(A) IN GENERAL.—In commemoration of Black Revolutionary War patriots and the 275th anniversary of the birth of the first Black Revolutionary War patriot, Crispus Attucks, who was the first American colonist killed by British troops during the Revolutionary period, the Secretary shall mint and issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph—

(i) on the obverse side of the coins, shall be emblematic of the first Black Revolutionary War patriot, Crispus Attucks; and

(ii) on the reverse side of such coins, shall be emblematic of the Black Revolutionary War Patriots Memorial.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—The Secretary may issue coins minted under this paragraph only during the period beginning on January 1, 1998, and ending on December 31, 1998.

(E) SURCHARGES.—All sales of coins issued under this paragraph shall include a surcharge of $10 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Black Revolutionary War Patriots Foundation for the purpose of establishing an endowment to support the construction of a Black Revolutionary War Patriots Memorial.

(4) FRANKLIN DELANO ROOSEVELT.—

(A) IN GENERAL.—To commemorate the public opening of the Franklin Delano Roosevelt Memorial in Washington, D.C., which will honor President Roosevelt's leadership and legacy, during a 1-year period beginning on or after May 15, 1997, the Secretary shall issue not more than 100,000 $5 coins, each of which shall—

(i) weigh 8.359 grams;

(ii) have a diameter of 0.850 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of $35 per coin.

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Franklin Delano Roosevelt Memorial Commission.

(5) YELLOWSTONE NATIONAL PARK.—

(A) IN GENERAL.—To commemorate the 125th anniversary of the establishment of Yellowstone National Park as the first national park in the United States, and the birth of the national park idea, during a 1-year period beginning in 1999, the Secretary shall issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of $10 per coin.

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary in accordance with the following:

(i) Fifty percent of the surcharges received shall be paid to the National Park Foundation to be used for the support of national parks.

(ii) Fifty percent of the surcharges received shall be paid to Yellowstone National Park.

(6) NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL.—

(A) IN GENERAL.—To recognize the sacrifice of law enforcement officers and their families in preserving public safety, during a 1-year period beginning on or after December 15, 1997, the Secretary shall issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of $10 per coin.

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), after receiving surcharges from the sale of the coins issued under this paragraph, the Secretary shall transfer to the Secretary of the Interior an amount equal to the surcharges received from the sale of the coins issued under this paragraph, which amount shall be deposited in the Fund established under section 201.

(7) JACKIE ROBINSON.—

(A) IN GENERAL.—In commemoration of the 50th anniversary of the breaking of the color barrier in major league baseball by Jackie Robinson and the legacy that Jackie Robinson left to society, the Secretary shall mint and issue—

(i) not more than 100,000 $5 coins, each of which shall—

(I) weigh 8.359 grams;

(II) have a diameter of 0.850 inches; and

(III) contain 90 percent gold and 10 percent alloy; and

(ii) not more than 200,000 $1 coins, each of which shall—

(I) weigh 26.73 grams;

(II) have a diameter of 1.500 inches; and

(III) contain 90 percent silver and 10 percent copper.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph shall be emblematic of Jackie Robinson and his contributions to major league baseball and to society.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—The Secretary may issue coins minted under this paragraph only during the period beginning on July 1, 1997, and ending on July 1, 1998.

(E) SURCHARGES.—All sales of the coins issued under—

(i) subparagraph (A)(i) shall include a surcharge of $35 per coin; and

(ii) subparagraph (A)(ii) shall include a surcharge of $10 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act)—

(i) all surcharges received by the Secretary from the sale of the initial 100,000 coins issued under subparagraph (A)(ii), shall be promptly paid by the Secretary to the National Fund for the United States Botanic Garden; and

(ii) all surcharges received by the Secretary from the sale of any coins issued under this paragraph (other than the coins described in clause (i)) shall be promptly paid by the Secretary to the Jackie Robinson Foundation for the purposes of—

(I) enhancing the programs of the Jackie Robinson Foundation in the fields of education and youth leadership skills development; and

(II) increasing the availability of scholarships for economically disadvantaged youths.

SEC. 102. DESIGN.

(a) SELECTION.—The design for each coin issued under this paragraph shall be—

(1) selected by the Secretary after consultation with the appropriate recipient organization or organizations and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin issued under this paragraph there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year; and

(3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

SEC. 103. LEGAL TENDER.

(a) LEGAL TENDER.—The coins issued under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134(f) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 104. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this title pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this title from sources the Secretary determines to be appropriate, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 105. QUALITY OF COINS.

Each coin minted under this title shall be issued in uncirculated and proof qualities.

SEC. 106. SALE OF COINS.

(a) SALE PRICE.—Each coin issued under this title shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coin;

(2) the surcharge provided in section 101 with respect to the coin; and

(3) the cost of designing and issuing the coin (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

Section 5112(j) of title 31, United States Code, shall apply to the procurement of goods or services necessary to carrying out the programs and operations of the United States Mint under this title.

SEC. 108. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

TITLE II—NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND

SEC. 201. NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Law Enforcement Officers Memorial Maintenance Fund, which shall be a revolving fund administered by the Secretary of the Interior (or the designee of the Secretary of the Interior).

(2) FUNDING.—Amounts in the Fund shall include—

(A) amounts deposited in the Fund under section 101(6); and

(B) any donations received under paragraph (3).

(3) DONATIONS.—The Secretary of the Interior may accept donations to the Fund.

(4) INTEREST-BEARING ACCOUNT.—The Fund shall be maintained in an interest-bearing account within the Treasury of the United States.

(b) PURPOSES.—The Fund shall be used—

(1) for the maintenance and repair of the National Law Enforcement Officers Memorial in Washington, D.C.;

(2) to periodically add the names of law enforcement officers who have died in the line of duty to the National Law Enforcement Officers Memorial;

(3) for the security of the National Law Enforcement Officers Memorial site, including the posting of National Park Service rangers and United States Park Police, as appropriate;

(4) at the discretion of the Secretary of the Interior and in consultation with the Secretary and the Attorney General of the United States, who shall establish an equitable procedure between the Fund and such other organizations as may be appropriate, to provide educational scholarships to the immediate family members of law enforcement officers killed in the line of duty whose names appear on the National Law Enforcement Officers Memorial, the total annual amount of such scholarships not to exceed 10 percent of the annual income of the Fund;

(5) for the dissemination of information regarding the National Law Enforcement Officers Memorial to the general public;

(6) to administer the Fund, including contracting for necessary services, in an amount not to exceed the lesser of—

(A) 10 percent of the annual income of the Fund; or

(B) $200,000 during any 1-year period; and

(7) at the discretion of the Secretary of the Interior, in consultation with the Fund, for appropriate purposes in the event of an emergency affecting the operation of the National Law Enforcement Officers Memorial, except that, during any 1-year period, not more than $200,000 of the principal of the Fund may be used to carry out this paragraph.

(c) BUDGET AND AUDIT TREATMENT.—The Fund shall be subject to the budget and audit provisions of chapter 91 of title 31, United States Code..

TITLE III—STUDY OF FIFTY STATES COMMEMORATIVE COIN PROGRAM

SECTION 301. SHORT TITLE.

This title may be cited as the "50 States Commemorative Coin Program Act".

SEC. 302. STUDY.

(a) STUDY.—The Secretary of the Treasury shall by June 1, 1997 complete a study of the feasibility of a circulating commemorative coin program to commemorate each of the 50 States. The study shall assess likely public acceptance of and consumer demand for different coins that might be issued in connection with such a program (taking into consideration the pace of issuance of coins and the length of such a program), a comparison of the costs of producing coins issued under the program and the revenue that the program would generate, the impact on coin distribution systems, the advantages and disadvantages of different approaches to selecting designs for coins in such a program, and such other factors as the Secretary considers appropriate in deciding upon the feasibility of such a program. No steps taken in order to gather information for this study shall be considered a collection of information within the meaning of 44 U.S.C. 3502.

(b) REPORT.—The Secretary shall submit the study required in (a) above, to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, simultaneously on its receipt by the Secretary.

(c) 50-STATE COMMEMORATIVE COIN PROGRAM.—The Secretary shall determine by August 1, 1997 whether the results of the study authorized by subsection (a) justify such a program. If the Secretary determines that such a program is justified, then he shall by January 1, 1999, notwithstanding the 4th sentence of subsection (d)(1) and subsection (d)(2) of section 5112, title 31, United States Code, commence a commemorative coin program consisting of the minting and issuance of quarter dollar coins bearing designs, selected in accordance with paragraph (4) of this subsection, which are emblematic of the 50 States. If the Secretary determines that such a commemorative coin program is justified but that it is not practicable to commence the program by January 1, 1999, then he shall notify the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of such impracticability and of the date on which the program will commence.

(1) DESIGN.—The design for each quarter dollar issued under the program shall be emblematic of 1 of the 50 States. The designs for quarter dollar coins issued during each year of the program shall be emblematic of States which have not previously been commemorated under the program.

(2) ORDER OF ISSUANCE.—Each State will be honored by a coin in the order of that State's admission to the United States.

(3) NUMBER OF COINS.—Of the quarter dollar coins issued during each year of the program, the Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollar coins which shall be issued with each of the designs selected for such year.

(4) SELECTION OF DESIGN.—Each of the 50 designs required for quarter dollars issued under the program shall be—

(A) selected pursuant to a process, decided upon by the Secretary, on the basis of the study conducted pursuant to subsection (a), which process shall involve, among other things, consultation with appropriate officials of the State being commemorated with such design; and

(B) reviewed by the Citizens Commemorative Coin Advisory Committees and the Commission of Fine Arts.

(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this section shall be considered to be numismatic items.

(6) NUMISMATIC ITEMS.—

(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) of this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

(B) SILVER COINS.—Notwithstanding the provisions of subsection 5112(b) of title 31, the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) of this subsection as the Secretary determines to be appropriate with a content of 90 percent silver and 10 percent copper.

(C) SOURCE OF BULLION.—The Secretary may obtain silver for minting coins under paragraph (6)(B) from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

(d) FUNDING.—Funds used to complete this study shall be offset from funds from the Department of the Treasury.

SEC. 303. FIXED TERMS FOR MEMBERS OF THE CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 5135(a)(4) of title 31, United States Code, is amended to read as follows:

"(4) TERMS.—

"(A) IN GENERAL.—Each individual appointed to the Advisory Committee under clause (i) or (iii) of paragraph (3)(A) shall be appointed for a term of 4 years.

"(B) INTERIM APPOINTMENTS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

"(C) CONTINUATION OF SERVICE.—Each member appointed under clause (i) or (iii) of paragraph (3)(A) may continue to serve after the expiration of the term to which such member was appointed until a successor has been appointed and qualified.".

(b) STAGGERED TERMS.—Of the members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of section 5135(a)(3)(A) of title 31, United States Code, who are serving on the Advisory Committee as of the date of the enactment of this Act—

(1) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1997;

(2) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1998; and

(3) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1999.

(c) STATUS OF MEMBERS.—The members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of section 5135(a)(3)(A) of title 31, United States Code, shall not be treated as special Government employees.

SEC. 304. MINT MANAGERIAL STAFFING REFORM.

Section 5131 of title 31, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

Amend the title so as to read: "An Act to establish United States commemorative coin programs, and for other purposes.".

THE DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

HATCH (AND OTHERS) AMENDMENT NO. 5429

Mr. LOTT (for Mr. HATCH for himself, Mr. BIDEN, and Mr. COVERDELL) proposed an amendment to the bill (H.R. 4137) to combat drug-facilitated crimes of violence, including sexual assaults; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Induced Rape Prevention and Punishment Act of 1996".

SEC. 2. PROVISIONS RELATING TO USE OF A CONTROLLED SUBSTANCE WITH INTENT TO COMMIT A CRIME OF VIOLENCE.

(a) PENALTIES FOR DISTRIBUTION.—Section 401(b) of the Controlled Substances Act is amended by adding at the end the following:

"(7) PENALTIES FOR DISTRIBUTION.—

"(A) IN GENERAL.—Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18, United States Code (including rape), against an individual, violates subsection (a) by distributing a controlled substance to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18, United States Code.

"(B) DEFINITION.—For purposes of this paragraph, the term 'without that individual's knowledge' means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual.".

(b) ADDITIONAL PENALTIES RELATING TO FLUNITRAZEPAM.—

(1) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(A) in subsection (b)(1)(C), by inserting ", or 1 gram of flunitrazepam," after "I or II"; and

(B) in subsection (b)(1)(D), by inserting "or 30 milligrams of flunitrazepam," after "schedule III,".

(2) IMPORT AND EXPORT PENALTIES.—

(A) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting "or flunitrazepam" after "I or II".

(B) Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended by inserting "or flunitrazepam," after "I or II,".

(C) Section 1010(b)(4) of the Controlled Substances Import and Export Act is amended by inserting "(except a violation involving flunitrazepam)" after "III, IV, or V,".

(3) SENTENCING GUIDELINES.—

(A) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend as appropriate the sentencing guidelines for offenses involving flunitrazepam.

(B) SUMMARY.—The United States Sentencing Commission shall submit to the Congress—

(i) a summary of its review under subparagraph (A); and

(ii) an explanation for any amendment to the sentencing guidelines made under subparagraph (A).

(C) SERIOUS NATURE OF OFFENSES.—In carrying out this paragraph, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenses involving flunitrazepam reflect the serious nature of such offenses.

(c) INCREASED PENALTIES FOR UNLAWFUL SIMPLE POSSESSION OF FLUNITRAZEPAM.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after "exceeds 1 gram." the following: "Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both".

SEC. 3. STUDY ON RESCHEDULING FLUNITRAZEPAM.

(a) STUDY.—The Administrator of the Drug Enforcement Administration shall, in consultation with other Federal and State agencies, as appropriate, conduct a study on the appropriateness and desirability of rescheduling flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on the Judiciary of the House of Representatives and the Senate the results of the study conducted under subsection (a), together with any recommendations regarding rescheduling of flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

SEC. 4. EDUCATIONAL PROGRAM FOR POLICE DEPARTMENTS.

The Attorney General may—

(1) create educational materials regarding the use of controlled substances (as that term is defined in section 102 of the Controlled Substances Act) in the furtherance of rapes and sexual assaults; and

(2) disseminate those materials to police departments throughout the United States.

THE FEDERAL COURTS IMPROVEMENT ACT OF 1996

HATCH AMENDMENT NO. 5430

Mr. LOTT. (for Mr. HATCH) proposed an amendment to the bill (S. 1887) to make improvements in the operation and administration of the Federal courts, and for other purposes; as follows:

On page 4, line 15, strike through line 25.

On page 5, line 8, strike through line 14 on page 6 and insert the followings:

SEC. 202. CONSENT TO TRAIL IN CERTAIN CRIMINAL ACTIONS.

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting ", other than a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction," after "misdemeanor";

(B) in the second sentence by inserting "judge" after "magistrate" each place it appears;

(C) by striking out the third sentence and inserting in lieu thereof the following: "The magistrate judge may-not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record."; and

(D) by striking out "judge of the district court" each place it appears and inserting in lieu thereof "district judge".

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "the magistrate judge may, in a petty offense case involving a juvenile, that is a class C misdemeanor, or an infraction, exercise all powers granted to the district court under chapter 403 of this title. The magistrate judge may, in any other class B or C misdemeanor case involving a juvenile in which consent to trail before a magistrate judge has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title.".

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out ", lieu thereof a semicolon; and

(2) by striking out paragraph (4) and inserting the following:

"(4) the power to enter a sentence for a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction; and

"(5) the power to enter a sentence for a class A misdemeanor, or a class B or C misdemeanor not covered by paragraph (4), in a case in which the parties have consented.".

On page 6, line 15, strike through the matter following line 2 on page 7.

On page 9, line 6, strike through line 2 on page 11.

On page 13, line 4, strike through line 7 on page 15.

On page 17, line 1, strike through line 3 on page 19.

On page 19, line 22, strike through line 9 on page 23.

On page 31, line 8, strike through line 2 on page 32.

On page 35, line 21, strike through line 2 on page 36.

On page 44, line 20, strike through line 21 on page 48.

On page 48, add after line 21 the following:

SEC. 611. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF NEW YORK.

The last sentence of section 112(b) of title 28, United States Code, is amended to read as follows:

"Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.".

SEC. 612. VENUE FOR TERRITORIAL COURTS.

(a) CHANGE OF VENUE.—Section 1404(d) of title 28, United States Code, is amended to read as follows:

"(d) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.".

(b) CURE OF WAIVER OF DEFECTS.—Section 1406(c) of title 28, United States Code, is amended to read as follows:

"(c) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.".

(c) APPLICABILITY.—The amendments made by this section apply to cases pending on the date of the enactment of this Act and to cases commenced on or after such date.

Amend the table of contents accordingly.

LEGISLATION TO ENHANCE FAIRNESS OF PATENTS

HATCH AMENDMENT NO. 5431

Mr. LOTT (for Mr. HATCH) proposed an amendment to the bill (H.R. 632) to enhance fairness in compensating owners of patents used by the United States; as follows:

On page 2, line 8, strike all after the period through "Act." on line 13 and insert "Notwithstanding the preceding sentences, unless the action has been pending for more than 10 years from the time of filing to the time that the owner applies for such costs and fees, reasonable and entire compensation shall not include such costs and fees if the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.".

On page 2, line 17, strike "January 1, 1995" and insert "the date of the enactment of this Act".

HATCH (AND KENNEDY) AMENDMENT NO. 5432

Mr. LOTT (for Mr. HATCH for himself and Mr. KENNEDY) proposed an amendment to the bill (S. 2197) to extend the authorized period of stay within the United States for certain nurses; as follows:

Add at the end of the bill the following:

SEC. 2. TECHNICAL CORRECTION.

Effective on September 30, 1996, subtitle A of title III of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended—

(1) in section 306(c)(1), by striking "to all final" and all that follows through "Act and" and inserting "as provided under section 309, except that";

(2) in section 309(c)(1), by striking "as of" and inserting "before"; and

(3) in section 309(c)(4), by striking "described in paragraph (1)".

THE INCREASED MANDATORY MINIMUM SENTENCES ACT OF 1996

DEWINE (AND HELMS) AMENDMENT NO. 5433

Mr. LOTT (for Mr. DEWINE for himself and Mr. HELMS) proposed an amendment to the bill (S. 1612) to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FIREARMS OFFENSES.

(a) IN GENERAL.—Sections 924(c)(1) and 929(a)(1) of title 18, United States code, are each amended by striking "uses or carries" and inserting "possesses".

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and the policy statements of the Commission to provide an appropriate sentence enhancement with respect to any defendant who discharges a firearm during or in relation to any crime of violence or any drug trafficking crime.

(2) CONSISTENCY.—In carrying out this subsection, the United States Commission shall—

(A) ensure that there is reasonable consistency with other Federal Sentencing Guidelines;

(B) avoid duplicative punishment for substantially the same offense; and

(C) take into account any mitigating circumstances that might justify an exception to any amendment made under paragraph (1).

(3) DEFINITIONS.—For purposes of this subsection, the terms "crime of violence" and "drug trafficking crime" have the same meanings as in section 924(c) of title 18, United States Code.

Amend the title so as to read: "A bill to broaden the scope of certain firearms offenses, and for other purposes.".

PRESIDENTIAL AND EXECUTIVE OFFICE ACCOUNTABILITY ACT

COATS AMENDMENT NO. 5434

Mr. LOTT (for Mr. COATS) proposed an amendment to the bill (H.R. 3452) to make certain laws applicable to the Executive Office of the President, and for other purposes, as follows:

In section 1(b), strike the items relating to sections 4 through 9, and insert the following:

Sec. 4. Applicability of future employment laws.
Sec. 5. Repeal of section 303 of the Government Employee Rights Act of 1991.

In the table of contents relating to title 3, United States Code (as added by section 2), redesignate the item relating to section 420 as an item relating to section 421.

In the table of contents relating to title 3, United States Code (as added by section 2), redesignate the item relating to section 430 as an item relating to section 431.

In the table of contents relating to title 3, United States Code (as added by section 2), in the item relating to subchapter III, strike the hyphen and insert a space.

In the table of contents relating to title 3, United States Code (as added by section 2), strike the item relating to section 457.

In the table of contents for title 3, United States Code (as amended by section 2), strike the items relating to subchapters IV and V and insert the following:

"SUBCHAPTER IV—EFFECTIVE DATE

"471. Effective date.".

In section 401 of title 3, United States Code (as added by section 2), insert before "Except" the following:

"(a) IN GENERAL.—".

In section 401 of title 3, United States Code (as added by section 2), add at the end the following:

"(b) DEFINITIONS RELATING TO CERTAIN MATTERS.—For purposes of applying this chapter with respect to any practice or other matter—

"(1) to which section 411 relates, the terms 'employing office' and 'covered employee' shall each be considered to have the meaning given to the term by such section;

"(2) to which section 412 relates, the term 'covered employee' means a covered employee described in section 412(a)(2)(B);

"(3) to which section 413 relates, the term 'covered employee' excludes interns and volunteers, as described in section 413(a)(2); and

"(4) to which section 416 relates, the term 'covered employee' means a covered employee described in section 416(a)(2).".

In section 411 of title 3, United States Code (as added by section 2), redesignate subsection (d) as subsection (e).

In section 411 of title 3, United States Code (as added by section 2 and so redesignated) insert after subsection (c) the following:

"(d) REGULATIONS TO IMPLEMENT SECTION.—

"(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement paragraphs (1) and (3) of subsection (a) and paragraphs (1) and (3) of subsection (b).

"(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the appropriate officer of an executive agency to implement the statutory provisions referred to in paragraphs (1) and (3) of subsection (a) and paragraphs (1) and (3) of subsection (b)—

"(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

"(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 717 of the Civil Rights Act of 1964 or section 501 of the Rehabilitation Act of 1973 that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in paragraph (1) or (3) of subsection (a) or paragraph (1) or (3) of subsection (b), if the issuance of such regulations—

"(i) would be equally effective for the implementation of the rights and protections under this section; and

"(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.".

In section 411 of title 3, United States Code (as added by section 2 and so redesignated), add at the end the following:

"(f) EFFECTIVE DATE.—This section shall take effect on October 1, 1997.".

In section 412(b) of title 3, United States Code (as added by section 2), strike "such damages" and insert "such remedy".

In section 412 of title 3, United States Code (as added by section 2), add at the end the following:

"(c) REGULATIONS TO IMPLEMENT SECTION.—

"(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement this section.

"(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b)—

"(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

"(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of subchapter V of chapter 63 of title 5, United States Code, that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

"(i) would be equally effective for the implementation of the rights and protections under this section; and

"(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.

"(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (c); or

"(2) October 1, 1998.".

In section 413(c)(1) of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In section 413(c)(2) of title 3, United States Code (as added by section 2), strike "subsection (a) except insofar as the President" and insert "subsections (a) and (b) except to the extent that the President or designee".

In section 413(c)(3) of title 3, United States Code (as added by section 2), strike "President" and insert "President or designee".

In section 413 of title 3, United States Code (as added by section 2), add at the end the following:

"(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (c); or

"(2) October 1, 1998.".

In section 414(c)(1) of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In section 414(c)(2) of title 3, United States Code (as added by section 2), strike "insofar as the President" and insert "to the extent that the President or designee".

In section 414 of title 3, United States Code (as added by section 2), add at the end the following:

"(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (c); or

"(2) October 1, 1998.".

In section 415(a)(2)(A) of title 3, United States Code (as added by section 2), strike "does not succeed himself" and insert "is not elected to a successive term".

In section 415(c)(1) of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In section 415(c)(2) of title 3, United States Code (as added by section 2), strike "subsection (a) except insofar as the President" and insert "subsections (a) and (b) except to the extent that the President or designee".

In section 415 of title 3, United States Code (as added by section 2), add at the end the following:

"(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (c); or

"(2) October 1, 1998.".

In section 416(c)(1) of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In section 416(c) of title 3, United States Code (as added by section 2), strike paragraph (2) and insert the following:

"(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b)—

"(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

"(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 4314 or 4324 of title 38, United States Code, that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

"(i) would be equally effective for the implementation of the rights and protections under this section; and

"(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.".

In section 416 of title 3, United States Code (as added by section 2), add at the end the following:

"(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (c); or

"(2) October 1, 1998.".

In section 417 of title 3, United States Code (as added by section 2), strike subsection (c).

In section 420 of title 3, United States Code (as added by section 2), strike "**420.**" and insert "**421.**".

In section 421 of title 3, United States Code (as added by section 2 and so redesignated), add at the end the following:

"(d) REGULATIONS TO IMPLEMENT SECTION.—

"(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement this section.

"(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the appropriate officer of an executive agency to implement the statutory provisions referred to in subsections (a) and (b)—

"(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

"(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 1, 2, 3, or 6 of the Act entitled 'An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped', approved August 12, 1968 (commonly known as the 'Architectural Barriers Act of 1968') or section 501 of the Rehabilitation Act of 1973 that applies to agencies of the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

"(i) would be equally effective for the implementation of the rights and protections under this section; and

"(ii) would promote uniformity in the application of Federal law to agencies of the executive branch of the Federal Government.

"(e) EFFECTIVE DATE.—Subsections (a), (b), and (c) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (d); or

"(2) October 1, 1998.".

In section 425(c)(3)(A) of title 3, United States Code (as added by section 2), strike "he" and insert "the employer".

In section 425(c)(5) of title 3, United States Code (as added by section 2), strike "appropriate United States circuit court of appeals" and insert "United States Court of Appeals for the Federal Circuit".

In section 425(d)(1) of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In section 425(d)(2) of title 3, United States Code (as added by section 2), strike "subsection (a) except to the extent that the President" and insert the following: "subsections (a) and (b)—

"'(A) except to the extent that the President or designee".

In section 425(d)(2) of title 3, United States Code (as added by section 2), strike the period at the end and insert the following: "; and

"'(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 19 of the Occupational Safety and Health Act of 1970 that applies to agencies or employees of the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

"'(i) would be equally effective for the implementation of the rights and protections under this section; and

"'(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.".

In section 425 of title 3, United States Code (as added by section 2), add at the end the following:

"(e) EFFECTIVE DATE.—Subsections (a) through (c) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (d); or

"(2) October 1, 1998.".

In section 430 of title 3, United States Code (as added by section 2), strike "**430.**" and insert "**431.**".

In section 431(c)(2)(B) of title 3, United States Code (as added by section 2 and so redesignated), strike "deems" and insert "may determine that a modification of such regulations is".

In section 431(d)(1) of title 3, United States Code (as added by section 2 and so redesignated), strike "Federal Labor Relations".

In section 431(d)(2)(E) of title 3, United States Code (as added by section 2 and so redesignated), strike "Advisors" and insert "Advisers".

In section 431(d)(2)(G) of title 3, United States Code (as added by section 2 and so redesignated), strike the semicolon and insert "; and".

In section 431(d)(2)(H) of title 3, United States Code (as added by section 2 and so redesignated), strike "; and" and insert a period.

In section 431(d)(2) of title 3, United States Code (as added by section 2 and so redesignated), strike subparagraph (I).

In section 431 of title 3, United States Code (as added by section 2 and so redesignated), add at the end the following:

"(e) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall take effect on the earlier of—

"(A) the effective date of regulations issued under subsection (c); or

"(B) October 1, 1998.

"(2) CERTAIN EMPLOYING OFFICES.—Subsections (a) and (b) shall take effect, with respect to employing offices, and employees of employing offices, referred to in subsection (d)(2), on the earlier of—

"(A) the effective date of regulations issued under subsection (d); or

"(B) October 1, 1998.".

In section 435(a) of title 3, United States Code (as added by section 2), strike "420" and insert "421".

In section 435 of title 3, United States Code (as added by section 2), strike subsection (g) and insert the following:

"(g) POLITICAL AFFILIATION.—It shall not be a violation of any provision of this chapter to consider, or make any employment decision based on, the party affiliation, or political compatibility with the employing office, of an employee who is a covered employee.".

In section 452(a) of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In section 453(1) of title 3, United States Code (as added by section 2), strike "administrative".

In section 454(a) of title 3, United States Code (as added by section 2), add at the end the following: "The complaint in an action involving such an alleged violation shall be processed under the procedures specified by the President, or the designee of the President, in such regulations as the President or designee may issue.".

In section 454(b)(1) of title 3, United States Code (as added by section 2), strike "other Federal employee" and insert "employee in the executive branch of the Federal Government (other than a covered employee)".

In section 454(b)(2) of title 3, United States Code (as added by section 2), strike "However, in" and insert "In".

In section 454(b)(2) of title 3, United States Code (as added by section 2), strike "(c)(1)".

In section 454(b)(3) of title 3, United States Code (as added by section 2), strike "appropriate circuit court of appeals" and insert "United States Court of Appeals for the Federal Circuit".

In section 455 of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In title 3, United States Code (as amended by section 2), strike section 457.

In title 3, United States Code (as amended by section 2), strike subchapter IV.

In title 3, United States Code (as amended by section 2), redesignate subchapter V as subchapter IV.

In title 3, United States Code (as amended by section 2), strike section 481 and insert the following:

"SEC. 471. EFFECTIVE DATE.

"(a) IN GENERAL.—Except as otherwise provided in this chapter, this chapter shall take effect on October 1, 1997.

"(b) REGULATIONS.—Sections 411(d), 412(c), 413(c), 414(c), 415(c), 416(c), 421(d), 425(d), 431(c), 431(d), 452(a), and 454(a) shall take effect on the date of enactment of this Act.".

Section 2(b) is amended to read as follows:

(b) REGULATIONS.—Appropriate measures shall be taken to ensure that—

(1) any regulations required to implement section 411 of title 3, United States Code, shall be in effect by October 1, 1997; and

(2) any other regulations needed to implement chapter 5 of title 3, United States Code shall be in effect as soon as practicable, but not later than October 1, 1998.

In section 3(a)(1), strike "(1) Chapter" and insert the following:

"(1) IN GENERAL.—Chapter".

In section 1296(a) of title 3, United States Code (as added by section 3(a)(1)), strike "the courts of appeals (other than the United States Court of Appeals for the Federal Circuit)" and insert "the United States Court of Appeals for the Federal Circuit".

In section 1296(a)(2) of title 3, United States Code (as added by section 3(a)(1)), strike "under chapter" and all that follows through "such title" and insert "made under part D of subchapter II of chapter 5 of title 3, notwithstanding section 7123 of title 5".

In section 1296 of title 3, United States Code (as added by section 3(a)(1)), strike subsection (c).

In section 3(a)(2), strike "(2) The table of sections for chapter 158" and insert the following:

"(2) TABLE OF SECTIONS.—The table of sections for chapter 83".

In section 3(b)(2)(A), strike "(A) Chapter" and insert the following:

"(A) IN GENERAL.—Chapter".

In section 3(b)(2)(B), strike "(B)" and insert the following:

"(B) TABLE OF SECTIONS.—".

In section 3(b)(3), strike "(A)".

In section 3(b)(3), insert opening quotation marks after "striking".

In section 3(c), strike "PROCEDURE.—" and all that follows through "Part VI" and insert the following: "PROCEDURE.—Part VI".

In section 3903 of title 28, United States Code (as added by section 3(c)), strike "President" and insert "President, the designee of the President, or the Federal Labor Relations Authority".

In section 3905(a) of title 28, United States Code (as added by section 3(c)), strike "420" and insert "421".

In section 3905 of title 28, United States Code (as added by section 3(c)), add at the end the following:

"(c) PUNITIVE DAMAGES.—Except as otherwise provided in chapter 5 of title 3, no punitive damages may be awarded with respect to any claim under chapter 5 of title 3.".

In section 3906(2) of title 28, United States Code (as added by section 3(c)), strike "such office" and insert "the office involved".

In title 28, United States Code (as amended by section 3(c)), strike section 3908 and insert the following:

"§ 3908. Definitions.

"For purposes of applying this chapter, the terms 'employing office' and 'covered employee' have the meanings given those terms in section 401 of title 3.".

Section 3(d) is amended to read as follows:

"(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997."

In section 3(e), strike "(1)".

Strike sections 4 and 5.

Strike section 6 and insert the following:

SEC. 4. APPLICABILITY OF FUTURE EMPLOYMENT LAWS.

(a) IN GENERAL.—Each provision of Federal law that is made applicable to the legislative branch under section 102 of the Congressional Accountability Act of 1995 (2 U.S.C. 1302), and that is enacted later than 12 months after the date of the enactment of this Act, shall be deemed to apply with respect to "employing offices" and "covered employees" (within the meaning of section 401 of title 3, United States Code, as added by this Act), unless such law specifically provides otherwise and expressly cites this section.

(b) REGULATIONS.—

(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement such provision.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) to implement a provision shall be the same as substantive regulations promulgated by the head of the appropriate executive agency to implement the provision, except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under the section.

In section 7, in the section heading, strike "**320**" and insert "**303**".

In section 7(a), strike "320 of the Government Employee Rights Act of 1991" and insert "303 of the Government Employee Rights Act of 1991 (as redesignated by section 504(a)(3) of the Congressional Accountability Act of 1995)".

Section 7(b) is amended to read as follows:

"(b) EFFECTIVE DATE.—This section shall take effect on October 1, 1997."

In section 7(c), strike "in which the" and insert "under such section 303 in which a".

Redesignate section 7 as section 5.

Strike sections 8 and 9.

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter I and insert the following:

"SUBCHAPTER I—GENERAL PROVISIONS".

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter II and insert the following:

"SUBCHAPTER II—EXTENSION OF RIGHTS AND PROTECTIONS".

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter III and insert the following:

"SUBCHAPTER III—ADMINISTRATIVE AND JUDICIAL DISPUTE RESOLUTION PROCEDURES".

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter IV (as so redesignated) and insert the following:

"SUBCHAPTER IV—EFFECTIVE DATE".

In section 401 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 401. Definitions".

In section 402 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 402. Application of laws".

In section 411 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 411. Rights and protections under title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and title I of the Americans with Disabilities Act of 1990".

In section 412 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 412. Rights and protections under the Family and Medical Leave Act of 1993".

In section 413 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 413. Rights and protections under the Fair Labor Standards Act of 1938".

In section 414 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 414. Rights and protections under the Employee Polygraph Protection Act of 1988".

In section 415 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 415. Rights and protections under the Worker Adjustment and Retraining Notification Act".

In section 416 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 416. Rights and protections relating to veterans' employment and reemployment".

In section 417 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 417. Prohibition of intimidation or reprisal".

In section 421 of title 3, United States Code (as added by section 2 and so redesignated), strike the section heading and insert the following:

"§ 421. Rights and protections under the Americans with Disabilities Act of 1990".

In section 425 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 425. Rights and protections under the Occupational Safety and Health Act of 1970; procedures for remedy of violations".

In section 431 of title 3, United States Code (as added by section 2 and so redesignated), strike the section heading and insert the following:

"§ 431. Application of chapter 71 of title 5, relating to Federal service labor-management relations; procedures for remedy of violations".

In section 435 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 435. Generally applicable remedies and limitations".

In section 451 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 451. Procedure for consideration of alleged violations".

In section 452 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 452. Counseling and mediation".

In section 453 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 453. Election of proceeding".

In section 454 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 454. Appropriate agencies".

In section 455 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 455. Effect of failure to issue regulations".

In section 456 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 456. Confidentiality".

In section 471 of title 3, United States Code (as added by section 2 and so redesignated), strike the section heading and insert the following:

"§471. Effective date".

HUMAN RIGHTS RESTORATION ACT OF 1996

PELL AMENDMENT NO. 5435

Mr. LOTT (for Mr. PELL) proposed an amendment to the bill (H.R. 4036) to strengthen the protection of internationally recognized human rights; as follows:

Delete sections 101 and 102

KERRY AMENDMENT NO. 5436

Mr. LOTT (for Mr. KERRY) proposed an amendment to the bill (H.R. 4036) supra; as follows:

At the end of the bill add the following new title:

TITLE III—CLAIBORNE PELL INSTITUTE FOR INTERNATIONAL RELATIONS AND PUBLIC POLICY

SEC. 301. SHORT TITLE.

This title may be cited as the "Claiborne Pell Institute for International Relations and Public Policy Act".

SEC. 302. GRANT AUTHORIZED.

In recognition of the public service of Senator Claiborne Pell, the Secretary of Education is authorized to award a grant, in accordance with the provisions of this title, to assist in the establishment and operation of the Claiborne Pell Institute for International Relations and Public Policy, located at Salve Regina University, Newport, Rhode Island, including the purchase and renovation of facilities to house the Institute.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1997 such sums, not to exceed $3,000,000, as may be necessary to carry out this title.

SEC. 304. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this Act.

TITLE IV—GEORGE BUSH SCHOOL OF GOVERNMENT AND PUBLIC SERVICE

SEC. 401. SHORT TITLE.

This Act may be cited as the "George Bush School of Government and Public Service Act".

SEC. 402. GRANT AUTHORIZED.

In recognition of the public service of President George Bush, the Secretary of Education is authorized to make a grant in accordance with the provisions of this Act to assist in the establishment of the George Bush Fellowship Program, located at the George Bush School of Government and Public Service of the Texas A & M University.

SEC. 403. GRANT CONDITIONS.

No payment may be made under this Act except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may require.

SEC. 404. APPROPRIATIONS AUTHORIZED.

There are authorized to be appropriated such sums, not to exceed $3,000,000, as may be necessary to carry out the provisions of this Act.

SEC. 405. EFFECTIVE DATE.

This Act shall take effect on October 1, 1996.

FORD AMENDMENT NO. 5437

Mr. LOTT (for Mr. FORD) proposed an amendment to the bill, H.R. 4036, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . EDMUND S. MUSKIE FOUNDATION.

In recognition of the public service of Senator and Secretary of State Edmund S. Muskie, the Secretary of Education is authorized to award a grant in accordance with the provisions of this Act to assist in the establishment of the Edmund S. Muskie Foundation, located in Washington, DC, by providing assistance to support the foundation, including assistance to be used for awarding stewardships, supporting the Muskie archives, and supporting the Edmund S. Muskie Institute of Public Affairs.

KASSEBAUM AMENDMENT NO. 5438

Mr. LOTT (for Mrs. KASSEBAUM) proposed an amendment to the bill, H.R. 4036, supra; as follows:

Strike Section 104.

JEFFORDS AMENDMENT NO. 5439

Mr. LOTT (for Mr. JEFFORDS) proposed an amendment to the bill, H.R. 4036, supra; as follows:

At the appropriate place, insert the following:

SEC. . CALVIN COOLIDGE MEMORIAL FOUNDATION GRANT.

(a) DEFINITIONS.—In this section:

(1) FOUNDATION.—The term "Foundation" means the Calvin Coolidge Memorial Foundation.

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

(b) GRANT AUTHORIZED.—The Secretary is authorized to make a grant in the amount of $1,000,000 in accordance with the provisions of this section to the Foundation.

(c) GRANT CONDITIONS.—

(1) APPLICATION.—No payment may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(2) USE OF GRANT FUNDS.—Funds received under this section may be used for any of the following purposes:

(A) To increase the endowment of the Foundation.

(B) To conduct educational, archival, or preservation activities of the Foundation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $1,000,000, without fiscal year limitation, to carry out the provisions of this section.

(e) EFFECTIVE DATE.—This section shall take effect on October 1, 1996.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, October 3, 1996, at 9 a.m. to consider the nomination of Ann Jorgenson, of Iowa, to be a member of the Farm Credit Administration, for the term expiring May 21, 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 3, 1996, at 10 a.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 1 p.m. on Thursday, October 3, 1996, in open session, to receive testimony on the U.S. Military Forces in Bosnia and President Clinton's decision to send an additional 5,000 troops.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO REAR ADM. JAMES E. FORREST, SC, USN (RET)

• Mr. McCAIN. Mr. President, today I rise to honor my friend, Rear Adm. Jim Forrest. He is an outstanding American, an exemplary naval officer, and a man who has made a very significant contribution to the development of our national defense.

Over the years, the U.S. Senate has paid tribute to many people for their commitment to making this country great. Most of those so honored have in common with Admiral Forrest an extraordinary sense of dedication, the ability to marshall people and resources toward a common goal, and the good judgement to know what course of action to take in a given situation. Very few of them however, can match Admiral Forrest's record of consistent outstanding public service spanning 56 years. For many of us on Capitol Hill, Admiral Forrest was already an influential force and source of excellent advice when we arrived. Over the years I have greatly appreciated his knowledge on defense matters and his wise counsel.

As Admiral Forrest prepares to retire as executive director of the Naval Reserve Association, a position that he has held for the past 22 years, he should be proud that he has established a bench mark for excellence for others in the Navy to follow. As you can see, his accomplishments speak for themselves. A native of Palms, CA, Admiral Forrest enlisted in the Navy in 1940 and served on the battleships *Tennessee* and *Wyoming* and the fleet oiler *Cuyama*, before earning an appointment to the Naval Academy in 1942. Following his commissioning in June 1945, he commanded three auxiliary motor minesweepers before transferring to the Supply Corps in 1948. Admiral Forrest was selected for flag rank in 1971 and served for 3 years as the Auditor General of the Navy. His academic achievements include obtaining an MBA from Stanford University and graduating from the Navy Postgraduate School and the Industrial College of the Armed Forces.

Upon his retirement from active duty in 1975, Admiral Forrest accepted the many challenges associated with the position of executive director of the Naval Reserve Association, where he made many important contributions to the Naval Reserve, the Navy, and our national defense. Most importantly, through his personal interaction with national leaders, Admiral Forrest brought about an increase in mutual trust and improved coordination between the Reserve and Active components of the Navy. He also increased the readiness of the Naval Reserve. In addition, long before we had promoted quality of life issues, Admiral Forest was one of the most active proponents of adequate pay and benefits for Active and Reserve military personnel and their dependents. If there was a need, he identified it and worked to fill the void. If there was a problem, he recognized it early, proposed the solutions, and worked toward resolution. In short, if I had only one word to sum up his actions over the past 56 years, it would be leadership. As a nation, we owe Adm. Jim Forrest a great deal for his contribution. I know I speak for the entire U.S. Senate when I say thank you, Admiral, for a job "extremely well done!" To my friend, Jim Forrest, who is truly a great American, "Fair winds and following seas!"•

TRIBUTE TO PROCTOR JONES

• Mr. JOHNSTON. Mr. President, it was my great fortune to be assigned to the Committee on Appropriations relatively early in my first term in the Senate. It is through that Committee that I have been able to serve my State in a way that I believe has contributed measurably to an improvement in the economic quality of life for the people of Louisiana.

As I began my second full term in the Senate, I had the added good fortune of taking over the reins of the Appropriations Subcommittee on Public Works, as it was known at the time, from a wonderful man who taught me so much about the Senate, the late and beloved Senator John Stennis of Mississippi. When I fell heir to that chairmanship, I also inherited the services of the longtime staff director of the subcommittee, Proctor Jones. It is of Proctor and his service to the Senate and his country that I wish to speak today.

Every now and then in this body, someone of the thousands of loyal staff who toil for us and our constituents achieves an elevated status among Senators and staff colleagues. I think few would deny that Proctor has long since reached that plateau.

Proctor Jones came to this body in 1960, and, aside from 4 years of service as a proud Marine, he has served here continuously since that time. He has seen and participated in more of the sweep of politics and public policy than most of us can imagine, and along the way he has amassed an unrivaled knowledge of the legislative process and a nearly unmatched institutional memory.

Members in both Houses and on both sides of the aisle know they can turn to Proctor for advice and assistance with absolute confidence that their requests will be treated fairly and respectfully. They also know that he gets results. Proctor's broad and detailed knowledge of his appropriation areas helps account for his uncanny ability to find the means, even when none appears available, to achieve the legislative goals that we set.

While such knowledge gives Proctor authority, he would never think of abusing the great powers we entrust to him. He is a man who loves and cherishes the institutions of Government and who is guided by the fine Georgia code of honor he learned from his early mentor, the late Senator Richard Russell, the giant whom Proctor served early in his Senate career.

If anything, Proctor is self-deprecating and deferential to a fault: as he is fond of saying, "I just work here, I don't vote. And I love my job." He has indeed loved his job and has performed his duties in a way that has made a profound difference in those areas covered under our Energy and Water Development Appropriations Subcommittee. He has always understood that we have a serious obligation to protect and improve the country's physical infrastructure and to support and nurture the Nation's scientific brain trust at the national laboratories and throughout the Federal Government. Uninformed critics have sometimes derided those vital responsibilities as pork or misplaced priorities, but I firmly believe that Proctor's vision and dedication have contributed mightily to the security and strength of this country.

Proctor has also become my valued personal friend, owing in large measure to his infectious enthusiasm for everything in life from opera, to travel, to sports, to hiking and joyous gatherings of friends and family. As I conclude my service in the Senate, I want Proctor and his family to know that I speak for my colleagues, past and present, in saying thanks for a job done well and as no one else could have done it.•

APPROPRIATIONS IMPORTANT TO DOMESTIC VIOLENCE, SEXUAL ABUSE

• Mr. LEAHY. Mr. President, there are a few matters contained within the omnibus appropriations bill that I would like to highlight. In the overall context of a multibillion dollar bill, these may not be significant to some, but they are to me and to the people of Vermont.

First, I note that we have been able to include an amendment to the Family Violence Prevention and Services Act that doubles the amount that Vermont and other small States will receive annually. This change completes the increase that we have been trying to accomplish since enactment of the Violent Crime Control and Law Enforcement Act of 1994 to provide small States with $400,000 a year in Federal funding for family violence prevention programs. It is appropriate that in October, which is National Domestic Violence Awareness Month, we finally conclude this amendment.

Domestic violence remains the leading cause of violent death in Vermont. Over 50 percent of homicides in the State last year reportedly arose from domestic violence situations—and this is down from the percentages in prior years. Also contained in the omnibus appropriations bill is legislation making conviction of a crime of domestic violence a disqualification from gun ownership. Too many women and children are threatened by domestic violence and too many become victims of that violence.

I commend the Vermont Network Against Domestic Violence and Sexual Assault, the Vermont Center for Crime Victims Services, and all of the local community organizations that work so hard and provide such essential services to those at risk of domestic and family violence. I note that Vermont established its own statewide domestic violence hotline and sexual abuse hotline almost a year before the national hotline was finally created this spring. I expect that Vermont will also lead the country in terms of developing services and programs to confront the problems of rural domestic violence.

We were also able to increase funding for the Violence Against Women Act programming to $197.5 million this year. Because of Vermont's outstanding advocates and programs, ours was the first State to receive a VAWA grant 2 years ago and I am confident that Vermont will remain on the leading edge in these important programs. This year Vermont received over $700,000 for VAWA programming.

We have also been able to protect the Juvenile Justice and Delinquency Prevention Act programs that sends important funding to Vermont and other States to assist in efforts to prevent crime and delinquency. I want to thank, in particular, Ken Schatz and the Vermont Children and Family Council for Prevention Programs and Shirley Martin, Vermont's JJDP Specialist, for their help in working to protect and preserve the Juvenile Justice Program and avoid the loss of as much as $187,500 from the nearly $800,000 that Vermont receives annually. Vermont could not afford the loss of such Federal assistance. In the omnibus appropriations bill, we were able to include $170 million for national juvenile justice programming this year, which is a significant increase from last year.

Finally, we were able to include in the appropriations bill is a much needed adjustment to the Victims of Crime Act to extend for an additional year the time in which the State and victim assistance grantees may retain and use grants from the Federal Crime Victims Fund. This is important in years in which collections of fines and penalties at the Federal level are exceptionally large, as they were this past year. Through this amendment we are trying to ensure that State grants from the crime victims fund can be used wisely over a more extended period of time. This amendment will augment the increase in the minimum victim assistance grant to small States from $200,000 to $500,000 per year that I was able to include in the Justice for Victims of Terrorism Act, which passed earlier this year.•

DEDICATION OF SHIRLEY L. MILLER PAVILION

• Mr. GRAHAM. Mr. President, on October 5, 1996, the Children's Cancer Caring Center will dedicate the Shirley L. Miller Pavilion at the prestigious Cleveland Clinic of Broward County, FL. The pavilion will house facilities used by the Clinic to treat its hundreds of young outpatients. Mr. President, it is fitting that this pavilion memorialize the good name and extraordinary life of Shirley L. Miller of Miami, FL who passed away on September 24, 1996.

Shirley L. Miller, along with her close friends, Lee Klein and Erma Podvin, have been deeply involved in providing medical care to children with cancer for 35 years. The Children's Cancer Caring Center, of which Shirley was a cofounder and vice president, provides totally free cancer treatment for hundreds of children from Florida and elsewhere. In addition to medical treatment, the caring center provides ancillary services—counseling, special events, and an overnight summer camp—to afflicted children and their families. Beyond donating thousands of volunteer hours, Shirley and her colleagues have raised tens of millions of dollars to support their efforts over the years.

Mr. President, Shirley L. Miller represents what is great in America. Her dear friend and president of the caring center, Lee Klein, called her "a beautiful gift to the thousands of children who confronted this disease and whose lives she touched." Shirley L. Miller was a great credit to her community and her family, including her husband of 46 years, Irving, and her brother, Samuel Levine, and sister, Gloria Berger. Her children, Roger Miller, Sherri Gersten, Miki Goldstein, Renee Simmons, and Cary Caster, and her 13 grandchildren, have much to be proud of. She received numerous awards in recognition of her civic activities on behalf of Mount Sinai Medical Center, Hebrew Academy, the Greater Miami Jewish Federation, the Girl Scouts of America, the National Council of Jewish Women, Temple Beth Shalom of Miami Beach, and the Youth Orchestra of Florida. Her son, Roger, explained "She was a woman who spent so many waking hours helping others less fortunate than she."

Mr. President, although the Shirley L. Miller Pavilion at the Cleveland Clinic in Broward County will serve to memorialize her name, the lifetime of unlimited caring Shirley L. Miller provided to thousands of children and their families will be our greatest monument to this extraordinary woman.•

TRIBUTE TO THE STAFF OF THE SENATE SPECIAL COMMITTEE ON AGING

• Mr. COHEN. Mr. President, as the 104th Congress and my own tenure in the Senate draw to a close, I want to take this opportunity to thank and pay tribute to my staff on the Senate Special Committee on Aging for their fine work, dedicated service, and exemplary commitment to the needs of our Nation's elderly.

I have had the privilege of serving as a member of the Aging Committee since first coming to the Senate, after having served on the House Aging Committee for many years. In 1991, I assumed the position of ranking Republican member on the Senate Special Committee on Aging, after the sudden and tragic death of John Heinz, our beloved friend and colleague from Pennsylvania. He left us long before his contributions were fully credited and before his mission could be completed. It was daunting indeed to follow in the footsteps of John Heinz, who was legendary in his advocacy on behalf of our Nation's senior citizens.

In 1995, I succeeded another giant in the field of aging issues, Senator DAVID PRYOR, as chairman of the committee. Senator PRYOR has been an indefatigable leader on issues affecting the quality of life for our seniors and protecting them from all forms of exploitation. DAVID has decided to retire from the Senate, but the high standard of excellence that he set throughout his years as a Congressman, Governor, and Senator will be remembered with great fondness and gratitude by those who have been honored to serve with him, and by those who were so honorably served by him.

Mr. President, I am proud that in these last 5 years the Aging Committee has had a strong record of achievement, thanks in large part to my highly dedicated and talented committee staff. The committee has brought many problems now facing our Nation's elderly to the attention of the Congress, policy makers, and the public. It has provoked public debate and has proposed solutions on how our Government programs can better serve the elderly and disabled.

For example, the committee has examined a host of issues relating to Medicare and Medicaid. It has examined how managed care trends will affect the elderly and disabled populations, and how some Medicare HMO's have given poor quality and service to Medicare enrollees. We have reviewed the Medicare hotline and the level of service provided by the Medicare program itself to enrollees. The committee has identified how those with Alzheimer's disease and other chronic conditions of aging often fall through the cracks of our health care system, and how we should rethink our programs to provide more integrated care.

The committee has placed strong emphasis on the long-term care needs of our Nation's elderly and disabled, recommending ways to protect the rights of nursing home residents and offering proposals on how to help families prepare for the crushing financial burden of long-term care.

The committee has held hearings on the mental health needs of older Americans and heard riveting testimony on the once taboo subject of suicide among the elderly. Our hearings have cast a bright spotlight on the high prescription drug costs facing older Americans and how, tragically, some older Americans face the Hobson's choice of whether to buy food or medicine, because they simply cannot afford both.

As has been the long tradition of the Aging Committee, we have exercised an active investigative agenda, focusing on how senior citizens are often prime targets of scams and con artists. Our investigations have revealed how some health care providers manipulate the system to siphon off as much as $100 billion a year from our health care system. We have heard sobering testimony from perpetrators on how easy it is to rip off the health care system and the taxpayers. Major reforms have been now signed into law to crack down against these abuse, in large part due to the investigations and recommendations from the Aging Committee.

We have investigated telemarketer who offer prize giveaway, contests, investment schemes and other promises of gold to trusting senior citizens. Tragically, these scams have resulted in many seniors losing thousands of dollars, and often their entire retirement savings.

The committee has devoted much attention to the unfettered growth of the Social Security disability program and how this program suffers from management deficiencies, fraud and abuse, and far too little oversight. We have provoked important public debate on problems in our Federal disability programs and have stressed the need to start facing head on the problems posed by the future insolvency of the Social Security and Medicare trust funds.

While this is but a taste of the entire record of the Aging Committee's activities over the past 5 years, it gives a flavor of how this committee has alerted the Congress and the public to the needs of our aging population.

I want to pay special tribute to my staff on the Aging Committee who have played a major role in each of these committee efforts.

Since 1991, my Aging Committee staff has been under the able direction of Mary Gerwin, who has been the driving force behind the issues we have reviewed and who has shaped many of the legislative proposals we made as a result of our investigative and oversight efforts.

I also want to recognize the fine work and dedication of deputy staff director Priscilla Hobson Hanley; chief investigator Helen Albert; professional staff member Victoria Blatter; professional staff member Liz Liess; committee chief clerk Sally Ehrenfried; systems administrator Beth Watson; research assistants Lance Wain and Lindsey Ledwin; staff assistants Karina Lynch, Wendy Moltrup; and Myrna Webb; and GPO printer Joyce Ward. I extend my gratitude to these and all of the many committee staff, both past and present, who have contributed greatly to the mission of the committee.

I also want to recognize the fine work of Kathryn Gest, my press secretary and Mike Townsend, committee press secretary, for their excellent work in promoting the work of the Aging Committee.

Mr. President, the Aging Committee is perhaps unique among congressional committee due to its strong bipartisan cooperation. I want to congratulate and thank Senator PRYOR's dedicated staff on the committee for their many years of service to both the Senate and our senior citizens.

As I retire from the Senate, my staff will disperse to seek new opportunities and to make their contributions to the Nation in other ways. I wish them well and am deeply indebted to them for their service. The Senate Special Committee on Aging serves a very special purpose for the Congress and the Nation—and my staff on that committee has been very special indeed.•

FLOW CONTROL LEGISLATION

• Mr. WELLSTONE. Mr. President, the U.S. Congress has failed this year to resolve a serious solid waste problem, that of flow control. Many solid waste management issues have been rightly addressed by State and local governments. State and local governments have decided how solid waste will be managed, preferring landfilling, incineration, recycling, composting, waste reduction, or a combination thereof. Similarly, they have also provided the needed funding for their solid waste programs.

However, while State and local governments have played the key role, the Federal Government has also been involved in the management of solid waste. Through regulatory actions and federal court rulings, the Federal Government has dramatically influenced how State and local governments have approached their solid waste problems. For example, when the Supreme Court recently held that State and local governments could no longer designate where privately collected waste could be disposed of, some States and localities—including many in my State of Minnesota—were adversely affected.

No longer could a State—except in rare instances—prohibit waste shipments from out-of-State or impose fees on waste disposal that discriminate on the basis of origin, nor direct where privately collected waste had to be disposed. As a result of this decision—and those of other courts—many local governments teeter on the brink of bankruptcy. Without the ability to guarantee a volume of waste flow to their waste facilities, local governments are less able to finance the facility, as well as to plan for future development.

Recent Congresses, in addition to this one, have attempted to address the flow control problem. Legislation has been introduced to give States the authority to restrict the amount of solid waste imported from other States. However, the Senate and House have yet to agree on a solution. Due to Congress' inability to address flow control, many local governments are contemplating—or have already undertaken—drastic actions such as laying off employees and raising taxes. In addition, some local governments have had their bonds downgraded. Alarmingly, it seems that if the flow control problem is not addressed soon, the financial problems of many communities in my State of Minnesota and elsewhere will only worsen.

I have wholeheartedly supported flow control legislation in the past. While many in Congress continue to oppose such legislation, I will not rest. In the 105th Congress, I will continue to advocate flow control legislation to help communities in our country better manage their solid waste.•

THE OMNIBUS APPROPRIATIONS BILL

• Mr. KEMPTHORNE. Mr. President, I wish to talk about the omnibus appropriations bill adopted by the Senate this week and signed into law by the President.

Passage and enactment before the end of the fiscal year was important to keep the Government in business and meeting the needs of American citizens.

The bill is significant in that it continues the Republican Congress' move to balance the Federal budget by the year 2002. It would have been easier had the President and his party not been more interested in obstruction over cooperation. Still, this Congress has cut around 300 unneeded Federal programs and saved $53 billion in discretionary spending.

We provide for a higher level of defense funding than the President requested. We also approved strong anticrime and antidrug packages, aggressive antiterrorism programs and stringent antiillegal immigration measures. The bill increases funding to our States and communities hard hit by natural disasters.

My State of Idaho is one where residents and businesses had to cope with rains, floods, and wildfires this year. There is a role for the Federal Government in helping stabilize riverbeds and hillsides, reducing environmental damage, putting businesses back on solid footing and firefighting efforts. This bill accomplishes that.

The USDA's Natural Resources Conservation Service watershed and flood prevention operations receive a $63 million increase in this bill, $5 million will go to help the Boise area recover from the devastating 8th Street fire in the Boise foothills. Without immediate attention to the fragile hillsides, this winter's rains and next spring's snowmelt could send tons of water and mud into homes and businesses all along the Boise front.

Additionally, the Bureau of Land Management's firefighting account will get a $17 million increase over last year. Wildfires are claiming more and more Western land, and the BLM's resources are stretched to the limit.

The Forest Service, which manages more than 20 million acres in Idaho, gets a $144.5 million increase in firefighting funding, $17.7 million for management of the National Forest System, almost $2 million for forest and rangeland research and nearly $19 million in State and private cooperative programs.

The Federal Government owns two-thirds of the land in Idaho, so I'm pleased these needed increases will help develop and maintain solid management and cooperation with private and State landowners.

Preservation of our natural resources and treasured environment is important to me and to Idaho. I'm pleased to see the U.S. Fish and Wildlife Service will get a $6 million dollar increase for the cooperative Endangered Species Conservation Fund. This grant program to the States will allow for cooperative agreements to save species and habitat. As I work on a revised Endangered Species Act, I want to encourage cooperation of States and private land owners to enter into these types of arrangements. States and local governments will play a greater role in species protection and recovery in the future.

Native Americans in Idaho and across the country will see increases in the Bureau of Indian Affairs and the Indian Health Service. These increases are important so we don't neglect our obligations to tribes and their residents.

Besides what this bill does, it is important for what it does not do. There are no increases in grazing fees for ranchers in the West. Other amendments which limit Native American sovereignty were also dropped.

Mr. President, I am proud that this Congress passed, and the President signed, the Safe Drinking Water Act. The bill is the only major environmental legislation of the 104th Congress, and represents the way environmental laws should work. It protects public health and safety while giving States and communities the flexibility to manage water systems to meet their local needs. It is truly the best way to ensure safe and affordable drinking water to every American.

This omnibus appropriations bill includes an additional $40 million for the new Safe Drinking Water Act. $10 million will be dedicated to important health research on contaminants that are present in drinking water and that pose real threats to humans, like the microbe cryptosporidium that killed over 100 people in Milwaukee in 1993. With better science and a better understanding of contaminants in our drinking water, the Environmental Protection Agency and our States will be able to target their limited resources on the most serious water problems.

Earlier I mentioned how this bill strengthens our national defense. While I do not agree with all that is in this omnibus package, especially the funding for foreign aid, I have to applaud stronger national defense.

This bill provides an additional $9 million to slow the pace of the Clinton defense cuts. I believe this administration has cut too far, too fast. At a time when we're asking men and women in uniform to do more, we shouldn't be providing less. As our Armed Forces take part in so-called peace-keeping operations around the world, we should be supporting them, not cutting them. As chairman of the Armed Services Personnel Subcommittee, I'm pleased our military forces will be getting a 3 percent pay raise. I wish it could be more, but at least we're taking care of the troops and their families.

Idaho plays a key role in research and development to keep our national defense the best and strongest in the world. I am proud of the dedicated scientists, engineers, and workers in Idaho who fill important roles to make sure when our troops are called into action, they have the best and most advanced equipment and technology. The work at laboratories from Idaho Falls to Sandpoint saves lives.

The Department of Defense appropriations bill in this omnibus package funds projects which help diversify the missions at the Idaho National Engineering Laboratory. It provides $3.5 million for an Air Force Battle Management System and $3 million for the chemical weapons demilitarization Mobile Munitions Assessment System. These projects are designed to protect our forces in the field, where training and equipment are expected to perform.

Our Navy benefits from this bill as well. This bill funds $40 million over the President's request for advanced submarine technology development, much of this work is done at the Navy's acoustic center at Lake Pend Oreille in northern Idaho. Pend Oreille is the deepest lake in the country, and provides an excellent laboratory and training ground for development of the quietest and hardest to detect submarines in any ocean.

Mr. President, while I don't like the fact this bill is more than $6.5 billion dollars more than Congress originally proposed, it does continue to bring fiscal responsibility to the Federal budget, and continues the pledge this Republican Congress made to Americans to balance the budget. It is important to note these spending increases are paid for with other provisions in this bill.

Therefore, Mr. President, I can only hope that in the next Congress, we can not only trim discretionary spending, but we can pass laws that will attack runaway mandatory spending. It is possible, if we have a President and a Congress that will work together.•

CITY OF HOLLAND

• Mr. LEVIN. Mr. President, I rise today to honor the city of Holland, MI. In June 1996, the National Civic League selected Holland as 1 of 10 All-America Cities that best displayed their ability to recognize and respond to problems in the community.

Holland was singled out for several of its successful community programs. These include: the Maple Avenue Church recreation facility, which provides supervised youth programs which reduce gang violence; Van Raalte Elementary School's program of offering tutoring, drug prevention training, recreation, and family help; and the Our-street program, which helps homeowners, landlords, and tenants. These programs work to bring down racial and ethnic barriers that have divided people and foster a strong sense of community.

When announcing this year's winners, John W. Gardner, chairman of the National Civic League said, "These ten communities have one thing in common: A belief in the power of grassroots problem solving." I can think of no better description of the city of Holland. The residents of Holland have taken it upon themselves to reach out to their neighbors and work to improve their community.

I know my Senate colleagues join me in congratulating the city of Holland on this distinction.•

RETIREMENT OF JOHN GALLOS, TWIN CITIES TELEVISION PIONEER

• Mr. GRAMS. Mr. President, there was a song actor Walter Brennan made popular in the early 1960's in which he reminisces about an old farmhand he recalled from his childhood. "I can't remember when he 'tweren't around," went the lyrics. I rise today to pay tribute to an outstanding Minnesotan, one of our State's pioneers in television, of whom can truly be said, "We can't remember when he 'tweren't around."

An entire generation of Minnesotans fondly remembers John Gallos as Commodore Cappy and Clancy the Cop, the characters he created for a pair of early-morning children's programs at WCCO Television in Minneapolis. In the early 1950's, television was in its infancy. It was anything goes as John and his colleagues experimented with and defined this new medium. The weekly prop budget of $1.50 did not buy much in those early years, but the kids who flocked to their television sets to start their days with a dose of Cappy or Clancy did not care: they had found a place where they were always welcome.

Besides his children's programming, John hosted a nondenominational religious talk show entitled "Sunday Morning With John Gallos" which ran on WCCO for 31 years. The show was honored in 1995 with a Wilbur Award from the Religious Public Relations Council for its excellence in communicating religious and ethical issues. John rightly counts "Sunday Morning" as one of his proudest achievements.

When I think of John, another of his Sunday projects comes to mind: a weekly salute to Laurel and Hardy that introduced the comic legends to a new generation.

There is one story John often tells because to him, it demonstrates the positive impact local television can have on a community. For the rest of us, it exemplifies the positive impact John Gallos himself has had on the lives of Minnesota families. It happened just before Valentines Day around 1959. John, as Commodore Cappy, was talking on the air with Vivian Vulture, one of his puppets. "I suppose you'll get a lot of Valentines this year," he told her. "No, Commodore, I never get any Valentines," answered Vivian, and she started to cry. The Commodore wiped a tear from his own eye and said, "Perhaps the children will think of you this year."

Mr. President, over the next few days, more than 10,000 Valentine cards poured into the WCCO studios addressed to that little puppet.

In recent years, the voices of most of the pioneering talents in Twin Cities television have grown quiet, as they trade their shifts in front of the cameras and microphones for retirement. And now, after nearly a half century spent inside the radio and television studios of WCCO, John Gallos is retiring, too. My colleagues in the Senate join with me in congratulating John for his lifetime of service to his community. We thank him for his generous spirit, and wish him well in the years to come.•

MONETA J. SLEET

• Mr. LEVIN. Mr. President, on September 30, 1996, our Nation, and the world, lost one of its most gifted documenters of history, photographer Moneta J. Sleet.

Moneta was the first African-American to win journalism's most prestigious award. He won the Pulitzer Prize in 1969 for documenting the funeral of Dr. Martin Luther King, Jr. His photograph of Coretta Scott King holding her 5-year-old daughter at Dr. King's funeral has come to symbolize the tragedy of this turbulent period in our nation's history.

Moneta spent the majority of his career chronicling our Nation's civil rights movement. We are grateful to have had Moneta to record this important part of our history. In 1956, he met a 28-year-old Martin Luther King, Jr., who at the time was a minister in Atlanta. Moneta fostered a close relationship with King, and later would travel with him to Sweden when he received the 1964 Nobel Peace Prize. Moneta also accompanied Vice President Richard M. Nixon to Africa in 1957 when that continent was on the verge of independence.

Moneta was born in Kentucky in 1926. He attended Kentucky State and received a master's degree in journalism from New York University. Moneta went on to work for the Amsterdam News, Our World, Ebony, and Jet magazines. Moneta Sleet died in New York City at the age of 70, leaving behind his wife, three children, and three grandchildren.

On September 30, we lost an American treasure. I know my Senate colleagues join me in honoring the life of Moneta J. Sleet.•

THE WELLNESS PLAN OF DETROIT, MI, AND HEALTHSOURCE SAGINAW

• Mr. ABRAHAM. Mr. President, with the 104th Congress coming to a close, this Senator wanted to come to the floor and express his disappointment at the failure of Congress to act on a couple of extremely important issues affecting the State of Michigan.

One of the matters is a Medicare 50/50 enrollment composition rule waiver for the Wellness Plan of Detroit, MI. The Wellness Plan is a federally certified Medicaid health maintenance organization located in Detroit, MI. It currently has 150,000 enrollees—141,000 of whom are Medicaid, 12,000 commercial and 2,000 Medicare. Since 1993, the Wellness Plan has had a health care prepayment plan contract with Medicare. However, technical changes enacted by Congress effective January 1, 1996, unintentionally prevent the Wellness Plan from enrolling additional Medicare beneficiaries under the HCPP contract. So while the Wellness Plan now is positioned to become a full Medicare risk contractor, it currently is precluded from doing so due to the 50/50 Medicare/Medicaid enrollment composition rule.

My colleague from Michigan, Senator LEVIN, and I introduced legislation recently to grant this waiver to the Wellness Plan. It is important to note that even the Health Care Financing Administration [HCFA] supports the Wellness Plan receiving this plan-specific 50/50 waiver. Because this legislation is noncontroversial, only affects the State of Michigan, and is supported by the entire State delegation, it was our hope that we could either include this measure in the omnibus appropriation bill the Senate passed this week.

Regrettably, we were unable to include this language in the omnibus appropriation bill due to opposition from the Finance Committee to the addition of any Medicare or Medicaid provisions. While this Senator intends to pursue this initiative in the next Congress, it is truly disappointing that we were not allowed to enact this provision this year. This may appear to be a relatively minor, technical legislative issue, but it would have had a profound impact on the ability of Medicare beneficiaries in the State of Michigan to participate in this effective health care plan.

Mr. President, the other matter has to do with HealthSource Saginaw hospital facility in Saginaw, MI. For the past 2 years, several of us in the Michigan delegation have been working diligently to provide a temporary extension of the moratorium that Congress had enacted and previously extended that prohibits the Department of Health and Human Services from considering HealthSource Saginaw to be an institution for mental diseases [IMD]. The most recent moratorium expired on December 31, 1995. We were able to get a moratorium extension in last year's reconciliation bill. Obviously, the President's veto of that bill dashed our hopes of solving this problem through that mechanism. In the interim, however, the State of Michigan has been forced to subsidize the losses incurred by HealthSource Saginaw since the expiration of the most recent moratorium. Reportedly, this has cost the State of Michigan $902,000 to date since January 1, 1996, it is estimated that amount will increase to $1.2 million by the end of the year.

The fiscal year 1997 Labor-HHS-Education appropriation bill passed by the House of Representatives contained legislative language providing an extension of the moratorium through the year 2000 or until the first day of the first quarter in which Michigan's State plan would become effective under the new MediGrant program. It was our hope that such language would be included the omnibus appropriation bill or any continuing resolution that was sent to the President. Once again, the Finance Committee's opposition to any such Medicare or Medicaid provisions prevented us from succeeding in enacting this moratorium for HealthSource Saginaw this year. That is very unfortunate for the people of Saginaw, who risk losing an important health care facility in their area, and for the people of Michigan, who continue to have to subsidize this facility's operation because of the unwillingness of some in Congress to address this matter prior to adjournment.

As with the waiver for the Wellness Plan, this Senator intends to continue to press for the moratorium for HealthSource Saginaw in the 105th Congress.•

MARVIN C. PRYOR

• Mr. LEVIN. Mr. President, I rise today to honor Pastor Marvin C. Pryor, who on Saturday, October 12, 1996 will be consecrated to the office of bishop to the episcopacy of the Third Ecclesiastical Jurisdiction of Southwest Michigan. Pastor Pryor is a member of the Church of God in Christ, Inc. The ceremony will be conducted by Bishop Chandler D. Owens, chief apostle of the 4 million member organization.

Marvin Pryor is pastor of the Victorious Believers Ministries, where he has served since 1984. Under Pastor Pryor's strong leadership, church membership has grown from 30 to 700 parishioners. Pastor Pryor has also been influential in the establishment and operation of the church's After School Tutorial Program, Food and Clothing Assistance Program, and Prison Ministry.

Pastor Pryor is no stranger to public service. He worked for the Flint School District for nearly 30 years before retiring in 1992 to devote his full time to the ministry. He served as an administrator for 24 years and was Flint Northern High School's Principal for 16 years.

Marvin Pryor is a Michigan native who has received advanced degrees from both the University of Michigan and Michigan State University. One of Marvin's greatest joys in life is the time he shares with his wife and four children and their extended family. Of the numerous awards he has received for his community, civic, and religious involvement, he is most proud of being named Father of the Year by city of Flint Mayor Woodrow Stanley.

I know that my Senate colleagues join me in honoring Marvin C. Pryor on a long life of faithful service to the community, and in congratulating him on becoming a bishop in the Church of God in Christ, Inc.•

TRIBUTE TO THE STAFF OF THE SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

• Mr. COHEN. Mr. President, today I rise to pay tribute to the staff of the Subcommittee on Oversight of Government Management and the District of Columbia.

I have had the pleasure of serving either as the chairman or the ranking member during my entire tenure in the Senate. The subcommittee has been responsible for a number of significant legislative and oversight accomplishments during the past 18 years and, while it would take too long to describe each of these accomplishments, I want to mention just a few of them:

The Competition in Contracting Act [CICA] of 1984, major procurement reform which remarkably improved the way Government agencies acquire goods and services.

The independent counsel law, which serves to ensure that wrongdoing at the highest levels of Government will be impartially investigated.

The Clinical Laboratory Improvement Act of 1988, designed to improve the regulation and accuracy of medical laboratory tests.

More recently and under the leadership of Senator LEVIN, the Subcommittee was instrumental in the passage of the Lobbying Disclosure Act which requires public registration of professional lobbyists.

Just this year, the subcommittee was responsible for the enactment of the Information Technology Management Reform Act. This landmark legislation will save taxpayers billions of dollars by changing the way the federal government approaches, purchases and uses technology.

As a result of two subcommittee hearings, the Federal Employee Travel Reform Act of 1996 recently became law. This act represents the biggest change in Federal travel rules in 40 years and will result in an estimated savings of $4 billion over the next five years.

Not only has the subcommittee staff achieved significant legislative accomplishments, but they have worked tirelessly to ensure that the subcommittee's oversight function was performed aggressively, credibly, and with the utmost integrity and care. Regardless of the issue, the subcommittee has undertaken its oversight role with vigor and tenacity. The subcommittee has performed oversight on issues ranging from procurement to Government ethics and, more recently, from bank failures and federal construction to aviation safety.

The subcommittee has also published a number of investigative reports which have had significant impact on Government reform. These reports include "Federal Government Losing Millions By Not Minding the Concessions Store" and "Computer Chaos: Billions Wasted Buying Federal Computer Systems". A soon to be released report on Federally Funded Research and Development Centers [FFRDC] will lay the groundwork to significantly improve the Federal role in promoting scientific research.

Today, I wanted to pay tribute to the staff who have worked tirelessly in recent years to continue the tradition of excellence always associated with the Subcommittee on Oversight of Government Management. Under the leadership of staff director Kim Corthell and deputy staff director Paul Brubaker, the staff continues to perform a respected and recognized oversight and legislative function on Capitol Hill.

I want to express my gratitude and thanks to the current subcommittee staff—Kim Corthell, Paul Brubaker, Paulina Collins, Bill Greenwalt, Frankie deVergie, and Andrea Gerber.

I also want to recognize and thank other members of my staff who served on the subcommittee in the past—Mary Gerwin, Priscilla Hanley, Andy Antrobus, Jennifer Goldthwait, Kelly Metcalf Meese, Julie Denison, and Matthew Frost.

Finally, I want to mention and thank the individuals who have most recently served on the subcommittee as fellows and detailees—Don Mullinax, Ralph Dawn, Marty Grenn, Chris Condon, and Peter Wade.

These women and men made an invaluable contribution to the subcommittee's work and to improving government. I deeply appreciate their loyalty and dedication, and I wish all of these talented and hard working individuals continued success and much happiness in their future endeavors.•

A MORE BALANCED IMMIGRATION BILL

• Mr. AKAKA. Mr. President, as we move toward adjournment, I wish to comment on the recently passed illegal immigration reform bill. I also wish to commend everyone who helped hammer out the compromise that was incorporated into H.R. 4278, the Omnibus Consolidated Appropriations bill.

The resulting compromise properly shifted the focus from penalizing those legally admitted to this country to those who illegally cross our borders. The conference report, as passed by the House of Representatives last week, would have severely restricted benefit eligibility for legal permanent residents and other lawfully admitted immigrants. Legal residents—people who contribute to our society by working hard, paying taxes, serving in our Nation's Armed Forces, and observing all laws to remain in the United States—would have been ineligible for most Federally funded public assistance based on income.

The resulting compromise eliminates deeming provisions that would have restricted the ability of legal immigrants to receive federal benefits during their first 5 years in the United States. Moreover, it dropped provisions mandating deportation or denial of naturalized status to immigrants who accept Federal benefits during a 12-month period over 7 years.

These are significant changes which soften the newly enacted welfare reform bill that bars legal resident aliens from receiving a number of Federal benefits.

The House-passed conference agreement also called for establishing income standards for the sponsorship by U.S. citizens of family members that were unrealistically high and would have had a deleterious effect on family reunification—a long-standing goal of U.S. immigration policy. The conference agreement numbers would have kept sponsorship of immediate family members out of the reach of many hard-working, tax-paying families. Under the compromise, sponsors of immigrant relatives must now earn a minimum of 125 percent of the Federal poverty level. This is a more realistic standard that will assist low-income wage earners in reuniting with their family members.

I voted for the Senate immigration reform bill in May, not because I thought it was perfect, but because it addressed the issue of illegal immigration. I was hopeful that the House and Senate bills could be negotiated in a bipartisan fashion so that Congress could enact meaningful immigration reform. During the conference, Democrats were excluded from the process. The results, Mr. President, were predictable.

The Congress does not represent only one opinion. We must be willing and able to compromise, to hear one another's concerns, and find solutions that will not harm our citizens and legal immigrants. Congress was on the verge of enacting legislation that would have created a second-class citizenship for legal immigrants. I am pleased that we were able to avert action that would have unfairly treated those legally admitted to this country, threatened to close the door on refugees fleeing persecution, and denied working Americans the right to be reunited with their families.•

REGARDING THE TRAUMA REDUCTION INITIATIVE

• Mr. MACK. Mr. President, as we complete our business in the Senate today, I rise to note with interest the support the Appropriations Committees in the House and Senate gave to the trauma reduction initiative under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program of the Bureau of Justice Assistance.

On page H11848 of the September 28, 1996 CONGRESSIONAL RECORD, the Commerce, Justice, State, the Judiciary and Appropriation subcommittee members of the House and Senate urge the Bureau of Justice Assistance to favorably consider funding the initiative. As you may know, the trauma reduction project was developed by Cooper Hospital/University Medical of Camden, NJ, and NOVA Southeastern University of Fort Lauderdale, FL, to respond to and prevent violence and crime in our neighborhoods. What makes this initiative unique is the joining of therapeutic and alternative dispute resolution methods to train personnel who intervene most often in violent or even chronic abuse situations.

I look forward to working with my colleagues from New Jersey and the Department of Justice to make this proposal a reality. Not only will it assist immediate victims of abuse and crime, but it will contribute to reduce the spiral of crime and violence which plagues our neighborhoods and burdens our health care system.•

URBAN WOES AND SOLUTIONS

• Mr. MOYNIHAN. Mr. President, I would like to call the Senate's attention to an op-ed in the New York Daily News by Professor Mitchell Moss. Professor Moss, director of the Taub Urban

Research Center of New York University, has a long history of illuminating our Nation's urban woes, and potential solutions.

I ask that the article entitled "U.S. Cities Need a Helping Hand" by Mitchell Moss be printed in the RECORD.

The article follows:

U.S. CITIES NEED A HELPING HAND

(By Mitchell Moss)

Like suburbanites who commute to high-income jobs in downtown offices, Bill Clinton and Bob Dole treat cities as places to raise money, not as centers of commerce and culture with physical and human needs.

The same is true across the political spectrum. Both parties used cities to stage their conventions—but failed to acknowledge the economic and social importance of cities in their party platforms. Neither party has a set of policies to deal with the impact of immigrants, to help schools, to pump private dollars into housing or to use the renewal of the infrastructure as a way to create jobs.

The Democrats' only strategy for cities is to create more empowerment zones. That's supply-side idea stolen from Jack Kemp's playbook, but it is too unproven to warrant expansion into a national spending program. And congressional Democrats still support the entrenched interest groups that impede innovation at the community level.

As for the Republicans, it took Kemp, a former housing secretary, to remind them that cities are still part of the United States. In fact, the GOP platform virtually ignores cities while paying homage to the nation's agricultural heritage and calling for tax policies to preserve the family farm.

The GOP would shift most domestic programs to the states, putting cities at the mercy of suburban and rural-dominated legislatures that consistently shortchange urban schools and mass transit systems.

And both parties have joined in passing anti-urban welfare reform legislation. The targets of this law—poor people and legal immigrants—are disproportionately located in the nation's major cities. Moreover, welfare reform, when combined with the bi-partisan agreement to balance the budget without reducing entitlements, will force Washington to intensify its two-decade-old policy of urban disinvestment.

Ironically, the federal government's abandonment of cities is occurring at the precise moment when central-city office markets are rebounding, when business improvement districts are cleaning up streets and sidewalks and when church and community-based corporations have mastered the art of developing low-cost housing.

There is even a new cadre of mayors trying to do what was once considered impossible: Govern big cities. Giuliani in New York, Riordan in Los Angeles, Daley in Chicago, Rendell in Philadelphia and White in Cleveland are taking on the challenge of reducing high taxes, holding down municipal labor costs, stimulating tourism and improving safety—all without the help of their governors and legislatures.

So what can Washington do to help mayors and their cities? There are no quick fixes. But there are priorities that warrant funds and attention:

National immigration policy has caused overcrowding in big-city schools, especially in New York and Los Angeles. The cost of educating the children immigrants should be partially covered by the federal government and not just local taxpayers.

Washington should build on its successful use of tax incentives to attract private dollars to finance low-income housing and stimulate minority employment in the contracting and construction trades. Federal policy makers also should recognize the importance of religious-based organizations in housing and economic development.

The federal government can help create jobs while improving urban infrastructures by fostering public and private investment in mass transit, intelligent highways and waterfront development.

The federal government cannot cure the problems of cities, but voters must not let the presidential candidates run away from the cities, either.•

VOLUNTEER AMATEUR RADIO OPERATORS

• Mr. COHEN. Mr. President, I rise today to pay tribute to volunteer amateur radio operators who provide an essential emergency communications service to government and private relief agencies during times of national disasters.

After floods, hurricanes, earthquakes, fires, and tornados, amateur radio, or "ham" operators as they are often called, provide emergency communications when other forms of communications are down. They are often the only ones who can relay messages from victims in disaster areas to loved ones in other locations. There are over 4,000 ham radio operators in Maine, over 650,000 nationwide, and several million internationally.

To give you an example of the valuable public service that ham radio operators provide, I want to tell you about a story that came to my attention last year. A couple honeymooning on St. Maarten were lost during Hurricane Luis. The hurricane caused massive destruction to the island, leveling neighborhoods, tearing apart hotels and restaurants, and washing out roads. Thousands of tourists were stranded without electricity, running water, or telephone service.

George Foss, a ham radio operator from Franconia, NH, worked with Linda Leeman and David Seaborn of my staff, and ham radio operators in Cuba, Panama, North Carolina, and Aruba to contact the U.S. Consulate on the Dutch side of the island where one of the diplomats was operating an amateur radio station on emergency power. At the time, there were only two cellular telephones in service for the entire island. All other forms of communication had been destroyed by the hurricane. The hard work of these amateur radio operators made it possible to locate this couple and let their friends and family back home know they were alright.

Mr. President, I want to publicly thank George Foss and the millions of amateur radio operators worldwide who volunteer their time to aid in these search and rescue efforts. We all owe them our thanks and sincere gratitude.•

RESOLUTIONS OF THE VERMONT ASSOCIATION OF CHIEFS OF POLICE

• Mr. LEAHY. Mr. President, I ask to have printed in the RECORD, copies of two resolutions passed on May 31, 1996, by the Vermont Association of Chiefs of Police dealing with the creation of a national clearinghouse for information on police performance and the police officer bill of rights.

I would like to thank them for sharing these resolutions with me.

The resolutions follow:

RESOLUTION FOR THE SUPPORT OF NATIONAL OFFICER CLEARINGHOUSE LEGISLATION

Whereas the vast majority of police officers serve and protect their communities professionally and successfully with diligences, courage and integrity; and

Whereas it is essential that the public maintain confidence in the professionalism and integrity of its police officers, and the ability of police agencies to maintain those standards; and

Whereas only a small percentage of police officers have acted in a manner that does not meet the public's expectations or the profession's standards of ethics and conduct; and

Whereas it is in the best interest of the public and the policing profession to assure that such officers are denied further opportunities to serve as police officers; and

Whereas such officers who are terminated or who resign because of misconduct can often secure subsequent police service employment at other agencies, often by reason of not fully disclosing the circumstances of a previous termination or resignation; and

Whereas the ability of such officers to move from one agency to another severely limits police agency's ability to identify officers that should not be working police services; and

Whereas the ability of a prospective employing agency to identify such officers could be enhanced through a national clearinghouse of information by which prior police service employment is made known to prospective employing agencies; and

Whereas, at the urging of the International Association of Chiefs of Police, the Florida Police Chief's Association, and the Florida Department of Law Enforcement, legislation was introduced by Senator Bob Graham and Congressman Harry Johnson to create a National Officer Clearinghouse, but the legislation was not enacted by the 103rd Congress: Now, therefore, be it

Resolved, That the Vermont Association of Chiefs of Police calls for Vermont's Congressional delegation to support S. 484—the "Law Enforcement and Correctional Officers Registration Act of 1995" and companion House legislation co-sponsoring this legislation, and be it further

Resolved, That the Vermont Association of Chiefs of Police, through its membership, actively participate in the clearinghouse once it is established.

Passed this 31st day of May, 1996 in Vergennes, Vermont.

GARY WATSON,
President.

RESOLUTION IN OPPOSITION OF POLICE OFFICERS' BILL OF RIGHTS LEGISLATION

Whereas, the U.S. Congress is presently considering legislation to establish a federal Police Officers' Bill of Rights; and

Whereas, if adopted, this legislation would require every local, county and state law enforcement agency to adopt a Law Enforcement Officers' Bill of Rights, or lose substantial amounts of federal grants; and

Whereas, the Vermont Association of Chiefs of Police believes that due process rights for all police officers subject to (1) investigation for violation of department rules and regulations; and (2) subsequent disciplinary action are well provided for in individual agency policy and procedure in compliance with prevailing federal and state law and court mandates; and

Whereas, this legislation violates the theory of states' rights established under the 10th Amendment to the U.S. Constitution, through which the states retain the right to regulate those matters that the federal government had not regulated; and

Whereas, specific provisions of the Police Officers' Bill of Rights will deprive police administrators of vital and necessary powers to conduct both informal and internal investigations to resolve employee grievances, and to maintain a civil service system free of politics;

Now therefore be it resolved that the Vermont Association of Chiefs of Police hereby affirms its opposition to H.R. 2946, H.R. 2537 and all bills and amendments of a similar nature that would establish a federal Police Officers' Bill of Rights.

Be it further resolved that a copy of this resolution be delivered to Vermont's Congressional Delegation along with a request that the resolution be entered into the Congressional Record.

Passed this 31st day of May, 1996 in Vergennes, Vermont.

GARY WATSON,
President.•

TRIBUTE TO J. MARK TIPPS

• Mr. FRIST. Mr. President, I rise to pay tribute today to a member of my staff who has served me and the State of Tennessee with dedication and excellence for the past 2 years. When I came to the U.S. Senate, I had no previous political experience. That meant that I had no staff waiting for their next assignment, no idea how to set up an office, and no time to learn. Luckily, I did have Mark Tipps.

To my great benefit, Mark Tipps agreed to take a leave of absence from his law partnership at Bass, Berry, and Sims in Nashville and bring his wife Joi and two beautiful daughters, Annie and Grace, to Washington to serve as my Chief of Staff.

I first came to know Mark when he volunteered to help me clarify and articulate my position on various issues during my campaign. Although he also had no direct previous political experience, I was instantly impressed by his ability to bring complicated state and national issues into focus and his level-headed, common-sense approach. Throughout his tenure in Washington, he has used these qualities to help me put together and maintain a first-rate staff; keep a strong presence in Tennessee, even when the Senate schedule keeps me in Washington; develop a successful, focused legislative agenda; and make the right decisions for Tennesseans on tough issues.

Most importantly, Mark has played a major role for me and my entire staff in making sure these past 2 years were not only challenging, but also enjoyable. I remember the first trip I made to Washington with Mark after my election. We were late to a meeting because we were wandering around the Capitol looking for the Russell Building. We eventually found it, but it has been the source of many jokes over the past 2 years as we recount just how far we've come. Mark is known among my staff and throughout the office for his open-door policy and good judgment. Staff members know that if they have a problem or need advice, personal or professional, all they have to do is knock. With his easygoing, affable personality, Mark is more than just a boss to my staff—he is a friend. Mark has also become far more than just a staff member to me and my wife, Karyn. He is a personal friend and we look forward to staying in touch with his family during our frequent visits to Nashville.

The one request that Mark made of me when he came to Capitol Hill was that I not make him stay more than 2 years. I am begrudgingly and with much hesitation keeping that promise, and I wish Mark the very best of luck as he returns to his home in Nashville to resume his law practice. If Mark takes nothing else back home with him after his 2-year "baptism by fire" here, he is at least taking a fifth family member and his first son. John Alfred Tipps was born on May 29 and may not remember much of his stay here, but can hopefully read this tribute and know how much his Dad contributed to this country. The whole Frist office will miss Mark, but we all send him off with our very fond memories, sincere gratitude and best wishes.•

SAVINGS BANK LIFE INSURANCE INDUSTRY

• Mr. KERRY. Mr. President, although I do not serve on the Finance Committee, I was pleased to work closely with that committee during this Congress on a number of issues which have a special impact on the people of Massachusetts. For example, in the Small Business Job Protection Act, we were able to provide tax relief for fishing families in New Bedford, MA, as well as extend the research and development tax credit and employer-provided education tax deduction. In addition, in that legislation, we raised the minimum wage by 90 cents an hour—the first installment of that raise just went into effect this week, and the benefit is being felt by families all across Massachusetts.

Mr. President, while we can take pride in this work, there were several miscellaneous tax provisions that the committee, without making any judgment about their merit, found unable to give proper review or consideration. One of these technical amendments would clarify the tax treatment of the State-mandated consolidation of savings banks life insurance departments. Specifically, the amendment would address the potential unfair consequences for the savings bank life insurance [SBLI] industry which is unique to New York, Connecticut, and Massachusetts.

While the Finance Committee did not act on this issue in the current Congress, it is my hope and expectation that the Senate will be able to make the necessary technical clarifications in the law early next year.

I should point out that all six Senators from affected States wrote to the chairman of the Finance Committee, the Senator from Delaware, requesting committee consideration of the measure. That letter, which I ask to be printed in the RECORD immediately following my remarks, was signed by Senators KENNEDY, MOYNIHAN, D'AMATO, DODD, LIEBERMAN and me. Mr. President, in addition to the clear, bipartisan support for this technical amendment, the Treasury Department has indicated the Clinton administration has no objection to this proposal.

I look forward to working with my colleagues on this issue in the 105th Congress. I yield the floor.

The letter follows:

U.S. SENATE,
Washington, DC, December 12, 1995.

Hon. WILLIAM V. ROTH, JR.,
Chairman, Senate Finance Committee,
Washington, DC.

DEAR MR. CHAIRMAN: During upcoming negotiations on the Balanced Budget Act of 1995, we would ask that you support a technical amendment to address potential unfair tax consequences for the savings bank life insurance (SBLI) organizations in New York, Connecticut and Massachussetts. SBLI is an industry unique to our three States. The provision would clarify the tax treatment of the state-mandated consolidation of mutual savings bank's life insurance departments.

More specifically, the provision would clarify how the Internal Revenue Code of 1986 should treat certain additional policyholders dividends mandated by the Massachusetts State Legislature in 1990. As explained further in the attached paper, the legislation consolidated the state's savings banks' life insurance departments into a new non-public stock company, while still providing for the sale of its products through these state banking institutions. Because of the IRS' expansive interpretation of current law, it is essential that Congress clarify that the 12-year dividend payout associated with this consolidation should be treated as a deductible policyholder dividend rather than a non-deductible redemption of equiy. The IRS has indicated that if the tax clarification of this issue is not made this year, SBLI and its policyholders will be subjected to this tax inequity which will be regrettably and unfairly passed on to the consumer.

Only the Savings Bank Life Insurance Company of Massachusetts is immediately affected by the IRS' interpretation of the Code. However, the sister industries in both New York and Connecticut may be adversely affected if the Tax Code is not properly clarified because they may follow the consolidation approach taken by Massachusetts. Revenue estimates by the Joint Committee on Taxation project that the cost of this clarification to the Tax Code would not exceed

$25 million over the next five years, and the Administration has testified that it does not oppose providing legislative relief to SBLI.

Mr. Chairman, for the aforementioned reasons, we would appreciate your cooperation in clarifying the Tax Code as it relates to this timely issue.

Sincerely,

ALFONSE M. D'AMATO,
U.S. Senator.
EDWARD M. KENNEDY,
CHRISTOPHER J. DODD,
DANIEL PATRICK MOYNIHAN,
U.S. Senator.
JOHN F. KERRY,
JOSEPH I. LIEBERMAN.•

PROFESSIONAL BOXING SAFETY ACT

• Mr. McCAIN. Mr. President, as the Senate comes to the close of this session, I want to express a few words on the passage of H.R. 4167, The Professional Boxing Safety Act. I am extremely pleased that the 104th Congress will be the first in 35 years—since the days of the Kefauver Committee—to reform professional boxing. The bill has been sent to the President for his consideration.

I thank my colleague, Senator BRYAN, who represents the premier boxing State in our country, for his great help and counsel on this bipartisan legislation. In the House, Subcommittee Chairman MIKE OXLEY, Chairman BLILEY of the Commerce Committee, Rep. PAT WILLIAMS, and Rep. JOHN DINGELL all played vital roles in getting this historic legislation passed in that body.

I have been an avid fan of professional boxing all my life. I still go to several fights each year. Boxing can be a thrilling and honorable contest between highly skilled athletes. At its best, professional boxing for me and millions of other fans is the "sweet science."

But professional boxing in our country is also a big money, often unregulated industry that has been aptly described as the "red light district of sports." I regret it has earned that distinction through decades of controversy, scandals, and ethical abuses.

Of primary importance for me has been the lack of proper health and safety measures for the unknown, journeymen boxers who sustain the sport. They may never make more than a few hundred dollars a night, and are subject to physical and financial exploitation from unscrupulous promoters. It is the only profession they know.

As soon as they are of no use to a promoter, they are discarded. Left with the debilitating effects that result from years of punishment. No pension, no medical care, no assistance from any league or association in the industry.

Other major sports have well-run private associations that provide benefits to their athletes, and address ethical abuses on behalf of the public. Boxing has none.

With no private organization in this industry, and uneven public oversight at the State level, it is appropriate for the Congress to act on behalf of the athletes whose health and safety is often put at risk.

In fact, five States have absolutely no public oversight of professional boxing. That can easily lead to dangerous or fraudulent situations.

This bipartisan legislation, H.R. 4167, is closely based on the bill Senator BRYAN and I passed through the Senate last October—S. 187. It is a modest but practical bill. It establishes a series of health, safety, and ethical standards for each professional boxing event in the United States.

This act will greatly assist dedicated State boxing commissioners as they strive to responsibly regulate this industry. The Association of Boxing Commissions strongly endorsed S. 187, and I received letters from boxing officials from all over the United States in support of it.

This is not a Washington-based, bureaucratic solution to the problems affecting boxing that are matters of public concern. I sought the views of State officials from each commission in the country before drafting this legislation.

It is a common sense, limited proposal that puts the interest of the athletes above those of the promoters who would otherwise cut corners on safety. The primary effect of the bill will be to ensure that all boxing events are supervised by State officials. H.R. 4167 will ensure that a modest level of health and safety measures are provided.

It will also assist State commissioners as they work with their colleagues in neighboring States to stop fraudulent or unsafe events. All medical suspensions placed on injured or debilitated boxers must be respected under this bill.

A significant provision added in the House will prevent conflicts of interest in the industry. State commissioners who serve the public interest in regulating professional boxing will be prohibited from receiving compensation from the business side of the sport. That will help address the troublesome influence that the self-serving sanctioning bodies have gained over the years.

Importantly, I'd like to emphasize what this bill does not do. It does not require appropriations; it does not create a Federal boxing bureaucracy or entity of any kind. And it does not impose costly mandates on State commissions.

H.R. 4167, the Professional Boxing Safety Act, properly leaves regulation of the sport to State officials. But it will strengthen health and safety standards on behalf of the athletes, and require responsible oversight by these commissioners.

I believe this legislation will make professional boxing a safer and more honorable sport. That's a solid achievement for industry members, State officials, and the fans who long for it to be as great a sport as it can be.•

FCC'S IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996

• Mr. BURNS. Mr. President, I'd like to take a moment today to offer some observations on the FCC's recent attempts to implement the important Telecommunications Act that we passed during the 104th Congress. I ask unanimous consent that my comments appear as if presented in morning business.

As we all know, prior to the 104th Congress, we had been debating communications issues for almost 20 years with little forward progress. During the 104th, the chairman of the Senate Commerce, Science, and Transportation Committee, Senator LARRY PRESSLER, hammered out a balanced, bipartisan piece of legislation that addressed the extremely technical and controversial issues raised in deregulating the broadcasting and communications industries. When we all gathered in the Library of Congress on February 8, 1996, to witness the signing of this historic legislation into law, I think pretty much all of us were proud of our collective accomplishment. We hoped and expected that our efforts would produce new services, new competitive options, new jobs and investment, and a competitive marketplace.

However, recently, I have been watching the highly controversial efforts of the FCC at it has worked to implement this new law. And, as Yogi Berra once said, it's starting to look like deja vu all over again.

Congress hammered out a consensus blueprint—one that was fair and balanced, and one that all the various industries signed onto. That process took a lot of work; in fact, the Senate-House conference took over 4 months. However, I am concerned with the manner in which the FCC has gone about implementing this bill. In fact, yesterday's Wall Street Journal contained an article which identified many of the problems arising from the FCC's implementation of the Telecommunications Act. I ask unanimous consent that a copy of that article be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BURNS. Mr. President, I am concerned that the FCC's implementation of the Interconnection provision—the FCC's order implementing this provision is 932 pages and contains some 4,062 footnotes—has alienated virtually all of the State regulators, and it has generated a massive appeal to the courts by the local exchange companies—this represents about three-quarters of the entire industry. Thus, the balanced, consensus approach that Congress achieved has, apparently, been set aside, and now, unfortunately, we are seeing these issues before the courts.

Mr. President, this situation is not good for anyone. Confusion, industry strife, and massive court filings don't facilitate the construction of the information superhighway. Because I believe that the U.S. competitiveness in the global information economy will be dependent upon how quickly we upgrade our communications networks, it is absolutely essential that the FCC not adopt implementation policies that frustrate the timely deployment of information and communications infrastructure. I encourage the FCC to go back to the legislation that we passed and to follow the roadmap that Congress outlined. That roadmap calls for, first, encouraging private sector negotiations, and, second, relying upon the State commissions to arbitrate solutions to the problems that private parties cannot work out. The FCC is responsible for overseeing this process but should not try to take over the process by rehashing all the issues that Congress resolved in the enactment of this act. It needs to implement Congress' blueprint in a balanced, consensus fashion, so that the communications industry can begin the important job of bringing new services, new options, and new technologies to the American public.

Thank you, Mr. President. I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, Oct. 2, 1996]

HOW BUREAUCRATS REWRITE LAWS

(By John J. DiIulio Jr.)

As the historic 104th Congress draws to a close, scholars have already begun to debate its legislative record. Some stress that the first Republican Congress in four decades enacted fewer major laws than any Congress since the end of World War II. Others respond that it was only natural that a new conservative Congress committed to restraining the post-New Deal rise of national government activism would pass fewer big-government bills. Likewise, while some interpret President Clinton's bright re-election prospects as a negative referendum on the GOP-led House and Senate, other focus on how Republicans ended up setting the agenda on everything from balancing the budget to welfare reform.

For at least two reasons, however, both sides in this early war over the 104th history are firing intellectual blanks. One reason is that it is not yet clear how much of the legislation will stick politically. For example, Mr. Clinton has made plain that, if reelected, he plans to "fix" the new welfare law. And should the House fall to the Democrats, ultraliberal committee chairmen will move quickly to undo much of what the Republicans did legislatively on welfare, crime, immigration and more.

The other and more fundamental reason is that, no matter what happens in November, it is by no means certain that the laws passed by the Republican Congress over the last two years will survive administratively.

BUREAUCRATIC WARS

Victories won on the legislative battlefield are routinely lost in the fog of bureaucratic wars over what the laws mean and how best to implement them. One of many recent examples is how the Federal Communications Commission has already virtually rewritten the Telecommunications Act of 1996.

On Feb. 8, President Clinton signed the first major rewrite of telecommunications law in 62 years. To many observers, the act represented the culmination of a series of political and judicial decisions that began in 1974 when the U.S. Justice Department filed an antitrust suit against AT&T, leading to a breakup of the old telephone monopoly and the creation in 1984 of the seven regional "Baby Bells." The bill-signing ceremony, the first ever held at the Library of Congress, was draped in symbolism. The president signed the bill with a digital pen that put his signature on the Internet. On a TV screen, Comedian Lily Tomlin played her classic telephone company operator Ernestine, opening her skit with "one gigabyte" instead of "one ringle-dinglie."

During the debate over the bill and for weeks after its enactment, the press played up the law's social-policy side-shows, like the requirement that most new television sets contain a "V-chip" enabling parents to lock out programs deemed inappropriate for children. But its true significance lay in removing barriers to competition in the telecommunications industry, and devolving responsibility for remaining regulation to the states. While its language is often technical, you need not be a telecom junkie to understand the letter of the law or the record of floor debates in Congress.

For example, Sections 251 and 252 of the law promote competition in local telephone markets, expressly giving state commissions authority to decide, via a strictly localized, case-specific process, what constitutes "just and reasonable" rates. It affords the FCC no role whatsoever in setting local exchange prices: "Nothing in this chapter shall be construed to apply or to give the Commission jurisdiction with respect to . . . charges, classifications, practices, facilities, or regulations for or in connection with intrastate communication service."

The law's devolutionary language and deregulatory intent was so clear that groups such as the National Council of Governors' Advisors quickly produced reports advising key state and local decision makers to prepare for "telewars in the states." Soon, one NCGA report on the law explained, "governors' offices, state legislatures and state public utility commissioners will be drawn into state debates on how to ensure a 'level playing field for competition' among those firms seeking to provide local and intrastate telephone service." The major battles, the NCGA predicted, would be over the terms of price and interconnection agreements. Telephone company rivals could be expected to lobby governors, utility commissions and state legislatures in search of allies.

But within six months of the law's enactment, the FCC declared a victor in the "telewars in the states"—namely, itself. The commission produced a 600-page document promulgating presumptive national pricing standards in local telephone markets. The FCC insists that the order is necessary to pry open local markets to long-distance carriers like AT&T, small firms like Teleport, and cable and wireless companies. Otherwise, the commission asserts, incumbent local carriers like the Regional Bell Operating Companies will remain invulnerable to real competition as potential entrants to intrastate markets are forced to contend with 50 different, localized state regulatory regimes.

But the FCC's rushed, revanchist rewrite of the telecommunications law is based on a hypothetical pricing scheme that only an armchair economist could love. In its hundreds of pages of national regulatory dictates, the FCC almost completely ignores the actual costs that local companies incurred to create the system, and the regional and other variation in how they operate.

On Aug. 28, GTE Corp. and Southern New England Telephone Co. jointly challenged the FCC in court, arguing that the FCC's order constitutes an uncompensated taking under the Fifth Amendment by requiring them to sell their services at below actual costs. The order, they claim, would almost certainly enervate competition by permitting long-distance giants like AT&T to buy up local phone networks at huge discounts—an ironic potential outcome indeed given how all this began in 1974. Moreover, not only giants like AT&T but fly-by-night arbitrage artists could enrich themselves at the expense of consumers on the spread between actual operating costs and the prices set by the FCC. In response to the suit, a federal appeals court ordered a temporary stay of the FCC regulations and will hear oral arguments in the case tomorrow.

At a recent press conference, GTE's senior vice president and general counsel, former U.S. Attorney General William F. Barr, demanded to know why the FCC believes that it is better at making decisions "for 50 states than the state commissions are, who have done this historically, who have all the data that are relevant to the state before them."

A MOCKERY

But whether or not the FCC is wiser than the states, but regardless of who is right about the economics of the case, the FCC bureaucrats' order mocks key provisions of a democratically enacted law. The FCC's action is at odds not only with the textbook understanding of "how a bill becomes law," but the first principles of limited government and American constitutionalism.

The FCC's action should serve to remind us that the devolution and deregulation of federal authority are always in the administrative details. On telecommunications, welfare, and almost every other major issue, big government is the administrative state in which judges and unelected officials, and not the elected representatives who debate and enact the laws, govern us all.•

1984 SINO-BRITISH JOINT RESOLUTION ON THE QUESTION OF HONG KONG

• Mr. MACK. Mr. President, only 270 days of freedom remain for the people of Hong Kong unless the principles of the 1984 Sino-British Joint Declaration on the Question of Hong Kong are upheld and enforced. Although Governor Chris Patton proclaimed yesterday his intention not to go quietly from his post as last Governor of Hong Kong, his stated goals do not go far enough. Martin Lee, Hong Kong's Democratic Party leader, correctly identified Patton's shortcomings on behalf of those who will remain after Beijing takes control of the colony next July.

Governor Patton proclaimed yesterday that he intended to accomplish many things during his remaining time in Hong Kong, but his proposed actions fall short of what is required. We see former Communist states all over the world transitioning to free market economies and forms of democratic governance. The United States and our friends and allies are investing a great deal of effort to aid and assist these transitions. We cannot turn our backs on the only instance of a successful and shining free market democracy transitioning to the darkness of communism. I fear that this will happen on midnight of June 30, 1997.

The world must insist upon implementation of the Sino-British Joint Declaration on the Question of Hong Kong signed in 1984. And then the world must ensure Beijing upholds their agreement. Neither Beijing nor London should back down from this agreement now.

I commend Mr. Patton for his good work on freedom, stability, and prosperity during his tenure as Governor. He has pursued reforms while facing resistance and indeed intimidation from Beijing. But he has been forced to compromise in order to maintain his relationship with Beijing. The price of this compromise is too great.

I must support Hong Kong's Democratic Party leader Martin Lee, who yesterday called on Patton to do more. I also call on the Government in London to do more. The people of Hong Kong should be asked to accept nothing less. The Joint Declaration of 1984 is an international treaty registered in the United Nations. A violation of this treaty by either party represents a violation of international law. London must hold Beijing to the terms of this treaty for the benefit of the people of Hong Kong.

In assessing the situation today, we have Patton's speech and Beijing's promises, but we must focus not on words, but actions. I am primarily concerned with actions taken by Beijing that undermine the promises made in the Joint Declaration. These include: harassing journalists by Beijing such as Hong Kong reporter Xi Yang; threatening to replace the democratically elected legislative council with an appointed provisional legislature; proposing to repeal Hong Kong's Bill of Rights; and assigning power of judicial interpretation to the national People's Congress rather than Hong Kong's courts.

The United States must strongly urge Beijing to grant Hong Kong the level of autonomy promised in the Joint Declaration. United States policy must acknowledge the Joint Declaration as an international treaty possessing the force of law. It is a matter of international law that the parties to the treaty abide by their solemn obligations undertaken in the Joint Declaration.

The United Kingdom should make a determination as to whether China's plans to replace the legislative council are a violation of the Joint Declaration. But even if London fails in this responsibility, the United States cannot sit idly by when, by anyone's reasonable interpretation, China violates its international treaty obligations, especially when the stakes are as high as they are with Hong Kong.

Over the next 9 months, I intend to continue to raise the level of attention of the Hong Kong transition. The principles at stake touch the core of the minimum standard of freedom upon which we must insist.•

TRIBUTE TO THE STAFF OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

• Mr. JOHNSTON. Mr. President, when I first came to the U.S. Senate, I was assigned to the Committee on Interior and Insular Affairs, which we of course know today as the Committee on Energy and Natural Resources. As I prepare to finish my Senate career, I look back on my years on that committee as the source of the most rewarding and intellectually stimulating challenges of my years here. From the Arab embargo of 1973 to the natural gas wars of 1978, from the complex Alaska land issues of the early 1980's to the National Energy Policy Act of 1992, we have been engaged in vitally important work that is often long on complexity and short on glamour.

I am proud of the record we achieved, not only during my 8 years as chairman, but throughout my service, and I wish today to say thank you to a professional staff unlike any other, one which has served the committee and the country so well over the years.

Some of the best minds in the country have served on the committee staff over the years. Whatever their reasons for coming, I believe most stayed and relished their time there because they found themselves in the company of other keen minds, and they knew that their mission would not be mortgaged to politics and that their task was to find honest, pragmatic, workable solutions to vexing problems. Almost all of them have gone on to rewarding careers in government and business, and I can only hope they were as enriched by their experience as the public product was by their service.

Luckily for me, some of the very best and brightest have remained to assist me as my service in this body comes to a close.

BEN COOPER

One of those staff members who has served me the longest and with particular distinction is the minority staff director of the committee, Dr. Ben Cooper. About the time I joined the committee, we became involved in the development of national energy policy in response to the crude oil supply interruptions in the Middle East that were disrupting our domestic economy. The committee has continued to be involved deeply in this issue, as indicated by its current name, which was attached to the committee during the reorganization of Senate committees that occurred in early 1977.

Shortly after I joined the committee, a long-haired doctor of physics joined the Democratic committee staff from Iowa State, where he had been an instructor. He first joined the staff as a congressional science fellow employed by the then-chairman, our dear departed colleague, Senator Henry M. Jackson. Since those early days, I have worked closely with Ben, who officially became part of my staff in 1981, when I became ranking minority member of the committee. Ben has continued with me through my chairmanship of the committee and through our return to the minority.

Mr. President, there can be no better staff than Dr. Ben Cooper. He is perhaps the only remaining staff of either the House or Senate who has a complete institutional memory of the evolution of modern Federal energy policy. Ben has been active on energy issues that range from crude oil pricing to natural gas deregulation to the current electric restructuring debate. Ben is particularly an expert on nuclear policy, as would be expected from his physics background. I can say without reservation that Ben has played an active and, usually, key staff role on every piece of legislation relating to nuclear matters that has been considered by Congress in the last 20 years. In addition, Ben has played a key role on non-energy-related legislation ranging from public lands legislation to the risk assessment legislation that has been considered by the Senate during the last two Congresses.

Mr. President, throughout his long career as Senate staff, Ben has earned a reputation for honesty and professionalism both among the staff and Members of the House and Senate. Unfortunately for the Senate and, I believe, the process of developing sound public policy, Ben has indicated that he will be leaving the Senate by the end of the year to pursue new challenges.

Mr. President, my friendship with Dr. Ben Cooper will continue, but our daily interaction is not likely to continue, and I will miss Ben's daily good counsel tremendously. I commend Ben for a career well spent and well conducted, congratulate him on the contribution he has made to our Nation and wish him the best in his future pursuits.

TOM WILLIAMS

The Senate Energy and Natural Resources Committee has been fortunate to have a second long-term Democratic staff member who is as eminent in his field as is Dr. Cooper in the field of energy policy. I refer, of course, to Tom Williams, who is without equal in his knowledge of Federal policy toward public lands, national parks, the U.S. Forest Service and a variety of lands issues relating to the great State of Alaska.

Tom joined the Democratic staff of the committee in 1973 and has continued his service with the committee through today, except for a brief interlude at the Department of the Interior early in the current administration. During his service with the committee, Tom has served as key staff on every public lands and national parks bill that has been considered or enacted by the U.S. Senate. No staff member in the Congress has a greater institutional knowledge of these important, and often divisive issues that are often at once arcane and tremendously important both to the Nation as a whole and to individuals that may be affected directly by Federal policy.

I have had the pleasure of considering Tom "my" staff since I became ranking member of the committee in 1981. Throughout that period of time, I have valued Tom's counsel not only on the parks and lands issues, but on a host of other issues including the mining reform legislation that has been considered by the committee in the past several Congresses. Tom has the ability to counsel wisely and honestly on the various policy options available and on the often diametrically opposed arguments of industry and the environmental community. Tom has that great ability, shared by Ben Cooper and many of my staff, to remain calm and professional in the midst of the hottest and most divisive debates. For that reason, among others, Tom Williams has earned an excellent reputation among Members and staff alike in both the House and Senate.

Mr. President, I will miss my daily interaction with Tom, but I understand that Tom's talents will not be lost to the Senate or the public. I understand that Tom desires to continue in his service and I am sure that my colleague and friend, the senior Senator from Arkansas, who will become the ranking Democrat on the committee, will continue Tom's service with the committee.

Mr. President, I extend my thanks to Tom for his service and counsel to me and for his friendship, and I am pleased that the committee and the Senate will continue to have access to Tom's talents and service.

SAM FOWLER

A uniquely talented attorney serves as minority chief counsel of the committee: Sam Fowler. Sam has a long history of distinguished public service, first with the Smithsonian Institution, then with the President's Council on Environmental Quality, next with the House Interior and Insular Affairs Committee and, finally, beginning in 1991, with our committee.

Mr. President, Sam is a lawyer's lawyer. If Sam says the law says X, then you can be sure that the law says X. He is one of the most fastidious and careful researchers I have ever encountered. He has a special talent for expressing himself through the written word in a concise and precise manner.

Sam has staffed many issues in which I have taken particular interest. Perhaps in no area has his contribution been greater than in the area of nuclear policy. Sam has exhibited the rare talent, at least among lawyers, for mastering the scientific terms and concepts associated with the development of nuclear power and the safe disposal of nuclear waste.

Finally, Mr. President, I would be remiss if I did not mention one other activity of Sam's that has enlightened and enriched my life and those of the committee staff. Sam, on his own time, prepares incisive memoranda that trace the history and development of various aspects of the institution of republican government. Among his topics have been a history of gift rules, privileged motions, and the evolution of the modern State of the Union address. This aspect of Sam's life illustrates his wonderful intellectual curiosity that is so vital in good staff.

Mr. President, Sam is a treasure of the committee, a treasure I will miss greatly.

DAVID BROOKS

David Brooks came over from the House Interior Committee to join our staff in 1989. He has played a major role in shaping much of this country's recent policy on public lands, national parks, and historic preservation. The California Desert Protection Act is one such example of David's craftsmanship. And there could be no more appropriate bill with which to associate David—whom we often refer to as the third Senator from Arizona —than the Arizona Wilderness Act, to which he devoted his unstinting attention. If we are fortunate enough to see enactment of the pending omnibus parks bill before the end of this Congress, it will owe in significant measure to David's determination and negotiating skills. His great knowledge and exemplary work ethic have added so much to the work of our committee, and I am most grateful.

BOB SIMON

In 1993, I learned that Bob Simon of the Department of Energy would be detailed to the Energy and Natural Resouces Committee. Bob had started working for the Department during the Bush administration, and my staff director, Ben Cooper, told me of the high regard he had for Bob's acumen and integrity. I can say now from the perspective of 3 years later that Ben's endorsement, strong though it was, has turned out to be an understatement.

While many agency detailees treat their time with congressional offices as something like school without the examinations, Bob took his opportunity very seriously and began distinguishing himself almost immediately by his deft and thorough handling of difficult issues. Since coming on board, Bob has won the respect and admiration of his colleagues on the staff and the trust of the members who rely on his work, and he has demonstrated his possession of a rare combination of attributes—intellectual and technical mastery, outstanding political and strategic judgment, and complete reliability—which has made his work extremely valuable.

In particular, Bob's knowledge and expertise in the area of the Federal Government's energy research programs is unrivaled. And on the issue of risk assessment, which is only matched in its importance to the Nation by its lack of glamour and its complexity, Bob Simon provided staff work that was truly remarkable for its thoroughness and incisiveness.

I want to express my sincere appreciation for Bob Simon's hard work and dedication, and I wish him the very best in the future.

CLIFF SIKORA

No subject has presented more of a challenge to my committee or consumed more of our time than the vast issue of electricity deregulation, and I am frank to say that the sterling work done by Betsy Moeller, Don Santa, and Bill Conway raised the bar significantly on my expectations for staff work in this area.

I am pleased to say that Cliff Sikora, whom we enticed to come from the Federal Energy Regulatory Commission, has more than met those standards. I am persuaded that no one in the country has a more commanding overall grasp of the thorny issue of electricity deregulation than Cliff, and he has done an exceptional job of bringing those talents to bear to assist me and other members of the committee in our deliberations in the scant year or so that he has been on the staff.

VICKI THORNE

Vicki Thorne, through her years as majority and minority office manager and clerk, has performed the unsung, often unnoticed, but always critical job of keeping the committee running, whether in organizing hearings, supervising publications, or playing den mother to a large and diverse family of staff. Her efficiency has been matched only by an equable temperament and warm smile that enabled her and us to get our way far more often than not. She has my deepest thanks.●

THE CYCLE OF VIOLENCE

● Mr. COHEN. Mr. President, I am submitting for the RECORD a Washington Post article about two young boys here on Capitol Hill, who recently deliberately inflicted pain upon someone's pet dog just for the fun of it. The Post article states that the dog was a friendly animal toward people. Witnesses state they saw the dog wagging its tail and going up to the two youths, expecting to be petted. Instead, one of the boys slapped the dog, took it to the top of an apartment building and hurled it to the ground.

Research suggests that people who abuse animals require immediate attention. They are involved in a cycle of violence, either as a victim, perpetrator, or both. These violent symptoms manifested by a troubled youth appear to be a particularly important and accurate early indicator of future violent behavior. Numerous experts cite the link between animal abuse and human violence as one early warning signal that the people involved in such acts of violence may either be a victim, or a perpetrator in some violent incidents. Experts state that those who are abusive to animals lack empathy, compassion, and respect for life. However, researchers agree that these personality attributes can be taught. A successful example of such, is the country of Israel, where a national humane education program to reduce violent crime in their country has been implemented.

Research on this issue also compels us to take action to detect, treat, and prevent perpetrators of animal violence before they turn their violent impulses toward humans. Many experts agree that animal abuse is not just a personality flaw of the abuser, but may be an indication of a deeply disturbed family. The Federal Bureau of Investigation has conducted research on the correlation between people who are abusers of animals to their committing future violent acts. In numerous interviews with prison inmates convicted of violent crimes, the deliberate infliction of pain on animals was a common link.

Last May, I advised Attorney General Janet Reno that cruelty to animals is a particularly troublesome manifestation of youth violence. I encouraged the Attorney General to review the Justice Department's plan of action in exposing the correlation between animal and human violence, that prevention and treatment may begin. Since that time, I have been working with the Justice Department, law enforcement officials, and others in evaluating this linkage and how this knowledge can be used to decrease crime among juveniles.

Mr. President, today I wrote to Donna Shalala, the Department of Health and Human Services Secretary, and encouraged her to begin a program to educate the social services communities about the correlation between animal and human violence. I also wrote to Richard Riley, the Department of Education Secretary, encouraging him to implement an educational program among school guidance counselors, teachers, and school administrators in recognizing the signs of violence. School officials and the social services communities are among the first to recognize and work with troubled youth. Many see first hand the early symptoms of abusive behavior toward animals. However, most of these officials do not realize the correlation between animal abusers and the cycle of violence.

It is necessary for us to look at ways to reduce violence in this country. It makes good sense to evaluate further this correlation, which the FBI has used for almost two decades now in profiling serial killers and other violent offenders. Implementation of a humane education program in the school systems throughout the United States of America offers some hope for reduction of violence among our youth and at this point, any sensible approach should not be dismissed.

Mr. President, I also submit for the RECORD an interview with an FBI agent and professor at the FBI Academy in Quantico, VA, with the Humane Society of the United States. I believe it is time for Americans to pursue seriously every avenue to address and eliminate the cycle of violence.

I ask that these items be printed in the RECORD.

The material follows:

[From the Washington Post]

COCO THE SPANIEL IS SENT PLUNGING THREE STORIES

(By Linda Wheeler)

D.C. police are searching for two boys who walked a neighbor's dog up three flights of stairs to the roof of a Capitol Hill apartment building and then dropped her to the hard earth below.

Coco, a liver-and-white Brittany spaniel, landed spread-eagled, her right front leg shattered and the left limp from nerve damage.

"The [right] leg is blasted, what we call a high-energy fracture," said veterinarian Peter Glassman, of Friendship Hospital for Animals in Northwest Washington, "Thank God we don't see these kind of injuries very often."

According to Washington Humane Society officials, most animal cruelty cases in the city involve pets that have been starved or beaten by their owners. Rarely are they deliberately hurt by strangers, said Rosemary Vozobule, the society's law enforcement officer.

"This was a very sweet dog, and she just went up to these kids," she said. "We have reports that one boy yelled at her and slapped her. Then he took her to the roof."

The dogs owners, Nancy and Harold Smalley, live a block from the Kentucky Court housing complex in Southeast Washington, where the incident occurred Sept. 9. Nancy Smalley said that Coco, adopted two years ago from the D.C. Animal Shelter, was never allowed to roam. Coco must have slipped out of the house, she said, when Harold Smalley left for work early that morning.

"He took the trash out. He was half asleep," she said.

When Nancy Smalley couldn't find Coco to join their other dog—a black Labrador retriever named Mr. B—and five cats for breakfast, she called her husband. Had he taken Coco with him? No, he said. She then called the shelter to report Coco missing. The dog had a collar and name tag, she told them.

About the same time, someone called the shelter to report an injured dog. It was Coco, belly-down on the packed earth, which is so hard that no grass grows there. Someone had covered her with a tattered blanket. Humane officers took the dog back to the shelter for evaluation and called Nancy Smalley.

When she saw Coco a few minutes later, she said, "my mind went blank. It was impossible for me to believe anyone would do this to a dog. I just couldn't understand it. I can't understand it. These things aren't supposed to happen."

Despite her trauma, Coco struggles to balance on three feet and leans against a visitor's leg to have her head patted. Her right leg is in a cast, and the left dangles almost daintily. If she doesn't recover feeling in that leg, Glassman said, it will have to be amputated, because she will drag it and scrape it, leaving her vulnerable to constant infection.

"She's a very sweet dog," Glassman said, adding that she would be able to get along fine on three legs.

Vozobule said she has received several calls from neighbors who saw the incident or heard the boys talking about it. There is a $1,500 award for information leading to the arrest of the suspects, she said.

Vozobule said although what happened to Coco is "tragic," she is pleased that residents were willing to call in tips. "I think people are starting to realize treating animals this way just isn't right," she said.

DEADLY SERIOUS

AN FBI PERSPECTIVE ON ANIMAL CRUELTY

(By Randall Lockwood and Ann Church)

The HSUS has a long history of working closely with local, state, and federal law enforcement agencies to combat cruelty to animals. Many of these agencies have become acutely interested in the connection between animal cruelty and other forms of violent, antisocial behavior. They have found that the investigation and prosecution of crimes against animals is an important tool for identifying people who are, or may become, perpetrators of violent crimes against people.

Earlier this year Sen. William Cohen of Maine formally asked U.S. attorney general Janet Reno to accelerate the U.S. Department of Justice's research in this area. On June 6 The HSUS met with the staff of Senator Cohen and Sen. Robert Smith of New Hampshire and with representatives of the FBI and the Justice Department. One participant was Supervisory Special Agent Alan Brantley of the FBI's Investigative Support Unit (ISU), also known as the Behavioral Science Unit. The ISU is responsible for providing information on the behavior of violent criminals to FBI field offices and law enforcement agencies worldwide. Special Agent Brantley served as a psychologist at a maximum-security prison in North Carolina before joining the FBI. He has interviewed and profiled numerous violent criminals and has direct knowledge of their animal-abuse histories. In his role as an ISU special agent, he shares that information with agents at the FBI Academy and law enforcement officers selected to attend the FBI's National Academy Program. When we asked Special Agent Brantley how many serial killers had a history of abusing animals, his response was, "The real question should be, how many have not?"

As law enforcement officials become more aware of the connection between animal abuse and human-directed violence, they become more supportive of strong anticruelty laws and their enforcement. We are encouraged by this development. We were granted permission to visit the FBI Academy, in Quantico, Virginia, to continue our discussion with Special Agent Brantley.

HSUS: What is the history of the Behavioral Science Unit/ISU?

Brantley: The Behavioral Science Unit originated in the 1970s and is located at the FBI Academy. Its purpose is to teach behavioral sciences to FBI trainees and National Academy students. The instructors were often asked questions about violent criminals, such as, "What do you think causes a person to do something like this?" The instructors offered some ideas, and as the students went out and applied some of these ideas, it was seen that there might be some merit to using this knowledge in field operations. In the mid-1980s, the National Center for the Analysis of Violent Crime was founded with the primary mission of identifying and tracking serial killers, but it also was given the task of looking at any violent crime that was particularly vicious, unusual, or repetitive, including serial rape and child molestation. We now look at and provide operational assistance to law enforcement agencies and prosecutors worldwide who are confronted with any type of violent crime.

HSUS: You have said that the FBI takes the connection between animal cruelty and violent crime very seriously. How is this awareness applied on a daily basis?

Brantley: A lot of what we do is called threat assessment. If we have a known subject, we want as much information as we can obtain from family members, co-workers, local police, and others, before we offer an opinion about this person's threat level and dangerousness. Something we believe is prominently displayed in the histories of people who are habitually violent is animal abuse. We look not only for a history of animal abuse, torment, or torture, but also for childhood or adolescent acts of violence toward other children and possibly adults and for a history of destructiveness to property.

Sometimes this violence against animals is symbolic. We have had cases where individuals had an early history of taking stuffed animals or even pictures of animals and carving them up. That is a risk indicator.

You can look at cruelty to animals and cruelty to humans as a continuum. We first see people begin to fantasize about these violent actions. If there is escalation along this continuum, we may see acting out against inanimate objects. This may also be manifest in the writings or drawings of the individual affected. The next phase is usually acting out against animals.

HSUS: When did the FBI first begin to see this connection?

Brantley: We first quantified it when we did research in the late 1970s, interviewing thirty-six multiple murderers in prison. This kind of theme had already emerged in our work with violent criminals. We all believed this was an important factor, so we said, "Let's go and ask the offenders themselves and see what they have to say about it." By self report, 36 percent described killing and torturing animals as children and 46 percent said they did this as adolescents. We believe that the real figure was much higher, but that people might not have been willing to admit to it.

HSUS: You mean that people who commit multiple, brutal murders might be reluctant to admit to killing animals?

Brantley: I believe that to be true in some cases. In the inmate population, it's one thing to be a big-time criminal and kill people—many inmates have no empathy or concern for human victims—but they might identify with animals. I've worked with prisoners who kept pets even though they weren't supposed to. They would consider someone else hurting their pet as reason enough to commit homicide. Also, within prisons, criminals usually don't want to talk about what they have done to animals or children for fear that other inmates may retaliate against them or that they may lose status among their peers.

HSUS: Where is violence against animals coming from? Are criminals witnessing it in others? Convicted serial killer Ted Bundy recounted being forced to watch his grandfather's animal abuse.

Brantley: For the most part, in my experience, offenders who harm animals as children pretty much come up with this on their own. Quite often they will do this in the presence of others and teach it to others, but the ones with a rich history of violence are usually the instigators. Some children might follow along to be accepted, but the ones we need to worry about are the one or two dominant, influential children who initiate the cruelty.

HSUS: What components need to be present for you to think a child or adolescent is really in trouble?

Brantley: You have to look at the quality of the act and at the frequency and severity. If a child kicks the dog when somebody's been aggressive toward him, that's one issue, but if it's a daily thing or if he has a pattern of tormenting and physically torturing the family dog or cat, that's another. I would look to see if the pattern is escalating. I look at any type of abuse of an animal as serious to begin with, unless I have other information that might explain it. It should not be dismissed. I've seen it too often develop into something more severe.

Some types of abuse, for example, against insects, seem to be fundamentally different. Our society doesn't consider insects attractive or worthy of affection. But our pets are friendly and affectionate and they often symbolically represent the qualities and characteristics of human beings. Violence against them indicates violence that may well escalate into violence against humans.

You also need to look at the bigger picture. What's going on at home? What other supports, if any, are in place? How is the child doing in school? Is he drinking or doing drugs?

HSUS: We are familiar with the "classic" cases of serial killers, like Jeffrey Dahmer, who had early histories of animal abuse (see the Summer 1986 *HSUS News*). Are there any recent cases you have worked on?

Brantley: The Jason Massey case jumps out as being a prominent one. This was a case from 1993 in Texas. This individual, from an early age, started his career killing many dogs and cats. He finally graduated, at the age of 20, to beheading a thirteen-year-old girl and shooting her fourteen-year-old stepbrother to death.

He was convicted of murder. I was brought in for the sentencing phase to testify as to his dangerousness and future threat to the community. The prosecutors knew that he was a prolific killer of animals, and that he was saving the body parts of these animals. The prosecutor discovered a cooler full of animal remains that belonged to Massey and brought it to the courtroom for the sentencing hearing. It caused the jurors to react strongly, and ultimately the sentence was death.

HSUS: Mr. Massey had been institutionalized at his mother's request two years before the murders since she was aware of his diaries, which recorded his violent fantasies, and his animal killings, yet he was released. Do you think that mental health officials have been slower than law enforcement agencies in taking animal abuse seriously?

Brantley: We've made this a part of a lot of our training for local police, and I think most police recognize that when they see animal mutilation or torture that they need to check it out; but police have to triage and prioritize their cases. We try to tell people that investigating animal cruelty and investigating homicides may not be mutually exclusive.

We are trying to do the same for mental health professionals. We offer training to forensic psychiatrists through a fellowship program and provide other training to the mental health community. I think psychiatrists are receptive to our message when we can give them examples and case studies demonstrating this connection. The word is getting out.

HSUS: Do you think more aggressive prosecution of animal-cruelty cases can help get some people into the legal system who might otherwise slip through?

Brantley: I think that it is a legitimate way to deal with someone who poses a threat. Remember, Al Capone was finally imprisoned for income-tax evasion rather than for murder or racketeering-charges which could never be proven.

HSUS: Have you ever encountered a situation where extreme or repeated animal cruelty is the only warning sign you see in an individual, where there is no other violent behavior? Or does such abuse not occur in a vacuum?

Brantley: I would agree with that last concept. But let's say that you do have a case of an individual who seems not to have had any other adjustment problems but is harming animals. What that says is that while, up to that point, there is no documented history of adjustment problems, there are adjustment problems now and there could be greater problems down the road. We have some kids who start early and move toward greater and greater levels of violence, some who get into it starting in adolescence, and some who are adults before they start to blossom into violent offenders.

HSUS: Do you find animal cruelty developing in those who have already begun killing people?

Brantley: We know that certain types of offenders who have escalated to human victims will, at times, regress back to earlier offenses such as making obscene phone calls, stalking people, or killing animals. Rarely, if ever, do we see humans being killed as a precursor to the killing of animals.

HSUS: How would you respond to the argument that animal cruelty provides an outlet that prevents violent individuals from acting against people?

Brantley: I would disagree with that. Animal cruelty is not as serious as killing human beings, we have to agree to that, but certainly it's moving in a very ominous direction. This is not a harmless venting of emotion in a healthy individual; this is a warning sign that this individual is not mentally healthy and needs some sort of intervention. Abusing animals does not dissipate those violent emotions; instead, it may fuel them.

HSUS: What problems do you have in trying to assess the dangerousness of suspect or a known offender?

Brantley: Getting background information is the main problem. People know this person has done these things, but there may be no record or we haven't found the right people to interview.

HSUS: That's one of the reasons why we have put an emphasis on stronger anticruelty laws and more aggressive encorcement—to get such information in the record.

Brantley: A lot of time people who encounter this kind of behavior are looking for the best in people. We also see cases where people are quite frankly afraid to get involved, because it they are dealing with a child or adult who seems to be bizarre or threatening, they are afraid that he or she may no longer kill animals but instead come after them. I've seen a lot of mental health professionals, law enforcement officers, and private citizens who don't want to get involved because they are afraid . . . and for good reason. There are very scary people out there doing scary things. That's largely why they are doing it and talking about it: they want to intimidate and shock and offend, sometimes regardless of the consequences.

HSUS: Is there hope for such an individual?

Brantley: The earlier you can intervene, the better off you'll be. I like to be optimistic. I think in the vast majority of cases, especially if you get to them as children, you can intervene. People shouldn't discount animal abuse as a childish prank or childish experimentation.

HSUS: Have you ever seen any serial killers who have been rehabilitated?

Brantley: I've seen no examples of it and no real efforts to even attempt it! Even if you had a program that might work, the potential consequences of being wrong and releasing someone like that greatly outweigh the benefits of attempting it, in my opinion.

HSUS: There is also a problem in trying to understand which acts against animals and others are associated with the escalation of violence, since police records, if they exist, are often unavailable or juvenile offenses are expunged. Sometimes only local humane societies or animal-control agencies have any record. The HSUS hopes to facilitate consolidating some of these records.

Brantley: That would be great. If animal-cruelty investigators are aware of a case such as a sexual homicide in their community and they are also aware of any animal mutilation going on in the same area, I would encourage them to reach out to us.•

TRIBUTE TO STAFF OF SENATOR JOHNSTON

• Mr. JOHNSTON. Mr. President, no senator has been blessed with a more capable, more loyal, more effective personal staff than I have. For 24 years, they have worked for my office, our State and our Nation with energy and diligence. All of the staff over these years have been excellent, but at this time I want to especially recognize the three most senior staffers in my Washington office for their special talents and contributions.

PATSY GUYER

When I arrived in Washington in November 1972, I was taken in tow by Bill Cochrane of the Rules Committee, who gave me invaluable assistance and counsel in setting up my office. Like most new Senators, I was short-handed and uncertain about the best way to staff my office and deal with the avalanche of mail, telephone calls, and visitors. Bill mentioned to me that he knew of a young woman, Patsy Guyer, who had worked with him on the staff of Senator B. Everett Jordan of North Carolina, and who was available and was a prodigious worker. She was quickly hired, and I don't think her output has slowed one iota over the 24 years she has been on my staff. As my executive assistant, Patsy has handled a huge array of responsibilities over the years, ranging from supervising State offices to managing summer interns, to creating and overseeing an exceptionally efficient mail operation.

But if Patsy should be singled out for anything, it is her management of and deep personal commitment to a case work operation that is unmatched in the volume and quality of service it has rendered to countless thousands of Louisianians in need. I am very proud of the aid my office has given over the years to people who had nowhere else to turn, whether it was securing a visa, locating a loved one, or breaking an impasse on a disability payment or a VA widow's benefits.

We were able to be effective principally because Patsy Guyer has an astounding network of friends and colleagues throughout the Congress and among Federal agencies and, most of all, because she greeted every case, no matter how routine, with the enthusiasm and commitment she brought to her first day on the job in November of 1972. Whether the challenge was to bring home from Abu Dhabi a tragically injured Louisiana businessman, locate a missing child in a Rwandan refugee camp or organize a food airlift to Cambodia, we always knew Patsy would have the ingenuity and contacts to start the process and the absolutely iron-willed determination and dedication to see it through to completion. I have never known a more selfless and giving individual, and I know I speak for untold thousands in Louisiana in expressing deep gratitude for the extraordinary service that this loyal daughter of North Carolina has rendered to Louisiana and our country.

BECKY PUTENS

Mr. President, as many Senators know, Becky Putens has been my personal secretary for the last 18 years. While that is her title, it hardly does justice to the multitude of roles that she has had to play in that time. She has been my gatekeeper, my scheduler, my right-hand person; she keeps track of where I need to be, arranges how I will get there, and generally has acted as a buffer between me and the enormous number of outside demands on my time and attention that go along with being a Senator. Most of all, though, Becky Putens is a fixer: she takes care of problems, from the routine to the seemingly insurmountable, with an aplomb and calmness that is remarkable, and that has, in countless large and small ways, made my time as a Senator more effective, more efficient, and generally more fun.

As my colleagues and her peers—a group of Senators' personal secretaries who call themselves the Senior Babes—can attest, the small area just outside a Senator's personal office often takes on the aspect of Grand Central Station at rush hour. Becky is the person who keeps it all together and running smoothly. Through it all, and maybe because of it all, Becky displays a sense of humor and a way with people and with words that is legendary among many of the longtime staff and Senators. For someone in a position that is always demanding and often thankless, such an attitude and outlook is almost a requirement, and for me it has often served to make even the most tiring and demanding days and nights in the Senate bearable.

But, to me, the most fundamental aspect of Becky's personality is her unquestioning dedication. Whatever the circumstances, however late or early, on weekends or during vacations, if I am there, Becky is there; if I am under the gun, Becky is at my side. In short, in a field of endeavor where loyalty is an often-invoked but seldom-realized ideal, Becky personifies it. I am grateful for her service.

ERIC SILAGY

Mr. President, Eric Silagy has managed to pack more achievements into his brief career than any young man I know. He came to my office in 1987, fresh out of the University of Texas. In less than 2 years, he was chief scheduler for a Senate campaign that was as politically significant and hard fought as any in this century. His intelligence, good judgment and youthful energy were important factors in our victory. For the next 4 years, he served as my legislative assistant while attending Georgetown University Law School, performing superbly in both capacities. Since 1994, he has been my administrative assistant and chief of staff. Thanks to his excellent organizational skills and his tact and good humor, it is an office that has been a productive workplace for a happy, hardworking, and extremely talented staff.

Just as important to me as his skill in running the office, however, has been his remarkable political and policy judgment, which I rely upon in making all the most crucial decisions that come before me; and his extraordinary effectiveness in getting the job done, no matter what the odds against it. Once a legislative goal has been targeted, there is very little that can stand in the way of Eric's efforts to achieve it. In short, while some divide the world into thinkers and doers, Eric Silagy manages to combine the best aspects of both. I want to express my gratitude for his diligence and devotion, and commend him for a job well done.•

VERMONT'S GREEN MOUNTAIN POWER CORP. WINS DISTINGUISHED AWARD

• Mr. JEFFORDS. Mr. President, I would like to rise today in recognition of the Green Mountain Power Corp. Green Mountain Power [GMP] was recently honored with the Edison Electric Institute Common Goals Special Distinction Award for energy efficiency.

Douglas Hyde, GMP president and CEO, and a close friend of mine, was in Washington to accept the award which recognizes GMP's work as a part of EVermont. A public-private partnership, EVermont was formed to test and improve the winter performance of electric vehicles, or EV's. EV's provide clean, quiet, and environmentally sound transportation. For this service, we commend Green Mountain Power and EVermont and congratulate them on winning the EEI Common Goals Award.•

SATISFYING THE HUNGER FOR READING

• Mr. BINGAMAN. Mr. President, encouraging strong reading habits in schoolchildren is a goal that we all share. Reading skills are a core element of the National Education Goals, and literacy is the subject of a new Presidential initiative.

To highlight the importance of reading, I would like to take a brief moment to describe the achievements of an innovative program at a very special school in New Mexico that I believe captures what we should all be trying to do to promote reading.

This fall, the lunch period at Dolores Gonzales Elementary School in Albuquerque will be satisfying a different kind of appetite: A hunger for reading. Thanks to their Join-a-School Partners—Sunwest Bank, Bueno Foods, the Albuquerque Zoological Park, and community members—more than 50 students at Dolores Gonzales Elementary will have a partner to read with under a pilot program which I helped initiate at the school last spring.

The Read-Write-Now program pairs an adult volunteer with a student from Dolores Gonzales for reading. The program has grown from a dozen or so volunteers last spring to more than 50 this fall. I commend principal Dora Ortiz and her dedicated staff and teachers for fostering the Read-Write-Now program at their school.

I borrowed the idea from a similar program which originated in New York City. Volunteers pledge 1 lunch hour a week for the entire semester to read with the children. This one-on-one approach helps the children develop their reading ability and love of books, as well as make a new friend. It is impossible to overestimate the value of this program because so much of one's educational and personal success is built on one's ability to read.

If we are to be a nation of learners and achievers, we have to first be a nation of readers. A recent National Educational Goals Panel report indicated that students in New Mexico and many other States are not achieving in reading comprehension as well as they need to do in order to succeed in school and work.

This initiative will help us improve, and I would urge other businesses in our communities in New Mexico and around the Nation to initiate the Read-Write-Now program at their partner schools.•

NATIONAL MARKET IMPROVEMENT ACT OF 1996

• Mr. D'AMATO. Mr. President, I am very pleased that the Senate passed the conference report to H.R. 3005, the National Market Improvement Act of 1996, on Tuesday, November 1, 1996. This bill is a critical piece of legislation that will streamline securities regulation and provide important investor and consumer protections—maintaining the preeminence of the U.S. capital markets.

Section 102 of the bill will enable issuers whose securities are listed or authorized for listing on the New York Stock Exchange, the American Stock Exchange, the National Market System of the Nasdaq or a comparable exchange (or tier or segment thereof) to register those securities only with the Securities and Exchange Commission. Those issuers would not have to register their listed securities—or those securities that have been authorized for listing—with the 50 States.

The conferees intended for this provision to accord equal treatment to each of the exchanges explicitly listed in the statute (the New York Stock Exchange, the American Stock Exchange, the National Market System of the Nasdaq) as well as any other exchange (or segment or tier thereof) with comparable listing standards.

The conferees are concerned, however, that a strict reading of the statutory language may lead to the interpretation that the conferees intended the provision to accomplish something different than absolute parity of treatment among the eligible exchanges. Mr. President, this is unequivocally not the case.

In the future, I will seek to correct the drafting error to avoid any ambiguity in the statute. Pending that legislative fix, I take this opportunity to make the record clear—the conferees intended for issuers whose securities are listed or authorized for listing on the National Market System of the Nasdaq to be exempt from State registration requirements under section 102 of H.R. 3005.•

TRIBUTE TO DR. BILL WILEY

• Mr. JOHNSTON. Mr. President, I have been privileged in my career in the U.S. Senate, through my work on the Energy and Natural Resources Committee and on the Appropriations Subcommittee on Energy and Water Development, to work with many of the great scientific minds of this country. I rise today to pay tribute to one of those scientists with whom I worked especially closely and who was a longtime close personal friend before his death last summer.

Dr. Bill Wiley of the Battelle Memorial Institute built a monumental career and left a huge legacy first and foremost because of his special gifts and training as a fine scientist. His achievements over his 30-year career with Battelle, beginning as a staff research scientist and ending with his position as vice president for Science and Technology, contributed significantly to this country's scientific understanding.

But I believe that the work for which Bill Wiley should and will be best remembered is the concrete result of his vision which is now nearing completion on the banks of the Columbia River in Richland, WA, the Environmental Molecular Sciences Laboratory (EMSL), which will be the jewel of the Pacific Northwest National Laboratory and which may very well hold the key to this country's Herculean effort to the cleanup of the Hanford Nuclear Reservation and other, similar sites around the country.

Armed only with this vision and his irrepressible charm and enthusiasm, Bill Wiley came to see me several years ago to lay out his plans for EMSL, undaunted by skeptics who had told him at every turn that it might be a good idea, but the Congress was unlikely to embrace such a costly project. I must say that had it been anyone other than Bill Wiley pushing the dream, the skeptics probably would have been right. But Bill not only convinced me that it was worth doing, he persuaded all the other relevant players that not only was it something we could do, but that it was something a great nation should not fail to do. I visited the EMSL facility in its late stages of construction shortly before Bill's death last summer. Anyone who ever harbored doubts about the wisdom of this research facility should go have a look when it opens its doors next month. It will be home to America's finest scientists employing the latest tools doing the best research in the world today. And it is a point of special pride to those of us who were his friends that they will be doing so in the building named in memory of William R. Wiley.

This African-American son of an Oxford, MS, cobbler served his Nation well professionally and as a humanitarian who was never too busy in his career to help the less fortunate who were trying to work their way up the ladder or merely to get to the first rung of the ladder. I know many colleagues join me in expressing our condolences to Bill's loving wife Gus and to his daughter Johari Wiley-Johnson and in expressing our deep gratitude for the paths that Bill Wiley charted and the mark he left behind.•

RECOGNITION OF KEVIN PRICE

• Mr. CONRAD. Mr. President, before the 104th Congress adjourns, I want to take a moment of the Senate's time to thank someone who will be leaving my office in a few weeks.

Four years ago, Kevin Price joined my staff as a legislative assistant for agriculture from Senator KERREY's office, where he had served as a legislative correspondent. Kevin quickly established himself as one of the hardest working people on my staff. It seemed like he was almost always one of the first here in the morning and one of the last to leave at night. And that was before serious preparation for the 1995 farm bill had even begun.

Kevin also was very successful at reaching out to North Dakota farmers and farm groups. Although he initially had to overcome some skepticism because he was from the northwestern Minnesota town of Steven, and not a native of North Dakota, he soon earned their trust, respect, and friendship through his work for me on the 1993 budget, disaster assistance, grazing, and many, many other issues.

At the same time, Kevin developed a strong working relationship with other staff on agriculture issues that made him a persuasive actor in all of the staff work that goes on behind the scenes around here. His ties to both Democrats and Republicans, House and Senate staff, and key administration players made him very effective at protecting the interests of North Dakota farmers on myriad, small but often very important, issues that are effectively determined at the staff level.

For the past 3 years, Kevin immersed himself in the details of the 1995 farm bill to ensure that my priorities were addressed. For North Dakota, the farm bill is essential legislation. Its provisions, in large part, determine my State's economic future. During consideration of the farm bill, it is essential that I have accurate, timely information and thoughtfully prepared options. I ask a lot of my staff.

Kevin came through—for me, and for the people of North Dakota. He not only worked incredibly long hours himself, he did a terrific job of coordinating the many other members of my staff who also helped work on the farm bill, and, despite the enormous pressure that he must sometimes have felt, Kevin was always a pleasure to be around. Although I believe the overall approach to farm policy taken by the Republicans in the 1995 farm bill is misguided and I could not support it, it does contain numerous provisions that will make an important difference for North Dakota that would not be in the bill had Kevin not worked so hard on my behalf.

In a few weeks, Kevin will be going to work for the American Crystal Sugar cooperative in Moorhead, MN. He has very big shoes to fill, because he is taking over from former Gov. George Sinner. But I have no doubt that he will fill them well, because he also leaves behind big shoes for my next agriculture legislative assistant to fill.

On behalf of the people of North Dakota, I thank Kevin for a job well done and wish him well in his new endeavor.•

DOMESTIC VIOLENCE AWARENESS MONTH

• Mr. DODD. Mr. President, I rise today to speak about domestic violence. This subject has quite literally been brought more clearly into focus in recent days by photographs exhibited in the Russell Senate Building rotunda. As we begin the observance of October as Domestic Violence Awareness Month, the photographs of three Connecticut women who have lived through—and perhaps still endure—the pain of domestic violence are on display in the Russell rotunda, along with the names of many individuals from every state who have died as a result of domestic violence.

Mr. President, the statistics on domestic violence are horrifying. While the victims are not only women, women are significantly more likely to be victims of domestic violence than are men. Once every 15 seconds, a woman is beaten by her husband or boyfriend, according to the FBI's crime statistics. Four women a day are killed at the hands of their attackers, according to the National Clearinghouse for the Defense of Battered Women. And last year's National Crime Victimization Survey, conducted by the Department of Justice, showed that 29 percent of all violence against women by a single offender is committed by an intimate—a husband, ex-husband, boyfriend, or ex-boyfriend.

In Connecticut in 1994, there were 18,768 incidents of family violence that resulted in at least one arrest, according to the Connecticut State Department of Public Safety. And 29 people were killed by family violence in Connecticut in 1994 according to the same source.

But in the photographs displayed in the Russell rotunda, photographer Annie Liebovitz captures more than just the grim statistics. She brings into focus both the physical pain and emotional anguish suffered by victims of domestic violence. One can see the hurt and the horror, the shame and the solitude, and the fighting and the fear.

And while this pain, hopefully, will diminish one day, it will never completely go away. The battered individuals, Mr. President, are not the only victims. Domestic violence leaves scars on all those who live with it—especially the children.

Domestic Violence Awareness Month is a time when we can step up the effort to prevent domestic violence. We must educate Americans about this terrible problem and reach out to victims to let them know that help is available and that, sadly, they are not alone.

Mr. President, I am proud to support Domestic Violence Awareness Month and other measures to combat domestic violence, including a provision in the omnibus bill recently passed by Congress and signed by the President to prevent anyone convicted of any kind of domestic violence from owning a gun. I look forward to the day when we will no longer need to designate a Domestic Violence Awareness Month, but until then, I remain committed to preventing and healing the wounds of domestic violence.•

MEDICARE 50/50 ENROLLMENT COMPOSITION RULE WAIVER

• Mr. LEVIN. Mr. President, I am disappointed that the bill introduced by Senator ABRAHAM and myself, which provides for a Medicare 50/50 enrollment composition rule waiver for the Wellness Plan of Michigan, has not been cleared. However, I look forward to working with my colleagues on the Finance Committee to ensure that we enact such a waiver as early as possible in the 105th Congress. We cannot continue to deny Michigan Medicare beneficiaries the opportunity to enroll in this well-established quality plan.•

UNITED STATES TROOP DEPLOYMENT IN BOSNIA

• Mr. FEINGOLD. Mr. President, I rise today to comment on the plan to send an additional 5,000 troops to Bosnia over the next few days. The report, which first appeared in articles in the Wall Street Journal and Washington Post earlier this week, came as a surprise to me and I am sure to many of my colleagues. Apparently, members of the media learned about this new troop deployment before Congress itself had been notified. Now I learn that Secretary Perry will appear before the Senate Armed Services Committee—only after the chairman sent him a stinging letter of rebuke.

I have held strong reservations about United States troop deployment in Bosnia ever since it was initially announced last year. As many in this Chamber will recall, I was one of the few Members of Congress to vote against the deployment of U.S. troops to support the Dayton accord.

I said then, and I reiterate today, that I doubted the value of a heavy U.S. investment in this region. I felt then, and I still feel today, that administration promises to have U.S. troops out of the region within a year's time were unrealistic and would not be kept. And I questioned then, and still question today, whether or not the Dayton plan would truly level the playing field between Serbs and Muslims.

I recognize that the Dayton accord, and the deployment of the NATO Implementation Force [IFOR] to enforce it, has not been without some real benefit. We can all be grateful that people are no longer dying en masse in Bosnia. U.S. troops, in conjunction with troops from other countries, should be applauded for having largely succeeded in enforcing the military aspects of the agreement.

In addition, many of the peacekeeping tasks delegated to IFOR troops also have been completed, including overseeing the transfer of territory, the demobilization of troops, and the storage of heavy weapons.

Furthermore, while they were not without problems, the September 14 elections have now created a new political structure in Bosnia, although its viability is yet to be tested.

In the past, I have raised concerns regarding compliance with the war powers resolution and the constitutional implications of troop deployment without prior congressional authorization. I will not revisit that larger issue now. In this case, I understood that there was an implicit—if not explicit—understanding between the administration and the Congress that the Congress would be consulted regarding any proposed changes in the mandate of United States troops in Bosnia. Certainly, this deployment of 5,000 more troops would fall within that understanding.

At a hearing before the Senate Foreign Relations Committee on September 10, several administration witnesses noted that, even though IFOR's mandate will expire in December, it was unclear what the security needs on the ground would be in Bosnia at that time. But as Thomas Longstreth, Principal Deputy Assistant Secretary of Defense and Director of DOD's Bosnia task force, made clear during the hearing, further decisions would "have to be made in concert with our allies and, obviously, in consultation with the Congress between the [September 14] elections period and the end of IFOR's mandate [on December 20]."

I understood this to mean that the Defense Department would—at the very least—let the relevant congressional committees know about any troop enhancements before releasing such information to the press.

On Tuesday, October 1, at a followup hearing in the Foreign Relations Committee less than 24 hours before the Washington Post article appeared, no mention was made of this specific troop enhancement, but only passing references to the possibility that additional troops might be needed depending on the security situation on the ground in December.

Instead, at that second hearing, Assistant Secretary of State John Kornblum told the Committee that

> "We fully understand and appreciate the need to work closely with Congress on questions that involve the deployment of U.S. troops. Clearly, the prospects for the success of any such effort, if it occurs, depend significantly on whether we have gained Congressional and public support.

Mr. President, I do not think releasing information to the press that has not been released—formally or informally—to the Congress qualifies as "working with the Congress."

There are a number of questions that I believe must be answered about the mandate of these additional troops. How many additional troops are being planned for and what will they be doing? Will these men and women be an additional part of the U.S. contribution to IFOR? Or will they be deployed as part of a post-IFOR force of some kind? Will these new troops be under the command of NATO, or of a U.S. commander, and what rules of engagement must they abide by? Is the timing of this deployment at all related to NATO announcements last week that it was studying the anticipated security situation in Bosnia over the next few months?

Then there continue to be questions on the political-diplomatic side. The Organization for Security and Cooperation in Europe [OSCE], the international body tasked with implementing the elections, recommended the postponement of municipal elections because of security concerns, allowing only national elections to take place on September 14. These municipal elections are currently scheduled for November, but many observers feel they should be postponed until the spring of 1997. My question is what kind of U.S. troop commitment will the Administration be looking for if the elections are postponed? And when do they intend to notify the Congress of their plans?

I know that many of these questions will be answered at today's hearing before the Armed Service Committee. But I also would like to remind my colleagues here, and at the Department of Defense, that the Senate Foreign Relations Committee continues to have a significant interest in the details concerning any deployment of U.S. troops. I think it is fair to assume that if the Administration expects to have Congressional and public support, as it has said in public testimony, then it should make some effort to consult with all the relevant committees before its plans are announced in the morning newspaper.

A year ago—in October 1995—I asked whether or not the U.S. would be able to withdraw troops from IFOR in December 1996, as the administration said then, even if the mission clearly had not been successful.

I had my doubts then that the stated goal—ending the fighting and raising an infrastructure capable of supporting a durable peace—would be doable in 12 month's time. I foresaw a danger that conditions would remain so unsettled that it would then be argued that it would be folly—and waste—to withdraw on schedule.

My concerns and hesitations of 1 year ago can only be compounded by the fact that additional troops are being deployed to Bosnia—perhaps even as I speak—without the Congress having been notified in advance.•

THE REPEAL OF CONTROLS ON INDEPENDENT COUNSEL COSTS

• Mr. LEVIN. Mr. President, the appropriations bill we passed on Monday contained pleasant surprises, such as reasonable funding for education and research programs. But there have also been some troubling provisions. One was so troubling that I could not allow it to pass without some expression of my dismay. This provision, section 118, overturns one of the reforms Congress made in 1994 to independent counsel law to hold down costs.

The provision in the bill was never approved by any committee. It was never voted on by either House. It was never included in a bill that either body approved. This provision appeared for the first time in the omnibus appropriations bill on Monday and was presented to the Senate under rules that didn't permit a single amendment to the bill.

I first heard of this provision last week, when I was told that some House Republicans had added it to their wish list for the bill. Senator BILL COHEN and I, as chairman and senior Democrat respectively of the Senate subcommittee with jurisdiction over the independent counsel law, immediately expressed our joint opposition to the provision. We thought that bipartisan opposition from the authorizing committee would be enough to prevent such a last-minute circumvention of the committee system. But we were wrong. The provision somehow got included in the bill and is now law.

It is a mistake in process and substance.

In simplest terms, the issue relates to holding down the cost of independent counsel investigations. In particular, it has to do with commuting costs—whether and how long independent counsels and their staff can use taxpayer dollars to pay for transportation and living expenses when they reside in one city and agree to prosecute one or more cases in another city.

The issue arose in the context of the Iran-Contra case. In that case, the independent counsel, Lawrence Walsh, chose to continue living in his hometown of Oklahoma City, while prosecuting cases based in Washington, DC. There was no law against it, but when the bills came in for his hotel, airfare, and other living expenses, plenty of loud complaints followed. Some pointed out that any other Federal prosecutor who agreed to prosecute a case in another State would have to move there—taxpayers would not be required to pick up their hotel and transportation expenses. Then Senator Dole was in the forefront of the critics calling for reform, criticizing Mr. Walsh for "spend[ing] most of his time in Oklahoma." These commuting expenses were a prominent part of calls for legislation to tighten controls and reduce the cost of independent counsel investigations.

In 1994, the Congress responded to these criticisms by enacting legislation which tightened controls over independent counsel expenses in a whole host of ways. One of the reforms we enacted was to limit commuting expenses. We revised the law to allow independent counsels and their staffs a maximum of 18 months of commuting expenses. After 18 months, independent counsels and their staffs were expected either to move to the city where the prosecutions were based or start picking up their own commuting expenses.

Section 118 of the omnibus appropriations bill effectively repeals that limit on expenses. If effectively permits independent counsels and their staffs to charge taxpayers for unlimited commuting expenses. Lawyers can live in one city, like New York or Los Angeles, prosecute cases in another city, and charge literally years of airfare, hotel meals and other living expenses to the taxpayer. That's an expensive proposition. It's why we created the limit in 1994. It's why the omnibus appropriations bill was wrong to change it. It is wrong to change it without any hearings, a consideration much less approval by an authorizing committee.

Limits on independent counsel expenses were enacted in the last Congress with bipartisan support. No case has been made for repealing these limits. Many would say that limits on expenses are needed more than ever. This issue needs to be revisited.•

FIVE CHALLENGES FOR PEACE: UNFINISHED BUSINESS IN FOREIGN POLICY

• Mrs. KASSEBAUM. Mr. President, for the past 18 years, I have been privileged to watch the march of world history from the vantage point of the U.S. Senate. The world has changed dramatically in my time here.

We live in an era of great transition from a terrible cold war order we understood to a new order we do not yet know. We are, to borrow from Dean Acheson's trenchant phrase, "present at the *re*-creation."

As I prepare to leave the Senate, I want to offer some parting thoughts on unfinished business in American foreign policy and five challenges we must meet in coming years.

I. INFRASTRUCTURE FOR PEACE

The principal challenge of our time is to re-engineer the structures that can sustain the peace we have won. From the institutions and alliances of the cold war, we have inherited an unprecedented infrastructure for peace.

That infrastructure rests on three pillars. Each must be strengthened.

The first pillar is the only worldwide institution focused on international peace and security—the United Nations.

We need to rebuild the consensus, both domestically and internationally, on what we want the U.N. to be and what we want it to do in the international system of the 21st century. I believe we must build this consensus among the major donor countries and powers.

For too long, the United Nations has tried to do too much for too many and, as a result, has outgrown the bounds of its legitimacy. I believe the basis for consensus is a return to the core functions that we need the United Nations to do—refugees, nuclear inspections, health, and security, for example. And it may well be time for the United Nations to get out of the development business entirely and leave that work to other institutions better suited to the task such as the World Bank and International Monetary Fund.

When we have consensus on what the United Nations should do, we then will need a dramatic restructuring of the U.N.'s institutions and bureaucracy to meet its new, narrow focus. This will be a dramatic shake-up of the United Nations that can only be driven by its most powerful member states. It will require the leadership of current heads of state and government, as well as other international figures of stature. I imagine this to be analogous to the process that led to the San Francisco Conference in 1945 where the Charter was signed.

The second pillar consists of the institutions for international economic development, reform and growth. The World Bank, the International Monetary Fund, and the new World Trade Organization have important capacities that our bilateral development programs simply do not. They can encourage and even compel the kind of fundamental changes in outdated and inefficient economic systems abroad that ultimately promote self-sufficiency. And they can set and police uniform standards for economics and trade that promote America's long-term interests in certainty and stability.

Yet, we have fallen behind sustaining our key contributions to these organizations. For example, we continue to lag behind in our contribution to the World Bank's soft-loan window, the International Development Association. As we consider trade-offs among our foreign policy budget expenditures, I believe that sustaining our contributions to these organizations should move to the top of our priority list for international affairs spending.

The third pillar is America's alliances. I continue to believe that we must find new consensus on the purpose of our principal alliance, the North Atlantic Treaty Organization. The halting and ad hoc approach that ultimately led to NATO intervention in Bosnia, is decidedly not the type of shared purpose that can sustain a close alliance over the long term. I, for one, remain skeptical that we should proceed with admitting new members to NATO before the alliance finds its new role.

At the same time, the United States must give serious thought to the structure of its alliances in the Pacific. Beyond our close alliances with Japan and South Korea, we must consider what type of expanded alliance structures can best protect peace and stability throughout the region well into the next century.

II. ARMS CONTROL AND NON-PROLIFERATION

In addition to repairing the institutions for peace, I believe we must do more to control the weapons of war. That is our second challenge.

I believe it is an indispensable element in America's long-term security strategy. We face two types of challenges in dealing with the threat posed by weapons of mass destruction.

First, we must reduce the numbers of these terrible arms that exist on the face of the Earth. This means fully implementing START I and START II, both here and in Russia. It means establishing and implementing a regime to control and destroy chemical weapons stockpiles. It means continuing to press for universal adherence to a comprehensive ban on nuclear testing. It also means that America must be willing to foot much of the bill whenever necessary—the cost of destroying weapons abroad by agreement is far less than the cost of having to destroy them by war.

Second, we must contain and secure stockpiles and prevent the spread of these weapons. Our recent efforts to retrieve unsecured nuclear material from abroad and bring them to the United States should be expanded. We should remain committed to efforts of the Nunn-Lugar program to secure stockpiles throughout the former Soviet Union. And we must always remain fully committed to strict enforcement of the nuclear Non-Proliferation Treaty.

The threat to our security from weapons of mass destruction is growing, not declining. Critics of arms control in general, or of specific arms control agreements, must always be held to answer a single difficult question: If you oppose our approach, then what would you do to diminish the urgent threat to our country? In my view, that is where critics of the Chemical Weapons Convention have fallen short, and I hope the Senate will ratify that important agreement early next year.

III. TOOLS OF DIPLOMACY

The third challenge we must meet is to maintain a diplomatic capacity strong enough to secure our many national interests abroad.

We live in an age of exceptional nuance, diversity, and subtlety in foreign policy, and we must learn patience and the limits of our influence. This is particularly apparent in Africa—a continent of special interest to me—where America has many interests that can only be defended by diplomatic means.

But our diplomatic interests are truly worldwide. In just the past 6 years, 25 new states have entered the international community. The end of the Soviet empire has left us with many more power centers to deal with and far more nuance to understand.

Yet, while the military had its Bottom-Up Review, and the intelligence community has undergone comprehensive review of its missions and needs since the cold war's end, we have not undertaken such an authoritative review of our diplomatic interests and needs.

So we stumble along with no objective to guide our way, our debates on diplomacy—to the extent we have any—driven largely by budget factors and the vagaries of domestic politics rather than by any sober assessment of what diplomatic tools and structures we need to secure our national interests.

I believe our diplomatic spending should be driven by our interests, and I would urge a Bottom-Up Review of our diplomatic needs.

At the same time, I have come to fear that in recent years, the quality of the U.S. foreign service has slowly deteriorated. We have too often failed to attract and keep top-quality officers, rewarded mediocrity, and allowed ambassadors to be excluded from the policymaking process. We have some tremendously capable foreign service officers, but unfortunately we also have ample room for improvement. I believe comprehensive foreign service reform is long overdue.

IV. NATIONAL ENERGY POLICY

Our fourth foreign policy challenge must be addressed here at home. The time has come for America to devise and implement an energy policy that will reduce our reliance on foreign oil.

We now rely on foreign sources for more than half our oil—significantly more than during the energy crisis of the 1970's. From Nigeria to Central Asia, this dependence skews our foreign policy priorities—and, with many of the world's new oil fields in China and Russia, we can ill afford that pattern to be repeated.

The Middle East is the prime example. Our dependence has led, for example, to American commitments in that region that far exceed what we would undertake but for the 15 million barrels of oil that leave the Persian Gulf each day.

During my time in the Senate, we have sent Marines to Beirut, escorted Kuwaiti tankers through the Straits of Hormuz, fought a major land war in the region, and subsequently redeployed troops at least twice. We also have established an ever-expending web of formal and informal security commitments that may ultimately exceed our capacity to uphold.

And our commitments in that oil-rich region continue to grow. Before the 1991 gulf war, we had only a few thousand troops in the region and no institutional presence. Today, we have nearly 20,000 troops in the area more or less permanently, including about 6,000 ground troops and a carrier task force. We are expanding military facilities in Saudi Arabia, Bahrain, Qatar, and the Emirates, and we have expanded our presence in Turkey. We are spending some $40 billion each year to support our military operations in the region.

The Middle East is an important region in its own right. But no honest observers could believe that our tremendous commitments there would exist without the region's oil riches. The risks we have undertaken because of oil are large indeed.

The answer to this difficult problem is not just drilling for more oil here at home—for, at best, that can only delay the inevitable. The answer is a significant and sustained effort to integrate alternative energy sources into the mainstream of our national economy. The time has come for America to promote development of conservation and alternative energy sources as a matter of national security.

V. TRANS-NATIONAL ISSUES

The final foreign policy challenge is to come to grips with trans-national threats, many of which have no human form. New diseases and large-scale environmental degradation may have origins far from our shores, but their effects touch the lives of Americans. Similarly, international criminal organizations, including drug traffickers, can assault our citizens and our security from locations outside the United States.

Combating these threats will require that we work on many levels. We must work together with friends and allies abroad. We must encourage and help countries that host these threats to combat them, which means we must come to better understand the important relationship between overseas development and our own national interests. And we must better integrate the work of different agencies of our own Government so that America speaks with a single voice and acts decisively to protect our interests.

CONCLUSION

Mr. President, these are five daunting challenges. They come at a time when the role of world affairs in American public and political discourse has diminished substantially.

All of us are tempted to focus less on foreign policy or to try to view it through a domestic lens. But I believe that would be a mistake.

The public may not be demanding a renewed focus on foreign policy, but our national interest is. These challenges to America's future demand serious attention from serious minds.

I am optimistic we will meet them.•

BOUNDARY WATERS AND VOYAGEURS DISPUTES SHOULD BE RESOLVED THROUGH MEDIATION IN MINNESOTA

• Mr. WELLSTONE. Mr. President, as we bring this Congress to a close, it is clear now that there will be no legislative action this year on changes to the Boundary Waters Canoe Area Wilderness or Voyageurs National Park, even on a limited legislative rider which would allow trucks back onto certain portages within the BWCAW. A Federal appeals court, overturning a series of decisions by the Forest Service and by a lower Federal court, ejected trucks from the portages several years ago. This rider was designed to again allow anglers and others to portage boats by truck from one lake to another in the BWCA. Now, they are required to use alternative means to transport their boats across these portages.

As I have said, I would be willing to consider changes to the current status of the portages, as long as it is part of an overall, agreed-upon resolution of the many BWCAW issues on the table in the Federal mediation process underway in Minnesota. I am hopeful that such an agreement can be reached soon.

Mr. President, let me be clear. On many of the issues which have arisen in the BWCA and Voyageurs disputes, I believe the people of northeastern Minnesota have legitimate grievances, and that they should be addressed as promptly and effectively as possible. I have worked over the years to make sure that when other land and lake use issues in the region—including snowmobile use, lake levels, trails, and other matters—have arisen, they are addressed as swiftly as possible.

For years, many of the people of northern Minnesota have believed that the Park Service and Forest Service have not been listening to them. Too many feel that they have offered constructive solutions to disputes and problems which have arisen, and yet often those solutions have been ignored, or rejected, by those who manage the wilderness and the park. That's why I think it's important that some means of expanding meaningful citizen input, which must be taken into account and then responded to by the Park Service and the Forest Service, is important. Months ago, I indicated that I would support a new mechanism to ensure that kind of regular, concrete citizen input, and I hope that the negotiators will consider including a proposal on this issue in their package of recommendations to Congress.

There has been no action on any of the bills introduced this year on BWCAW and Voyaguers because they did not reflect a policy consensus in our own State, much less in the Nation as a whole. I am hopeful that in the coming months, and certainly by early next year, there will be such a consensus reached in our State, through the mediation process which I initiated, convened by the Federal Mediation and Conciliation Service, which has been making real progress in recent months.

That mediation process is broad-based, open and public, and includes people representing all those competing interests which have made these disputes so difficult to resolve over the years. One of the reasons, I think, that they have been so tough to resolve is that too often those involved have chosen to try to fight it out, rather than to talk it out over a table in Minnesota, in a search for common ground. Some chose to try to fight it out here in Washington. Some chose to fight it out in the courts. I chose to initiate a process which would allow Minnesotans to talk it out, and then bring their recommendations to the Minnesota congressional delegation for ratification.

I'm proud of that choice. I think it was the responsible thing to do, the right thing to do. I think most Minnesotans agree with that, and that the recent successes in mediation are bearing that out. I know that some people in northern Minnesota disagree—some fiercely—and are concerned that their interests won't be protected in the mediation process. I want to make them a guarantee today: your interests and views are represented in mediation, and they will be carefully considered by me here in the U.S. Senate. I will press hard to make sure that every voice in my State, including those whom I respect and have worked with for so many years in northern Minnesota, are heard in this process. The Federal Mediation and Conciliation Service prepared carefully for the process for months before it actually started, interviewing hundreds of Minnesotans to make sure that all interests were represented at the table, and to guarantee an open, broadly participatory process.

I am very grateful to the Mediation Service, and to all those Minnesotans who have volunteered their time and talents to this mediation effort. I know it is not always easy to put yourself on the hotseat with friends, neighbors, and townspeople who might disagree with you, and to try to work out mutually agreeable solutions to major disputes such as those which have brewed over the BWCAW and VNP for many years. This kind of willingness to work at a local level to resolve disputes is an admirable act of responsible citizenship, an act of faith in the ability of neighbors to work together, and an act of hope that future generations will appreciate the legacy of a lasting solution that protects these important resources. I will be talking at greater length about these people shortly.

The BWCA mediation group met last Thursday and Friday, and will be meeting again soon to address, among other matters, the portages. They have already agreed on several recommendations to be made to the congressional delegation, as part of a larger package of proposed changes to be ratified by them later. I am hopeful they will make further progress on the portages, and other issues, in the coming weeks.

I have a few articles from last week's newspapers in Minnesota that I will ask to have printed in the RECORD following my statement, along with letters and other information on the dispute and on the mediation process which demonstrate the broad support mediation has garnered within our State as the most reasonable, sensible way to resolve these disputes. These documents should be able to give people looking back on this dispute a better understanding of the history of this dispute, and of how the mediation process is designed to work.

As I've said, this sensible mediation process, which enjoys the support of a large majority of Minnesotans, and of the Clinton administration, is already producing results—including agreements on issues in Voyageurs and in the BWCA mediation groups—that many believe bode well for further agreements on both disputes.

In addition to the few agreements reached so far on the BWCA, just in the last few days the mediation team on Voyageurs announced a couple of agreements on strategies to handle problems in the park having to do with public safety, improved Park Service consultation with local people, and other issues. It is becoming clearer each day that the mediation process is making real progress and has gained wide acceptance throughout the State.

I have opposed all of the earlier legislation introduced on the BWCA—including strongly opposing the bill offered by Congressman VENTO—because I thought a mediated solution was more likely to be durable, and to gain broad acceptance by Minnesotans, than approaches developed in Washington without broad, bipartisan support in Minnesota. As I have said consistently, I agree with the large majority of Minnesotans who believe, as polls continue to show, that the mediation process underway in Minnesota is by far the more sensible and appropriate way to resolve these disputes, and to develop durable solutions that will last not for weeks, or months, or even a few years, but for a generation or more.

Let me publicly take a moment to specifically thank all of those who have been involved in this mediation process, and who have already dedicated so much time and effort to resolving these disputes. They are, in a sense, the people who are helping to create a new future for the BWCA and the VNP, helping to resolve longstanding disputes through a process which ensures that all interests in Minnesota are represented.

First, let me thank those from Minnesota who are actually participating in mediation. I hope I have a complete list; if not, I apologize in advance to anyone I may have missed. I will not go into detail about the background and expertise of each person, but I know they each have a story to tell about how and why they are involved in this process, and each have made important contributions to the process.

Let me first list and thank publicly, on behalf of all Minnesotans, the participants in the BWCA mediation: Barb Bergland, from Ely; Mitch Brunfelt, from Mountain Iron; Chuck Dayton, Minneapolis; Arthur Eggen, Crane Lake; Tony Faras, Grand Marais; Paul Forsman, Ely; Mike Furtman, Duluth; Bill Hansen, Tofte; Leon Jourdaine, Lac La Croix First Nation, Fort Francis, Ontario; Alden Lind, Duluth; Ted Merschon, Grand Marais; Gretchen Nichols, Minneapolis; Brian O'Neill, Minneapolis; John Ongara, Duluth; Stuart Osthoff, Ely; Bob Schultz, Ely; Paul Shurke and Laurie Larson, Ely; Barbara Soderburg, U.S. Forest Service, Duluth; George Sundstrom, Duluth; Rolf Thompson, Ely; Rod Sando, Minnesota DNR.

And those involved in the Voyageurs National Park mediation: Beverly Alexander, Minneapolis; Phillip Byers, Long Lake; Chuck Dayton, Minneapolis; David Dill, Orr; Ron Esau, International Falls; Oliver Etgen, Virginia; Jeff Mausolf, Duluth; Brian O'Neill, Minneapolis; Paul Stegmeir, Ely; Tim Watson, Ray; Barbara West, Voyageurs National Park Superintendent; David Zentner, Duluth; Rod Sando, DNR.

From the mediation service, I am grateful to Director John Wells and his very able and professional staff, both here in Washington and in the midwest regional office in Minneapolis. They have dug into this project with great skill and energy and commitment, and I believe the people of our State owe them a great debt.

The U.S. Forest Service and Park Service have been most helpful in this process as well, helping to fund the mediation effort, providing technical advice and assistance, and agreeing to have their principal representatives in the state actually participate in the talks. I think their participation and cooperation have been essential, and that it will make for a much more durable resolution of these disputes.

There are, of course, many others who have worked for countless hours to craft a balanced, fair, open mediation process and to make sure mediation provides a credible, effective forum for working out disputes. I am grateful to all of them for helping with this effort. I will be monitoring the mediation process closely in the coming weeks, and I hope they will be able to develop a sound set of recommendations to forward to Congress as soon as possible. I would like to be able to have a package of agreed-upon legislative recommendations ready for introduction early in the 105th Congress.

I thank you, Mr. President, for this time. I hope this brief statement, along with the accompanying information, will give my colleagues some sense of what has been happening in my State recently on BWCAW and Voyageurs National Park, and the significant progress that has been made so far in the mediation effort to resolve disputes there. I hope they will work with me and my House and Senate colleagues from Minnesota to craft a comprehensive, durable solution to these disputes early next year.

I ask that the material I referred to earlier in my remarks be printed in the RECORD.

The material follows:

EXHIBIT 1

SEN. WELLSTONE ANNOUNCES DETAILS OF FEDERAL MEDIATION PROCESS TO HELP RESOLVE BWCAW/VOYAGEURS DISPUTES

WASHINGTON, DC.—U.S. Senator Paul Wellstone today announced that he has reached an agreement with the Federal Mediation and Conciliation Service (FMCS) to facilitate a formal mediated dispute resolution process to help resolve land use disputes in the Boundary Waters Canoe Area Wilderness (BWCAW) and Voyageurs National Park (VNP). Preparations for the process, which is to begin immediately, are already underway.

"I have said for months that I want to avoid another statewide battle over land management issues in the BWCAW and Voyageurs National Park. I believe there is a need for a coordinated, statewide mediated dispute resolution effort to bring Minnesotans together to identify mutually acceptable approaches to these issues. We in Minnesota can do better than we have in the past on these issues, and I intend to do what I can to make sure that happens," Sen. Wellstone said.

FMCS will provide a team of experienced, neutral mediators to craft a process that is fair, impartial, goal-oriented, and that allows all interested parties in Minnesota a chance to be heard—and to listen to one another—about the issues in dispute, their goals, and their recommendations to resolve longstanding controversies. Questions regarding who would actually be represented in the process; the scope, timing and format of the discussions; the ultimate result of the process, including the nature and form of recommendations to federal agencies and lawmakers; and other similar issues would be answered through consultation with the parties.

"I have discussed this idea with Congressmen Oberstar and Vento, who as you know have been leaders on these issues for decades," Sen. Wellstone said. "No one should be surprised that we now have competing legislative proposals from Congressmen Oberstar and Vento representing their sharply divergent views on these public lands issues. While they differ on the best way to manage these public lands, they have indicated their support for my initiative. The specific legislation proposed by Congressmen Oberstar and Vento and discussed by Senator Grams will not be the focus of the mediation process. Rather, the process will focus on the issues identified by the parties themselves. Like Congressman Oberstar's bill, Congressman Vento's legislation could undermine this mediation process, and therefore I do not intend to support either bill."

The mediation process, explains Wellstone in his letter, is designed to prevent these historically contentious land use issues from further diving the state. "Throughout my time in the Senate, I have held firm to the belief that locally-developed recommendations are likely to be more effective, and more durable, than those imposed from outside. Bringing Minnesotans to the table as part of a participatory process that takes in account the needs and interests of all in a search for common ground is my goal."

Wellstone observed that unlike 20 years ago, today there are new tools available to help develop durable land use solutions, including new forms of public, mediated dispute resolution that have proven effective in some of our nation's most controversial land use disputes, even those where people believed at the outset that there was little chance for a productive discussion between the parties, much less for developing mutually agreed-upon solutions.

For example, in one particularly heated case, a strong disagreement over the use of off road vehicles in the Cape Code National Seashore in Massachusetts was successfully addressed through dispute resolution. In another case, ranchers and wilderness advocates in New Mexico and Arizona used dispute resolution to help resolve fierce disagreements on rangeland management.

Sen. Wellstone, who fully supports expanded citizen participation in the management of these lands, observed that a "Minnesota solution" is likely to be more effective than one imposed from Washington. "Given the current deep divisions on these issues within our state, I believe that proposals to resolve BWCAW and VNP disputes that are developed in Minnesota, by Minnesotans, are more likely to be accepted by all parties, and as a result be more durable, than those developed in Washington without adequate efforts to bring Minnesotans together first to try to develop a consensus," Sen. Wellstone concluded.

U.S. SENATE,
Washington, DC, May 6, 1996.

JOHN CALHOUN WELLS, Director,
Federal Mediation and Conciliation Service,
Washington, DC.

DEAR JOHN: As we discussed recently by phone, I am writing to formally request that the Federal Mediation and Conciliation Service (FMCS) facilitate an alternative dispute resolution process in my state regarding land use issues in the Boundary Waters Canoe Area Wilderness (BWCAW) and in Voyageurs National Park (VNP). I understand that your staff have indicated a willingness to facilitate such a process; I am writing to confirm that agreement and to outline briefly my hopes for the process.

For many years, land use disputes in our state, especially those focused on the BWCAW and VNP, have generated controversy and pitted one group against another. Last year, two congressional oversight hearings were held in Minnesota on the use of these resources. From those hearings, and numerous subsequent discussions with my constituents, it has become clear that these land use issues continue to have a tremendous potential to divide our state.

Minnesotans hold differing visions of how to be responsible stewards of these resources, and how to manage them sustainably with due attention to their varied uses. But whatever their views on land use, Minnesotans can agree that the BWCAW and VNP are unique, world-class natural resources that must be preserved for future generations. That is the common ground from which all discussions on these issues should begin.

I believe there is a need for an effort to bring Minnesotans together now to achieve mutually acceptable proposed solutions to the land use problems that have been identified. Such proposed solutions would then be forwarded in the form of recommendations to appropriate federal agencies, and to federal lawmakers in the state Congressional delegation. In my judgment, proposed solutions developed in Minnesota, my Minnesotans, are more likely to be accepted by all parties, and thus be more durable, than those which might be developed in Washington without adequate efforts to bring Minnesotans together first to try to develop a consensus. Without such a dispute resolution process, I fear that the issue in dispute could quickly become a "political football," to be manipulated by those in the state more interested in polarizing the debate than in finding real and durable solutions.

I envision a straightforward mediated dispute resolution process, to be initiated immediately. I would rely on the expertise and experience of your staff to structure such a process, ensuring that it is fair, impartial, goal-oriented, and allows all interested parties in Minnesota a chance to be heard—and to listen to one another—about the issues in dispute, their goals, and their recommendations to resolve longstanding controversies.

I would assume that questions regarding who would actually represent interested parties in the process; the scope, timing and format of the discussions; the ultimate result of the process, including the nature and form of recommendations to federal agencies and federal lawmakers; and other similar issues would be answered through a consultative process that would involve decisions arrived at by the parties. I have instructed my staff to provide further background to FMCS staff that would be helpful in getting the process underway, and to help identify key stakeholders in the state who should be consulted. My staff has contacted Administration officials to discuss funding support for this process, and I will continue to work to ensure that FMCS is compensated appropriately for the process.

I believe this approach provides an opportunity to bring Minnesotans together to develop mutually agreed-upon solutions to some of our most complex and longstanding controversies. I have dedicated much of my adult life to ensuring broad local input in public policymaking, and I believe this process is most likely to guarantee that result. Bringing Minnesotans to the table as part of a broad-based, participatory process that takes into account the interests of all stakeholders in a search for common ground is my goal.

Thank you for your consideration. I look forward to hearing from you.

Sincerely,

PAUL DAVID WELLSTONE,
United States Senator.

FEDERAL MEDIATION AND
CONCILIATION SERVICE,
Washington, DC, May 7, 1996.

Hon. PAUL D. WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: In response to your recent letter and confirming ongoing discussions between members of our staffs, the Federal Mediation and Conciliation Service would be pleased to serve as facilitators in the land use Alternative Dispute Resolution (ADR) process on the issues in dispute regarding the use of the Boundary Waters Canoe Area Wilderness (BWCAW) and Voyageurs National Park (VNP).

Considering the contentious history of some of these land use issues, we agree that this multi-party dispute, with its numerous interests, could lend itself quite well to the kind of interactive, mediated ADR process which you described in your letter. Alternative dispute resolution has been successfully employed to resolve many longstanding natural resource controversies across the country, including some where many believed at the outset that there was little chance for productive discussions between the parties, much less for developing mutually agreed-upon solutions.

FMCS has helped to facilitate a number of such complex multi-party land use dispute resolution processes in the past, and we are hopeful that this process will lead to similarly positive results. I understand that one of your primary goals involves a set of formal recommendations for action that would be forwarded from the group to appropriate federal agencies and lawmakers once the process is completed.

My ADR Services staff have informed me that experienced mediators from our Upper Midwest Region will make themselves available to lead this project. I understand our staffs have begun to lay the groundwork for this process; we appreciate your willingness to assist us by offering key background information and helping us to identify key interested parties in these disputes. As we move forward, careful consideration should be given to convening the process, subsequent meetings, expected outcomes, recommendations, and appropriate agency funding. I am sure you know that broad based support and a willingness by all affected parties to participate in open, honest, problem-solving dialogue focused on defined objectives are some of the factors critical to the success of these processes. Some of these matters can be coordinated with your staff, our Washington ADR office and Minneapolis regional headquarters; others will be worked out by the parties themselves within the context of the ADR process.

I appreciate the confidence you have expressed in the expertise and experience of our staff. We look forward to working with the interested parties in Minnesota, helping them to identify real, durable solutions to these ongoing disputes.

Respectfully,

JOHN CALHOUN WELLS,
Director.

FIFTY YEARS OF CONFLICT RESOLUTION

The Federal Medication and Conciliation Service, (FMCS) is an independent agency of the United States Government created by Congress in 1947 to provide mediation and conflict resolution related service to its clients. These services are delivered by the agency's nearly 200 full-time mediators who operate in 78 field offices located throughout the country. The primary focus of FMCS's work is on labor-management relations, mediating contract negotiation disputes between companies and the unions representing their employees, and providing training in cooperative processes to help build better labor-management relations. Additionally, FMCS was authorized under the Dispute Resolution Act of 1990 to share its expertise in all aspects of mediation, facilitation and conflict resolution with federal, state and local governmental bodies and agencies.

With the increasing awareness of the concept and benefits of conflict resolution in the general public, the terms mediation and Alternative Dispute Resolution (ADR) have become nearly synonymous. At FMCS, ADR is used to describe a variety of joint problem-solving approaches which can be used in lieu of more formal and often expensive courtroom litigation, or as an alternative to agency adjudication and traditional rulemaking. These processes usually involve the use of a neutral third party to help disputants find mutually-acceptable solutions. Services are based on the specific needs of the parties, and can include dispute resolution assistance, systems design and training for agency personnel.

An area of our ADR practice receiving wider attention and use is regulatory negotiation. The Negotiated Rulemaking Act of 1990 authorizes the agency to use its mediation services to improve government operations. FMCS assists American citizens and government in the regulatory process by bringing the regulators and those who will be affected by regulations to work together in the formulation of proposed rules through negotiation. As a neutral third-party, FMCS convenes and facilitates complex, multi-party rulemaking procedures to help produce draft rules by consensus.

FMCS's has been providing ADR service for over twenty years, dating back to the early 1970's when the agency was asked to mediate a land dispute between the Navajo and Hopi Indian tribes. In the early 1980's, FMCS facilitated the first regulatory negotiations held by the Federal Aviation Administration. Regulatory negotiation activity increased throughout the decade, with FMCS involved in negotiations held by the Departments of Transportation, Agriculture, Labor and others. FMCS also began providing mediation services for Home Owner Warranty disputes and in training volunteer mediators for the Farm Credit Administration. Since then, FMCS has become a leading authority on the design, delivery and implementation of dispute resolution techniques and systems. FMCS has assisted Federal agencies in settling disputes in a variety of fields, including complex regulatory and environmental matters, equal employment, and educational grant disputes and enforcement matters.

FMCS AND MULTI-PARTY NEGOTIATIONS

The Federal Mediation and Conciliation Service (FMCS) is an independent agency of the United States Government created by Congress in 1947 to provide mediation and conflict resolution related services to its clients. These services are delivered by the agency's nearly 200 full-time mediators who operate in 78 field offices located throughout the country. The primary focus of FMCS's work is on labor-management relations, mediating contract negotiation disputes between companies and the unions representing their employees, and providing training in cooperative processes to help build labor-management relations. Additionally, FMCS is authorized under the Administrative Dispute Resolution Act of 1990 to share its expertise in all aspects of mediation, facilitation and conflict resolution with federal, state and local governmental bodies and agencies.

Mediation is participation by a neutral third party in a dispute or negotiation with the purpose of assisting the parties to the dispute in voluntarily reaching their own settlement of the issues. A mediator may make suggestions, and even procedural or substantive recommendations.

FMCS has provided mediation services in numerous public policy disputes and regulatory negotiations. The results have been extremely positive. By formulating rules and policies in a public negotiating process, potential or actual antagonists can be motivated to participate, and become partners in solving a policy problem or controversy over public issues. Thus, the likelihood of subsequent challenges to the agreement is greatly reduced.

The task of bringing together groups of people, often with competing interests, to reach consensus on complex issues and policies has proved to be a highly-productive use of FMCS' mediators expertise in facilitation and joint problem-solving. Not only are the results positive and the concept gaining in use, but making policy and regulatory and decisions in a public, participatory process is simply a better way to resolve conflicts. FMCS mediators have been involved in the resolution of many issues using this process, including:

Disability Access to Airplanes (1988); Department of Transportation, Vocational Education Issues (1990); Department of Education, Appalachian Trail/Killington-Pico Ski Resorts Mergers (1990-91), Developing Formula for Member Contributions (1992); Farm Credit Administration, Usage of Pesticides (1993); State of New York, Use of Public Waterways (1993); State of Tennessee, Subsidized Housing Vacancy Rates (1995); Department of Housing and Urban Development, Water Resources Development in the Tuolumne River/San Francisco Bay Area (1995); Federal Energy Regulatory Commission, Rail Repair Worker Safety Procedures (1995); Railway Safety Administration (DOT), Indian Self Determination Act (1995); Departments of Interior/HHS, Equal Employment Opportunity Commission (1995/96), and Disability Access to Play Areas (1996); Architectural and Barriers Compliance Board.

U.S. SENATE, COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, September 16, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are about to conclude action on H.R. 1296, a bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer. As you may know, a number of popular and also controversial measures have become part of the conference discussion; therefore, this bill is now known as the Omnibus Parks legislation containing well over 100 specific legislative provisions.

Among the controversial issues discussed for inclusion in this conference report are the Senate-passed grazing reform legislation, S. 1459; reforms to the management of the Boundary Waters Wilderness, S. 1738; Sterling Forest Protection Act, S. 223; S. 884, the Utah Public Lands Management Act; S. 1877, the Ketchikan Pulp Company contract extension; and S. 1371, the Snow Basin Land Exchange, which is necessary for the winter olympics.

We are about to file a conference report on this omnibus legislation, and it is important that we have your views. Because of your Administration's long-standing opposition, we are prepared to propose excluding the grazing reform legislation, any Utah Wilderness proposals, and several other controversial measures to which the Administration has expressed opposition. Attached is a list of measures we propose for inclusion in the conference report. Among these measures, we feel the need to include two items which your Administration has expressed opposition to in the past. One is the extension of the Ketchikan Pulp Co. contract, S. 1877; and the other is a proposed compromise on the Boundary Waters Canoe Area which would allow motorization on three portages, but nothing more.

It is important that we have your views on this conference report prior to close of business on Wednesday, September 18. We are ready and prepared to discuss any of the measures proposed for inclusion in this conference report at any time, and our staffs are prepared to provide any additional information you may need in your consideration of this important legislation.

Sincerely,

DON YOUNG,
Chairman, House Committee on Resources.
FRANK H. MURKOWSKI,
Chairman.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, September 11, 1996.
Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: In light of potential activity by the Committee on S. 1738, I would like to apprise you of the Administration's deep concerns about S. 1738, a bill "To provide for improved access to and use of the Boundary Waters Canoe Area Wilderness, and for other purposes."

The Department of Agriculture strongly opposes enactment of S. 1738. For the reasons outlined below, this bill is unacceptable, and should it come to the President in its present form, I would advise him to veto it.

While we are acutely aware of the controversy associated with management of the Boundary Waters Canoe Area Wilderness (BWCAW) for at least the past 50 years, and we understand the concerns of the various interests, we do not believe that S. 1738 offers a solution to that controversy. The provisions of S. 1738 would not protect the wilderness resource itself or protect the best interests of the national and international communities which seek a voice in its management. In fact, we believe that it will only serve to increase the polarization of the various interests.

The BWCAW is the largest wilderness east of the Mississippi, consisting of over one million acres of lakes, streams, and forests. It extends nearly 150 miles along the international boundary adjacent to Canada's Quetico Provincial Park, creating a natural, water-based international treasure, unparalleled in the world. It is also the most heavily used wilderness in the United States.

S. 1738 would make several significant changes in the current management of the BWCAW. The bill would expand the area open to use of motorboats, exempt a certain class of visitors from limits established on numbers of visitors, provide for reopening three portages to motorized use, and establish a planning and management council.

Section 3(a) would amend the 1978 law which established the wilderness (P.L. 95–495) by removing limits on motorboat use on five lakes. These are very large lakes and this change would increase the average of water surface open to motor use from approximately 21 percent to 31 percent of the total in the wilderness. Allowing nearly one-third of the area to be open to motorized use is a very large proportion for an activity not normally allowed in units of the National Wilderness Preservation System, and would be a significant change in the wilderness setting.

Section 3(b) would change the definition of a "guest" from someone who stays overnight, to someone who is a guest of a homeowner or has purchased or rented goods or services from a resort owner. This change is significant because the 1978 Act exempts those who are "guests" of homeowners or resort owners from limits on use. This change in definition would, in effect, eliminate the current limits on motorboat users.

Section 3(c) would provide for reopening three portages to motorized use that were closed by court order several years ago. Based on use data and informal discussions with visitors, our experience since these portages were closed has led us to conclude that access is not unduly restricted, public needs are being met, and that the quality of the wilderness setting is improved by the current status.

Section 4 would establish a "Planning and Management Council" with broad authorities to "develop a monitor a comprehensive management plan for the wilderness." This is the most disconcerting provision of the bill. This management council would have overlapping and conflicting roles with the agency, creating confusion about management of the wilderness. Under this bill, the role of the resource professional in managing a national resource under the laws passed by Congress would be shifted to a council consisting primarily of locally elected and appointed officials. A management council would only serve to reopen issues, keep the controversy alive, and further polarize the various interests.

The Forest Service already has a public involvement process in place, which was used extensively during development of the new BWCAW plan, which is the culmination of several years of seeking the best mix of management options for both the nation and the wilderness resource. We need to keep on track with implementing the plan which emerged from this process and work through the remaining issues. Furthermore, the Forest Service is participating in the Federal Mediation and Conciliation Service process for the BWCAW, and I anticipate this effort may help to resolve some of the long-standing issues in the wilderness area.

Notwithstanding my objections to the bill in its current form, I will work with the Committee to produce an acceptable solution to this problem.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DAN GLICKMAN,
Secretary.

[From The Pioneer Press Editorial, May 9, 1996]

MEDIATION WELCOME IN BWCAW DISPUTE

Like chicken soup for a bad cold, Sen. Paul Wellstone's effort to initiate mediation over Minnesota's All-America land dispute can't hurt. Seeking new approaches to settling the emblematic environmental arguments over Voyageurs National Park and the Boundary Waters Canoe Area Wilderness has attractive possibilities.

Up front, it is fair to acknowledge that the political dynamic of the situation for an incumbent Democratic senator in an election year is both deft and apparent. By bringing the Federal Mediation and Conciliation Service in to approach the old grievances about the BWCAW and Voyageurs as professional mediation has done with other polarized environmental policy cases, Wellstone doesn't have to alienate, for now, the Up North Democrats or the Big City environmentalists. Truth told, we'd be just as glad as most other folks to let the mediation process carry these land-use issues into 1997, softening the tendency to frenzy sure to follow Congress' competing legislative approaches—neither of which Wellstone supports.

We said earlier this week the delicate compromises that created the BWCAW in 1978 still largely make sense and do not need to be dramatically altered.

Local councils that control policy on federal lands are not appropriate whether the federal lands are designated as the nation's largest water wilderness or are Yellowstone National Park.

If mediation can get to some of the festering unhappiness Up North over communications failures between communities and the feds, great. Running parallel to the inevitable political wrangling of trying to legislate either expanding the wilderness or ceding management to county and state forces, the mediation process is, at minimum, comfort food.

It can't hurt to try something besides choosing sides and fighting it out over access to the north's unique natural treasures.

[The Tower Timberjay, July 20, 1996]

TIME TO GIVE MEDIATION ITS DUE

(By Marshall Helmberger)

With the obituaries all but written for the Grams and Oberstar bills, it should be clear to most people that Senator Paul Wellstone's mediation proposal continues to be the best hope for changes in Boundary Waters and Voyageurs National Park management. That has been the case for the day the senator announced the proposal last spring, and that fact should be that much more obvious after the recent congressional hearings.

The bottom line is this: Until Minnesotans can reach a consensus on changes in management of these federal lands, legislative quick fixes stand little chance of passage, and even less chance of resolving the long-term conflicts over these areas. The Grams and Oberstar bills would have pleased some, but guaranteed many more years of heated controversy and, very possibly, even worse legislation in the future. Perhaps that's why prominent Minnesotans of both parties have opposed the most recent legislation.

Yes, I, like many others, want to see a return of the truck portages. But mediation is likely the only way to achieve some of these changes.

While some local groups, such as Conservationists With Common Sense, want to point fingers at Senator Wellstone and conclude that he has somehow masterminded the downfall of the Grams/Oberstar bills, such claims are wildly over stated.

The fact is, opposition to the Grams/Oberstar legislation is overwhelming in Minnesota, and bipartisan in nature. A StarTribune Minnesota Poll released Thursday showed that three-quarters of Minnesotans said they opposed the Grams/Oberstar bills, with just 18 percent voicing support. Compare that to the 69 percent support the poll found for the Vento bill, which further restricts motor use in the BWCAW and puts much of Voyageurs National Park into wilderness status.

If supporters of the Grams/Oberstar bills had any illusions. about passage, or about Wellstone's supposed role in scuttling the bills, such poll results should prompt a re-examination. Regardless of Wellstone's position, legislation garnering the support of just 18 percent of Minnesotans was dead on arrival.

Grams/Oberstar supporters might also consider the fact that a majority of Minnesotans agree that mediation is the best approach for dealing with the dispute and don't see Wellstone's position as an attempt to duck the issue.

Wellstone didn't need to scuttle the bills. Despite the claims of CWCS spokespeople, Paul Wellstone hasn't masterminded public opinion, or the widespread and bi-partisan opposition to the two bills. Paul Wellstone didn't prompt Third District Republican Representative Jim Ramstead's loud opposition to the bills during this week's testimony. And he didn't coax Governor Arne Carlson to oppose them either.

Nor did he mastermind the Interior Department's recommendation of a presidential veto of the legislation.

Nor did he have to convince U.S. Senators, like Bill Bradley and others, who have supported pro-wilderness legislation for 20 years or more that they should object to the current bills. There are plenty of people in Washington happy to speak their mind. And you don't want to get between them and a microphone.

Unfortunately, when groups like CWCS focus the blame on Wellstone, they make their involvement in this issue look far too political. There's been enough politics in this issue already.

Indeed, a strong argument could be made that it was the national Republican Party that scuttled any legislative deal this year, by politicizing the issues through its anti-Wellstone attack ads. Democratic senators made clear last week that they weren't about to sign on to any deal that smelled so strongly like a political smear campaign.

Of course the Republicans are smart enough to know that. Those anti-Wellstone attack ads were the clearest possible sign that the Republican Congress had no intention of passing any Boundary Waters or VNP legislation. For the Republicans, this was little more than a chance to attack a senator they consider to be a major thorn in their side.

While the motivations of Representative Oberstar are probably more honorable, he nontheless should have known better than to raise political hopes in his supporters about the chances of passage. And despite his official claims to the contrary, he has made statements critical of mediation. He should know better. Such statements provide political cover for those who would like to sabotage any mediation effort, apparently to achieve their political goal of hurting Wellstone's re-election.

Sadly, the prospects for successful mediation are probably less promising than before the congressional hearings. With the apparent quick and easy death of the Grams/Oberstar bills, environmental groups have the confidence of knowing they can probably block any legislative efforts that don't come from a mediated settlement. In other words, they now have less incentive to bargain seriously than they did before. It would have been far more effective to use mediation first. That way, local interests could have still held out the threat of the Grams/Oberstar bills, if environmental groups showed little willingness to compromise.

As it stands today, the groups that pushed for the quick legislative fix managed to get their names in the paper, but little else. And unless they change their minds and give mediation a chance, they have little role to play—other than spoilers. And worst of all, that leaves most of their members—who I believe never wanted anything more than the right to use a truck portage or have relatively easy access to a permt—out of luck once again.

[The Bemidji Pioneer, July 31, 1996]

MEDIATION ON THE MARK

Minnesotans are the best position to decide a destiny for the Boundary Waters Canoe Area Wilderness and Voyageurs National Park. And that process, fostered by federal mediators, appears to be headed in the right direction.

U.S. Sen. Paul Wellstone, DFL–Minn., has taken a lot of flack for his proposal for federal mediation, including National Republican Senatorial Committee pressure that Wellstone's call allows him to completely duck this volatile election-year issue.

Plans outlined this week should prove Wellstone right. The Federal Mediation and Conciliation Service recommendations set up a framework for citizen panels for both BWCA and Voyageurs issues from more than 200 interviews with interested parties. The final panels will learn problem-solving techniques and then it will be up to them—fellow Minnesotans sitting around a table deciding what's best for important Minnesota resources.

Current bills in Congress would put those forces at odds—more likely creating a war than a mediated settlement all can live with. Bills by GOP Sen. Rod Grams and DFL Rep. Jim Oberstar obviously side with those who want little or no restrictions for an important natural resource, while a bill by Rep. Bruce Vento obviously sides with environmentally conscious Twin Citians who would preserve both areas as their private playground.

A recent Star Tribune/WCCO-TV Minnesota Poll shows that most Minnesotans want federal mediators to resolve the dispute. They will help, but it will be Minnesotans making the decisions and not Congress. That's the Minnesota way.

[The Duluth News Tribune, July 17, 1996]

BWCAW BILLS DESERVE TO DIE

Americans can relax more when their state legislatures and Congress are not in session. So we shouldn't worry that intra- and inter-party disputes threaten action on bills to alter Boundary Waters Canoe Area Wilderness policy.

A good case can be made for restoring motorized portages, but the best long-term solution to the BWCAW and Voyageurs National Park disputes lies with the mediation process just begun.

Battles over how to use these lands near the Canadian border have gone on for decades: They won't be settled by the feuding measures introduced by lawmakers from Minnesota.

Though the second half of 1996 has just begun, lawmakers consider this the late stages of their session. So opposition by three Democratic representatives to bills by fellow Democrats Reps. James Oberstar and Bruce Vento seems to doom hopes for passage of any bill in this Congress.

Reps. Martin Sabo, Bill Luther and David Minge urged no action on the legislation that has hurt Sen. Paul Wellstone's re-election hopes. The three lawmakers likely had partisan gain in mind—but also have common sense on their side.

Wellstone's push for federal mediation of the land-use disputes makes sense. Contrary to what some partisans continue to say, mediation would not let federal bureaucrats dictate a solution. Mediation will create a settlement only if the parties involved agree to it.

Even though the battles over best use of the area have gone on a long time, many thoughtful parties to the dispute indicate a willingness to compromise so the can enjoy the natural wonders without worrying what the other side is doing.

The best hope for a solution lies with mediation once the 1996 election is behind us.●

CLARIFICATION OF THE CREDIT REPORTING SECTION OF THE OMNIBUS CONSOLIDATED APPROPRIATIONS ACT

● Mr. MACK. Mr. President, I rise today to clarify a provision included in the credit reporting section of the Omnibus Consolidated Appropriations Act.

Section 2403(a) clarifies existing law with respect to the "permissible purposes" for which a consumer report may be obtained under the Fair Credit Reporting Act. The provision establishes that purchasers and servicers are permitted to review a borrower's credit report in connection with the decision of whether to purchase a loan obligation and/or its servicing. This allows a purchaser or other investor to value more accurately a portfolio of loans based on the current credit characteristics of the borrowers of the underlying obligations. Servicers can also use the information to better value servicing rights that they are considering purchasing. In addition, the provision would allow a current loan insurer to use credit reports in assessing its existing risk. By reducing uncertainty in the secondary markets, I am hopeful that consumers will be well served by lower prices. I thank the Chair for this opportunity to elaborate upon this small provision.●

THE NATIONAL INSTITUTES OF HEALTH

• Mr. SIMON. Mr. President, I submit for the RECORD the following corrections to the text of S. 1897 (Report No. 104–364):

Sec. 635. (a)(3) Diabetes is the sixth leading cause of death by disease in America, taking the lives of more than 169,000 people annually.

Sec. 635. (a)(5) Diabetes is the leading cause of new blindness in adults 20 to 74 years of age.

Sec. 635. (a)(6) Diabetes is the leading cause of kidney failure requiring dialysis or transplantation, affecting more than 56,000 Americans in 1992.•

FAIR TRADE PRACTICES ACT

• Mr. SPECTER. Mr. President, on Monday, September 30, 1996, I introduced S. 2165, the Fair Trade Practices Act of 1996. I ask that the full text of the bill be printed in the Record.

The bill is as follows:

S. 2165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Trade Practices Act of 1996".

SEC. 2. REPORT BY THE PRESIDENT; SANCTIONS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the President shall submit a report to the Congress that—

(A) identifies foreign persons and concerns that engage in foreign corrupt trade practices and foreign countries that do not have in effect or do not enforce laws that are similar to the Foreign Corrupt Practices Act of 1977; and

(B) contains information regarding—

(i) existing corrupt trade practices of foreign persons and concerns; and

(ii) efforts by the governments of foreign countries to stop corrupt trade practices by private persons and government officials of those countries through enactment and enforcement of laws similar to the Foreign Corrupt Practices Act of 1977.

(2) DEFINITION OF CORRUPT TRADE PRACTICE.—For purposes of this section, the term "corrupt trade practice" means a practice that would violate the prohibition described in section 104 of the Foreign Corrupt Practices Act of 1977 if engaged in by a domestic concern.

(b) SANCTIONS.—

(1) IN GENERAL.—If the President determines that a country identified in subsection (a)(1)(A) is not making a good faith effort to enact or enforce the laws described in subsection (a)(1)(B)(ii), the President is authorized and directed to impose the sanctions described in paragraph (2).

(2) SANCTIONS DESCRIBED.—

(a) REDUCTION IN FOREIGN AID.—Fifty percent of the assistance made available under part I of the Foreign Assistance Act of 1961 and allocated each fiscal year pursuant to section 653 of such Act for a country shall be withheld from obligation and expenditure for any fiscal year in which a determination has been made under paragraph (1) with respect to the country.

(B) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance by international financial institutions to any country described in paragraph (1).

(c) DURATION OF SANCTIONS.—Any sanction imposed against a country under subsection (b)92) shall remain in effect until such time as the President certifies to the Congress that such country has enacted and is enforcing the laws described in subsection (a)(1)(B)(ii).

(d) WAIVER.—Any sanctions described in subsection (b) may be delayed or waived upon certification of the President to the Congress that it is in the national interest to do so.

SEC. 3. SANCTIONS AGAINST PERSONS AND BUSINESS ENTITIES.

(a) IMPOSITION OF SANCTIONS ON FOREIGN PERSONS AND CONCERNS ENGAGING IN CERTAIN CORRUPT BUSINESS PRACTICES.—The President shall impose the sanctions described in subsection (b), to the fullest extent consistent with international obligations, if the President certifies to the Congress that—

(1) a foreign person or concern has engaged in the conduct described in section 104 of the Foreign Corrupt Practices Act of 1977, and such conduct has placed a United States concern at a competitive disadvantage,

(2) the President has consulted with the foreign country having primary jurisdiction over such conduct in an effort to get the government of that country to impose sanctions against such foreign person or concern,

(3) a period of 90 days has elapsed since the President first consulted with the foreign country, and

(4) the country has not taken action against such person or concern.

The 90-day period referred to in the preceding sentence may be extended for an additional 90 days if the President determines sufficient progress has been made in consultation with the foreign country to justify such an extension.

(b) SANCTIONS.—

(1) IN GENERAL.—The sanctions to be imposed pursuant to subsection (a) are as follows:

(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any foreign person or concern that engages in the unlawful conduct described in subsection (a)(1).

(B) LICENSE BAN.—The United States Government shall not issue any license or other authority to conduct business in the United States to any foreign person or concern that engages in the unlawful conduct described in subsection (a)(1).

(2) WAIVER.—Any penalties or sanctions imposed under this section may be delayed or waived upon certification of the President to Congress that it is in the national interest to do so.

(c) DEFINITIONS.—For purposes of this section—

(1) FOREIGN CONCERN.—The term "foreign concern" means any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship which has its principal place of business in a country other than the United States, or which is organized under the laws of a country other than the United States.

(2) FOREIGN PERSON.—The term "foreign person" means any individual who is a citizen or national of a country other than the United States.•

FAMILY-FRIENDLY DELAWARE COMPANY HONORED

• Mr. BIDEN. Mr. President, in this time of two-worker households, working parents are increasingly faced with the difficult task of balancing work and family.

Every day in this country, families must find a way to meet the challenges that await them at home after a long day on the job. Some days it seems impossible to maintain a career while trying to figure out a way to get the shopping done, put dinner on the table and pick up the kids at soccer practice.

That is why today, Mr. President, I am proud to stand here to announce that Delaware companies are taking the lead and making it easier for working parents to balance their careers and families.

One particular company, MBNA America, which is based in Wilmington, DE, was recently honored as one of the top 10 family-friendly companies by Working Mother magazine.

This is the second straight year that MBNA has been named as one of the top 10 companies for working mothers and the fifth straight year that it has been named in the top 100.

Also, in the September 16 issue of Business Week, MBNA was named as one of the top 10 businesses in terms of their work and family strategies. This is the first time that Business Week has rated companies for their family-friendly practices, and it shows that businesses are most successful if they take their work and family strategies seriously.

Speaking about MBNA, Business Week stated that "the bank won the highest grades, from employees, who cited strong programs and job flexibility."

MBNA is to be commended for instituting policies and programs that are sensitive to the realities of two-income families. None of this happens without leadership—especially leadership at the top. And in this case, it comes from Charles Cawley, chairman of MBNA and a renowned business and community leader.

Let me tell you about some of the things that MBNA does for its workers. MBNA offers three on-site day care centers that serve MBNA employees. I have had the opportunity to visit one of the two centers that are in Delaware, and I cannot stress enough what a benefit it is for workers to be able to take advantage of these day care centers. In Delaware, these centers give the parents of around 400 children the peace of mind that their child is in good hands.

Also last year, 109 men and 264 women took advantage of childbirth leave of absences that averaged 13 weeks. This is a wonderful opportunity for parents to be there for those precious first weeks of their child's life.

Another important benefit that is offered by the company is adoption assistance of up to $5,000. This allows employees to provide a stable home and family to a child who needs that love and stability so badly. Just another way that companies can help build strong families.

Employees can take advantage of $849,000 in company-sponsored college scholarships that allow those who wish to better themselves the opportunity to do so. After all, education is the greatest investment this country can make.

Working Mother magazine also applauded MBNA for having flexible work hours by utilizing job-sharing strategies and compressed work weeks.

And, the study showed that women account for a high percentage of executive positions at MBNA. Women make up 39 percent of vice presidents at MBNA and 16 percent of all senior executives are women.

Besides MBNA, two other Delaware companies were honored recently as family friendly companies. DuPont and DuPont-Merck Pharmaceutical were named as 2 of the top 100 companies by Working Mother magazine for their leadership in creating job strategies that are sensitive toward families. DuPont was also named in Business Week's top 10 list, and other companies with facilities in Delaware, such as Hewlett-Packard and Nations Bank, have been praised for their family oriented policies.

Mr. President, these work strategies that take into account everyday family life do not just benefit the employees, but also the employer. There is little doubt that recruitment, retention, morale, and therefore productivity all increase when companies implement family-friendly policies.

I am proud that MBNA and other Delaware companies have emerged as leaders in creating family work strategies, and I hope that this trend continues throughout Delaware and throughout the country.•

KIDS, GUNS, AND DEATH

• Mr. SIMON. Mr. President, last summer the Illinois Council Against Handgun Violence asked kids how their lives had been affected by guns and gun violence. Over 200 school-age children wrote and submitted essays. Last Sunday, the Chicago Sun Times printed the three winning essays. The expression, out of the mouths of babes, has never been more true than when reading the three winning essays. These three winners, a second-grader, a seventh-grader, and an eleventh grader, get what far too many of their elders do not: bullets, guns, and violent death should not be an increasingly routine part of these children's lives. I ask that the three winning essays printed in the Chicago Sun Times be printed in the RECORD.

[From the Chicago Sun-Times, Sept. 29, 1996]

KIDS, GUNS, AND DEATH

It is a sad fact of life: Children today are profoundly aware of the threat of gun violence. Last summer, the Illinois Council Against Handgun Violence asked school-children how this omnipresent danger touches their lives, and what they thought should be done to end it. Asked to speak for themselves, more than 100 children from nearly two dozen schools submitted essays. It is powerful testimony. Many wrote of their personal brushes with gun violence; far too many told of losing family members and friends, and a few of actually witnessing fatal shootings. Here are the winning essays from three age categories. These young authors will read their entries Oct. 5, when the 14th Annual Walk Against Handgun Violence steps off from the Daley Center Plaza at 11 a.m.

ZACHERY JEFFERSON

Last week, when I layed down to rest for the night. I couldn't sleep because I heard the sound of gunshots in the air. My heart just pound and pound, until I heard the lock turn and the door slam. After I heard my mommy's voice. I was able to sleep.

I was worried about my mother walking to our building. I live in a tall building called Stateway Gardens. My mother Ms. Jefferson's work day begins in the afternoon and ends late night about 12:30 midnight. I know it isn't safe for my mom to walk the street in my neighborhood at night alone. She has to work to take care of my sister and I.

When I grow up I want to be a policeman, not just a policeman but the Chief of Police. I want to change things. It should be against the law for people to just shoot. Those bad people who are shooting guns like crazy mustn't realize how it feels to worry, or maybe they don't have a mother who works to take care of a family.

Well, my heart pounds and beats like a drum when I am upset or worried. For those who don't know what it feels like, I'll tell you. It's like losing something very special and that moment when you realize it's gone, your heart races real fast and sweat pops on your face and your knees shakes.

Please stop now. If you don't, watch out for me later! I will be coming with my badge on.

RHEA JACKSON

Guns are something very serious. Many people think that a gun is the answer to solving their problems that won't go away. This isn't true. There are many other ways to solve your problems. People today don't care if a younger child gets injured, shot, killed or even paralyzed because all that really matters to them is to kill their problem that won't go away.

Today many boys are killing each other over some crazy things like money, drugs, shoes, name-brand clothes and even girls. That affects me a whole lot because that might be me one day. Instead of the boy getting shot I might get shot in his place.

I come from a very overprotective household with a father who is on me like white on rice. Sometimes I feel that he needs to give me a break and let me go to a friend's house. However, when I go I see people who don't have fathers they can turn to and I realize why my father is like that. He doesn't want me to get caught between gangs crossfiring at each other. Then I begin to see how lucky I am to have him around.

I feel that it must stop because many youngsters, like myself, want to live long, be able to live to see over the age of 21. I think that the gangs should come to a truce and live together in peace. If that doesn't work, then the police should be more aware of the gang activity going on. I'm saying these things because my cousin almost got in a crossfire between two gangs. They don't realize that bullets don't have names like they think. I think that the reason why kids join gangs is because of peer pressure, for attention and because they don't have anyone to turn to.

As you can see there are many things that scare me and other kids. The gangs have little kids, even kids at the age of 5, planning their funerals instead of dreaming about their weddings or Sweet 16 birthday parties.

If my essay gets published in a popular magazine or newspaper, please remember: "Bullets Don't Have Names."

CLAUDIA RUIZ

I personally experienced gun violence with the death of my cousin. I grew up with him and when he died from seven bullet wounds. I lost part of myself. Anyone who loves someone close to them knows that the pain is incurable, except with the dulling that time brings. It changes the lives of all those who knew the victim because part of their life is gone and there are no second chances.

Nothing is worth dying for, especially when the decision is not yours. No one has the right to make that decision for anyone. The anger that accompanies the pain is also destructive. Often when a gang member is killed, his brothers seek revenge. This brings further violence and loss of life. No one gains, and the cycle of violence keeps turning.

The cause of gun violence is that teenagers are joining gangs at an early age. Some of them join gangs because of the lure of money from selling drugs. Perhaps their family is poor and they need the money to support themselves and their family. Selling drugs offers them an easy solution. More often gang members come from families where they were neglected. They are looking for somewhere to belong, somewhere safe.

I believe in each cases that the blame lies largely on the parents who do not give their children the support they needed while they were young. However, that is not to say that the parents are not facing tremendous odds trying to raise their children in an environment where gun violence and gang membership is prevalent. In large families, the older children are neglected as the parents are busy looking after the young. Unfortunately, the older children still need their guidance. Often, elder children become lonely and depressed. For these reasons, they may join a gang to find friendship and belonging. Although the gang may feel like their salvation, their only salvation is to be able to talk to their parents instead of fighting against them. These youth need someone to show them that their families are where they may find safety. They need counseling so that they may talk about their fears and the problems in their family and on the street.

In addition, violence prevention counseling would educate the youth to find other solutions to violence in resolving their anger. They need someone to point them in the right direction and to show them they have choices in the future if they make the right decisions now. They need guidance to learn how to be themselves.•

THE VANCOUVER NATIONAL HISTORIC RESERVE

• Mrs. MURRAY. Mr. President, I want to express my sincere pleasure that the

Vancouver National Historic Reserve will be established as a result of the enactment of legislation by this Congress.

We have worked for several years in a bipartisan fashion to establish this important historic site in Vancouver, WA. This vision for cooperative management of the historic resources at Fort Vancouver began with the city of Vancouver and former Congresswoman Jolene Unsoeld. Congresswoman Unsoeld had the vision, leadership, and determination to develop a broadly supported plan to preserve and promote several chapters in the colorful history of the Pacific Northwest.

This proposal has been 10 years in the making. Throughout these years, the vision has been for a collaborative effort between the city of Vancouver, the Army, and the National Park Service. In recognition of the opportunity to coordinate the management and interpretation of the historic areas around Fort Vancouver, Congress in 1990 established the Vancouver Historic Study Commission to develop a plan for the area and make a recommendation to Congress. In 1993, the five members of the commission—representing the National Park Service, City of Vancouver, Army, State Historic Preservation Office, and the public-at-large—unanimously approved a strategy for the area. The commission's report called for the establishment of a Vancouver National Historic Reserve. The reserve would be cooperatively managed by the various public owners of the area through the Vancouver partnership. Key controversies such as the continued operation of Pearson Airpark were addressed and thoughtfully resolved.

Legislation to implement the commission's recommendations was introduced in 1994 by former Congresswoman Unsoeld but was unable to pass in the closing days of the 103d Congress. In an effort to maintain progress on the historic area, the city entered into a memorandum of agreement with the National Park Service regarding the operation of the area on November 4, 1995. Nevertheless, legislation was still needed to implement the MOA and the commission's recommendations.

During this Congress, we have worked with the city and the Park Service in a bipartisan fashion to address outstanding concerns and develop legislation to effectively establish the reserve. Senator GORTON and I, and Congresswoman SMITH, introduced bills to establish the reserve. When the committee began to develop an omnibus parks bill, Senator GORTON and I worked to include the Vancouver Historic Reserve and were successful. The simplified version of our bill included in the omnibus measure raised concerns for the Park Service and was improved during the conference with the House.

As last-minute negotiations on this omnibus parks bill progressed, there was some miscommunication regarding the administration's support for the Vancouver National Historic Reserve. As is now clear, the administration fully supports the establishment of the reserve and supports it's inclusion in this omnibus measure. And so do I. I look forward to the development of the Vancouver partnership and the coordinated management it will bring to the historic treasures of Vancouver, WA. Treasures of the entire Pacific Northwest that must be preserved for future generations.

The Vancouver National Historic Reserve is truly "Once Place Across Time". From the Native American cultures and communities that lived and traded in the region for over 100 centuries to Lewis and Clark's expedition and the Hudson Bay Company's fur trade, the areas of the Vancouver National Historic Reserve are at the foundation of the history and the legacy of the Pacific Northwest and the great State of Washington. Our journey from these beginnings through the decades is also visible through Fort Vancouver, the Vancouver Army Barracks and Officer's Row, and Pearson Airfield.

The multiple layers of history tells us so much about our region and ourselves. I look forward to the sense of continuity the reserve will bring to the history of this place. The connection of people and places across the span of time will bring an improved sense of place to this wonderful area of our region and the Nation.•

CHILDHOOD HUNGER DAY

• Mr. LAUTENBERG. Mr. President, I rise to commend the American Culinary Federation for its efforts to combat the problem of childhood hunger in the United States. Although we are the richest nation on Earth, each day 1 out of 12 children under the age of 12 goes to bed hungry. In my own State of New Jersey, 91,000 children must endure hunger as their constant companion. Children are our most valuable natural resource, and as a nation we cannot tolerate a situation where our youngest citizens are deprived the most basic necessity.

Mr. President, I know that we all agree that steps must be taken to end the epidemic of childhood hunger. If we do not condemn this situation by our actions, then we condone it by our inaction.

Mr. President, in New Jersey, the Jersey Shore Chapter of the American Culinary Federation is dedicated to fighting this scourge. Among its many activities, on October 16, the federation will again be holding its Childhood Hunger Day Forum in Washington, DC. The event is designed to increase awareness of the problem of childhood hunger, and it will give voice to the millions of small children who suffer in silence.

Mr. President, I applaud the foundation's efforts, and I wish it every success on Childhood Hunger Day and for all of their future endeavors.•

STANISLAV REMBSKI

• Ms. MIKULSKI. Mr. President, Stanislav Rembski is one of America's greatest artists. On October 8, 1996 he celebrates his 100th birthday. I ask my colleagues to join me in congratulating Mr. Rembski on this special occasion, and in thanking him for creating so many national treasures.

As a Polish-American Senator from Baltimore, I am very proud of Stanislav Rembski. He was born in Sochaczew, Poland in 1896. He immigrated to the United States in 1923. Since 1940, he has lived and worked in Baltimore. He taught himself to draw—and he teaches us all how to enjoy and appreciate art through his writings and lectures.

Stanislav Rembski is one of America's premier portrait painters. He has painted over 1,000 commissions—including well-known portraits of President Woodrow Wilson and President Franklin Roosevelt. He has painted five of Maryland's first ladies and these paintings hang in Government House in Annapolis.

Stanislav Rembski is known for capturing the spirit and personality of his subjects. That is why so many of his portraits are used in history books—they tell us more about the subject than any photograph ever could. I encourage everyone to see this for themselves. A retrospective of his work is now on display in the Enoch Pratt Library in Baltimore.

Mr. President, Stanislav Rembski honors his Polish heritage and his adopted American homeland. His paintings are a gift that will grace our museums and public buildings forever.•

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I thought the parks bill was ready for conclusion, and perhaps a colloquy is needed.

Mr. MURKOWSKI. If I may respond to the majority leader, it is my understanding that an agreement can be reached and a colloquy is in the process of being reviewed and completed. I personally do not have it at this time. I expect it momentarily.

Mr. LOTT. Mr. President, we have some work we can do. The minute that the final agreement and colloquy enters the Chamber, please let us know. We would like to interrupt whatever we are doing to get this agreement reached.

Mr. MURKOWSKI. If I may respond to the majority leader to concur with his agreement. I have never had the obvious honor of giving birth to anything, but this is about the closest.

Mr. LOTT. Senator DASCHLE and I will have the pleasure in a moment of notifying the President of our intent to conclude our work, and the adjournment resolution has been adopted.

PROVIDING FOR THE SINE DIE ADJOURNMENT

Mr. LOTT. I ask unanimous consent the Senate proceed to the immediate consideration of House Concurrent Resolution 230 regarding adjournment of the 104th Congress.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H.Con. Res. 230) providing for the sine die adjournment of the second session of the 104th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 5426

Mr. LOTT. I send an amendment to the desk providing for adjournment of the Senate Wednesday, Thursday or Friday of this week.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 5426.

Mr. LOTT. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the resolving clause, and substitute the following in lieu thereof:

"That when the House adjourns on the legislative day of Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

The amendment (No. 5426) was agreed to.

The concurrent resolution (H. Con. Res. 230), as amended, was agreed to, as follows:

AMENDMENT NO. 5426

Strike out all after the resolving clause and insert: That when the House adjourns on the legislative day of Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

CACHE LA POUDRE RIVER NATIONAL WATER HERITAGE AREA ACT

Mr. LOTT. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 281, S. 342.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 342) to establish the Cache la Poudre River National Water Heritage Area in the State of Colorado, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cache La Poudre River National Water Heritage Area Act".

SEC. 2. PURPOSE.

The purpose of this Act is to designate the Cache La Poudre Water National Heritage Area within the Cache La Poudre River Basin and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Area.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) AREA.—The term "Area" means the Cache La Poudre River National Water Heritage Area established by section 4(a).

(2) COMMISSION.—The term "Commission" means the Cache La Poudre River National Water Heritage Area Commission established by section 5(a).

(3) GOVERNOR.—The term "Governor" means the Governor of the State of Colorado.

(4) PLAN.—The term "Plan" means the water heritage area interpretation plan prepared by the Commission pursuant to section 9(a).

(5) POLITICAL SUBDIVISION OF THE STATE.—The term "political subdivision of the State" means a political subdivision of the State of Colorado, any part of which is located in or adjacent to the Area, including a county, city, town, water conservancy district, or special district.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF THE CACHE LA POUDRE RIVER NATIONAL WATER HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Colorado the Cache La Poudre River National Water Heritage Area.

(b) BOUNDARIES.—The boundaries of this Area shall include those lands within the 100-year flood plain of the Cache La Poudre River Basin, beginning at a point where the Cache La Poudre River flows out of the Roosevelt National Forest and continuing east along said floodplain to a point one quarter of one mile west of the confluence of the Cache La Poudre River and the South Platte Rivers in Weld County, Colorado, comprising less than 35,000 acres, and generally depicted as the 100-year flood boundary on the Federal Flood Insurance maps listed below:

(1) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0146B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(2) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0147B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(3) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0162B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(4) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0163C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(5) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0178C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(6) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080102 0002B, February 15, 1984. Federal Emergency Management Agency, Federal Insurance Administration.

(7) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0179C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(8) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0193D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(9) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0194D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(10) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0208C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(11) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0221C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(12) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266

0605D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(13) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080264 0005A, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(14) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0608D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(15) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0609C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(16) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0628C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(17) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080184 0002B, July 16, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(18) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0636C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(19) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0637C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of the boundaries of the Area.

(c) PUBLIC ACCESS TO MAPS.—The maps shall be on file and available for public inspection in—

(1) the offices of the Department of the Interior in Washington, District of Columbia, and Denver, Colorado; and

(2) local offices of the city of Fort Collins, Larimer County, the city of Greeley, and Weld County.

SEC. 5. ESTABLISHMENT OF THE CACHE LA POUDRE RIVER NATIONAL WATER HERITAGE AREA COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Cache La Poudre River National Water Heritage Commission.

(2) FUNCTION.—The Commission, in consultation with appropriate Federal, State, and local authorities, shall develop and implement an integrated plan to interpret elements of the history of water development within the Area.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 15 members appointed not later than 6 months after the date of enactment of this Act. Of these 15 members—

(A) 1 member shall be a representative of the Secretary of the Interior which member shall be an ex officio member;

(B) 1 member shall be a representative of the Forest Service, appointed by the Secretary of Agriculture, which member shall be an ex officio member;

(C) 3 members shall be recommended by the Governor and appointed by the Secretary, of whom—

(i) 1 member shall represent the State;

(ii) 1 member shall represent Colorado State University in Fort Collins; and

(iii) 1 member shall represent the Northern Colorado Water Conservancy District;

(D) 6 members shall be representatives of local governments who are recommended by the Governor and appointed by the Secretary, of whom—

(i) 1 member shall represent the city of Fort Collins;

(ii) 2 members shall represent Larimer County, 1 of which shall represent agriculture or irrigated water interests;

(iii) 1 member shall represent the city of Greeley;

(iv) 2 members shall represent Weld County, 1 of which shall represent agricultural or irrigated water interests; and

(v) 1 member shall represent the city of Loveland; and

(E) 3 members shall be recommended by the Governor and appointed by the Secretary, and shall—

(i) represent the general public;

(ii) be citizens of the State; and

(iii) reside within the Area.

(2) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission from among members appointed under subparagraph (C), (D), or (E) of paragraph (1). The chairperson shall be elected for a 2-year term.

(3) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(c) TERMS OF SERVICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each member of the Commission shall be appointed for a term of 3 years and may be reappointed.

(2) INITIAL MEMBERS.—The initial members of the Commission first appointed under subsection (b)(1) shall be appointed as follows:

(A) 3-YEAR TERMS.—The following initial members shall serve for a 3-year term:

(i) The representative of the Secretary of the Interior.

(ii) 1 representative of Weld County.

(iii) 1 representative of Larimer County.

(iv) 1 representative of the city of Loveland.

(v) 1 representative of the general public.

(B) 2-YEAR TERMS.—The following initial members shall serve for a 2-year term:

(i) The representative of the Forest Service.

(ii) The representative of the State.

(iii) The representative of Colorado State University.

(iv) The representative of the Northern Colorado Water Conservancy District.

(C) 1-YEAR TERMS.—The following initial members shall serve for a 1-year term:

(i) 1 representative of the city of Fort Collins.

(ii) 1 representative of Larimer County.

(iii) 1 representative of the city of Greeley.

(iv) 1 representative of Weld County.

(v) 1 representative of the general public.

(3) PARTIAL TERMS.—

(A) FILLING VACANCIES.—A member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of their term.

(B) EXTENDED SERVICE.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

(d) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission.

(e) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

SEC. 6. STAFF OF THE COMMISSION.

(a) STAFF.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out the duties of the Commission.

(1) APPOINTMENT AND COMPENSATION.—Staff appointed by the Commission—

(A) shall be appointed without regard to the city service laws and regulations; and

(B) shall be compensated without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(c) STAFF OF OTHER AGENCIES.—

(1) FEDERAL.—Upon request of the Commission, the head of a Federal agency may detail, on a reimbursement basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the Commission's duties. The detail shall be without interruption or loss of civil service status or privilege.

(2) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) STATE.—The Commission may—

(A) accept the service of personnel detailed from the State, State agencies, and political subdivisions of the State; and

(B) reimburse the State, State agency, or political subdivision of the State for such services.

SEC. 7. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out this Act.

(2) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) MATCHING FUNDS.—The Commission may use its funds to obtain money from any source under a program or law requiring the recipient of the money to make a contribution in order to receive the money.

(d) GIFTS.—

(1) IN GENERAL.—Except as provided in subsection (e)(3), the Commission may, for the purpose of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

(2) CHARITABLE CONTRIBUTIONS.—For the purpose of section 170(c) of the Internal Revenue Code of 1986, a gift to the Commission shall be deemed to be a gift to the United States.

(e) REAL PROPERTY.—

(1) IN GENERAL.—Except as provided in paragraph (2) and except with respect to a leasing of facilities under section 6(c)(2), the Commission may not acquire real property or an interest in real property.

(2) EXCEPTION.—Subject to paragraph (3), the Commission may acquire real property in the Area, and interests in real property in the Area—

(A) by gift or devise;

(B) by purchase from a willing seller with money that was given or bequeathed to the Commission; or

(C) by exchange.

(3) CONVEYANCE TO PUBLIC AGENCIES.—Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate non-Federal public agency, as determined by the Commission. The conveyance shall be made—

(A) as soon as practicable after acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used in furtherance of the purpose for which the Area is established.

(f) COOPERATIVE AGREEMENTS.—For the purpose of carrying out the Plan, the Commission may enter into cooperative agreements with Federal agencies, State agencies, political subdivisions of the State, and persons. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action that may affect the implementation of the Plan.

(g) ADVISORY GROUPS.—The Commission may establish such advisory groups as it considers necessary to ensure open communication with, and assistance from Federal agencies, State agencies, political subdivisions of the State, and interested persons.

(h) MODIFICATION OF PLANS.—

(1) IN GENERAL.—The Commission may modify the Plan if the Commission determines that such modification is necessary to carry out this Act.

(2) NOTICE.—No modification shall take effect until—

(A) any Federal agency, State agency, or political subdivision of the State that may be affected by the modification receives adequate notice of, and an opportunity to comment on, the modification;

(B) if the modification is significant, as determined by the Commission, the Commission has—

(i) provided adequate notice of the modification by publication in the area of the Area; and

(ii) conducted a public hearing with respect to the modification; and

(C) the Governor has approved the modification.

SEC. 8. DUTIES OF THE COMMISSION.

(a) PLAN.—The Commission shall prepare, obtain approval for, implement, and support the Plan in accordance with section 9.

(b) MEETINGS.—

(1) TIMING.—

(A) INITIAL MEETING.—The Commission shall hold its first meeting not later than 90 days after the date on which its last initial member is appointed.

(B) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the chairperson or 7 of its members, except that the Commission shall meet at least quarterly.

(2) QUORUM.—Ten members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(3) BUDGET.—The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

(c) ANNUAL REPORTS.—Not later than May 15 of each year, following the year in which the members of the Commission have been appointed, the Commission shall publish and submit, to the Secretary and to the Governor, an annual report concerning the Commission's activities.

SEC. 9. PREPARATION, REVIEW, AND IMPLEMENTATION OF THE PLAN.

(a) PREPARATION OF PLAN.—

(1) IN GENERAL.—Not later than 2 years after the Commission conducts its first meeting, the Commission shall submit to the Governor a Water Heritage Area Interpretation Plan.

(2) DEVELOPMENT.—In developing the Plan, the Commission shall—

(A) consult on a regular basis with appropriate officials of any Federal or State agency, political subdivision of the State, and local government that has jurisdiction over or an ownership interest in land, water, or water rights within the Area; and

(B) conduct public hearings within the Area for the purpose of providing interested persons the opportunity to testify about matters to be addressed by the Plan.

(3) RELATIONSHIP TO EXISTING PLANS.—The Plan—

(A) shall recognize any existing Federal, State, and local plans;

(B) shall not interfere with the implementation, administration, or amendment of such plans; and

(C) to the extent feasible, shall seek to coordinate the plans and present a unified interpretation plan for the Area.

(b) REVIEW OF PLAN.—

(1) IN GENERAL.—The Commission shall submit the Plan to the Governor for his review.

(2) GOVERNOR.—The Governor may review the Plan and if he concurs in the Plan, may submit the Plan to the Secretary, together with any recommendations.

(3) SECRETARY.—The Secretary shall approve or disapprove the Plan within 90 days. In reviewing the Plan, the Secretary shall consider the adequacy of—

(A) public participation; and

(B) the Plan in interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Area.

(c) DISAPPROVAL OF PLAN.—

(1) NOTIFICATION BY SECRETARY.—If the Secretary disapproves the Plan, the Secretary shall, not later than 60 days after the date of disapproval, advise the Governor and the Commission of the reasons for disapproval, together with recommendations for revision.

(2) REVISION AND RESUBMISSION TO GOVERNOR.—Not later than 90 days after receipt of the notice of disapproval, the Commission shall revise and resubmit the Plan to the Governor for review.

(3) RESUBMISSION TO SECRETARY.—If the Governor concurs in the revised Plan, he may submit the revised plan to the Secretary who shall approve or disapprove the revision within 60 days. If the Governor does not concur in the revised plan, he may resubmit it to the Commission together with his recommendations for further consideration and modification.

(d) IMPEMENTATION OF PLAN.—After approval by the Secretary, the Commission shall implement and support the Plan as follows:

(1) CULTURAL RESOURCES.—

(A) IN GENERAL.—The Commission shall assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the conservation and interpretation of cultural resources within the Area.

(B) EXCEPTION.—In providing the assistance, the Commission shall in no way infringe upon the authorities and policies of a Federal agency, State agency, or political subdivision of the State concerning the administration and management of property, water, or water rights held by such agency, political subdivision, or private persons or entities, or affect the jurisdiction of the State of Colorado over any property, water, or water rights within the Area.

(2) PUBLIC AWARENESS.—The Commission shall assist in the enhancement of public awareness of, and appreciation for, the historical, recreational, architectural, and engineering structures in the Area, and the archaeological, geological, and cultural resources and sites in the Area—

(A) by encouraging private owners of identified structures, sites, and resources to adopt voluntary measures for the preservation of the identified structure, site, or resource; and

(B) by cooperating with Federal agencies, State agencies, and political subdivisions of the State in acquiring, on a willing seller basis, any identified structure, site, or resource which the Commission, with the concurrence of the Governor, determines should be acquired and held by an agency of the State.

(3) RESTORATION.—The Commission may assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the restoration of any identified structure or site in the Area with consent of the owner. The assistance may include providing technical assistance for historic preservation, revitalization, and enhancement efforts.

(4) INTERPRETATION.—The Commission shall assist in the interpretation of the historical, present, and future uses of the Area—

(A) by consulting with the Secretary with respect to the implementation of the Secretary's duties under section 11;

(B) by assisting the State and political subdivisions of the State in establishing and maintaining visitor orientation centers and other interpretive exhibits within the Area;

(C) by encouraging voluntary cooperation and coordination, with respect to ongoing interpretive services in the Area, among Federal agencies, State agencies, political subdivisions of the State, nonprofit organizations, and private citizens, and

(D) by encouraging Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations to undertake new interpretive initiatives with respect to the Area.

(5) RECOGNITION.—The Commission shall assist in establishing recognition for the Area by actively promoting the cultural, historical, natural, and recreational resources of the Area on a community, regional, statewide, national, and international basis.

(6) LAND EXCHANGES.—The Commission shall assist in identifying and implementing land exchanges within the State of Colorado by Federal and State agencies that will expand open space and recreational opportunities within the flood plain of the Area.

SEC. 10. TERMINATION OF THE COMMISSION.

(a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate 5 years after the date of approval of the Plan by the Secretary.

(b) EXTENSION.—The Commission may be extended for a period of not more than 5 years from the date of termination established in subsection (a), if, not later than 180 days before that date—

(1) the Commission determines that an extension is necessary in order to carry out this Act;

(2) the Commission submits a proposed extension to the—

(A) Governor;

(B) Committee on Resources of the House of Representatives;

(C) Committee on Energy and Natural Resources of the Senate; and

(D) Secretary of Agriculture;

(3) the Governor notifies the Secretary that he concurs in the extension, and

(4) the Secretary approves the extension.

SEC. 11. DUTIES OF THE SECRETARY.

(a) ACQUISITION OF LAND.—The Secretary may acquire land and interests in land within the Area that have been specifically identified by the Commission for acquisition by the Federal government and that have been approved for such acquisition by the Governor and the political subdivision of the State where the land is located by donation, purchase with donated or appropriated funds, or exchange. Acquisition authority may only be used if such lands cannot be acquired by donation or exchange. No land

or interest in land may be acquired without the consent of the owner.

(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of the Commission, provide technical assistance to the Commission in the preparation and implementation of the Plan pursuant to section 9.

(c) DETAIL.—Each fiscal year during the existence of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties under section 8.

SEC. 12. OTHER FEDERAL ENTITIES.

(a) DUTIES.—Subject to section 13, a Federal entity conducting or supporting activities directly affecting the flow of the Cache La Poudre River through the Area, or the natural resources of the Area shall consult with the Commission with respect to such activities;

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary or Administrator of a Federal agency may acquire land in the flood plain of the Area by exchange for other lands within such agency's jurisdiction within the State of Colorado, based on fair market value: Provided, That such lands have been identified by the Commission for acquisition by a Federal agency and the Governor and the political subdivision of the State or the owner where the lands are located concur in the exchange. Land so acquired shall be used to fulfill the purpose for which the Area is established.

(2) AUTHORIZATION TO CONVEY PROPERTY.—The first sentence of section 203(k)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(3)) is amended by striking "historic monument, for the benefit of the public" and inserting "historic monument or any such property within the State of Colorado for the Cache La Poudre River National Water Heritage Area, for the benefit of the public".

SEC. 13. EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS, RESTRICTIONS, AND SAVINGS PROVISIONS.

(a) EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.—

(1) VOLUNTARY COOPERATION.—In carrying out this Act, the Commission and Secretary shall emphasize voluntary cooperation.

(2) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this Act shall be considered to impose or form the basis for imposition of any environmental, occupational, safety, or other rule, regulation, standard, or permit process that is different from those that would be applicable had the Area not been established.

(3) ENVIRONMENTAL QUALITY STANDARDS.—Nothing in this Act shall be considered to impose the application or administration of any Federal or State environmental quality standard that is different from those that would be applicable had the Area not been established.

(4) WATER STANDARDS.—Nothing in this Act shall be considered to impose any Federal or State water use designation or water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent to the Area, that is more restrictive than those that would be applicable had the Area not been established.

(5) PERMITTING OF FACILITIES.—Nothing in the establishment of the Area shall abridge, restrict, or alter any applicable rule, regulation, standard, or review procedure for permitting of facilities within or adjacent to the Area.

(6) WATER FACILITIES.—Nothing in the establishment of the Area shall affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers.

(7) WATER AND WATER RIGHTS.—Nothing in the establishment of the Area shall be considered to authorize or imply the reservation or appropriation of water or water rights for any purpose.

(b) RESTRICTIONS ON COMMISSION AND SECRETARY.—Nothing in this Act shall be construed to vest in the Commission or the Secretary the authority to—

(1) require a Federal agency, State agency, political subdivision of the State, or private person to participate in a project or program carried out by the Commission or the Secretary under the Act;

(2) intervene as a party in an administrative or judicial proceeding concerning the application or enforcement of a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including, but not limited to, authority relating to—

(A) land use regulation;
(B) environmental quality;
(C) licensing;
(D) permitting;
(E) easements;
(F) private land development; or
(G) other occupational or access issue;

(3) establish or modify a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including authority relating to—

(A) land use regulation;
(B) environmental quality; or
(C) pipeline or utility crossings;

(4) modify a policy of a Federal agency, State agency, or political subdivision of the State;

(5) attest in any manner the authority and jurisdiction of the State with respect to the acquisition of lands or water, or interest in lands or water;

(6) vest authority to reserve or appropriate water or water rights in any entity for any purpose;

(7) deny, condition, or restrict the construction, repair, rehabilitation, or expansion of water facilities, including stormwater, water, and wastewater treatment facilities; or

(8) deny, condition, or restrict the exercise of water rights in accordance with the substantive and procedural requirements of the laws of the State.

(c) SAVINGS PROVISION.—Nothing in this Act shall diminish, enlarge, or modify a right of a Federal agency, State agency, or political subdivision of the State—

(1) to exercise civil and criminal jurisdiction within the Area; or

(2) to tax persons, corporations, franchises, or property, including minerals and other interests in or on lands or waters within the urban river corridor portions of the Area.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—

(1) IN GENERAL.—There are authorized to be appropriated not to exceed $250,000 to the Commission to carry out this Act.

(2) MATCHING FUNDS.—Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds or in-kind contributions of services or materials from non-Federal sources.

AMENDMENT NO. 5427

Purpose: To establish the Cache La Poudre Corridor.

Mr. LOTT. Senator BROWN has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. BROWN, proposes an amendment numbered 5427.

Mr. LOTT. I ask unanimous consent that the reading of the amendment be dispensed with.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5427) was agreed to.

Mr. LOTT. I ask unanimous consent the committee amendment, as amended, be agreed to, the bill be deemed read for the third time and passed, motion to reconsider be laid upon the table and any statements relating to the bill be placed in the appropriate place in the RECORD and the title of the amendment be deemed agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment as amended was agreed to.

The bill (S. 342), as amended, was deemed read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 100. SHORT TITLE.

This Act may be cited as the "Cache La Poudre River Corridor Act".

SEC. 101. PURPOSE.

The purpose of this Act is to designate the Cache La Poudre Corridor within the Cache La Poudre River Basin and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

SEC. 102. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Cache La Poudre Corridor Commission established by section 104(a).

(2) CORRIDOR.—The term "Corridor" means the Cache La Poudre Corridor established by section 103(a).

(3) GOVERNOR.—The term "Governor" means the Governor of the State of Colorado.

(4) PLAN.—The term "Plan" means the corridor interpretation plan prepared by the Commission pursuant to section 108(a).

(5) POLITICAL SUBDIVISION OF THE STATE.—The term "political subdivision of the State" means a political subdivision of the State of Colorado, any part of which is located in or adjacent to the Corridor, including a county, city, town, water conservancy district, or special district.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT OF THE CACHE LA POUDRE CORRIDOR.

(a) ESTABLISHMENT.—There is established in the State of Colorado the Cache La Poudre Corridor.

(b) BOUNDARIES.—The boundaries of the Corridor shall include the lands within the 100-year flood plain of the Cache La Poudre River Basin, beginning at a point where the Cache La Poudre River flows out of the Roosevelt National Forest and continuing east along the floodplain to a point ¼ mile west of the confluence of the Cache La Poudre River and the South Platte Rivers in Weld County, Colorado, comprising less than 35,000 acres, and generally depicted as the 100-year flood boundary on the Federal Flood Insurance maps listed below:

(1) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No.

080101 0146B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(2) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0147B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(3) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0162B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(4) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0163C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(5) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0178C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(6) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080102 0002B, February 15, 1984. Federal Emergency Management Agency, Federal Insurance Administration.

(7) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0179C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(8) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0193D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(9) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0194D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(10) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0208C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(11) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0221C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(12) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0605D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(13) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080264 0005A, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(14) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0608D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(15) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0609C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(16) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0628C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(17) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080184 0002B, July 16, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(18) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0636C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(19) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0637C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of the boundaries of the Corridor.

(c) PUBLIC ACCESS TO MAPS.—The maps shall be on file and available for public inspection in—

(1) the offices of the Department of the Interior in Washington, District of Columbia, and Denver, Colorado; and

(2) local offices of the city of Fort Collins, Larimer Country, the city of Greeley, and Weld County.

SEC. 104. ESTABLISHMENT OF THE CACHE LA POUDRE CORRIDOR COMMISSION.

(a) CACHE LA POUDRE CORRIDOR COMMISSION.—

(1) IN GENERAL.—Upon the recommendation of the Governor, the Secretary is authorized to recognize, for the purpose of developing and implementing the plan referred to in subsection (g)(1), the Cache La Poudre Corridor Commission, as such Commission may be established by the State of Colorado or its political subdivisions.

(2) REFLECTION OF CROSS-SECTION OF INTERESTS.—The Secretary may provide recognition under paragraph (1) only if the Commission reflects the following:

(A) MEMBERSHIP.—

(i) COMPOSITION.—The Commission shall be composed of 15 members appointed not later than 6 months after the date of enactment of this Act. Of these 15 members—

(I) 1 member shall be a representative of the Secretary of the Interior which member shall be an ex officio member;

(II) 1 member shall be a representative of the Forest Service, appointed by the Secretary of Agriculture, which member shall be an ex officio member;

(III) 3 members shall be recommended by the Governor and appointed by the Secretary, of whom—

(aa) 1 member shall represent the State;

(bb) 1 member shall represent Colorado State University in Fort Collins; and

(cc) 1 member shall represent the Northern Colorado Water Conservancy District;

(IV) 6 members shall be representatives of local governments who are recommended by the Governor and appointed by the Secretary, of whom—

(aa) 1 member shall represent the city of Fort Collins;

(bb) 2 members shall represent Larimer County, 1 of which shall represent agriculture or irrigated water interests;

(cc) 1 member shall represent the city of Greeley;

(dd) 2 members shall represent Weld County, 1 of which shall represent agricultural or irrigated water interests; and

(ee) 1 member shall represent the city of Loveland; and

(V) 3 members shall be recommended by the Governor and appointed by the Secretary, and shall—

(aa) represent the general public;

(bb) be citizens of the State; and

(cc) reside within the Corridor.

(ii) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission from among members appointed under subclause (III), (IV), or (V) of clause (i). The chairperson shall be elected for a 2-year term.

(iii) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(B) TERMS OF SERVICE.—

(i) IN GENERAL.—Except as provided in clause (ii) and (iii), each member of the Commission shall be appointed for a term of 3 years and may be reappointed.

(ii) INITIAL MEMBERS.—The initial members of the Commission first appointed under subparagraph (A)(i) shall be appointed as follows:

(I) 3-YEAR TERMS.—The following initial members shall serve for a 3-year term:

(aa) The representative of the Secretary of the Interior.

(bb) 1 representative of Weld County.

(cc) 1 representative of Larimer County.

(dd) 1 representative of the city of Loveland.

(ee) 1 representative of the general public.

(II) 2-YEAR TERMS.—The following initial members shall serve for a 2-year term:

(aa) The representative of the Forest Service.

(bb) The representative of the State.

(cc) The representative of Colorado State University.

(dd) The representative of the Northern Colorado Water Conservancy District.

(III) 1-YEAR TERMS.—The following initial members shall serve for a 1-year term:

(aa) 1 representative of the city of Fort Collins.

(bb) 1 representative of Larimer County.

(cc) 1 representative of the city of Greeley.

(dd) 1 representative of Weld County.

(ee) 1 representative of the general public.

(iii) PARTIAL TERMS.—

(I) FILLING VACANCIES.—A member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of the member's term.

(II) EXTENDED SERVICE.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

(C) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission.

(D) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

SEC. 105. STAFF OF THE COMMISSION.

(a) STAFF.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out the duties of the Commission.

(1) APPOINTMENT AND COMPENSATION.—Staff appointed by the Commission—

(A) shall be appointed without regard to the civil service laws (including regulations); and

(B) shall be compensated without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(c) STAFF OF OTHER AGENCIES.—

(1) FEDERAL.—Upon request of the Commission, the head of a Federal agency may detail, on a reimbursement basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the Commission's duties. The detail shall be without interruption or loss of civil service status or privilege.

(2) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) STATE.—The Commission may—

(A) accept the service of personnel detailed from the State, State agencies, and political subdivisions of the State; and

(B) reimburse the State, State agency, or political subdivision of the State for such services.

SEC. 106. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out this title.

(2) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) MATCHING FUNDS.—The Commission may use its funds to obtain money from any source under a program or law requiring the recipient of the money to make a contribution in order to receive the money.

(d) GIFTS.—Except as provided in subsection (e)(3), the Commission may, for the purpose of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services received from any source.

(e) REAL PROPERTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may not acquire real property or an interest in real property.

(2) EXCEPTION.—Subject to paragraph (3), the Commission may acquire real property in the Corridor, and interests in real property in the Corridor—

(A) by gift or device;

(B) by purchase from a willing seller with money that was given or bequeathed to the Commission; or

(C) by exchange.

(3) CONVEYANCE TO PUBLIC AGENCIES.—Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate non-Federal public agency, as determined by the Commission. The conveyance shall be made—

(A) as soon as practicable after acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used in furtherance of the purpose for which the Corridor is established.

(f) COOPERATIVE AGREEMENTS.—For the purpose of carrying out the Plan, the Commission may enter into cooperative agreements with Federal agencies, State agencies, political subdivisions of the State, and persons. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action that may affect the implementation of the Plan.

(g) ADVISORY GROUPS.—The Commission may establish such advisory groups as it considers necessary to ensure open communication with, and assistance from Federal agencies, State agencies, political subdivisions of the State, and interested persons.

(h) MODIFICATION OF PLANS.—

(1) IN GENERAL.—The Commission may modify the Plan if the Commission determines that such modification is necessary to carry out this title.

(2) NOTICE.—No modification shall take effect until—

(A) any Federal agency, State agency, or political subdivision of the State that may be affected by the modification receives adequate notice of, and an opportunity to comment on, the modification;

(B) if the modification is significant, as determined by the Commission, the Commission has—

(i) provided adequate notice of the modification by publication in the area of the Corridor; and

(ii) conducted a public hearing with respect to the modification; and

(C) the Governor has approved the modification.

SEC. 107. DUTIES OF THE COMMISSION.

(a) PLAN.—The Commission shall prepare, obtain approval for, implement, and support the Plan in accordance with section 108.

(b) MEETINGS.—

(1) TIMING.—

(A) INITIAL MEETING.—The Commission shall hold its first meeting not later than 90 days after the date on which its last initial member is appointed.

(B) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the chairperson or 7 of its members, except that the commission shall meet at least quarterly .

(2) QUORUM.—Ten members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(3) BUDGET.—The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

(c) ANNUAL REPORTS.—Not later than May 15 of each year, following the year in which the members of the Commission have been appointed, the Commission shall publish and submit to the Secretary and to the Governor, an annual report concerning the Commission's activities.

SEC. 108. PREPARATION, REVIEW, AND IMPLEMENTATION OF THE PLAN.

(a) PREPARATION OF PLAN.—

(1) IN GENERAL.—Not later than 2 years after the Commission conducts its first meeting, the Commission shall submit to the Governor a Corridor Interpretation Plan.

(2) DEVELOPMENT.—In developing the Plan, the Commission shall—

(A) consult on a regular basis with appropriate officials of any Federal or State agency, political subdivision of the State, and local government that has jurisdiction over or an ownership interest in land, water, or water rights within the Corridor; and

(B) conduct public hearings within the Corridor for the purpose of providing interested persons the opportunity to testify about matters to be addressed by the Plan.

(3) RELATIONSHIP TO EXISTING PLANS.—The Plan—

(A) shall recognize any existing Federal, State, and local plans;

(B) shall not interfere with the implementation, administration, or amendment of such plans; and

(C) to the extent feasible, shall seek to coordinate the plans and present a unified interpretation plan for the Corridor.

(b) REVIEW OF PLAN.—

(1) IN GENERAL.—The Commission shall submit the Plan to the Governor for the Governor's review.

(2) GOVERNOR.—The Governor may review the Plan and, if the Governor concurs in the Plan, may submit the Plan to the Secretary, together with any recommendations.

(3) SECRETARY.—The Secretary shall approve or disapprove the Plan within 90 days. In reviewing the Plan, the Secretary shall consider the adequacy of—

(A) public participation; and

(B) the Plan in interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

(c) DISAPPROVAL OF PLAN.—

(1) NOTIFICATION BY SECRETARY.—If the Secretary disapproves the Plan, the Secretary shall, not later than 60 days after the date of disapproval, advise the Governor and the Commission of the reasons for disapproval, together with recommendations for revision.

(A) REVISION AND RESUBMISSION TO GOVERNOR.—Not later than 90 days after receipt of the notice of disapproval, the Commission shall revise and resubmit the Plan to the Governor for review.

(B) RESUBMISSION TO SECRETARY.—If the Governor concurs in the revised Plan, he may submit the revised Plan to the Secretary who shall approve or disapprove the revision within 60 days. If the Governor does not concur in the revised Plan, he may resubmit it to the Commission together with his recommendations for further consideration and modification.

(2) IMPLEMENTATION OF PLAN.—After approval by the Secretary, the Commission shall implement and support the Plan as follows:

(A) CULTURAL RESOURCES.—

(i) IN GENERAL.—The Commission shall assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the conservation and interpretation of cultural resources within the Corridor.

(ii) EXCEPTION.—In providing the assistance, the Commission shall in no way infringe upon the authorities and policies of a Federal agency, State agency, or political subdivision of the State concerning the administration and management of property, water, or water rights held by the agency, political subdivision, or private persons or entities, or affect the jurisdiction of the State of Colorado over any property, water, or water rights within the Corridor.

(3) PUBLIC AWARENESS.—The Commission shall assist in the enhancement of public awareness of, and appreciation for, the historical, recreational, architectural, and engineering structures in the Corridor, and the archaeological, geological, and cultural resources and sites in the Corridor—

(A) by encouraging private owners of identified structures, sites, and resources to adopt voluntary measures for the preservation of the identified structure, site, or resource; and

(B) by cooperating with Federal agencies, State agencies, and political subdivisions of the State in acquiring, on a willing seller basis, any identified structure, site, or resource which the Commission, with the concurrence of the Governor, determines should be acquired and held by an agency of the State.

(4) RESTORATION.—The Commission may assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the restoration of any identified structure or site in the Corridor with consent of the owner. The assistance may include providing technical assistance for historic preservation, revitalization, and enhancement efforts.

(5) INTERPRETATION.—The Commission shall assist in the interpretation of the historical, present, and future uses of the Corridor—

(A) by consulting with the Secretary with respect to the implementation of the Secretary's duties under section 110;

(B) by assisting the State and political subdivisions of the State in establishing and maintaining visitor orientation centers and other interpretive exhibits within the Corridor;

(C) by encouraging voluntary cooperation and coordination, with respect to ongoing interpretive services in the Corridor, among Federal agencies, State agencies, political subdivisions of the State, nonprofit organizations, and private citizens; and

(D) by encouraging Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations to undertake new interpretive initiatives with respect to the Corridor.

(6) RECOGNITION.—The Commission shall assist in establishing recognition for the Corridor by actively promoting the cultural, historical, natural, and recreational resources of the Corridor on a community, regional, statewide, national, and international basis.

(7) LAND EXCHANGES.—The Commission shall assist in identifying and implementing land exchanges within the State of Colorado by Federal and State agencies that will expand open space and recreational opportunities within the flood plain of the Corridor.

SEC. 109. TERMINATION OF TRAVEL EXPENSES PROVISION.

Effective on the date that is 5 years after the date on which the Secretary approves the Plan, section 104 is amended by striking subsection (e).

SEC. 110. DUTIES OF THE SECRETARY.

(a) ACQUISITION OF LAND.—The Secretary may acquire land and interests in land within the Corridor that have been specifically identified by the Commission for acquisition by the Federal Government and that have been approved for the acquisition by the Governor and the political subdivision of the State where the land is located by donation, purchase with donated or appropriated funds, or exchange. Acquisition authority may only be used if the lands cannot be acquired by donation or exchange. No land or interest in land may be acquired without the consent of the owner.

(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of the Commission, provide technical assistance to the Commission in the preparation and implementation of the Plan pursuant to section 108.

(c) DETAIL.—Each fiscal year during the existence of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties under section 107.

SEC. 111. OTHER FEDERAL ENTITIES.

(a) DUTIES.—Subject to section 112, a Federal entity conducting or supporting activities directly affecting the flow of the Cache La Poudre River through the Corridor, or the natural resources of the Corridor shall consult with the Commission with respect to the activities;

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary or Administrator of a Federal agency may acquire land in the flood plain of the Corridor by exchange for other lands within the agency's jurisdiction within the State of Colorado, based on fair market value, if the lands have been identified by the Commission for acquisition by a Federal agency and the Governor and the political subdivision of the State or the owner where the lands are located concur in the exchange. Land so acquired shall be used to fulfill the purpose for which the Corridor is established.

(2) CONVEYANCE OF SURPLUS REAL PROPERTY.—Without monetary consideration to the United States, the Administrator of General Services may convey to the State of Colorado, its political subdivisions, or instrumentalities thereof all of the right, title, and interest of the United States in and to any surplus real property (within the meaning of section 3(g) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(g))) within the State of Colorado which the Secretary has determined is suitable and desirable to meet the purposes for which the Corridor is established. Subparagraph (B) of section 203(k)(3) of such Act shall apply to any conveyance made under this paragraph. For purposes of the preceding sentence, such subparagraph shall be applied by substituting "the purposes for which the Cache La Poudre Corridor is established" for "historic monument purposes".

SEC. 112. EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS, RESTRICTIONS, AND SAVINGS PROVISIONS.

(a) EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.—

(1) VOLUNTARY COOPERATION.—In carrying out this title, the Commission and Secretary shall emphasize voluntary cooperation.

(2) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this title shall be considered to impose or form the basis for imposition of any environmental, occupational, safety, or other rule, regulation, standard, or permit process that is different from those that would be applicable had the Corridor not been established.

(3) ENVIRONMENTAL QUALITY STANDARDS.—Nothing in this title shall be considered to impose the application or administration of any Federal or State environmental quality standard that is different from those that will be applicable had the Corridor not been established.

(4) WATER STANDARDS.—Nothing in this title shall be considered to impose any Federal or State water use designation or water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent to the Corridor, that is more restrictive than those that would be applicable had the Corridor not been established.

(5) PERMITTING OF FACILITIES.—Nothing in the establishment of the Corridor shall abridge, restrict, or alter any applicable rule, regulation, standard, or review procedure for permitting of facilities within or adjacent to the Corridor.

(6) WATER FACILITIES.—Nothing in the establishment of the Corridor shall affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers.

(7) WATER AND WATER RIGHTS.—Nothing in the establishment of the Corridor shall be considered to authorize or imply the reservation or appropriation of water or water rights for any purpose.

(b) RESTRICTIONS ON COMMISSION AND SECRETARY.—Nothing in this title shall be construed to vest in the Commission or the Secretary the authority to—

(1) require a Federal agency, State agency, political subdivision of the State, or private person (including an owner of private property) to participate in a project or program carried out by the Commission or the Secretary under the title;

(2) intervene as a party in an administrative or judicial proceeding concerning the application or enforcement of a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including, but not limited to, authority relating to—

(A) land use regulation;

(B) environmental quality;

(C) licensing;

(D) permitting;

(E) easements;

(F) private land development; or

(G) other occupational or access issue;

(3) establish or modify a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including authority relating to—

(A) land use regulation;

(B) environmental quality; or

(C) pipeline or utility crossings;

(4) modify a policy of a Federal agency, State agency, or political subdivision of the State;

(5) attest in any manner the authority and jurisdiction of the State with respect to the acquisition of lands or water, or interest in lands or water;

(6) vest authority to reserve or appropriate water or water rights in any entity for any purpose;

(7) deny, condition, or restrict the construction, repair, rehabilitation, or expansion of water facilities, including stormwater, water, and wastewater treatment facilities; or

(8) deny, condition, or restrict the exercise of water rights in accordance with the substantive and procedural requirements of the laws of the State.

(c) SAVINGS PROVISION.—Nothing in this title shall diminish, enlarge, or modify a right of a Federal agency, State agency, or political subdivision of the State—

(1) to exercise civil and criminal jurisdiction within the Corridor; or

(2) to tax persons, corporations, franchises, or property, including minerals and other interests in or on lands or waters within the urban portions of the Corridor.

(d) ACCESS TO PRIVATE PROPERTY.—Nothing in this title requires an owner of private property to allow access to the property by the public.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated not to exceed $50,000 to the Commission to carry out this Act for each of the first 5 fiscal years following the date of enactment of this Act.

(b) MATCHING FUNDS.—Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds or in-kind contributions of services or materials from non-Federal sources.

The title was amended so as to read: "A Bill To Establish the Cache La Poudre River Corridor".

PRESIDIO PROPERTIES ADMINISTRATION ACT

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the Senate now turn to the consideration of H.R. 4236.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 4236) to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, today the Senate is considering the Omnibus Parks and Public Lands Management Act of 1996, H.R. 4236. I rise to speak in support of this important legislation and to urge my colleagues to render their support.

H.R. 4236 evidences a Herculean effort by the entire membership of this Congress as the provisions of the legislation will touch and affect the width and breadth of our great Nation. The Washington Post noted in an editorial today that

> [i]t's amazing what a Congress finally comes down to. The members spend two years making speeches and otherwise taking positions on the great issues of the time, whatever those may be. Then it turns out that what they really care about are not those lofty issues at all but lesser items. . . . this year's case in point involves the parks bill still before the Senate.

Contrary to the cynical and negative view of the Washington Post, I am of the belief that this legislation is of primary importance to the people of my great home State of Mississippi and to the people of this great Nation. Why do I say this? Clearly, the thousands of phone calls and letters that I have received expressing the importance of the many worthy projects and goals as set forth in this bill—projects such as the Corinth, MS, battlefield interpretive center and the Natchez National Historical Park visitor's center—are evidence of the support these projects have received and of their importance. The support in my home State has been overwhelming as many individuals and groups have worked tirelessly to preserve and protect the heritage of our great State as well as to provide the proper surroundings and facilities for visitors to these cities from Mississippi and from other States.

What could be a more worthy goal of our efforts and what could provide our people with better examples of what is right with America? Our parks are a refuge from the tediousness of our daily work lives and from the sense of frustration we feel as we watch the world change around us. Our parks reassure us that this country will preserve the heritage that has made our country great.

And where do these attitudes develop from which we seek this refuge? Why, from the media's constant highlighting of the negative factors we face rather from the hope and optimism that produces change and improvement, of course.

A famous American once remarked that he preferred death to a loss of liberty. Mr. President, I prefer the worthy goals envisioned in this legislation and the efforts to achieve those goals to the negativism of the media—give me the enjoyment, serenity, and educational opportunities provided by our parks and permit me to pass on the negativism provided by the Washington Post.

Mr. President, I want to take this opportunity to commend the people of the Corinth and Natchez areas of Mississippi for their dedication to the goals that we achieve by the passage of this legislation today. To them I say, well done, good and faithful servants and protectors of the public interest.

Mr. President, I would also like to take this opportunity to commend the leadership and tenacity of my friend and colleague, the Senator from Alaska, the chairman of the Energy and Natural Resources Committee, Senator MURKOWSKI. He has represented his State well in this matter and has never lost sight of the best interests of the country as a whole.

Mr. President, I have concerns that we have not adequately addressed private property rights in this bill as we could and should have done. We could and should have done more to adequately address private property rights protection in every aspect as those rights are affected by Federal law. I pledge my continued support to those efforts in the next Congress. However, despite such failure, the worthiness of this legislation and the good it will do for the people of Mississippi and the rest of the United States has convinced me to strongly support this bill and to urge my colleagues to give H.R. 4236 their strong support.

Mr. WARNER. Mr. President, I rise in strong support of this legislation which addresses the urgent needs of many national parks across our country.

This bill is important to maintaining the historical integrity of Virginia's national parks and provides additional protections and recognition for 10 historically significant Civil War battlefields in the Shenandoah Valley.

This legislation also includes a provision I have sponsored for many years authorizing a memorial to Dr. Martin Luther King, Jr., in the District of Columbia. The Alpha Phi Alpha fraternity, the oldest predominately African-American fraternity in the United States, will establish this memorial without cost to the Federal Government.

Freestanding legislation sponsored by Senator SARBANES and myself has been favorably reported from the Committee on Rules and Administration last year and in prior Congresses. This memorial will live as tangible recognition of Dr. King's remarkable contributions to our Nation. It ensures that his message of nonviolence and freedom for all must be passed from generation to generation.

In accepting the Nobel Peace Prize in 1964, Dr. King said:

> Nonviolence is the answer to crucial political and moral questions of our time; the need for man to overcome oppression and violence without resorting to oppression and violence.

Mr. President, I would be remiss not to commend Chairman MURKOWSKI of the Energy and Natural Resources Committee, and the ranking member, Senator JOHNSTON for their determination to forge a bipartisan package and for their continued attention to the protection of Virginia's historic resources.

Throughout this Congress, the members of the Energy Committee have worked with me to advance the protections of the Civil War battlefields in the Shenandoah Valley and to provide for a modest expansion of both the Colonial National Historic Park and the Cumberland Gap National Historical Park.

The conference report on the Omnibus Parks bill before the Senate last week included additional provisions relating to the management of the Richmond National Battlefield Park and the boundaries of the Shenandoah National Park.

Mr. President, these provisions had the bipartisan support of the Virginia delegation and permitted the Park Service to improve the management and to expand the boundaries to include historically significant lands in these parks.

I am very disappointed that the administration did not concur with the views of the Virginia delegation and raised significant objections to these two provisions. While updating the boundaries of the Shenandoah National Park and expanding the boundaries of the Richmond National Park are very important to me and to those host local governments and citizens, I understand the need to move forward with this bill today.

Let me be clear, that I look forward to bringing these two matters back before the Senate next year. I know that with further discussions with the administration, the Park Service will understand our intent to respond to the resource needs of these parks.

Mr. President, despite these omissions, the matter before the Senate includes three provisions for Virginians that represent years of hard work, dedication, and commitment by many individuals at the local level.

I am very pleased that this bill provides for the expansion of the Colonial National Historic Park and the Cumberland Gap National Park, and brings long overdue national recognition to the Civil War battlefields in the Shenandoah Valley.

The Shenandoah Valley Battlefields National Historic District is the product of an in-depth study by the National Park Service which was authorized by the Congress in 1990. The Park Service conducted field surveys of fifteen battlefields in the valley and concluded in their analysis that "because of their size and unprotected status, the battlefields of the Shenandoah Valley were its most important most neglected, and most threatened resource."

The legislation before the Senate today provides for the preservation and visitor understanding of the significant battlefields of McDowell, Cross Keys, Port Republic, Second Winchester, New Market, Fisher's Hill, Tom's Brook, Cedar Creek, Kernstown, and Opequon. The historic district also incorporates the historic transportation routes utilized by both Union and Confederate troops during the pivotal valley campaigns of 1862 and 1864.

Mr. President, throughout my service in this body, I have been actively involved in the preservation of Virginia's historic resources. One of my first initiatives in 1980 was to sponsor legislation to expand the boundaries of the Manassas National Battlefield Park by 1,522 acres. I am pleased that the Congress continues it's recognition of Virginia's rich history and contributions to our national heritage with the designation of the valley's battlefields as a historic district.

Many citizens committed to fostering the protection of these battlefields have worked diligently since the Park Service study began in 1990 to craft a consensus proposal that recognizes the limits of the Federal Government's resources to acquire substantial acreage in the valley and balances the needs of property owners and local governments to provide for their economic future.

I have remained committed to this effort because of the steadfast support and leadership by many local citizens, property owners, preservationists, and local government officials in the valley. They have given generously of their personal time to organize local meetings, testify before Congress, and work with the Park Service to advance our proposal. It is clear that our efforts today would not be possible without their firm resolve and passion to preserve these battlefields.

According to the Park Service, the areas in the valley possess significant historical integrity and remain in excellent condition for preservation.

The citizens of the valley are to be commended for their responsible stewardship over the years to protect these battlefields for future generations to enjoy and understand the tragedy of the Civil War in the valley. Today, this bill ensures that they will no longer be shouldering this effort alone. Today, the National Park Service becomes a full partner in this task.

The central feature of the historic district designation is to encourage and promote an atmosphere of cooperation between the Federal Government, State and local governments, property owners, and preservations groups.

We have been fortunate that the valley's predominately agricultural land uses have provided protection for these battlefields. This rural landscape, however, is rapidly changing.

Now is the time for the Federal Government to become a full partner with local and private efforts to bring national recognition and to develop a coordinated preservation strategy for these battlefields.

As noted in the Study of Civil War Sites in the Shenandoah Valley of Virginia "no single alternative is best suited to these sites. A balance must be achieved between preservation, the Valley lifestyle, and economic development * * *".

In keeping with these recommendations, I believe the historic district designation with specific duties for the Park Service and Commission provides the right balance for preserving these battlefields.

With direct Federal assistance and resources, a commission comprised of local representatives and historians to devise a plan for stewardship, the authority for the Secretary and the commission to enter into cooperative arrangements with local governments and private landowners, we are achieving enormous protections for these national treasures and promoting compatible economic growth through heritage tourism.

Mr. President, the provision on the Colonial National Historic Park passed this body earlier this year and in prior Congresses. It authorizes the Secretary of the Interior to convey land and sewer lines to the County of York and authorizes the necessary funding to rehabilitate the Moore House sewer system to meet current Federal standards.

The necessity for this legislation is evident based on the growing needs of the county and the limitations of the National Park Service's ability to continue to provide sewer services to the local community.

In 1948 and 1956 Congress passed legislation which directed the National Park Service to design and construct sewer systems to serve Federal and non-Federal properties in the area of Yorktown, VA. In 1956, the National Park Service acquired easements from the board of supervisors of York County and the trustees of the town of York. At that time, York County was a rural area with limited financing and population. Now, York County has a fully functioning Department of Environmental Services which operates sewer systems throughout York County.

Negotiations to transfer the Yorktown and Moore House systems have been ongoing since the 1970's. This provision fulfills the commitments made between the Park Service and York County to provide for the full transfer of ownership to York County.

Equally important, is another element of the Colonial provision which permits the acquisition of a small parcel of land along the Colonial Parkway near Jamestown. This 20-acre parcel is critical to protect the scenic integrity of the parkway. This area has the narrowest right-of-way of any portion of the parkway.

The acquisition includes one row of lots adjoining the parkway in a rapidly developing residential neighborhood known as Page Landing. Development of those lots would have a severe impact on the scenic qualities of the parkway. In order to prevent any disturbances to this land, the conservation fund responded quickly to purchase this parcel. The Park Service identified this property as a high priority and the conservation fund intends to transfer title to the land to the Park Service.

The Colonial Parkway was authorized by Congress as part of the Colonial National Historic Park in the 1930's to connect Jamestown, Williamsburg, and Yorktown with a scenic limited access motor road. According to the 1938 act of Congress, the parkway corridor is to be an average of 500 feet in width. In most areas, the roadway was built in the middle of the corridor. In the area between Mill Creek and Neak O'Land road, however, the parkway was built closer to the northern boundary to avoid wetlands, placing the roadway very close to the adjoining private property.

This segment is the only area along the parkway where the National Park Service owns only 100 feet back from the centerline of the road. The Park Service owns 250 feet or more from the center line in all other areas of the 23-mile parkway in James City County and York County.

Mr. President, this bill ensures that the Colonial Parkway provides a consistent level of scenic integrity along the entire parkway that will well-serve the purpose of the parkway for years to come.

Mr. ROBB. Mr. President, I rise today to speak about provisions in the omnibus parks bill that affect my State, Virginia. Our Commonwealth is rich in historic and natural resources and I am pleased to support a parks bill that establishes a national historic district in the Shenandoah Valley and authorizes improvements to the Colonial National Historical Park.

Mr. President, establishing a national historic district in the Shenandoah Valley will help preserve the legacy of the Civil War in the valley. We worked with people at the grassroots level to balance the interests of property owners, local and State government officials, and historic preservationists while providing a Federal presence to protect the battlefields from development. This new designation means the historic district will have the national recognition and resources of a national park unit, but it will enjoy complete local control.

This legislation also establishes a commission made up of landowners, preservationists, and local and State government officials to work cooperatively with the Park Service to preserve the battlefields. The Commission will have the power to administer and manage the park, while the Park Service will help with technical assistance and land acquisition.

Mr. President, we have also been working for years to make improvements at the Colonial National Historical Park, and this bill finally permits two actions that will improve the park's management. The parks bill authorizes a boundary adjustment to permit the Park Service to acquire property adjacent to the Colonial Parkway, the scenic 23-mile road connecting Jamestown Island, Williamsburg, and Yorktown.

The Colonial provision also allows the Park Service to transfer a sewage system to the appropriate service authority, York County. Managing the sewer system does not fall under the responsibilities of the Park Service and the transfer should have been completed years ago.

Mr. President, work remains on resolving boundary concerns for Shenandoah National Park and the Richmond Battlefields Park, and I am hopeful that the Virginia congressional delegation will work to achieve a solution in the 105th Congress. The progress we've made will provide a framework for the next Congress so we may finally address the concerns of private landowners, local governments, and preservationists.

In addition, Congress should move forward next year and pass legislation that highlights the special historical significance of the New Market Heights battlefield. Preservation of this area is important, for it marks the area where 14 black Federal soldiers won the Army Medal of Honor for Valor. The sacrifices of these soldiers were so notable that they helped ensure passage of the 13th amendment, which abolished slavery.

In conclusion, Mr. President, I am proud to represent a State interested in the protection of our natural, cultural, and historic resources. And that is why I stand in support of the Virginia provisions in this bill. The passage of this bill demonstrates our concern and commitment to preserving our national parks.

Mr. BRADLEY. Mr. President, I am extremely pleased that today the Senate is acting to ensure the preservation of Sterling Forest, a nationally significant tract of land in the Highlands area of New York State on the New Jersey border. This bill authorizes $17.5 million for establishment of a Sterling Forest Reserve and designates the Palisades Interstate Park Commission [PIPC] to manage the new entity. The over 15,000 acres of Sterling Forest we protect today is the last link needed to form an unbroken chain of 100,000 acres of parks and protected lands in the New York-New Jersey region—one of the biggest parcels of protected land east of the Mississippi River.

Not only do these lands contain a wide variety of wildlife and plants, but they also protect one-fourth of the drinking water for New Jersey and provide needed open space for about 20 million people in the New York-New Jersey metropolitan region.

The land will be purchased from willing sellers through a unique partnership of State, Federal, and private interests and will be managed by the PIPC, a New York-New Jersey parks management body. Since the PIPC currently manages 23 other parks, visited by over 8 million people each year, we can be assured that the reserve will be well cared for.

The Federal contribution authorized by this bill amounts to only a small portion of the total needed, but it is the crucial piece that makes the rest of the plan come together. Enactment of this bill also frees up $9 million for Sterling Forest land acquisition, contained in the recently-enacted Continuing resolution.

Although located entirely in New York State, the area affected by the bill represents some of the most critical New Jersey watershed still left undeveloped and in private hands. It also contains the largest unbroken tract of forest land still remaining along the New York-New Jersey border. This 20-square-mile parcel represents a complete range of wildlife habitat, hills and wetlands, and is home to a large number of threatened and endangered species.

The forest is crossed in the north by the Appalachian Trail, a unit of the National Park System, which is used heavily for hiking. Even better, this area provides a taste of the outdoors for a region where such experiences are at a premium. In fact, 1 in every 12 Americans lives within a 2-hour drive of its boundaries.

Most important for New Jersey, though, are the billions of gallons of fresh, clean drinking water that flow from within its boundaries. The Monkville/Wanaque reservoirs, which draw from the Sterling Forest watershed, serve one in four New Jerseyites and many New Yorkers as well. To threaten this watershed is to threaten the health and livelihood of millions of Americans or force taxpayers to pay many times the cost of this land for expensive water treatment facilities.

Mr. LEAHY. Mr President, it gives me great satisfaction to rise today in support of HR 4236, the Omnibus Parks bill. Although this bill became entangled in several battles on other issues, I think everyone will agree that passage of this legislation in its final configuration represents the Senate's commitment to passing small, yet locally very important legislation that otherwise could have gotten lost in the shuffle. In particular, I am pleased to see one provision that will reform the Forest Service's fee structure for ski area permits on Forest Service land. Last year, Senator MURKOWSKI and I introduced this bill to simplify the process of collecting fees from ski areas for use of Forest Service land.

When I introduced the bill with Senator MURKOWSKI, I emphasized the importance of this bill for ski areas across the country, but also the environmental importance of this bill. Skiing is one of the best uses that we have today on our national forests. The ski industry brings millions of people to the mountains to enjoy fresh air, scenery and the mountain environment. Few other national forest activities are able to host such intense public use with relatively minimal impact.

By refining the structure of the fee structure, operators of ski areas will be able to continue in this productive relationship with the Forest Service. The streamlined fee structure will also enable the Forest Service to move towards a fee system that is closer to fair market value. It also will save the Forest Service and the ski industry considerable time and money in collecting these fees.

It is my hope that through reforms such as this, the private sector and the Federal agencies that manage our public lands will continue to build a cooperative and productive relationship in protecting and providing access to our public lands.

Mr. LAUTENBERG. Mr. President, I rise in support of the Omnibus Parks package and I would like to note the inclusion of two very important components in this package for my State.

The first is authorization of $17.5 million for the Secretary of the Interior to purchase over 15,000 acres of the Sterling Forest. This land, located in New York, is the source of drinking water for 25 percent of New Jersey households. Located just 35 miles from New York City, Sterling Forest contains excellent recreational and scenic opportunities and is habitat to hundreds of animal species. The developer of this land, a Swiss company, had plans to develop thousands of residential units and millions of square feet of commercial space. This legislation will ensure that these plans do not go forward. The Sterling Forest Corp. agreed to sell the property for $55 million. The Federal contribution will complement a commitment of $20 million from the governments of New York and New Jersey, and several million dollars from numerous private contributions.

Mr. President, my colleague from New Jersey, Senator BRADLEY, and I sponsored legislation to protect the Sterling Forest and I am pleased to see it included in the package before us today.

Mr. President, I am also pleased that the bill before us contains another important piece of legislation that Senator BRADLEY and I introduced—S. 188, to designate the Great Falls Historic District in Paterson, NJ. Mr. President, the Great Falls area of Paterson is known as the birthplace of the industrial revolution. In 1791, Alexander Hamilton, as Secretary of the Treasury, founded the Society for the Establishment of Useful Manufacturers at the Great Falls. He used the Great Falls to supply power to various mills and factories, thereby allowing Paterson to become one of the world's great industrial cities.

This legislation allows the Secretary of the Interior to enter into cooperative agreements to preserve and interpret Paterson's history. This historic and cultural recognition would provide a great boost for jobs and economic development in Paterson and will complement an urban revitalization program under the leadership of Mayor William Pascrell.

I urge my colleagues to join in supporting this important package.

Mr. KENNEDY. Mr. President, this omnibus parks legislation is a tremendous victory for the entire Nation.

This landmark bill will protect natural and historic resources in 41 States, including four areas of particular importance in Massachusetts. Senator KERRY and I have worked closely on these provisions with Senate Energy and Natural Resources Committee Chairman FRANK MURKOWSKI and Senate Parks Subcommittee Chairman BEN NIGHTHORSE CAMPBELL and the ranking members of the committee and subcommittee, Senators BENNETT JOHNSTON and DALE BUMPERS. We commend them and thank them for their great assistance and support.

The omnibus legislation establishes a new Whaling National Historical Park in New Bedford, which will preserve and showcase dozens of historic buildings that will appear much as they did in the whaling industry's heyday. The park will include the Seamen's Bethel—the church in Moby Dick where the narrator heard Father Mapple offer prayers for sailors before setting out to sea. It will also include the *Ernestina*, the restored, century-old vessel that is the oldest Grand Banks schooner in existence and is now moored in New Bedford's port.

Another important feature of the park is the Old Dartmouth Historical Society's Whaling Museum, which houses the world's premier whaling archives and art collection. The museum's library contains thousands of ship logs, charts, maps, photos and other records documenting the history of whaling in America.

Another important feature and demonstration of the strong private sector commitment to this park is the Visitor Center, located in an historic building that was donated last year by the Fleet Bank.

I'm also pleased that the park will encourage cooperation with a North Slope Cultural Center being developed in Barrow, AK where whaling is still a way of life.

The New Bedford National Whaling Historical Park will provide a significant boost to the economy of the region, as more and more visitors come to New Bedford to learn about its extraordinary history.

The omnibus parks legislation also creates a Boston Harbor Islands National Recreation Area, which will preserve historic and cultural sites, expand recreational opportunities, and improve public access to the 31 picturesque islands that are found throughout Boston harbor.

Each of these islands bears an indelible mark from past eras of the Nation's history. Their names alone capture the imagination—Hangman Island, Bumpkin Island, Moon Island, Castle Island, Spectacle Island, Hog Island, Raccoon Island, Snake Island, Nut Island, World's End Island, each with its own story and tradition.

During the past three centuries, the islands' lighthouses and Revolutionary War-era fortifications have played a strategic role in the defense of Boston communities. Boston Light, which began operation in 1716 and is now the oldest continuously operating lighthouse in the country, is located on Little Brewster Island.

Today, the islands offer abundant opportunities for visitors to enjoy swimming, fishing, camping, digging clams, picking berries, catching butterflies, watching birds and whales, and hiking on well-maintained trails. All of the islands offer spectacular views of the modern Boston skyline and the Atlantic Ocean.

The preservation of the Boston Harbor Islands has long-standing bipartisan support, and I am confident that the Boston Harbor Islands National Recreation Area will serve as a magnet to attract visitors to the many other cultural attractions in the Boston area.

The omnibus parks bill also creates the Essex County Heritage District to protect the region's natural resources and emphasize its historic role in the Nation's development. Essex County already includes 23 National Historic Landmarks, nearly 80 historic districts, and wharfs, shipyards, meeting house, textile mills, and numerous shoe factories that bear witness to the early settlements of the United States, and the area's emergence as a maritime and industrial power.

The region also has extensive natural and scenic resources—marshlands, beaches, harbors, rocky farmlands and islands—which amply demonstrate why maritime pursuits and water-powered industrial development first began here. The National Heritage Area will help ensure that visitors discover the many historic assets throughout Essex County.

Finally, the omnibus parks legislation enables the Blackstone River National Heritage Corridor to continue to ensure that this region's unique heritage as the cradle of America's Industrial Revolution is preserved for generations to come. It adds five more communities to the Corridor—Worcester and Leicester in Massachusetts and Burrillville, Glocester, and Smithfield in Rhode Island. In addition, the bill extends the life of the Commission overseeing the Corridor for an additional 10 years, through 2006. The Blackstone Valley program has been a remarkable success and deserves this vote of confidence by Congress to continue this important work.

The Nation will benefit immeasurably from the important parks provisions in this legislation. The omnibus parks bill is a significant investment in our Nation's natural and historical resources, and I commend my colleagues on both sides of the aisle for their skillful work in developing this impressive bipartisan legislation. I urge the Senate to approve it.

Mr. SMITH. Mr. President, I rise to speak in support of the omnibus parks and public lands legislation which is expected to pass the Senate today, clearing the way for the President's signature. This legislation contains numerous important provisions to preserve and protect our Nation's scenic rivers and historic land areas. I am pleased that, after many days of negotiations, we have reached agreement on this important environmental legislation.

Included in this comprehensive package is a bill to designate the Lamprey River in New Hampshire as part of the National Wild and Scenic Rivers System. Recognizing the window of opportunity was closing, I recently fought to bring the Lamprey bill to a vote in the Senate, but unfortunately, I was blocked by the Democratic leader on two separate occasions. I continue to express my disappointment with the

Clinton administration and Senate Democrats for holding up legislation that is so important to New Hampshire and many other States around the country.

Even though the Lamprey River bill received unanimous support out of committee in the Senate, and it has passed the House of Representatives unanimously, the Democratic Party had objected to its passing in the Senate simply on the basis of partisan politics. I think the people of New Hampshire deserve better than that. They deserve to have partisan politics put aside for the sake of our environment.

On August 10, 1995, Senator GREGG and I introduced S. 1174, the Lamprey Wild and Scenic River Act, to designate a segment of the Lamprey River in New Hampshire as part of the National Wild and Scenic Rivers System. Since introduction, a hearing was held on the legislation in the Energy and Natural Resources Committee, and soon thereafter, the bill was reported unanimously out of the committee.

The history of this legislation goes back almost 5 years when Senator Rudman and I introduced the Lamprey River study bill in February 1991, which was subsequently signed into law by President Bush later that year. Once the National Park Service determined the Lamprey River's eligibility for the National Wild and Scenic Rivers System, a local advisory committee was formed to work with local communities, landowners, the National Park Service and New Hampshire's environment department in preparing a comprehensive management plan. This management plan was completed in January 1995.

The Lamprey River Management Plan was subsequently endorsed by the advisory committee as well as the local governments affected by this designation. The primary criteria for my sponsorship of this legislation was the support of the local communities. If the affected towns did not vote in favor of designation, it would not have received my enthusiastic support.

In fact, the town of Epping had expressed some reservation about designating the segment of the Lamprey which runs through the town and, out of respect for their concerns, the bill excludes that segment of the river. However, that segment was studied and found to be eligible, so we have included a section in our bill that would allow the town of Epping to be involved in the implementation of the management plan and, upon the town's request, be considered for future designation.

The Lamprey River is well deserving of this designation for a number of reasons. Not only is the river listed on the 1982 National Park Service's inventory of outstanding rivers, but it has also been recognized by the State of New Hampshire as the "most important coastal river for anadromous fish in the State." Herring, shad and salmon are among the anadromous species found in the river. In fact, New Hampshire fishing maps describe the Lamprey as "a truly exeptional river offering a vast variety of fishing. It contains every type of stream and river fish you could expect to find in New England."

The Lamprey is approximately 60 miles in length and serves as the major tributary for the great Bay, which is part of the National Estuarine Research Reserve System. The Great Bay Refuge is also nearby, which was established several years ago following the closure of Pease Air Force Base. The preservation of the Lamprey is a significant component to protecting this entire ecosystem.

The 11.5-mile segment, as proposed by our legislation, has been the focus of local protection efforts for many years. The towns of Lee, Durham, and Newmarket, local conservationists, the State government, as well as the congressional delegation have all come together in support of this legislation. I believe the management philosophy adopted by the advisory committee best articulates our goals for this legislation: "* * * management of the river must strike a balance among desires to protect the river as an ecosystem, maintain the river for legitimate community use, and protect the interests and property rights of those who own its shorelands."

In conclusion, Mr. President, I want to congratulate the Senate majority leader LOTT, Senator MURKOWSKI, and others in negotiating an agreement on this comprehensive legislation. In addition, I want to especially commend two members of the Lamprey River Advisory Committee—Judith Spang of Durham, NH, and Richard Wellington of Lee, NH—who have worked very hard on the Lamprey River legislation and have traveled to Washington to testify on its behalf. I am very pleased that, at last, the fruits of their labor will be rewarded with the adoption of the omnibus parks bill. I urge the President to sign this important environmental legislation as the 104th Congress adjourns.

Mr. LOTT. I ask unanimous consent the bill be advanced to third reading and passed and the motion to reconsider be laid upon the table, all without further action or debate.

The bill (H.R. 4236) was deemed read a third time and passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I ask unanimous consent to have printed in the RECORD a letter from the Chief of Staff of the President, Mr. Leon Panetta, addressed to me as chairman of the Committee on Energy and Natural Resources, and a letter from the Secretary of Agriculture, Mr. Dan Glickman to Mr. Mark Suwyn, president of the Louisiana-Pacific Corp.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

October 3, 1996.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MURKOWSKI: The Administration is aware of your deep concerns regarding the problems of the Ketchikan Pulp Company (KPC). Given your interest in these matters, we propose that the government begin discussions on these issues immediately. Those discussions must take place in the context of the Administration's long-standing policies, namely: we will not consider an extension of the KPC's contract until the Tongass Land Management Plan (TLMP) is complete; we cannot accept conditions reversing any part of the Tongass Timber Reform Act; and, we will accept nothing less than full compliance with all environmental laws.

You have stated the company is considering closing the pulp facility, which we would consider a material breach of the contract. We understand that the company has a different view. Based on our previous discussions we will agree to an immediate mutual cancellation of the contract and give KPC all of the timber and logs released under contract to them. This should equal nearly 300 million board feet of timber. If there is no mutual agreement on contract cancellation, timber sales will be made available on a competitive basis in Southeast Alaska in a sufficient supply to operate the two sawmills for 24 months, and in accordance with applicable law.

The parties would cancel the contract based on their mutual desire to avoid litigation over whether the government is providing sufficient timber and over whether closure of the pulp mill is a breach. The agreement would define the respective litigation rights of the parties regarding contract claims.

We understand the importance of these issues to Southeast Alaska. The Administration is committed to working with the Governor, the Alaska Congressional delegation, and all interested parties to ensure sustainable and diversified opportunities for the workers, families, industries, and communities of Southeast Alaska. We look forward to effective joint coordination of our State and Federal resources through the auspices of the State of Alaska and the U.S. Department of Agriculture.

Sincerely,

LEON PANETTA,
Chief of Staff.

OCTOBER 3, 1996.

MARK SUWYN,
President: Louisiana-Pacific Corp., Portland, OR.

DEAR MARK: I appreciate your coming to Washington to meet with me, the Governor, and Alaska's congressional delegation and for the proposal you conveyed in your September 19 letter. Let me preface my reply by affirming the long-standing policy of the Administration within which further discussions must take place. We will not consider an extension of Ketchikan Pulp Company's (KPC) contract until the Tongass Land Management Plan (TLMP) is complete; we cannot accept conditions reversing any part of the Tongass Timber Reform Act; and we will accept nothing less than full compliance with all environmental laws.

You have stated you are considering closing the pulp facility, which we would consider a material breach of the contract. We understand that you have a different view. Based on our conversations, we will agree to an immediate mutual cancellation of the contract and give KPC all of the timber and logs released under the contract to them. This should equal nearly 300 million board feet of timber. If there is no mutual agreement on contract cancellation timber sales will be available in southeast Alaska on a competitive basis in a sufficient supply to operate the two sawmills for twenty-four months and in accordance with applicable law. The parties would cancel the contract based on their mutual desire to avoid litigation over whether closure of the pulp mill by KPC is a breach and over whether the government is providing sufficient timber under the contract. The agreement would define the respective litigation rights of the parties regarding related contract claims.

In view of your proposal to close the pulp facility, I intend to begin immediately to determine steps the Department can take, unilaterally and with the State of Alaska, to mitigate the effects of the closure on the affected workers, their families, ancillary industries, and the communities of southeast Alaska. We understand the importance of these issues to southeast Alaska. We are prepared to begin discussions immediately so that we may resolve these issues, while providing strong and meaningful support for the people and communities of southeast Alaska.

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. DASCHLE. It is my understanding that the statement in the second paragraph of the Panetta letter to Senator MURKOWSKI and the Glickman letter to Mark Suwyn, president of Louisiana-Pacific Corp.—October 3, 1996—regarding the provision of timber to southeast Alaska for 24 months will only apply if, due to a breach of contract, timber is no longer available to KPC under the contract and there is no mutual agreement on contract cancellation.

Mr. LOTT. Yes, that is my understanding also.

Mr. MURKOWSKI. Yes, that is my understanding also.

Mrs. KASSEBAUM. Mr. President, Congress today has given its final approval to legislation I have worked to enact for much of my Senate career. It will, for the first time in the history of our Nation, establish a unit of the national park system that is devoted to teaching about and preserving the tallgrass prairie ecosystem.

This legislation is not sweeping. In fact, it allows the Federal Government to acquire by donation only 180 acres of prairie. Certainly, this is nowhere near as vast and expansive as other units in out national park system. It is, however, an important milestone. For about 50 years, Kansans have argued about the need for and size of a tallgrass prairie park. Debate over past legislative proposals, some attempting to establish a park through the use of eminent domain, tore apart Kansas communities. I remember when this was a topic one avoided in conversation for fear of angering a friend or neighbor.

I am pleased that those days are behind us. By bringing an array of interests to the table and initiating face-to-face discussions, the Kansas congressional delegation has over the past 5 years hammered out a proposal to establish a national preserve that pleases nearly everyone. The legislation is unique for the National Park Service in that it provides the Federal Government with a core area that it will own and use to educate the American people about the tallgrass ecosystem and grazing that began with buffalo and is now used to raise some of the finest beef cattle in the world. The bill keeps more than 10,000 acres within the preserve's boundaries in private hands, owned by the conservation organization the National Park Trust. It provides for cooperative agreements to be reached between the private property owner and the Federal Government to give the American public an opportunity to bike across and enjoy vast undeveloped stretches of virgin tallgrass prairie.

When I leave the Senate in a few weeks, I plan to return to my farm about 20 miles from this preserve. The topography of my ranch is much like that of this preserve, and I often find it difficult to explain to my colleagues what this part of the country is like and why I love it. William Least Heat-Moon in his best-selling book about this area titled "*PrairyErth*" claims the beauty of this land is contained in its subtlety and vast expanses—sometimes easily overlooked by outsiders who quickly pass.

When the wind blows, as it almost always does in this part of the country, one can look out from the top of the region's gentle rolling hills and watch a sea of grass bending and waving across one's entire line of sight. Ungrazed, this grass can stretch ten feet high. For grazing, one can find no nutritionally richer land in the country. It will add more than 2 pounds a day to steers left to graze on its rich mixture of grasses.

It is not difficult to let the mind wander when standing alone and looking out across the prairie, absorbing its shades of greens in the spring and summer and its browns through the fall and winter. It is not difficult to get a sense of what the Native Americans must have felt hundreds of years ago when they crossed this land hunting for the great buffalo herds. One can also appreciate how the pioneers must have felt when they crossed this same land a century ago, carrying their dreams and possessions in covered wagons. Walt Whitman aptly called this prairie "our characteristic landscape, the center of our national identity." It is appropriate that we Americans set aside at least a portion of it for perpetual use and protection by the American people. This legislation will finally do that.

The passage of the Tallgrass Prairie National Preserve Act would not have been possible without the countless individuals who have worked over the years to see this idea become a reality. Former Kansas Congressman and current Secretary of Agriculture Dan Glickman has attempted for more than a decade to create this Federal preserve. It was his persistence and willingness to bring opposing conservation and agriculture interests together to work out their differences that built the foundation from which this current legislation evolved. Similar and steadfast support also came from Senator Bob Dole, Representative JAN MEYERS, and former Representative Jim Slattery. Controversy over a tallgrass prairie park stymied many previous Congresses, and it was through the commitment and unique talents of each of these members that we were able to make meaningful and lasting progress on this legislation.

I would also like to thank Governor Bill Graves and former Governor Mike Hayden, both of whom publicly lent their support to this effort and helped shape public opinion in Kansas and beyond in favor of creating this preserve.

Representative PAT ROBERTS, in whose district this preserve will be located, deserves special accolades. For the past 4 years, PAT has worked tirelessly to reassure skeptics that this unique approach to create the preserve would work. No one should underestimate how much his word meant to many in the agriculture community. His sponsorship of this bill in the House further added to the credibility necessary to get this bill passed by the House of Representatives.

There are too many Kansans who have worked diligently to see this bill enacted to name each, but a few should be noted. Ron Klataske of the National Audubon Society was the first champion of creating the preserve on land known as the Z-Bar or Spring Hill Ranch. He and members of the Flint Hills National Monument Committee, led by Lee Fowler, Charles Rayl, Ken Harder, and Larry Bayer, were early and consistent supporters of this effort. Five years ago, another group of thoughtful Kansans came together in an effort to find common ground between agriculture and conservation interests and look for ways to privately acquire and preserve the ranch. Led first by Ross Beach and then by Jan Lyons, this commission helped bring thoughtful, reasoned deliberations to this issue, and for that I am indebted.

When the idea of creating a tallgrass preserve faded from the front pages of Kansas newspapers, I could always depend on the editorial writers from almost every Kansas newspaper to lend their support to this legislation. Leading the charge was always the editorial staff of the Wichita Eagle, who time and time again, both in their editorial columns and in their sometimes biting cartoons, remind Kansans why creating a tallgrass prairie preserves is so important to the state.

Efforts to embrace a public/private partnership to create this national tallgrass prairie preserve may have remained nothing but an idea if it had not been for the involvement of the National Park Trust, who in 1994 purchased the property that will become the preserve. They immediately approached the Kansas congressional delegation and said they were ready to work with us to make preservation efforts a success. Paul Pritchard, president of the National Parks and Conservation Association, and NPCA board members Gordon Beaham, Eugene Brown, Dolph Simons Jr., and Bill Watson, all played an important role in this effort. The same is true for Paul Duffendack, a board member for the National Park Trust. I extend a special thanks to Laura Loomis of the National Parks and Conservation Association and Peggy O'Brien Marsh of the National Park Trust for the time they spent assisting me and my staff on this legislation.

Officials at the Department of the Interior spent hours helping my office fine tune this proposal Ed Cohen, deputy solicitor at the Department of the Interior, Denis Galvin, associate director, professional services at the National Park Service, Mike Tiernan, attorney at the National Park Service, and Linda Potter, legislative affairs specialist at the National Park Service, all lent their help, patience, and expertise to this effort. Equally helpful have been the support of Don Castleberry, former regional director of the National Park Service's Midwest Region, David Given, deputy field director of the Midwest Field Area, and Steve Miller, superintendent of the Fort Scott National Historic Site.

In 1990, the Kansas congressional delegation directed the National Park Service to conduct a study on the feasibility of making this area a unit of the national park system. Randall Baynes, superintendent of the Homestead National Monument in Beatrice, NE, was assigned to undertake this task. Randy did this job professionally, but he unfortunately felt the angry wrath of some who opposed creating a preserve. He handled the furor with dignity and grace. Randy died unexpectedly in 1993, and I want his wife, Judy, and his children, Melissa and Keith, to know how much I appreciate the contribution he made to this effort. Creation of this preserve is an appropriate legacy to Randy's love of the prairie and his belief that this preserve should be created.

Finally, I would like to acknowledge the hard work of several congressional staffers including: Mike Horak of my staff, Brian Sweatland, Heidi Cashman, and Tom Hemmer with Representative PAT ROBERTS; Keith Yehle with Representative JAN MEYERS; Mike Torrey and Keira Franz with Senators Bob Dole and SHEILA FRAHM; and Sherry Ruffing with former Representative Dan Glickman. I would also like to express my gratitude to Jim O'Toole, John Piltzecker, and Julia Gustafson of the Senate Energy and Natural Resources Committee for their help in getting this bill through the Senate.

Mr. President, passage of this legislation will be the last piece of legislation to become law during my 18-year career in the Senate. It is an accomplishment that I am quite proud of. Let me assure my colleagues that as private citizen KASSEBAUM, I will work to ensure that this preserve meets your high expectation. I have joked for some time that I plan to spend my retirement volunteering as a docent at this preserve, so I encourage my colleagues to stop by if they ever find themselves driving through the beautiful rolling prairie of east-central Kansas. Come and see one of the Nation's newest units of the national park system. I assure you that it will be well worth your time, and I will be happy to show you around.

Mr. President, I ask unanimous consent that language agreed to by the Kansas delegation for inclusion in a committee report on this bill be printed in the CONGRESSIONAL RECORD. This language, agreed to by the delegation, the owner of the Spring Hill Ranch, its leasee, and reviewed by the National Park Service, is our attempt to give the National Park Service direction on future grazing policy. This legislation will become law without a committee report, and I want the CONGRESSIONAL RECORD to reflect the delegation's views.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The conference agreement includes language to create a tallgrass prairie national preserve in the Flint Hills of Kansas. The preserve will be created through a unique private/public partnership between the federal government and a private conservation group. The partnership is the culmination of decades of discussions between agriculture and conservation interests who, until now, have disagreed over issues such as federal ownership and cattle grazing as part of a tallgrass prairie preserve in Kansas. The language drafted in this legislation is the result of consensus building and compromise between these various groups.

While the conference agreement only provides for federal ownership, by donation, of 180 acres of land on the preserve, it is hoped that the National Park Service, through the cooperative agreement language contained in this bill, will be able to work with the private land owners (and its leasee) of the rest of the 10,894-acre ranch to provide interpretive and recreation opportunities within the boundaries of the preserve, but beyond the federally owned core.

The stated purposes of this bill remain broad to give the National Park Service maximum flexibility in determining land use practices within the preserve through the general management planning process, with input from an advisory committee created by this bill. We believe a public planning process, with input from all Kansans, including local citizens and adjacent landowners, will enable the National Park Service to identify the best use for the 180 federally owned acres and provide guidance for possible cooperative agreements between the federal government and the private owner and its leasee.

The conferees note that the Kansas congressional delegation is united in its belief that a strong emphasis of the preserve should include the management of range lands through historic and contemporary ranching practices. While the conferees are unwilling to include language in the act that would require any predetermined use of private property mentioned within this bill, the conferees agree with the Kansas congressional delegation that current cattle ranching activities, consistent with the ecologically sound and sustainable management of this property, should continue after the preserve is created. Cattle ranching, as practiced under the current grazing lease, is consistent with the interpretation of the history and culture of the Flint Hills region of the tallgrass prairie.

If I may, I would like to thank the majority leader at this time, and the minority leader. I thank my colleagues and friends relative to the effort that has been put in here.

This is a major environmental bill. It has approximately 136 titles that affect a broad area of America's public lands, and it is very, very important.

Senator BOXER and Senator FEINSTEIN worked very hard. The merits of the Presidio speak for themselves.

Senator BRADLEY has been a champion representing the interests of the Sterling Forest in both New Jersey and New York, BOB BENNETT, of Utah, and ORRIN HATCH, on Snowbasin.

And I thank my staff, Gregg Renkes, Mark Rey, Gary Ellsworth, Andrew Lundquist, and Alex Polinksy.

And, particularly the majority leader again for accommodating the extraordinary hard work, effort, and time to resolve it.

This is a very meaningful piece of legislation.

I want to congratulate all of you who have been a party to it.

I want to pay tribute to Senator JOHNSTON, my good friend who is departing. And I look forward next year to working with the Senator from Arkansas, Senator BUMPERS, as we pursue our obligations on the Energy and Natural Resources Committee, with the presumption of continued chairmanship and his position in the ranking position.

Thank you, Mr. Leader.

Again, let me thank Senator BRADLEY and Senator BOXER.

I, of course, thank the whip.

Mrs. BOXER. Mr. President, in the closing minutes of the 104th Congress, I just want to express my deep appreciation for all of those who worked so hard to pass the parks bill. As everyone knows, that omnibus parks bill contains the Presidio trust legislation which I sponsored in the Senate, and which is so important to my State of California, to the city of San Francisco, and to so many people who care about the preservation of the Presidio of San Francisco.

Mr. DASCHLE. Mr. President, I will be very brief because Senator LOTT and I do have some other business to tend to, and then to call the President at 5 o'clock.

Mr. President, I wanted to take just a moment to congratulate Senator MURKOWSKI for his efforts on the omnibus parks bill just passed. As he has indicated, this has been one of the most difficult and contentious and complicated sets of negotiations I think we have had in the whole 104th Congress. That success we now have is only possible as a result of the extraordinary efforts made by a number of people.

I want to cite, in particular, Senators BRADLEY and BOXER for their remarkable efforts over the last couple of days. They were instrumental in making this happen. Senator BOXER and Senator BRADLEY worked with Senator MURKOWSKI and brought this about through cooperation and a tremendous amount of persistence.

But, as Senator MURKOWSKI has indicated, there are others as well who have been very much a part of this effort. Senator BUMPERS and Senator FEINSTEIN also have been very helpful; Senator NICKLES and a number of Senators on both sides of the aisle have been committed to this bill.

So this is an achievement of some magnitude affecting, as the Senator has indicated, perhaps 136 projects in 41 States. It is long overdue. This has been an effort that has been underway now for a long period of time.

Let me also thank and congratulate the administration for their efforts over the last couple of days. As he tends to do in these moments of crisis, Leon Panetta, in particular, has made this work. He deserves special commendation, along with a number of other members of the administration staff.

So we are very appreciative of the cooperation and the effort made. At long last we have passed a parks bill of great magnitude and great importance. And I appreciate the work done on all sides.

I yield the floor.

EXPANDING THE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR

Mr. CHAFEE. Mr. President, it seems to me that protecting and preserving our Nation's special places, like the Blackstone Valley, is one of the Federal Government's most important functions. That is why I am so delighted that my bill to reauthorize and expand the Blackstone River Valley National Heritage Corridor was included in the omnibus parks bill that was agreed to today.

There are few other areas in the country that have had as rich and diverse a history as the Blackstone Valley. For centuries, the Blackstone River has been the center of life in the valley. The Native Americans who first inhabited these shores enjoyed abundant fishing and hunting along the river. Settlers came in search of farmland and instead found that the river provided a powerful new source of energy. By the late 1700's, bustling towns appeared up and down the river. They were joined by sawmills, and in 1793, Slater's Mill, the river's first textile mill, opened, signalling the birth of the Industrial Revolution.

When the Blackstone Corridor was created in 1986, it represented an entirely new approach for the National Park Service. The corridor is not at all like the typical national park, where the Federal Government owns and manages the land. Its boundaries span two States; it contains whole cities, towns, and villages; half a million people live in the Blackstone Corridor. It truly represents a partnership between the Federal Government and State and local governments and communities in Rhode Island and neighboring Massachusetts.

Under the umbrella of the Corridor Commission, individuals from different communities, levels of government, and walks of life are working together toward a common vision—and with impressive result.

In the early 1970's, the Blackstone River, like so many rivers and lakes throughout our Nation, was in deep trouble. It was apparent that many years of pollution had wiped out much of the river's wildlife. The once polluted river has been cleaned up. A beautiful greenway for bicyclists and hikers is underway. Historic mills have been restored. National Park rangers and volunteers are giving tours and educating visitors about the valley's rich history. The Blackstone Valley area is one of Rhode Island's environmental and historical jewels. With its restoration, this area's strong sense of price and community spirit has been revitalized.

All this is being done with relatively little money from the Federal Government, because every Federal dollar that goes into the corridor is leveraged many times over.

I introduced S. 1374, which established the corridor, on June 27, 1985, and on November 10, 1986, the bill became law. Since then, the Rhode Island congressional delegation, and the Massachusetts delegation, have worked together each year to strengthen the corridor. Today, the corridor stretches 46 miles along the Blackstone River, from Worcester, MA to Providence, RI. The corridor encompasses 20 cities and towns over a 250,000-acre area. Efforts to interpret and preserve the valley's historical and scenic resources are coordinated by the Blackstone Corridor Commission and the National Park Service works closely with the commission, providing invaluable technical assistance and guidance.

Last year, I introduced S. 601 to reauthorize the commission and expand the corridor with Senators PELL, KENNEDY, and KERRY. This bill extends the life of the Blackstone Corridor Commission—which, under current law, would expire in November—for another 10 years. In addition, it adds to the corridor five new communities—three in Rhode Island and two in Massachusetts—which are culturally and historically tied to the existing corridor and contain the headwaters of the Blackstone River. This logical expansion will allow the commission to interpret and protect the region's resources in a comprehensive and unified fashion. Finally, my legislation increases the commission's annual authorization from $350,000 to $650,000, in recognition of its tremendous success and new responsibilities.

The Senate Energy Committee held hearings on my bill, and it was reported out of the Commission on April 7, 1995. It was included in the omnibus parks bill and attached to the Presidio Management bill which, after some setbacks, was unanimously approved by the full Senate.

Since that time, Members of the Senate and the House of Representatives have been engaged in a lengthy and difficult conference, attempting to work out the differences between the proposals. Many highly controversial provisions that would have led both to opposition in the Senate and the possibility of a veto by the President have been dropped.

I commend Senate MURKOWSKI for his efforts to accommodate the interests of so many colleagues and greatly appreciate his work to restore my version of the Blackstone Reauthorization bill. I know the House fought hard to replace my bill with the House Resources Committee proposal which would have authorized a lesser appropriation and would have extended the life of the commission for 5 years only. This would not have give the commission enough time to complete its work.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

SALUTING THE SERVICE OF JOHN L. DONEY

Mr. LOTT. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 312, submitted earlier today by myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 312) saluting the service of John L. Doney.

Whereas, John L. Doney has served the United States Senate since September 1980;

Whereas, Mr. Doney has during his Senate career served in the capacities of staff assistant to Senator Bill Roth, Senate Post Office clerk, Republican Cloakroom assistant, assistant secretary to the minority, culminating in his appointment as assistant secretary to the majority;

Whereas, throughout his Senate career Mr. Doney has been a reliable source of advice to Senators and staff alike;

Whereas, Mr. Doney's more than 16 years of service have been characterized by infinite patience, unfailing good humor, and a deep sense of respect for this institution; therefore be it *Resolved*, That the Senate salutes John L. Doney for his career of public service to the United States Senate and its Members.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any further statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 312) was agreed to.

The preamble was agreed to.

THE RETIREMENT OF JEANIE BOWLES, SUPERINTENDENT OF DOCUMENTS

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 313 that I submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 313) relating to the retirement of Jeanie Bowles, Superintendent of Documents, United States Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, I want to congratulate Jeanie Bowles, Superintendent of Documents, upon her retirement and thank her for her 26 years of service to the U.S. Senate.

Jeanie Bowles has been a familiar, friendly face in the Senate, and we have all benefited from our association with her. As the resolution states, she has "discharged her responsibilities with efficiency, devotion, and grace." We will miss her and wish her well upon her retirement.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas the Senate has been advised of the retirement of its Superintendent of Documents, Ms. Jeanie Bowles;

Whereas Jeanie Bowles became an employee of the Senate of the United States on January 3, 1971, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the Senate of the United States for a period that included thirteen Congresses;

Whereas Jeanie Bowles has served with distinction as Assistant Editor in the Office of the Official Reporters, which position she was appointed to February 2, 1981;

Whereas Jeanie Bowles has served with distinction as Superintendent of Documents, which position she has held since June 16, 1986;

Whereas Jeanie Bowles has discharged her responsibilities with efficiency, devotion, and grace, in particular dedicating her Senate service to the advancement of young people:

Now, therefore, be it

Resolved, That the Senate of the United States commends Jeanie Bowles for her exemplary service to the Senate and the Nation; wishes to express its deep gratitude and appreciation for her long, faithful, and outstanding service; and extends its best wishes upon her retirement.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Jeanie Bowles.

AUTHORITY TO MAKE CERTAIN APPOINTMENTS AFTER SINE DIE ADJOURNMENT

Mr. LOTT. Mr. President, I send to the desk a resolution and ask for its immediate consideration authorizing certain appointments to be made after adjournment sine die.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 314) authorizing the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders, to make certain appointments after the sine die adjournment.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 314) was agreed to, as follows:

Resolved, That notwithstanding the sine die adjournment of the present session of the Congress, the President of the Senate, the President of the Senate pro tempore, the Majority Leader of the Senate, and the Minority Leader of the Senate be, and they are hereby, authorized to make appointments to commissions, committee, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

NOTIFICATION TO THE PRESIDENT CONCERNING THE PROPOSED ADJOURNMENT OF THE SESSION

Mr. LOTT. Mr. President, I send to the desk a resolution and ask for its immediate consideration regarding a committee to notify the President concerning the proposed adjournment of the session.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 315) appointing a committee to notify the President concerning the proposed adjournment of the session.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 315) was agreed to, as follows:

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join a similar committee of the House of Representatives to notify the President of the United States that the two Houses have completed their business of the session and are ready to adjourn unless he has some further communication to make to them.

The PRESIDING OFFICER. Pursuant to the resolution just adopted, the Chair appoints the majority and minority leaders as members of the committee to inform the President of the United States that the two Houses have completed their business of the session and are ready to adjourn unless he has some further communication to make to them.

THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. LOTT. I send to the desk a resolution and ask for its immediate consideration thanking the Vice President.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 316) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner by which he has presided over the deliberations of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 316) was agreed to, as follows:

S. RES. 316

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fourth Congress.

THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. LOTT. I send to the desk a resolution and ask for its immediate consideration thanking the President pro tempore for his service to the Senate, his State, and his country.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 317) tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Just briefly, Mr. President, I cannot let that resolution pass without some comment. I want to say to all my colleagues, there will be a moment here where Senator DASCHLE and I will be talking to the President and some of the Senators may want to comment on some of the resolutions we pass, but I cannot pass this one without saying again how much personally I appreciate the manner in which Senator THURMOND always conducts himself.

The distinguished Senator from South Carolina is truly a legend whom we all love. I have noted that on almost every occasion, if not every occasion, when the Senate came into session, no matter how early it was or when it was, he was here; he escorted the Chaplain to the podium; he did his job; and he has done it admirably. We just appreciate it so much and wish him the very best in everything he endeavors in the future.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. If I could only add from this side of the aisle, I want to associate myself completely with the remarks made by the majority leader. Senator THURMOND has done the job of President pro tempore not only admirably but fairly, in a nonpartisan way. There are so many mornings when I have greeted him, and I know from what we all know to be Senator THURMOND's practice, he probably has been working out for at least an hour prior to the time he has come to the dais. Anybody who does that has respect on a bipartisan basis. We are privileged to have the opportunity to work with him.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The resolution (S. Res. 317) was agreed to, as follows:

S. RES. 317

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fourth Congress.

THANKS OF THE SENATE TO THE DEMOCRATIC LEADER

Mr. LOTT. Mr. President, I send to the desk a resolution and ask for its immediate consideration thanking the distinguished Democratic leader for his leadership in the Senate.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 318) to commend the exemplary leadership of the Democratic leader.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 318) was agreed to, as follows:

S. RES. 318

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

Mr. LOTT. Mr. President, let me just say again how much I have appreciated the cooperation we have received. He has been helpful to me. We have had a very cooperative relationship. We have not always agreed. We did not get everything done today we wanted to do, but he has been very helpful. I think we have had a growing respect for each other, and we are going to be able to work together very productively for the good of our country in the years ahead. I look forward to that opportunity.

Mr. DASCHLE. I thank the majority leader. I would only say the same. I have enjoyed the opportunity, in the last 3 months, to work with him. I think it has been a productive time.

Obviously our disagreements preclude us from doing everything we would like. But there are times when we can overcome those disagreements and work in a way that I think can make this country quite proud.

COMMENDING THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. DASCHLE. In that regard I have a resolution that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 319) to commend the exemplary leadership of the Majority Leader.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 319) agreed to, as follows:

S. RES. 319

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable TRENT LOTT, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

The PRESIDING OFFICER. The majority leader.

AUTHORIZING PRINTING OF A SENATE DOCUMENT

Mr. LOTT. I ask unanimous consent the Senate now turn to the resolution which I now send to the desk on behalf of Senator HATFIELD, regarding a document from the Appropriations Committee, and ask the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 320) that there be printed with illustrations as a Senate document a compilation of materials entitled "Committee On Appropriations, United States Senate, on the 129th Anniversary, 1867–1996", and that there be printed two thousand additional copies of such document for the use of the Committee on Appropriations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The resolution (S. Res. 320) was agreed to, as follows:

S. RES. 320

Resolved, That there be printed with illustrations as a Senate document a compilation of materials entitled "Committee on Appropriations, United States Senate, 129th Anniversary, 1867–1996", and that there be printed two thousand additional copies of such document for the use of the Committee on Appropriations.

AUTHORIZING THE ACCEPTANCE OF PRO BONO LEGAL SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 321, introduced earlier today by Senator BYRD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 321) authorizing the acceptance of pro bono legal services by a Member of the Senate challenging the validity of a Federal Statute in a civil action pursuant to a statute expressly authorizing Members of Congress to bring such a civil action.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I want the record to reflect I support this resolution. I worked with Senator BYRD in getting this clearance agreed to.

Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon table.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution is agreed to.

The resolution (S. Res. 321) was agreed to, as follows:

S. RES. 321

Resolved, That (a) notwithstanding the provisions of the Standing Rules of the Senate or Senate Resolution 508, adopted by the Senate on September 4, 1980, pro bono legal services provided to a Member of the Senate with respect to a civil action challenging the validity of a Federal statute that expressly authorizes a Member to file an action—

(1) shall not deemed a gift to the Member;

(2) shall not be deemed to be a contribution to the office account of the Member; and

(3) shall not require the establishment of a legal expense trust fund.

(b) The Select Committee on Ethics shall establish regulations providing for the public disclosure of information relating to pro bono legal services performed as authorized by this resolution.

Mr. LOTT. At this point I yield the floor. Other Senators may want to comment on some of these resolutions. We will notify the President we have passed the adjournment resolution and we will return thereafter for some further brief action.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I congratulate and compliment the majority leader. We just passed the resolution congratulating him, but I personally would like to congratulate him for outstanding leadership since he has assumed majority leadership of the Senate. I believe this has been a very, very productive legislative session.

There is an article in Rollcall today that talked about the Senate, this Congress, spending more time than any Congress since World War II. I think the record would show, for the last couple of months, this has been a very, very productive Congress, whether you are talking about welfare reform—historic welfare reform, or whether you are talking about reaching back and passing line-item veto. Whether you are talking about actually trying to rein in the growth of Government—we have seen the size of Government deficits actually declining, I think primarily because of some restraints on discretionary funds that passed this Congress.

So, I add my accolades to those of others, to say I think Senator TRENT LOTT, as majority leader, has done an outstanding job, and also to say the minority leader, Senator DASCHLE—we have had a lot of conflicts. It has been a tough session, maybe a lot more partisan than a lot of us would like. Maybe we will be able to improve upon that next year. Certainly, I have enjoyed my working relationship with Senator DASCHLE and have always found him to be cordial. We have worked well together and, hopefully, the next Congress will be even more cordial, less partisan, and more productive.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

COMMENDING THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER

Mr. THURMOND. Mr. President, I have a resolution at the desk to commend Senator DASCHLE. I request the clerk report that resolution.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 322) to commend the exemplary leadership of the Democratic Leader.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today to submit a Senate resolution to commend the exemplary leadership of the Honorable TOM DASCHLE of South Dakota.

Senator DASCHLE was elected by his colleagues in 1994 to serve as the Senate Democratic leader. I recall Senator DASCHLE's able assistance working for 5 years in the office of my friend, Senator Abourezk of South Dakota. I knew then that this young man was destined to greater heights.

Senator DASCHLE was elected to the House of Representatives in 1978 and served four terms before being elected to the U.S. Senate in 1986. He became the first South Dakotan ever to hold a Senate leadership position when he was named cochairman of the Democratic Policy Committee in 1988.

During his Senate career, Senator DASCHLE has provided capable leadership on the following Committees: Finance, Agriculture, Veterans' Affairs, Indian Affairs, and Ethics. His work on the Agriculture Committee has helped farmers across the country as he wrote the 1985 Emergency Farm Credit Act to aid farmers during the depths of the farm crisis.

Mr. President, Senator DASCHLE has proven to be an effective Democratic leader and strives for cooperation with all of his colleagues. He works closely with our distinguished majority leader, Senator LOTT, to facilitate the legislative process. His calm but determined demeanor is appreciated on both sides of the aisle.

Mr. President, I am pleased to introduce this resolution commending the distinguished minority leader TOM DASCHLE, and I extend best wishes to his lovely wife, Linda, and their three fine children, Kelly, Nathan, and Lindsay.

The PRESIDING OFFICER. If there is no objection, the resolution is agreed to.

The resolution (S. Res. 322) was agreed to, as follows:

S. Res. 322

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

COMMENDING EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. THURMOND. Mr. President, I ask the resolution commending the majority leader be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 323) to commend the exemplary leadership of the majority leader.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. THURMOND. Mr. President, I rise today to submit a Senate resolution to commend the exemplary leadership of the distinguished majority leader, the Honorable TRENT LOTT of Mississippi.

Senator LOTT is the 16th majority leader in the U.S. Senate and the first Mississippian ever to hold the Senate's top leadership post. He was elected to serve as majority leader on June 12, 1996.

The majority leader has earned the respect of his colleagues in both the House and Senate, having served in the House of Representatives for eight terms. While serving in the House, Senator LOTT was elected chairman of the House Republican Research Committee and for 8 years he served as the Republican Whip. The personal friendships he developed in the House have contributed well to his recent dealings with the other chamber.

Senator LOTT was elected to the Senate in 1988 and continued his leadership service as Secretary of the Senate Republican Conference. In 1995, he was elected Senate majority whip and is the first person to be elected to the position of whip in both the House and the Senate.

Mr. President, since assuming the challenging responsibilities as majority leader, Senator LOTT has shown a penchant for moving legislation and a willingness to do so in a bipartisan manner. The majority leader has solid footing in the Senate's top post and it is not on the backs of his colleagues. Rather, Senator LOTT has worked in cooperation with the distinguished minority leader, Senator DASCHLE, and has been at our side in the trenches of this legislative arena. The majority leader has cooperated with all Senators to facilitate the orderly procession of the Senate's business.

Mr. President, Senator LOTT has a wonderful family and I extend my best wishes to his lovely wife, Tricia and their two fine children, Chet and Tyler. They are justifiably proud of Senator LOTT as a husband, father, and dedicated public servant. I am honored to call him my leader in the U.S. Senate and my good friend.

The PRESIDING OFFICER. If there is no objection, the resolution is agreed to.

The resolution (S. Res. 323) was agreed to as follows:

S. RES. 323

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

The PRESIDING OFFICER. The Senator from Alabama.

THANKS TO STAFF

Mr. HEFLIN. Mr. President, there has been a lot of tributary praise on the floor of the Senate in the last few days. We have heard praise for Members, praise for spouses, and praise for the Senate itself. We have also heard a great deal of praise for staff members, and I want to add to that by taking a moment to say thanks to the many staff members I have worked with over the years.

It is easy to take staff for granted. Much of what they do is carried out in such a way that we might not be aware always of what they are doing. But they put in long hours just like Senators do. They are dedicated not only to us, but to the States we serve. My staff has helped thousands of Alabamians and other citizens with problems ranging from lost Workmans' Compensation benefits to delayed retirement checks to securing visas for overseas travel at the last minute.

I have been fortunate to have many long-time staff members who have been with me for many years, some since my first year in the Senate. Others have not been here as long, but have still made valuable contributions. Most have come from Alabama or had some connection to the State, such as being an alumnus of a university or college there, but others have come from the Washington area and other parts of the east coast.

I am proud of my staff, both here in Washington and in my four State offices. They have done an outstanding job for the Senate, for the State of Alabama, and for the Nation. Rather than name any one of them individually, at this time I ask unanimous consent that a list of my current staff with their hometowns and date of joining the office be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, to all of them and to all of those who have served in the past and moved on to retirement, K Street, or some other career, I extend a hearty thanks for a job well-done.

EXHIBIT 1

SENATOR HOWELL HEFLIN'S ALABAMA AND WASHINGTON STAFF

(Including Hometowns and Date of Joining Office)

Denise Addison, data entry clerk, Washington, DC, Jan. 1986. Ann Berry, office manager, Birmingham, AL, April 1979. Cappie Brooks, secretary, Birmingham, AL, March 1989. Tim BROWN, state director, Enterprise, AL, Feb. 1985. Allen "Beau" Greenwood, legislative assistant, Corpus Christi, TX, February 1995. Joyce Hackworth, case worker, Birmingham, AL, January 1979. Thad Huguley, legislative assistant, Lanett, AL, August 1992. Lea Hurt, communications director, Decatur, AL, July 1991. Brenda Jarvis, state representative, Montgomery, AL, December 1990. Jan Johnson, state representative, Tuscumbia, AL, January 1979. Jeanne Jones, staff assistant, Mobile, AL, September 1982. Betty Lanier, secretary, Midway, AL, April 1986. Alan Leeth, legislative assistant/counsel, Opelika, AL, December, 1995. Winston Lett, Judiciary subcommittee minority chief counsel, Opelika, AL, October 1989. Mansel Long, legislative director, Tuscumbia, AL, February 1979. Judy Lovell, production manager, Bowie, MD, August 1987. Kristi Mashon, archivist, Austin, TX, June 1995. Kimberly McDonald, caseworker, Gaithersburg, MD, November 1991. Tom McMahon, press secretary, Montgomery, AL, February 1989. Jackie Natter, legislative assistant, Birmingham, AL, November 1994. Barry Phelps, speechwriter/legislative assistant, Birmingham, AL October 1990. Steve Raby, administrative assistant, Harvest, AL, January 1984. Rob Schultz, legislative aide, Allentown, PA, June 1996. Barbara Sherrill, secretary, Sheffield, AL, November 1985. Samantha Smith, scheduler, Florence, AL, August 1993. Mary Spies, personal secretary, Washington, DC, January 1979. Yolanda Turner, mail clerk, Suitland, MD, August 1992. Stanley Vines, state representative, Birmingham, AL, April 1984. Heidi Wagner, staff assistant, Mobile, AL, July 1995. Sally Walburn, receptionist, Tuscaloosa, AL, June 1996. Connie Weavil, receptionist, Winston-Salem, NC, June 1995. Jim Whiddon, judiciary subcommittee minority counsel, Montgomery, AL, November 1993. Janetta Whit-Mitchell, state representative, Mobile, AL, August 1989.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

COMMENDING THE MAJORITY LEADER

Mr. COCHRAN. Mr. President, let me add a few brief words of comment in support of the resolutions that were adopted earlier. As we wrap up this session of the 104th Congress, I am constrained to commend, in a very sincere way, the work that has been done by my distinguished colleague, who I serve with, from my State of Mississippi, TRENT LOTT.

As he has taken the reins of majority leader and discharged the duties of that important office, I have been very proud of him, and our entire State has been proud of him, in the way he has managed these challenges, handled this job in good grace, with a good sense of humor, with a keen insight into how to get things done in the U.S. Congress, and with a great deal of integrity.

He has reflected credit on the U.S. Senate and on the State of Mississippi, and I congratulate him very sincerely. I thank him for the honor of serving with him as his colleague from our State.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank my distinguished senior colleague from the State of Mississippi for his comments this afternoon, and I thank him also for the relationship we have had together in Congress now over the last 24 years. We were in the House together, I believe, for 6 years, and then he came to the Senate in 1978. We continued to work together across the Capitol, and it was my great honor to join him in this body beginning in January 1989.

It has been a great relationship, one that I treasure very much. We not only enjoy working together on behalf of our State, I enjoy his company, and we quite often have lunch together. I have sidled in next to him in that historic desk he has as the senior Senator from Mississippi, and we talk about our families, our wives, our football team, our future and our country, and I enjoy it always. We even tell a few stories, a few Mississippi jokes along the way to each other, but more than anything else, when the going gets rough, when I want real serious, steady, reliable advice given to me straight up, I go to my Senator from Mississippi who I work with from our delegation, and he gives me very good advice.

He has been a member of the leadership of the Senate now for many years. He has done an excellent job as chairman of our Republican conference. He is in our leadership meetings, and invariably, again, his advice and counsel is very good, and it is worth listening to. I found when I listen to it, I do OK, and when I don't, I usually mess up some way or the other.

I thank him for his comments today, but I also thank him for the fine relationship we have. We will continue to work together for our State and our country, and I look forward to that opportunity.

I yield the floor, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF VOTE

Mr. LOTT. Mr. President, on September 26, the Senate failed to override the President's veto of a bill to ban a procedure known commonly as partial-birth abortion. Toward the end of that rollcall vote No. 301, I changed my vote to nay. At the time, I am sure all my colleagues realized why I did so. I immediately entered a motion to reconsider the vote by which the veto was sustained. In order to be able to make that motion to reconsider, it was, of course, necessary for me to cast my vote on the prevailing side. It was, indeed, my intention to return to the motion to reconsider the override vote, in the hope that continued public discussion and consideration might cause some of our colleagues to rethink their position and, in fact, vote to override the President's veto of the partial-birth abortion ban.

But the 104th Congress has run out of time, and it has been clear that no constructive purpose would have been served by yet another vote. While I am sure some Senators are having some serious second thoughts about that vote, there has been no indication that there has been a sufficient number change to reverse that earlier vote on the override.

I therefore ask unanimous consent to withdraw my motion to reconsider rollcall No. 301 and that the permanent RECORD of the 104th Congress note my intention to be included with the 57 other Senators who voted to override President Clinton's veto of the partial-birth abortion ban.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Let me say just a few words about the partial-birth abortion issue.

This is a matter that has touched the conscience of America. I note that, on both sides of the aisle, there are now several pro-choice Members who support the ban on partial-birth abortions.

I will not soon forget the dramatic moment when Senator COATS read the letter from our Coloradan colleague, Senator CAMPBELL, written from his hospital bed, telling us he would vote to override the veto, even though he supports abortion rights.

This is clearly an issue that will not go away. Indeed, I anticipate early action on it in the 105th Congress. By which time, continuing public education about the partial-birth procedure will, I believe, change many congressional minds.

Here is just on example. Most of the debate on both sides of this issue, has concentrated on the use of partial-birth abortion in late-term pregnancies. That may, indeed, be the most shocking aspect.

But interviews with abortion doctors by the Washington Post, the American Medical News, and the Bergen County, N.J., Record reveal that the great majority of partial-birth abortions—thousands every year—are performed in the fifth and sixth months of pregnancy. And almost all of them are performed for entirely nonmedical reasons.

When President Clinton vetoed the partial-birth abortion ban, he suggested an alternative. It turns out that his alternative would be, in practical terms, nothing more than the status quo.

In the first place, it would not ban a single one of the thousands of partial-birth abortions performed in the second trimester of pregnancy.

In the second place, its "serious health" loophole, as "health" has been interpreted by the courts, would render meaningless restrictions even in the last months of pregnancy.

When the Senate returns to this issue in 1997, as indeed it must, I hope we will find sufficient unity to ban the partial-birth procedure at all stages of pregnancy.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR WILLIAM COHEN

Mr. WARNER. Mr. President, earlier today the Senate Armed Services Committee had a hearing. It happened to be that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff were our principal witnesses, and the subject was the ongoing controversy in Bosnia.

Seated next to me, as he has been for these many years of joint service on that committee, was Senator BILL COHEN. It is hard for me to express in words my respect for this great American and this great U.S. Senator, a man who truly is a global thinker. And today he was as profound and as incisive as he has been for all these years that I have been privileged to serve with him on the Armed Services Committee.

He has occupied, somewhere in this area of the Senate floor, the chair that he has selected for Maine. But Maine's chair is the chair for the United States of America when it comes to the matter of national security, foreign policy.

We may have differed on some occasions, but more often we have been together. And he has been a fearless speaker, an absolutely fearless speaker and advocate for what he believes is best for the United States and, indeed, the world.

We have taken trips together. I have seen him in the presence of world leaders, heads of State, heads of Government, and within moments after entering a room, whether it is Europe, Asia, or the Middle East, he is greeted and accepted and listened to as an equal.

He is a very hard worker, diligent in his representation for his State, a prodigious student of history. But he always found time, Mr. President, he always found time to spread his great intellect on the written pages of books, be they novels, or, more importantly, for this Senator, be they poems. Lucky is the Member of the Senate, or perhaps an observing staffer, who found at Senator COHEN's seat, more often at a committee hearing, a doodle. I am not much for doodling, but he is an expert, and it is not some scribble.

What surprises me, having studied engineering and particularly engineering drawing and architecture drawing myself—I am a man who observes a straight line or the French curve or whatever—these are drawings that challenge the best of engineering drawings, very precise, a balance, perspective, and I defy anyone to interpret the meaning. And therein is the real genius.

He is able to take these drawings and capture the meaning of the debate in the committee hearing. I have never seen him doodle in the Senate—maybe he has—not in the Chamber, but certainly as I sat next to him in the Armed Services Committee, the Select Committee on Aging. They are absolutely magnificent.

I asked him one time, "Are these your ideas of caricatures of other Senators?"

"No. They are caricatures of the debate that is taking place, and how I see that debate, where it starts, where it goes, whether it is conclusive or inconclusive, whether it is fair and whether it is objective."

I have one or two, and I treasure them.

He is a meticulous researcher. Perhaps above all, that research to bear on legislation that he sponsored—and for a while I was not totally in favor of that legislation—but it was legislation that eventually put into law the special operating forces of the United States.

Much of the work of those forces is highly classified, and therefore I cannot discuss it on the floor of the Senate. But the essence of his legislation was to enable our Nation and our Armed Forces to have a cadre of men and women in uniform who were able to perform the most difficult of military tasks, whether it is a task that challenges two or three or a task that challenges a company-sized group of military. And those challenges could come at any time, any moment, anywhere on the globe.

Because of this man's foresight, we have that capability here in the United States. My only suspicion at the time that we used to debate it was whether or not it was not already present in the Armed Forces of the United States and whether or not the command and control should be under, say, the Chief of the Army, the Navy, the Air Force, and the Marine Corps. And he was right; this should be a separate CINC, a separate four-star officer, whose sole responsibility was not to the other services, but to see that this cadre of service persons had the equipment, had the training, had the skills and the fortitude to take on any challenge anywhere in the world.

So I join the others who expressed a note of sadness of his departure, but also a sadness of joy that he and his lovely wife have reclaimed—reclaimed—their lives from public service. He, with nearly a quarter of a century, 24 years in the Congress of the United States, has reclaimed it to go on and have other challenges. I do not doubt for a moment that he will accept the challenges which will enable him to enter into the global policy discussions and other forums of the world as it relates to foreign policy and national security, but also to reclaim perhaps a little more time to spread his genius upon the paper that all of us can share, be it fiction, be it prose, be it poetry, or be it a foreign policy decision. I wish him well.

I yield the floor, Mr. President, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIRING SENATORS

Mr. WARNER. Mr. President, I intended to address the Senate and I shall address the Senate with respect to the distinguished Senator from Alabama who has joined the ranks of those reclaiming his balance of time pursuant to a manner that most befits the desires and the goals of the Senator and his lovely wife.

I did not realize you would be here, Senator. I would not suggest that you deviate from whatever you intended to do while I just have a few words here about my dear friend, but I envy you in many ways.

We could always start out with the thought that he brought to the Senate and to public service for his Nation and his State a knowledge of the law and a respect for the law and an understanding of the law, and an understanding that the Congress of the United States has the responsibility under the Constitution to enact the law. How many times have I heard him say, and others have heard him, that enacting the law is our responsibility—not that of the bureaucrats, the vast army of bureaucrats—to write the regulations. Tenaciously, he has fought for strict adherence of the Constitution in the law of the land and not to delegate it to the army of bureaucrats. Yes, I admire him for that, but I suppose I admire him because of the tremendous admiration and warmth of feeling that other Senators have for him.

I have enjoyed several trips to remote places of the world in connection with military matters, I think, on most occasions, the focal point of the trip. Perhaps that focal point was generated by the somewhat disproportionate size and stature of this great Senator, but more often than not it was because of his display of intellect and grasp of the mission on which we were sent to some remote place on behalf of the interests of the United States and the Senate.

I was always interested when he would come to the floor in connection with appointments to the Federal judiciary, particularly as it related to the Supreme Court of the United States. He, in a very tough, I believe, fair, and objective manner, laid out the qualifications or the absence of qualifications, in his judgment, and the Senate listened. The Senate listened out of profound respect for our colleague. There were times when his great sense of humor and his sense of camaraderie would give away to a parochial interest.

I have seen him exhibit such fervor, particularly in the well of the Senate, as to alarm other Senators to the point that they would go in opposite directions rather than confront him. That happened, Mr. President, more often than not on peanuts. No one in the contemporary history of the Senate has fought harder for the peanut farmer than the distinguished Senator from Alabama. He would seize us by the arm and make certain that we had commitments from fellow Senators as related to peanuts. I enjoy eating peanuts, but there were times in the intensity of that debate that I lost all interest and appetite for peanuts. But there he was, and for good reason. The peanut farmers are small. Nobody has made a fortune in peanuts; never have and never will, in my judgment; that is, the farmer. It represents to him the spirit of American agriculture.

He has served on the Senate Agriculture Committee throughout his entire career in the U.S. Senate. He has a great respect for those who till the soil and love the land that produces the bountiful harvests that we all enjoy, and really accept almost as a matter of right, in this country.

Agriculture is our principal export as it relates to improving the balance of trade.

There sits a Senator like a stone wall to defend the role of the American farmer and the agriculture of this great land. There sits a Senator like a stone wall to protect the freedoms of people, especially those freedoms guaranteed by the Constitution of the United States.

We will miss you, my dear friend. And I thank you for the opportunity to have spoken a few words from the heart in the deepest of gratitude for your friendship and your wisdom that you have so willfully given this country during your distinguished career.

I yield the floor.

Mr. HEFLIN addressed the Chair

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I am deeply humbled to hear the kind words of the distinguished gentleman from Virginia—and he is truly a gentleman from Virginia. I appreciate them very deeply.

My mind goes back, as I think about our friendship, to the early days when we both came to the Senate. On one snowy day in which there were 24 inches of snow on the ground, the scheduled speaker for the reading of George Washington's Farewell Address was Senator JOHN WARNER of Virginia. In order to be here, he had to walk some 2 miles in the snow to get here. I was the Presiding Officer of the Senate on that occasion. I got a ride in a jeep and came about a mile. But Senator WARNER walked all of that way.

Since that time I have been following in his footsteps. He has trod through many minefields, and he has always come out with a great sense of feeling for his fellow man and for his State of Virginia.

So I appreciate very deeply his remarks. I know that he is going to have a long career here in the Senate. I hope that when he does leave, there will be another Senator who will speak words pertaining to agriculture concerning him because he has been a true champion of agriculture and a true champion of Virginia peanut farmers, too.

So I deeply appreciate everything that he said, and I will look forward to many days in the future of having some sort of way of having a connection with him.

Mr. WARNER. Mr. President, if I may slightly revise and correct the record of my good friend, the distance was 4 miles. But, more importantly, the last one-tenth of a mile I was on the back of a tractor. You may recall that the farmers of America had assembled between the Capitol and the Washington Monument and were encamped in that snow with their tractors here on a protest. As I came along Pennsylvania Avenue, one spied me, not knowing I was a Senator but in the true spirit of an American farmer just extended a hand to help, and he put me on the back of the tractor and drove me up the Hill. I arrived in front of the Capitol of the United States on the back of a farm tractor to walk into a Chamber, Mr. President, that was totally empty. No one came from afar except my dear friend from Alabama to hear me deliver George Washington's Farewell Address.

I thank the distinguished Senator for commenting on my career, which I fervently hope is not a farewell address.

I yield the floor, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR NANCY KASSEBAUM

Mr. WARNER. Mr. President, for many years I was privileged to sit in the back row of this side of the Senate next to the distinguished Senator from Kansas, NANCY KASSEBAUM. That was a privilege for this Senator because, as one knows, you often have the opportunity in the course of debate and other times in the Senate to engage in conversation with your colleague that adjoins you. Senator LUGAR was there.

I shall most dearly miss her departure from the Senate. We came to the Senate together. She virtually decided to reclaim her life from public service after a long and distinguished period in the Senate and other responsibilities. I have to recount with some reluctance a story about my first encounter with the distinguished then junior Senator from Kansas. I had been in the Senate only a year or so, and she approached me one day and asked if I would travel to Kansas to give a speech to a local university or college, as the case may be. Memory dims, but memory does not dim on the events of that visit because I was looking forward to meeting her distinguished father, Alfred M. Landon, who was the nominee of the Republican Party for the Presidency of the United States in 1936.

So I had done my homework about her father and very much looked forward to meeting that historic figure. We arrived. I do not recall much about the speech, but we were invited to have lunch with her father.

Now, I have to add that at that time I had a very unusual and beautiful wife, and upon arriving at the KASSEBAUM-Alfred M. Landon household, it quickly became evident to me that I was not invited to come to Kansas to give a speech; it was immaterial whether I was to come or not. What Alfred M. Landon wanted was to meet my wife. That was his sole ambition, sole reason that Senator KASSEBAUM invited me out there.

We stepped on to the front porch of that wonderful, old, quaint house, very unpretentious. The candidate, the Presidential candidate, came out, greeted us and then he took command of the situation. He pointed his finger at me, and he said, "You sit there on the front porch," and pointed his finger at his daughter and said, "You sit there and entertain the Senator. I'm going inside and I'm going to visit with a really historic figure, his wife."

The two of them disappeared. So Nancy and I engaged in some idle conversation, and pretty soon we heard the level of laughter rising steadily to where it was a roar. The noise was rolling out the door of the house, and Nancy said to me, "Something unusual must be taking place." And she walked in to find that—I hesitate to tell the story but it is a true fact —Alf Landon had secreted, shall we say, a bottle that contained certain vapors, certain elixir of life, which he was precluded from enjoying but he secreted for this occasion, and both had taken liberally and were enjoying the benefits of a very excited conversation.

I shall always remember that day. I hardly got a word into the conversation and went back home thinking that perhaps I was not a very important U.S. Senator. But I remember that warm greeting of her father and how well she handled it, and we have been close friends all these many years in the Senate.

I was proud to join other Senators when she broke the logjam and put through historic legislation time and time again relating to matters within the purview of her expertise, particularly the health legislation.

What a gentle person; what a thoughtful person; what a sensitive person. I do not think I ever saw her without a smile on her face. Maybe once. but that was her hallmark, civility—civility that she felt so important for this Chamber and for personal relationships. Yes, a very distinguished legislative career, set of accomplishments, of which her father would have been very proud had he lived to see this, her last day as a U.S. Senator.

We say a fond goodbye to our colleague and wish her well in the next chapter of challenges of life, and hopefully she will, like others, reclaim a little bit of that personal life to share with others of her family, to pursue some joys she has earned through her contributions to our country and to the great State of Kansas.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST— S. 2187

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 2187, which was introduced earlier today by Senator BROWN.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, there also is an Ashcroft amendment that would have been in order on this bill if there had not been objection.

Mr. President, I now ask unanimous consent the Judiciary Committee be discharged from further consideration of S. 2187 regarding the Civil Rights Commission, that the Senate proceed to its immediate consideration, the bill be advanced to third reading and passed, and the motion to reconsider be laid upon the table.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

BLACK REVOLUTIONARY WAR PATRIOTS

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of H.R. 1776, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1776) to require the Secretary of the Treasury to mint coins in commemoration of black Revolutionary War patriots and the 275th anniversary of the first black Revolutionary War patriot, Crispus Attucks.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5428

(Purpose: To provide a complete substitute)

Mr. LOTT. Senator D'AMATO has a substitute amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. D'AMATO, proposes an amendment numbered 5428.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

COMMEMORATIVE COIN BILL

Mr. D'AMATO. Mr. President, today I rise to offer the Commemorative Coin Act of 1996, an amendment to H.R. 1776, the Black Revolutionary War Patriots Act.

This measure incorporates the commemorative coin initiatives that have not only successfully garnered overwhelming support in the Senate, as well as the endorsement of the Citizens Commemorative Coin Advisory Committee, but coin initiatives that have also been unanimously agreed to by the House of Representatives.

Commemorative coins are collectibles that raise the public's awareness of events that molded our Nation, of the personal sacrifice and contribution from outstanding leaders, and of historic sites and fantastic natural monuments.

We have already been successful in achieving our goal of Commemorative Coin reforms. These reforms are the result of the outcry for boycotts among numismatists nationwide and the losses commemorative programs have been experiencing over the last few years. I called for a study of the commemorative coin program by the Government Accounting Office in July 1995. The report was not issued until August 1996.

The message in the report was simple—either take steps to reform commemorative programs or continue on the same path of burdening the taxpayer. After negotiations with the House, we were able to reach an agreement that had the full support of the House, the Senate, the Citizens Commemorative Coin Advisory Committee and the U.S. Mint.

The reforms we now have are based on those sponsored by Representative MICHAEL CASTLE, Chairman of the Subcommittee on Domestic and International Monetary Policy of the Committee on Banking and Financial Services. Congressman CASTLE'S bill, H.R. 2614, which was supported overwhelmingly in the House, served as an appropriate foundation for the reforms. I commend Mr. CASTLE on his guidance and perseverance as it relates to commemorative coin program reforms.

The coin programs that this bill authorizes will give recognition to deserving, influential American citizens and historic figures such as Jackie Robinson, George Washington, Dolley Madison and Franklin Delano Roosevelt. For the first in the history of the Mint's commemorative coin program, we will honor not only the sacrifices and contributions made by African Americans during the Revolutionary War period, but Crispus Attucks, the first African American Revolutionary War patriot and colonist killed during the Boston Massacre.

In addition we will celebrate the 125th anniversary of our country's first national park—Yellowstone National Park. And on a more somber note, we will salute the selfless contributions that our Nation's law enforcement officers and their families have made in preserving public safety. These men and women are not enlisted for battle, yet they risk their lives everyday. And tragically enough, lives are lost so that others may live without the threat of crime.

The production and sale of commemorative coins allows the Treasury a means of decreasing the national deficit. Worthy causes also benefit from funds raised for worthwhile projects.

Yet we are well aware that as the commemorative coin market becomes more and more saturated, it is becoming more and more common for coin programs to post losses, significant losses—in millions of dollars. Profits realized through well received programs end up covering these losses. That is essentially how the Mint's Public Enterprise Fund operates. But, we cannot and should not become completely reliant upon the safety net of the Public Enterprise Fund.

In addition to the commemorative coin provisions, this legislation authorizes a study for the 50 States Circulating Commemorative Coin Programs. This temporary change to our currency could make history as well as teach history. Each State of the Union would be represented on the quarter in the order in which it joined the Union. Representation of all States would end 10 years from the inception of the circulating program.

Mr. President, the time has come to assure that the American taxpayer is protected from losses that commemorative coin programs may experience. The reforms we have adopted will accomplish just that. Simultaneously, those reforms will revitalize the commemorative coin program and preserve the hobby of collecting coins.

Mr. President, I ask unanimous consent that a summary of the amendments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF AMENDMENT

TITLE I

Commemorative Coin Programs

1. Jackie Robinson, commemorating the 50th anniversary of the breaking of the color barrier in major league baseball. Coins for July 1, 1997–July 1, 1998.
2. Dolley Madison, commemorating the 150th anniversary of the death of the wife of the fourth President of the United States. Coins for period 1999.
3. George Washington, commemorating the 200th anniversary of the death of the first President of the United States. Coins for period beginning May 1, 1999 and ending November 31, 1999.
4. Black Revolutionary War Patriots/Crispus Attucks, commemorating the 275th anniversary of the birth of the first American colonist killed in the Revolutionary War and all Black Revolutionary War Patriots. Coins for one year from January 1, 1998 through December 31, 1998.
5. Franklin Delano Roosevelt, commemorating the opening of the FDR Memorial in Washington, D.C. honoring the 32nd President of the United States. Coins for one year from May 15, 1997.
6. Yellowstone National Park, commemorating the 125th anniversary of the establishment of the Yellowstone National Park as the first national park in the United States. Coins for one year starting in 1999.
7. National Law Enforcement Officers Memorial, commemorating the sacrifice and their families in preserving public safety. Coins for one year from December 15, 1997.

TITLE II

National Law Enforcement Officers Memorial Maintenance Fund—establishes a revolving fund to be administered by the Secretary of the Interior.

* * * * *

TITLE IV

The Fifty States Commemorative Coin Study

1. Authorizes a circulating coin program study utilizing the quarter dollar and a design chosen to represent each state as it joined the Union.

Terms of the Members of the Citizens Commemorative Coin Advisory Committee

1. Terms to be limited to four years and to be staggered.
2. Members are not to be considered special Government employees.
3. Amends Section 5131 of Title 31, U.S.C., by striking subsection (c) regarding Presidential appointments.

Mr. WARNER. Mr. President, I rise today to speak in support of two commemorative coins that honor the memory of two great Americans and Virginians—George Washington and Dolley Madison. I have had the opportunity to speak at length in support of the George Washington commemorative coin and refer to my statement in the RECORD on June 20, 1996. However, I have not had the opportunity to speak in support of the Dolley Madison commemorative coin and so I will do so today.

The Dolley Madison commemorative coin will honor the 150th anniversary of her death in 1999. It is remarkable that this will be the first commemorative coin to honor a First Lady and only the third to honor a woman. It is fitting that Dolley Madison will be the first First Lady so honored.

Dolley Madison was, by all accounts, the originator of the role of first lady. She was such a compelling and popular figure that she acted as hostess for the widowed President, Thomas Jefferson, while her husband served as his Secretary of State. Thus, Dolley Madison's term as First Lady effectively extended from 1801 to 1817—over 16 years. Historians have maintained that Dolley Madison is the most famous and beloved of all the first ladies of the 19th century. She was the most important women in Washington through the years of Thomas Jefferson's administration as well as Madison's. By nature kind, ebullient, and gracious—and married to a very shy man—Dolley Madison took on the responsibility of organizing the social activities that are essential to the affairs of state. In so doing, she set the standard for every first lady to come. This was more than throwing nice parties—it was the bridge between the work of official Washington and the private social life of the President and his family.

Dolley Madison was also a woman of action and decisiveness. During the War of 1812, when invading British troops burned the White House, Dolley Madison, at great personal risk, saved many important documents, books, and other materials from the White House, including an historic portrait of George Washington which she saved by rolling it up in a curtain as she departed. Dolley Madison's patriotism and civic bravery during this crisis of war were an inspiration to all and provided a much needed boost of morale to our beleaguered capital.

Dolley Madison was forced to sell the 2,700 acre estate at Montpelier in 1844. The estate changed hands 7 times before being bequeathed to the National Trust for Historic Preservation in 1984. Today, Montpelier consists of 2,700 acres: the 75 room main house, over 130 outbuildings, significant garden and landscape features, 800 acres of pasture and woodlands, and 200 acres of old-growth forest which have been identified as a national natural landmark.

Funds from the Dolley Madison commemorative coin, after the U.S. Mint recovers all its costs, will be used to preserve James and Dolley Madison's estate, Montpelier. The 5-year plan envisioned by the National Trust for Historic Preservation will include a Montpelier museum and the Madison center which will join forces to serve and educate the visiting public.

Mr. President, I strongly urge all Members to support this important legislation honoring these two great Americans and making possible the continued education of the American people about their accomplishments and contributions to our Nation.

THE BLACK REVOLUTIONARY WAR PATRIOTS

Mr. CHAFEE. Mr. President, I am delighted to note the passage of legislation I introduced with Senator MOSELEY-BRAUN to authorize the U.S. Mint to create a coin commemorating Crispus Attucks and the more than 5,000 African-American patriots who fought and died during the Revolutionary War. Our bill, S. 953, known as the Black Revolutionary War Patriots Commemorative Coin Act, was cosponsored by 63 Senators from both sides of the aisle and every region of our Nation. After approval by the Citizens' Commemorative Coin Advisory Commission, the companion bill, introduced by Representative NANCY JOHNSON, was approved unanimously by the House of Representatives.

In 1986, Congress approved construction on the National Mall of a memorial celebrating the lives of the African-American men and women who served, fought, and died during our Nation's Revolutionary War. Ironically, many of these brave Americans never experienced the freedom and independence for which they fought. A portion of the proceeds from sales of the coin will help to pay for construction of a memorial recognizing the contribution of these brave Americans.

As children in school, we all learn that Crispus Attucks was the first person to lose his life at the outbreak of the Revolutionary War, but few of us learn about the valor and sacrifice of thousands of others who willingly fought to free a land that deprived them of freedom. Harriet Beecher Stowe put it this way,

> They served a nation which did not acknowledge them as citizens and equals * * *. It was not for their own land they fought, but for a land that enslaved them. Bravery under such circumstances, has particular beauty and merit.

The vast majority of African-Americans who served in the Continental Army were from New England, and a great number were from my State of Rhode Island. In fact, in 1778, Rhode Island approved the first slave enlistment act and the Black Regiment of Rhode Island was formed. This was one of only two all African-American regiments. The other was the Bucks of America of Boston.

Not only did these men serve our Nation, they served with distinction. Regrettably throughout our history, their valor has been overlooked and nearly forgotten. Men like Jack Sisson of Rhode Island, who expertly steered one of five boats involved in the daring capture of British Maj. Gen. Richard Prescott at Newport in 1777, are barely mentioned in historical reports of the incident.

Jack Sisson went on to join a regiment of some 200 African-American soldiers from my State, who, at the battle of Rhode Island, held their ground against several fierce attacks by British-Hessian forces, thereby allowing 6 American brigades to retreat. With scant training, but abundant courage, the First Rhode Island Regiment inflicted casualties of 6 to 1 on the professional troops of the Redcoats.

Like African-American soldiers throughout the colonies, however, the soldiers of Rhode Island's First Regiment faced tragedy as well as triumph. In May, 1781, the unit suffered a surprise attack by the British cavalry at Pines Bridge, and 40 soldiers lost their lives. Two years later, the regiment was disbanded unceremoniously in Oswego, NY. According to the historian John Harmon, the soldiers were told to find their own way home, and many died while making the trip. Further, despite the promise of freedom which had been made in order to entice them to enlist, tragically, some of the soldiers were actually re-enslaved after their return.

Now, with the passage of this commemorative coin legislation, a monument honoring these forgotten patriots can be constructed on our Nation's Mall. The design for the memorial was approved recently, funds are being raised by the Patriots Foundation, and the recognition that these brave Americans deserve is near at hand.

I would like to give special thanks to Chairman D'AMATO and the majority leader who recognized the importance of this coin bill and took the steps necessary to enable its passage.

Mr. JOHNSTON. Mr. President, I would like to make a few comments regarding H.R. 1776, the commemorative coin bill which has recently taken a great deal of the time of a number of Senators. In an effort to come to agreement on this package which contains coins for a number of very worthy causes, the bill directs that a marketing study be undertaken prior to the commencement of the Fifty State Coin Program.

Mr. President, I would like to clarify to my colleagues that this language is intended to ensure that this coin program will be successful. To that end it is very important that the U.S. Mint, which has the expertise in coin marketing, direct the study. In addition, language has been included in the package that directs that funds to pay for this study come from discretionary funds of the Department of the Treasury, and not from the U.S. Mint. Many Senators have not been satisfied with the conduct of the debate on this issue, and this language makes it clear that funds for this compromise study will not come from proceeds of the coin programs used to fund U.S. Mint operations, but rather from the Treasury Department.

Mr. GRAHAM. Mr. President, I wish to thank all the people who worked hard on this issue. It sounds like a fairly simple process, to authorize the issuance of a commemorative coin. We have all found it is not such a simple process.

One of those coins with which I am particularly involved relates to issuing a coin on the 200th anniversary of the passing of our first President, George Washington, the proceeds to be used for the restoration and enhancement of his home at Mount Vernon.

I appreciate the efforts of Senator D'AMATO and the others who have worked to see that this legislation is adopted. There are many thousands of people who will be very pleased at this action we are about to take.

I thank my colleagues for this very significant step.

Mr. LOTT. Mr. President, I yield to Senator D'AMATO, who, as chairman of the Banking Committee, has certainly been intimately involved in this. As a general rule, they do not let a lot of these coin bills go through without a lot of very serious consideration and careful thought and preparation. But these are good ones. You have certainly done an excellent job bringing it to this point, and we congratulate you.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I thank the leader for his patience and help, and our Democratic leader as well, for joining Senator GRAHAM and all those Senators who worked to bring us to this point.

This legislation not only accomplishes some magnificent goals in commemorating some wonderful Americans and various events—Jackie Robinson, among those—but, in addition, will raise money for some very worthy causes like the Jackie Robinson Foundation to help needy students. It has already provided scholarships for 400 children.

One last thought. This package is a very carefully worked out reform package that Congressman CASTLE, our colleague in the House, has worked on to achieve what I think will streamline this process so it will be a credit to the Congress in future deliberations as they relate to which coins should we be commemorating and how do we go about this, instead of a haphazard scattergun manner.

I thank both of the leaders. Not only do we mint various coins—it does provide for that—but also sets up a procedure which will bring much more order to this House as well as to the House of Representatives. I thank both leaders.

Mr. President, the majority leader has spoken, I think, well for all of us. This was a major undertaking. I applaud the leadership of the distinguished chairman of the committee, the Senator from Florida, and so many others who have had a part to play in making this happen.

This was the first of a series of bills that we are able to pass this afternoon. It is passing in large measure because of the extraordinary work and cooperation on both sides of the aisle.

This is a good bill. It is important that we pass it today. I am delighted that one of the last things we are doing is passing H.R. 1776.

Mr. LOTT. Mr. President, I congratulate one and all who have been involved in development of this legislation—Senator D'AMATO, Senator WARNER, and Senator GRAHAM of Florida. They have all been very interested in this. We are glad we were able to get it cleared and through this process.

I think it is good legislation and a good effort.

Mr. President, I ask unanimous consent the amendment be agreed to, the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The amendment (No. 5428) was agreed to.

The bill (H.R. 1776), as amended, was deemed read for a third time and passed.

DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

Mr. LOTT. Mr. President I ask unanimous consent the Senate immediately proceed to the consideration of H.R. 4137, a bill to combat drug-facilitated crimes of violence, including sexual assaults, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4137) to combat drug-facilitated crimes of violence, including sexual assaults.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5429

(Purpose: To propose a substitute)

Mr. LOTT. Mr. President, Senators HATCH, BIDEN, and COVERDELL have a substitute amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. HATCH, for himself, Mr. BIDEN, and Mr. COVERDELL, proposes an amendment numbered 5429.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Induced Rape Prevention and Punishment Act of 1996".

SEC. 2. PROVISIONS RELATING TO USE OF A CONTROLLED SUBSTANCE WITH INTENT TO COMMIT A CRIME OF VIOLENCE.

(a) PENALTIES FOR DISTRIBUTION.—Section 401(b) of the Controlled Substances Act is amended by adding at the end the following:

"(7) PENALTIES FOR DISTRIBUTION.—

"(A) IN GENERAL.—Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18, United States Code (including rape), against an individual, violates subsection (a) by distributing a controlled substance to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18, United States Code.

"(B) DEFINITION.—For purposes of this paragraph, the term 'without that individual's knowledge' means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual.".

(b) ADDITIONAL PENALTIES RELATING TO FLUNITRAZEPAM.—

(1) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(A) in subsection (b)(1)(C), by inserting ", and

(B) in subsection (b)(1)(D), by inserting "or 30 milligrams of flunitrazepam," after "schedule III,".

(2) IMPORT AND EXPORT PENALTIES.—

(A) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting "or flunitrazepam" after "I or II".

(B) Section 1010(b)(3) of the Controlled substances Import and Export Act (21 U.S.C. 960(b)) is amended by inserting "or flunitrazepam," after "I or II,".

(C) Section 1010(b)(4) of the Controlled Substance Import and Export Act is amended by inserting "(except a violation involving flunitrazepam)" after "III, IV, or V,".

(3) SENTENCING GUIDELINES.—

(A) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend as appropriate the sentencing guidelines for offenses involving flunitrazepam.

(B) SUMMARY.—The United States Sentencing Commission shall submit to the Congress—

(i) a summary of its review under subparagraph (A); and

(ii) an explanation for any amendment to the sentencing guidelines made under subparagraph (A).

(C) SERIOUS NATURE OF OFFENSES.—In carrying out this paragraph, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenses involving flunitrazepam reflect the serious nature of such offenses.

(c) INCREASES PENALTIES FOR UNLAWFUL SIMPLE POSSESSION OF FLUNITRAZEPAM.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after "exceeds 1 gram." the following: "Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both."

SEC. 3. STUDY ON RESCHEDULING FLUNITRAZEPAM.

(a) STUDY.—The Administrator of the Drug Enforcement Administration shall, in consultation with other Federal and State agencies, as appropriate, conduct a study on the appropriateness and desirability of rescheduling flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the administrator shall submit to the Committees on the Judiciary of the House of Representatives and the Senate the results of the study conducted under subsection (a), together with any recommendations regarding rescheduling of flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

SEC. 4. EDUCATIONAL PROGRAM FOR POLICE DEPARTMENTS.

The Attorney General may—

(1) create educational materials regarding the use of controlled substances (as that term is defined in section 102 of the Controlled Substances Act) in the furtherance of rapes and sexual assaults; and

(2) disseminate those materials to police departments throughout the Unites States.

Mr. HATCH. Mr. President, the bill we are considering today is a substitute offered by Senators COVERDELL, BIDEN and myself to the House-passed Drug-Induced Rape Prevention and Punishment Act, H.R. 4137, authored by my good friend and colleague, Representative GERRY SOLOMON of New York, chairman of the Rules Committee.

It is my understanding that this amendment has been cleared on both sides, and is acceptable to the House, so I am hopeful it can quickly win final approval and be sent to the President for signature.

Mr. President, it is clear to this member that the Congress must address the horrible problem of date rape before we adjourn for the year. Reports of date rapes appear to be on the rise. These cases are not confined to Rohypnol—other drugs have also been implicated—but many of the instances brought to our attention do involve "roofies," as they are called on the street. These offenses are violent crimes against women. I find the situation deplorable.

Our amendment is a strike back at those who would use controlled substances to engage in what can only be considered a most reprehensible crime, to sedate, then violate, unsuspecting women. We must redouble our efforts to discourage and punish illegal behavior that can have such drastic consequences.

Accordingly, the bill provides new penalties of up to 20 years imprisonment, and fines in accordance with Title 18, U.S.C., for persons with the intent to commit a crime of violence—including rape—by distributing any controlled substance to another individual without that person's knowledge.

In addition, additional penalties are also imposed with specific reference to flunitrazepam, sold under the trade name Rohypnol. In general, these penalties are equivalent to those of Schedule I controlled substances, which include the possibility of imprisonment up to 20 years for individuals who knowingly or intentionally manufacture, distribute, or dispense one gram of flunitrazepam, or 5 years for 30 milligrams. The bill also enhances penalties for the simple possession or illegal importation of flunitrazepam.

Since many versions of this bill have been proposed, I wanted to take this opportunity to review the history of this legislation. As my colleagues are aware, on August 2, Senator HUTCHINSON and I introduced S. 2040, the Drug-Induced Rape Prevention Act. Our bill was cosponsored by Senators MOSELEY-BRAUN and SPECTER.

During consideration of the Treasury-Postal appropriations bill, Senator BIDEN offered an amendment to reschedule Rohypnol to schedule I of the Controlled Substances Act. Senator COVERDELL and I—believing that it was inappropriate to reschedule Rohypnol, a drug legally marketed in over 60 countries, to a category defined as "no medical use," offered a substitute amendment to that bill, neither of which had been voted upon when the Senate suspended debate on the Treasury-Postal bill and subsequently folded it into the omnibus appropriations bill.

On the topic of reschheduling, it is important for my colleagues to be aware that Rohypnol is not sold legally in the United States. However, it is sold legally overseas. A unilateral effort on the part of the United States to reschedule the drug to the category of "no medical use" could negatively affect the legitimate access to this drug oversees. Since schedule I is the most restrictive category, which is reserved for the drugs which have a high potential for abuse, drugs which have no currently accepted medical use in treatment, and drugs for which there is a lack of accepted safety for use under medical supervision, I believe it would be improper for Congress to place Rohypnol in schedule I. The regulations and controls placed on schedule I substances—controls, I might add, which are warranted for drugs which fall into this category—effectively remove these substances from the health care market.

The schedule I standards clearly do not apply to Rohypnol, a member of the benzodiazepene class, which generally falls within the less restrictive schedule IV. Congressional rescheduling—an action seldom taken—of this drug would indicate to other countries that the United States believes there is no medical use for Rohypnol. In fact, there are legitimate medical uses for Rohypnol. So, too, are there legitimate medical uses of many other drugs not currently approved for sale in the United States. To make any medically accepted drug a schedule I substance because it is being used illegally would be a troubling precedent for our Nation's health care system. What drugs would be next? What other drugs will be put beyond the reach of doctors and their patients because Congress chose to act hastily?

On September 26, the House passed, 421 to 1, H.R. 4137, a compromise bill authored by Representative SOLOMON, which many of us on this side of the aisle respected for its tough penalties.

However, as we encountered with the recently passed bill to curb methamphetamine abuse, certain Senators on the Democratic side refused to clear any bill with mandatory minimum sentences, and thus we were forced to amend the House bill.

For the record, I continue to prefer mandatory minimum sentences as a sure deterrent to crime. However, in this case as with the meth bill, I believe it is preferable to yield temporarily on that point in order to get a final agreement before adjournment.

The bill we consider today contains the text of the Hatch/Coverdell amendment from September 12, with three provisions taken from the House bill. It includes the House language requiring the U.S. Sentencing Commission to review and amend the sentencing guidelines for offenses involving Rohypnol. It also includes the House provision calling for a study on rescheduling of Rohypnol, and an educational program for police departments on the use of controlled substances in the furtherance of rapes and sexual assaults.

The substitute is similar to the House-passed measure, in that it increases penalties for possession of Rohypnol and use of the drug in violent crimes, including rape. It does not, however, reschedule the drug, or impose mandatory minimum sentences.

In closing, Mr. President, I must underscore that the intent of our effort is simple: to fortify our arsenal so that law enforcement has the tools it needs to fight the heinous crime of date rape. The Federal Government must show that it will not tolerate the use of any drug to facilitate rape. It is necessary and prudent that the Congress act on this important legislation.

I want to thank my colleagues for their work on this important, bipartisan bill. I urge the Senate to pass this important measure.

Mr. President, I ask unanimous consent that a summary of the legislation which passed be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF H.R. 4137, THE DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT AS PASSED BY THE SENATE, OCTOBER 2, 1996

Short title: The title of the bill is the "Drug-Induced Rape Prevention and Punishment Act of 1996".

Provisions relating to use of any controlled substance with intent to commit a crime of violence: The bill provides new penalties of up to 20 years imprisonment, and fines in accordance with Title 18, U.S.C., for persons who intend to commit a crime of violence (including rape), by distributing a controlled substance to another individual without that individual's knowledge.

Specific penalties for rohypnol: Additional penalties are also imposed with specific reference to flunitrazepam, sold under the trade name Rohypnol. In general, these penalties are equivalent to those of Schedule I controlled substances, which generally include the possibility of imprisonment up to 20 years for individuals who knowingly or intentionally manufacture, distribute, or dispense one gram of flunitrazepam, or up to 5 years for 30 milligrams. [Note: the penalties are higher if the person has a prior conviction or if death or serious bodily injury results from the use of the substance.]

Penalties for import and export of flunitrazepam: The Controlled Substances Act provision relating to import or export are also amended, so that penalties for violations involving Rohypnol, are equivalent to penalties for Schedule I drugs.

Sentencing guidelines: The United States Sentencing Commission is directed to review and amend, as appropriate, the sentencing guidelines for offenses involving flunitrazepam so that the guidelines reflect the serious nature of such crimes.

Simple possession of Rohypnol: A new penalty is added of up to three years' imprisonment, or a fine, or both, for simple possession of Rohypnol.

Education program for police officers: A new program is established to provide police departments with educational materials on the use of controlled substances during rapes and sexual assaults.

Study: A Federal/State study on whether Rohypnol should be scheduled in a more restrictive category under the Controlled Substances Act will be submitted to the Congress within six months of the bill's enactment.

Mr. BIDEN. Mr. President, I rise in support of the substitute language offered by myself and Senator HATCH. This substitute is offered for a simple reason, the House-passed bill cannot and will not pass the Senate. I must also point out that while I obviously support the language I am co-sponsoring with Senator HATCH and others, this bill leaves a serious shortfall that must be addressed next year.

This shortfall is the failure of this legislation to take the single most important step we can to combat the rise of Rohypnol, the "date-rape" drug—that step is to shift this drug to schedule 1 of the Federal Controlled Substances Act. Why is rescheduling so important?

Rescheduling is important for three simple reasons: First, Federal rescheduling triggers increases in State drug law penalties, and since we all know that more than 95 percent of all drug cases are prosecuted at the State level, not by the Federal Government, it is vitally important that we re-schedule. Second, Federal rescheduling to schedule 1 triggers the toughest Federal penalties. And, third, rescheduling has proven to work, in 1984, I worked to reschedule Quaaludes, Congress passed the law, and the Quaalude epidemic was greatly reduced and, in 1990, I worked to re-schedule steroids, Congress passed the law, and again a drug epidemic that had been on the rise was reversed.

Still, despite the fact that this bill does not reschedule Rohypnol, I believe that it is important to pass this legislation because it takes the necessary and needed step of adding a new Federal offense for the crime of using a drug to commit any crime of violence—an offense that is punishable by up to 20 years behind bars.

This bill also calls on the DEA Administrator to make a recommendation on rescheduling Rohypnol to the Congress within 180 days. I am confident that the DEA Administrator will recommend the step I have been calling for more than a year—rescheduling Rohypnol to schedule 1. The fact is that the DEA Administrator has already formally recommended schedule 1 to the Department of Health and Human Services which is now beginning the lengthy process of its formal review of the recommendation. This is the standard process for an administrative rescheduling, and in most cases, I believe it is appropriate—but, when we are faced with immediate and clear dangers, I do not believe that it is wise for Congress to refuse to take action.

To offer a few more details about the importance of rescheduling Rohypnol, allow me to make a few more points.

First, rescheduling Rohypnol is the most effective way to get State and local law enforcement to focus on Rohypnol—given the limited amount of resources for fighting drugs, cops focus on those deemed most dangerous and these are the drugs found in schedules 1 and 2.

Second, and as I have stated, many State drug laws are triggered by the Federal Government's scheduling system. The Uniform Controlled Substances Act provides that when the Federal Government reschedules a drug, the States which have signed this Uniformity Act will automatically have their State drug penalties changed to match the Federal penalties.

In other words, without action on our part to reschedule, many States will not be able to address this problem until it is too late and Rohypnol has already infiltrated their communities.

Third, I have heard some critics of my rescheduling proposal argue that rescheduling is wrong because Rohypnol is a medically accepted drug in other parts of the world. In response, I would simply point out that in 1984 when Congress rescheduled Quaaludes, they were a medically accepted drug right here in the United States.

What is more, unlike the action taken on Quaaludes—in which Congress saw fit to go so far as to ban previously legal sales of the drug in this country—the rescheduling of Rohypnol in the United States will not hurt medical use here in America because there is no legal use of Rohypnol in America now. Doctors cannot prescribe this drug.

The bottom line is that the Congress will be debating the rescheduling issue all over again in 6 months. I regret this delay. I abhor this delay. This delay has the potential of leaving more children in danger. But, this is the reality of the situation we face because of one simple reason—a huge, foreign company that manufactures Rohypnol does not want America to reschedule their drug, even though this company does not—indeed cannot—sell this drug in America.

It is just as simple as that, because a company is afraid of losing some money, the effort to bring the maximum power of Federal law against the date rape drug has been defeated. I think we should take the partial step we are taking today, I think it is a positive that the Congress has agreed to accept a formal recommendation from the DEA Administrator, I believe that will ultimately be persuasive enough to gain a majority to support rescheduling, but let no one be under any misunderstanding that what we do today is all we should be doing to control the epidemic of the date rape drug.

Mr. HELMS. Mr. President, I am gratified that the U.S. Senate today passed S. 1612, a bill I introduced on March 13, 1996, stipulating that a 5-year mandatory minimum sentence shall be imposed upon any criminal possessing a firearm during and in relation to the commission of a violent or drug trafficking crime.

I'm informed that this bill will be approved by the House this afternoon, unless there is strong opposition by a Member of that body. If and when signed by the President, it will obviously crack down on criminals who possess a gun while committing violent felonies and/or drug trafficking offenses. In short, it will ensure that criminals possessing a firearm while committing a violent or drug trafficking felony shall receive stern and inescapable punishment.

This is common sense, Mr. President; violent felons who possess firearms are more dangerous than those who don't

This legislation builds upon existing Federal law providing that a person who, during a Federal crime of violence and/or drug trafficking crime, uses or carries a firearm shall be sentenced to 5 years in prison, a law that has been used effectively by Federal prosecutors across the country.

However, a December 1995 U.S. Supreme Court decision undermined the efforts of prosecutors to use this statute effectively—the Supreme Court's decision, Bailey versus United States, interpreted the law to require that a violent felon actively employ a firearm as a precondition of receiving an additional 5-year sentence. The Court in Bailey held that the firearm must be brandished, fired, or otherwise actively used before the additional 5-year sentence may be imposed. So, if a criminal merely possesses a firearm, but doesn't fire or otherwise use it, he gets off without the additional 5-year penalty.

Mr. President, this Supreme Court decision posed serious problems for law enforcement. It weakened the Federal criminal law and lead to the early release of hundreds of violent criminals. Before this Supreme Court's error of judgment—in the Bailey versus United States decision—armed criminals committing violent or drug trafficking felonies were jailed for an additional 5 years, regardless of whether they actively employed their weapons.

But when the Court's decision was announced, hardened criminals across America were overjoyed by the prospect of prison doors swinging open for them. And sure enough, since the Bailey decision last December 6, hundreds of criminals have indeed been set free.

As a result of the Court's decision, any thug who hid a gun under the back seat of his car, or who stashed a gun with his drugs, escaped the additional 5-year penalty. But in fact, Mr. President, firearms are the tools of the trade of most drug traffickers. Weapons clearly facilitate the criminal transactions and embolded violent thugs to commit their crimes.

I believe that mere possession of a firearm, during the commission of a violent felony—even if the weapon is not actively used—should nonetheless be punished—because of the heightened risk of violence when firearms are present. In its opinion, the Supreme Court observed, "Had Congress intended possession alone to trigger liability * * * it easily could have so provided." That, Mr. President, is precisely the intent of this legislation—to make clear that possession alone does indeed trigger liability.

So this legislation retains the 5 year mandatory—repeat, mandatory—sentences for violent armed felons, and it expands the penalty to apply in the case of possession. In addition, it directs the United States Sentencing Commission to consider strengthening the penalty when a criminal discharges a firearm in furtherance of a heinous crime.

As originally introduced, S. 1612 would have boosted the mandatory sentence to 10 years; 20 years if the weapon was discharged; and the death penalty or a mandatory life sentence if someone was killed during the crime. However, some Senators—perhaps responding to blandishments from the lobbyists at A.C.L.U.—objected to heightened mandatory sentences. So I scaled them back—reluctantly—and with the leadership and expertise of the distinguished Senator from Ohio [Mr. DEWINE], this essential legislation was passed. Representative SUE MYRICK'S guidance in the House of Representatives also has been indispensable.

Mr. President, this bill is a necessary and appropriate response to the Supreme Court's judicial limitation of the mandatory penalty for gun-toting criminals. According to Sentencing Commission statistics, more than 9,000 armed violent felons were convicted from April, 1991, through October, 1995. In North Carolina alone, this statute was used to help imprison over 800 violent criminals. We must strengthen law enforcement's ability to use this strong anti-crime provision.

Fighting crime is, and must be, a top concern in America. It has been estimated that one violent crime is committed every 16 seconds in the United States. We must fight back with the most severe punishment possible for those who terrorize law-abiding citizens. Enactment of this legislation removes one of the roadblocks between a savage criminal act and swift, certain punishment. It is a necessary step toward recommitting our Government and our citizens to a real honest-to-God war on crime.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be deemed read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5429) was agreed to.

The bill (H.R. 4137), as amended, was deemed read for a third time and passed.

FEDERAL COURTS IMPROVEMENT ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 547, S. 1887, to make improvements in the operation and administration of the Federal courts.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1887) to make improvements in the operation and administration of the Federal courts and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Improvement Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

Sec. 101. New authority for probation and pretrial services officers.
Sec. 102. Tort Claims Act amendments relating to liability of Federal public defenders.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Duties of magistrate judge on emergency assignment.
Sec. 202. Consent to trial in certain criminal actions.
Sec. 203. Venue in civil actions.
Sec. 204. Registration of judgments for enforcement in other districts.
Sec. 205. Vacancy in clerk position; absence of clerk.
Sec. 206. Diversity jurisdiction.
Sec. 207. Bankruptcy Administrator Program.
Sec. 208. Removal of cases against the United States and Federal officers or agencies.
Sec. 209. Appeal route in civil cases decided by magistrate judges with consent.
Sec. 210. Reports by judicial councils relating to misconduct and disability orders.
Sec. 211. Protective orders; sealing of cases; disclosure of information.

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Senior judge certification.
Sec. 302. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.
Sec. 303. Judicial administrative officials retirement matters.
Sec. 304. Bankruptcy judges reappointment procedure.
Sec. 305. Carrying of firearms.
Sec. 306. Technical correction related to commencement date of temporary judgeships.
Sec. 307. Full-time status of court reporters.
Sec. 308. Court interpreters.
Sec. 309. Technical amendment related to commencement date of temporary bankruptcy judgeships.

Sec. 310. Contribution rate for senior judges under the judicial survivors' annuities system.
Sec. 311. Prohibition against awards of costs, including attorneys fees, and injunctive relief against a judicial officer.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 401. Increase in civil action filing fee.
Sec. 402. Interpreter performance examination fees.
Sec. 403. Judicial panel on multidistrict litigation.
Sec. 404. Disposition of fees.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

Sec. 501. Parties' consent to bankruptcy judge's findings and conclusions of law.
Sec. 502. Qualification of Chief Judge of Court of International Trade.
Sec. 503. Judicial cost-of-living adjustments.

TITLE VI—MISCELLANEOUS

Sec. 601. Participation in judicial governance activities by district, senior, and magistrate judges.
Sec. 602. The Director and Deputy Director of the administrative office as officers of the United States.
Sec. 603. Removal of action from State court.
Sec. 604. Federal judicial center employee retirement provisions.
Sec. 605. Abolition of the special court, Regional Rail Reorganization Act of 1973.
Sec. 606. Place of holding court in the District Court of Utah.
Sec. 607. Exception of residency requirement for district judges appointed to the Southern District and Eastern District of New York.
Sec. 608. Extension of civil justice expense and delay reduction reports on pilot and demonstration programs.
Sec. 609. Extension of arbitration.
Sec. 610. State Justice Institute.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (8)(B);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

"(9) if approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe; and".

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) If approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe.".

SEC. 102. TORT CLAIMS ACT AMENDMENTS RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.

Section 2680 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(o) Any claim for money damages for injury, loss of liberty, loss of property, or personal injury or death arising from malpractice or negligence of an officer or employee of a Federal Public Defender Organization in furnishing representational services under section 3006A of title 18.".

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY ASSIGNMENT.

The first sentence of section 636(f) of title 28, United States Code, is amended by striking out "(a) or (b)" and inserting in lieu thereof "(a), (b), or (c)".

SEC. 202. CONSENT TO TRIAL IN CERTAIN CRIMINAL ACTIONS.

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

(A) by inserting ", other than a petty offense," in the first sentence after "misdemeanor"; and

(B) by striking out the third sentence and inserting in lieu thereof the following: "The magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record.".

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.".

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out ", and" at the end of paragraph (3) and inserting in lieu thereof a semicolon;

(2) by redesignating paragraph (4) as paragraph (5) and by striking out "or infraction" in such paragraph and inserting in lieu thereof ", other than a petty offense,"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the power to enter a sentence for a petty offense; and".

SEC. 203. VENUE IN CIVIL ACTIONS.

(a) IN GENERAL.—Section 1392 of title 28, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 1392. Property in different districts in same State";

(2) by striking out subsection (a); and

(3) in subsection (b) by striking out "(b)".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 87 of title 28, United States Code, is amended by amending the item relating to section 1392 to read as follows:

"1392. Property in different districts in same State.".

SEC. 204. REGISTRATION OF JUDGMENTS FOR ENFORCEMENT IN OTHER DISTRICTS.

(a) IN GENERAL.—Section 1963 of title 28, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 1963. Registration of judgments for enforcement in other districts";

(2) in the first sentence—

(A) by striking out "district court" and inserting in lieu thereof "court of appeals, district court, bankruptcy court,"; and

(B) by striking out "such judgment" and inserting in lieu thereof "the judgment"; and

(3) by adding at the end thereof the following new undesignated paragraph:

"The procedure prescribed under this section is in addition to other procedures provided by law for the enforcement of judgments.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 125 of title 28, United States Code, relating to section 1963 is amended to read as follows:

"1963. Registration of judgments for enforcement in other districts.".

SEC. 205. VACANCY IN CLERK POSITION; ABSENCE OF CLERK.

(a) IN GENERAL.—Section 954 of title 28, United States Code, is amended to read as follows:

"§ 954. Vacancy in clerk position; absence of clerk

"When the office of clerk is vacant, the deputy clerks shall perform the duties of the clerk in the name of the last person who held that office. When the clerk is incapacitated, absent, or otherwise unavailable to perform official duties, the deputy clerks shall perform the duties of the clerk in the name of the clerk. The court may designate a deputy clerk to act temporarily as clerk of the court in his or her own name.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 28, United States Code, relating to section 954 is amended to read as follows:

"954. Vacancy in clerk position; absence of clerk.".

SEC. 206. DIVERSITY JURISDICTION.

(a) IN GENERAL.—Section 1332 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out "$50,000" and inserting in lieu thereof "$75,000"; and

(2) in subsection (b) by striking out "$50,000" and inserting in lieu thereof "$75,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 90 days after the date of enactment of this Act.

SEC. 207. BANKRUPTCY ADMINISTRATOR PROGRAM.

(a) APPOINTMENT OF TRUSTEES.—Until the amendments made by subtitle A of title II of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note; Public Law 99–554; 100 Stat. 3097) become effective in a judicial district and apply to a case, a bankruptcy administrator appointed to serve in the district pursuant to section 302(d)(3)(I) of such Act, as amended by section 317(a) of the Federal Courts Study Committee Implementation Act of 1990 (Public Law 101–650; 104 Stat. 5115), shall appoint the trustees, examiners, and standing trustees notwithstanding the references in those sections of title 11, United States Code, to appointments by the court.

(b) STANDING TRUSTEES.—A bankruptcy administrator who has appointed a standing trustee pursuant to subsection (a) of this section shall fix the standing trustee's maximum annual compensation and percentage fee, subject to the limitations set out in sections 1202 and 1302 of title 11, United States Code, as amended by section 110 of the Federal Employee Pay Comparability Act of 1990 (Public Law 101–509; 104 Stat. 1427, 1452). The bankruptcy administrator shall fix the maximum annual compensation and percentage fee notwithstanding the references in those sections of title 11, United States Code, to the court's fixing them.

(c) SERVICE AS TRUSTEE.—A bankruptcy administrator may serve as and perform the duties of a trustee in a case under chapter 7 of title 11, United States Code, if none of the members of the panel of private trustees is disinterested and willing to serve as trustee in the case. A bankruptcy administrator may serve as and perform the duties of a trustee or standing trustee in cases under chapter 12 or chapter 13 of title 11, United States Code, if necessary.

(d) APPOINTMENT OF COMMITTEES.—Until the amendments made by subtitle A of title II of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 become effective in a judicial district and apply to a case, the bankruptcy administrator appointed to serve in the district shall appoint the committees of creditors and equity security holders provided in section 1102 of title 11, United States Code. The bankruptcy administrator shall appoint the committees notwithstanding the references in those sections of title 11, United States Code, to appointments by the court.

SEC. 208. REMOVAL OF CASES AGAINST THE UNITED STATES AND FEDERAL OFFICERS OR AGENCIES.

(a) IN GENERAL.—Section 1442 of title 28, United States Code, is amended—

(1) in the section heading by inserting "**or agencies**" after "**officers**"; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking out "persons"; and

(B) in paragraph (1) by striking out "Any officer of the United States or any agency thereof, or person acting under him, for any act under color of such office" and inserting in lieu thereof "The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 28, United States Code, is amended by amending the item relating to section 1442 to read as follows:

"1442. Federal officers and agencies sued or prosecuted.".

SEC. 209. APPEAL ROUTE IN CIVIL CASES DECIDED BY MAGISTRATE JUDGES WITH CONSENT.

Section 636 of title 28, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3) by striking out "In this circumstance, the" and inserting in lieu thereof "The";

(B) by striking out paragraphs (4) and (5); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5); and

(2) in subsection (d) by striking out ", and for the taking and hearing of appeals to the district courts,".

SEC. 210. REPORTS BY JUDICIAL COUNCILS RELATING TO MISCONDUCT AND DISABILITY ORDERS.

Section 332 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) No later than January 31 of each year, each judicial council shall submit a report to the Administrative Office of the United States Courts on the number and nature of orders entered under this section during the preceding calendar year that relate to judicial misconduct or disability.".

SEC. 211. PROTECTIVE ORDERS; SEALING OF CASES; DISCLOSURE OF INFORMATION.

(a) SHORT TITLE.—This section may be cited as the "Sunshine in Litigation Act of 1996".

(b) PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS RELATING TO PUBLIC HEALTH OR SAFETY.—Chapter 111 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§1659. Protective orders and sealing of cases and settlements relating to public health or safety

"(a)(1) A court shall enter an order under rule 26(c) of the Federal Rules of Civil Procedure restricting the disclosure of information obtained through discovery or an order restricting access to court records in a civil case only after making particularized findings of fact that—

"(A) such order would not restrict the disclosure of information which is relevant to the protection of public health or safety; or

"(B)(i) the public interest in disclosure of potential health or safety hazards is clearly outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

"(ii) the requested protective order is no broader than necessary to protect the privacy interest asserted.

"(2) No order entered in accordance with the provisions of paragraph (1) shall continue in effect after the entry of final judgment, unless at or after such entry the court makes a separate particularized finding of fact that the requirements of paragraph (1) (A) or (B) have been met.

"(b) The party who is the proponent for the entry of an order, as provided under this section, shall have the burden of proof in obtaining such an order.

"(c)(1) No agreement between or among parties in a civil action filed in a court of the United States may contain a provision that prohibits or otherwise restricts a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

"(2) Any disclosure of information to a Federal or State agency as described under paragraph (1) shall be confidential to the extent provided by law.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding after the item relating to section 1658 the following:

"1659. Protective orders and sealing of cases and settlements relating to public health or safety.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act and shall apply only to orders entered in civil actions or agreements entered into on or after such date.

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. SENIOR JUDGE CERTIFICATION.

(a) RETROACTIVE CREDIT FOR RESUMPTION OF SIGNIFICANT WORKLOAD.—Section 371(f)(3) of title 28, United States Code, is amended by striking out "is thereafter ineligible to receive such a certification." and inserting in lieu thereof "may thereafter receive a certification for that year by satisfying the requirements of subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection in a subsequent year and attributing a sufficient part of the work performed in such subsequent year to the earlier year so that the work so attributed, when added to the work performed during such earlier year, satisfies the requirements for certification for that year. However, a justice or judge may not receive credit for the same work for purposes of certification for more than 1 year.".

(b) AGGREGATION OF CERTAIN WORK FOR PARTIAL YEARS.—Section 371(f)(1) of title 28, United States Code, is amended by adding at the end of subparagraph (D) the following: "In any year in which a justice or judge performs work described under this subparagraph for less than the full year, one-half of such work may be aggregated with work described under subparagraph (A), (B), or (C) of this paragraph for the purpose of the justice or judge satisfying the requirements of such subparagraph.".

SEC. 302. REFUND OF CONTRIBUTION FOR DECEASED DEFERRED ANNUITANT UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(o)(1) of title 28, United States Code, is amended by striking out "or while receiving 'retirement salary'," and inserting in lieu thereof "while receiving retirement salary, or after filing an election and otherwise complying with the conditions under subsection (b)(2) of this section,".

SEC. 303. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—(1) Section 611(b) of title 28, United States Code, is amended—

(A) in the first undesignated paragraph by striking out "who has served at least fifteen years and" and inserting in lieu thereof "who has at least 15 years of service and has"; and

(B) in the second undesignated paragraph by striking out "who has served at least ten years," and inserting in lieu thereof "who has at least 10 years of service,".

(2) Section 611(c) of title 28, United States Code, is amended—

(A) by striking out "served at least fifteen years," and inserting in lieu thereof "at least 15 years of service,"; and

(B) by striking out "served less than fifteen years," and inserting in lieu thereof "less than 15 years of service,".

(3) Section 611(d) of title 28, United States Code, is amended by inserting "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,".

(b) EMPLOYEES OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—(1) Section 627(c) of title 28, United States Code, is amended—

(A) in the first undesignated paragraph by striking out "who has served at least fifteen years and" and inserting in lieu thereof "who has at least 15 years of service and has"; and

(B) in the second undesignated paragraph by striking out "who has served at least ten years," and inserting in lieu thereof "who has at least 10 years of service,".

(2) Section 627(d) of title 28, United States Code, is amended—

(A) by striking out "served at least fifteen years," and inserting in lieu thereof "at least 15 years of service,"; and

(B) by striking out "served less than fifteen years," and inserting in lieu thereof "less than 15 years of service,".

(3) Section 627(e) of title 28, United States Code, is amended by inserting "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,".

SEC. 304. BANKRUPTCY JUDGES REAPPOINTMENT PROCEDURE.

Section 120 of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98–353; 98 Stat. 344), is amended—

(1) in subsection (a) by adding at the end thereof the following new paragraph:

"(3) When filling vacancies, the court of appeals may consider reappointing incumbent bankruptcy judges under procedures prescribed by regulations issued by the Judicial Conference of the United States."; and

(2) in subsection (b) by adding at the end thereof the following: "All incumbent nominees seeking reappointment thereafter may be considered for such a reappointment, pursuant to a majority vote of the judges of the appointing court of appeals, under procedures authorized under subsection (a)(3).".

SEC. 305. CARRYING OF FIREARMS.

(a) In General.—Chapter 21 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 464. Carrying of firearms by judicial officers

"(a) A judicial officer of the United States is authorized to carry firearms, whether concealed or not, under regulations promulgated by the Judicial Conference of the United States.

["(b) A judicial officer of the United States is immune from civil liability when possessing or using a firearm, for the purpose of self defense, under the authority of this section and in accordance with Judicial Conference regulation.

["(c) For purposes of this section, the term 'judicial officer of the United States' means—

["(1) a justice or judge of the United States as defined in section 451 of this title;

["(2) a United States bankruptcy judge;

["(3) a full-time or part-time United States magistrate judge;

["(4) a judge of the United States Court of Federal Claims;

["(5) a judge of the United States District Court of Guam;

["(6) a judge of the United States District Court for the Northern Mariana Islands;

["(7) a judge of the United States District Court of the Virgin Islands; or

["(8) an individual who is receiving a retirement annuity based on service in any of the judicial positions described under paragraphs (1) through (7).".]

"(b)(1) The regulations promulgated by the Judicial Conference under subsection (a) shall—

"(A) require a demonstration of a judicial officer's proficiency in the use and safety of firearms as a prerequisite to the carrying of firearms under the authority of this section; and

"(B) make appropriate provisions for the carrying of firearms by judicial officers who are under the protection of United States Marshals while away from United States courthouses.

"(2) On the request of the Judicial Conference, the Department of Justice (including each agency of the Department) shall cooperate with the Judicial Conference in providing firearms training and other services to assist judicial officers in securing such proficiency.

"(c) For purposes of this section, the term 'judicial officer of the United States' means—

"(1) a justice or judge of the United States as defined in section 451 of this title in regular active or retired from regular active service;

"(2) a justice or judge of the United States who has retired from the judicial office under section 371(a) of this title for—

"(A) a 1-year period following such justice's or judge's retirement; or

"(B) a longer period of time if approved by the Judicial Conference of the United States when exceptional circumstances warrant;

"(3) a United States bankruptcy judge;

"(4) a full-time or part-time United States magistrate judge;

"(5) a judge of the United States Court of Federal Claims;

"(6) a judge of the United States District Court of Guam;

"(7) a judge of the United States District Court for the Northern Mariana Islands;

"(8) a judge of the United States District Court of the Virgin Islands; or

"(9) an individual who is retired from one of the judicial positions described under paragraphs (3) through (8) to the extent provided for in regulations of the Judicial Conference of the United States.

"(d) Notwithstanding section 46303(c)(1) of title 49, nothing in this section authorizes a judicial officer of the United States to carry a dangerous weapon on an aircraft or other common carrier."

(b) Technical and Conforming Amendment.—The table of sections for chapter 21 of title 28, United States Code, is amended by adding at the end thereof the following:

"464. Carrying of firearms by judicial officers.".

(c) Effective Date.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 306. TECHNICAL CORRECTION RELATED TO COMMENCEMENT DATE OF TEMPORARY JUDGESHIPS.

Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 104 Stat. 5101; 28 U.S.C. 133 note) is amended by adding at the end thereof the following: "For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeship created under this subsection.".

SEC. 307. FULL-TIME STATUS OF COURT REPORTERS.

Section 753(e) of title 28, United States Code, is amended by inserting after the first sentence the following: "For the purposes of subchapter III of chapter 83 of title 5 and chapter 84 of such title, a reporter shall be considered a full-time employee during any pay period for which a reporter receives a salary at the annual salary rate fixed for a full-time reporter under the preceding sentence.".

SEC. 308. COURT INTERPRETERS.

Section 1827 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(l) Notwithstanding any other provision of this section or section 1828, the presiding judicial officer may appoint a certified or otherwise qualified sign language interpreter to provide services to a party, witness, or other participant in a judicial proceeding, whether or not the proceeding is instituted by the United States, if the presiding judicial officer determines, on such officer's own motion or on the motion of a party or other participant in the proceeding, that such individual suffers from a hearing impairment. The presiding judicial officer shall, subject to the availability of appropriated funds, approve the compensation and expenses payable to sign language interpreters appointed under this section in accordance with the schedule of fees prescribed by the Director under subsection (b)(3) of this section.".

SEC. 309. TECHNICAL AMENDMENT RELATED TO COMMENCEMENT DATE OF TEMPORARY BANKRUPTCY JUDGESHIPS.

Section 3(b) of the Bankruptcy Judgeship Act of 1992 (Public Law 102–361; 106 Stat. 965; 28 U.S.C. 152 note) is amended in the first sentence by striking out "date of the enactment of this Act" and inserting in lieu thereof "appointment date of the judge named to fill the temporary judgeship position".

SEC. 310. CONTRIBUTION RATE FOR SENIOR JUDGES UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(b)(1) of title 28, United States Code, is amended to read as follows:

"(b)(1) Every judicial official who files a written notification of his or her intention to come within the purview of this section, in accordance with paragraph (1) of subsection (a) of this section, shall be deemed thereby to consent and agree to having deducted and withheld from his or her salary a sum equal to 2.2 percent of that salary, and a sum equal to 3.5 percent of his or her retirement salary. The deduction from any retirement salary—

"(A) of a justice or judge of the United States retired from regular active service under section 371(b) or section 372(a) of this title,

"(B) of a judge of the United States Court of Federal Claims retired under section 178 of this title, or

"(C) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of this title,

shall be an amount equal to 2.2 percent of retirement salary.".

SEC. 311. PROHIBITION AGAINST AWARDS OF COSTS, INCLUDING ATTORNEY'S FEES, AND INJUNCTIVE RELIEF AGAINST A JUDICIAL OFFICER.

(a) Nonliability for Costs.—Notwithstanding any other provision of law, no judicial officer shall be held liable for any costs, including attorney's fees, in any action brought against such officer for an act or omission taken in such officer's judicial capacity, unless such action was clearly in excess of such officer's jurisdiction.

(b) Proceedings in Vindication of Civil Rights.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting before the period at the end thereof ", except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity such officer shall not be held liable for any costs, including attorney's fees, unless such action was clearly in excess of such officer's jurisdiction".

(c) Civil Action for Deprivation of Rights.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by inserting before the period at the end of the first sentence: ", except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable".

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 401. INCREASE IN CIVIL ACTION FILING FEE.

(a) Filing Fee Increase.—Section 1914(a) of title 28, United States Code, is amended by striking out "$120" and inserting in lieu thereof "$150".

(b) Disposition of Increase.—Section 1931 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out "$60" and inserting in lieu thereof "$90"; and

(2) in subsection (b)—

(A) by striking out "$120" and inserting in lieu thereof "$150"; and

(B) by striking out "$60" and inserting in lieu thereof "$90".

(c) Effective Date.—This section shall take effect 60 days after the date of the enactment of this Act.

SEC. 402. INTERPRETER PERFORMANCE EXAMINATION FEES.

(a) IN GENERAL.—Section 1827(g) of title 28, United States Code, is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

"(5) If the Director of the Administrative Office of the United States Courts finds it necessary to develop and administer criterion-referenced performance examinations for purposes of certification, or other examinations for the selection of otherwise qualified interpreters, the Director may prescribe for each examination a uniform fee for applicants to take such examination. In determining the rate of the fee for each examination, the Director shall consider the fees charged by other organizations for examinations that are similar in scope or nature. Notwithstanding section 3302(b) of title 31, the Director is authorized to provide in any contract or agreement for the development or administration of examinations and the collection of fees that the contractor may retain all or a portion of the fees in payment for the services. Notwithstanding paragraph (6) of this subsection, all fees collected after the effective date of this paragraph and not retained by a contractor shall be deposited in the fund established under section 1931 of this title and shall remain available until expended.".

(b) PAYMENT FOR CONTRACTUAL SERVICES.—Notwithstanding sections 3302(b), 1341, and 1517 of title 31, United States Code, the Director of the Administrative Office of the United States Courts may include in any contract for the development or administration of examinations for interpreters (including such a contract entered into before the date of the enactment of this Act) a provision which permits the contractor to collect and retain fees in payment for contractual services in accordance with section 1827(g)(5) of title 28, United States Code.

SEC. 403. JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.

(a) IN GENERAL.—(1) Chapter 123 of title 28, United States Code, is amended by adding after section 1931 the following new section:

"§ 1932. Judicial Panel on Multidistrict Litigation

"The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected by the Judicial Panel on Multidistrict Litigation.".

(2) The table of sections for chapter 123 of title 28, United States Code, is amended by adding after the item relating to section 1931 the following:

"1932. Judicial Panel on Multidistrict Litigation.".

(b) RELATED FEES FOR ACCESS TO INFORMATION.—Section 303(a) of the Judiciary Appropriations Act, 1992 (Public Law 102–140; 105 Stat. 810; 28 U.S.C. 1913 note) is amended in the first sentence by striking out "1926, and 1930" and inserting in lieu thereof "1926, 1930, and 1932".

SEC. 404. DISPOSITION OF FEES.

(a) DISPOSITION OF ATTORNEY ADMISSION FEES.—For each fee collected for admission of an attorney to practice, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, $30 of that portion of the fee exceeding $20 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code. Any portion exceeding $5 of the fee for a duplicate certificate of admission or certificate of good standing, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(b) DISPOSITION OF BANKRUPTCY COMPLAINT FILING FEES.—For each fee collected for filing an adversary complaint in a bankruptcy proceeding, as established in Item 6 of the Bankruptcy Court Miscellaneous Fee Schedule prescribed by the Judicial Conference of the United States pursuant to section 1930(b) of title 28, United States Code, the portion of the fee exceeding $120 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

SEC. 501. PARTIES' CONSENT TO BANKRUPTCY JUDGE'S FINDINGS AND CONCLUSIONS OF LAW.

Section 157(c)(1) of title 28, United States Code, is amended to read as follows:

"(c)(1) A bankruptcy judge may hear a proceeding that is not a core proceeding but that is otherwise related to a case under title 11. In such proceeding, the bankruptcy judge shall submit proposed findings of fact and conclusions of law to the district court, and any final order or judgment shall be entered by the district judge after considering the bankruptcy judge's proposed findings and conclusions and after reviewing de novo those matters to which any party has timely and specifically objected. A party shall be deemed to consent to the findings of fact and conclusions of law submitted by a bankruptcy judge unless the party files a timely objection. If a timely objection is not filed, the proposed findings of fact and conclusions of law submitted by the bankruptcy judge shall become final and the bankruptcy judge shall enter an appropriate order thereon.".

SEC. 502. QUALIFICATION OF CHIEF JUDGE OF COURT OF INTERNATIONAL TRADE.

(a) IN GENERAL.—Chapter 11 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 258. Chief judges; precedence of judges

"(a)(1) The chief judge of the Court of International Trade shall be the judge of the court in regular active service who is senior in commission of those judges who—

"(A) are 64 years of age or under;

"(B) have served for 1 year or more as a judge of the court; and

"(C) have not served previously as chief judge.

"(2)(A) In any case in which no judge of the court meets the qualifications under paragraph (1), the youngest judge in regular active service who is 65 years of age or over and who has served as a judge of the court for 1 year or more shall act as the chief judge.

"(B) In any case under subparagraph (A) in which there is no judge of the court in regular active service who has served as a judge of the court for 1 year or more, the judge of the court in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

"(3)(A) Except as provided under subparagraph (C), the chief judge serving under paragraph (1) shall serve for a term of 7 years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge.

"(B) Except as provided under subparagraph (C), a judge of the court acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge meets the qualifications under paragraph (1).

"(C) No judge of the court may serve or act as chief judge of the court after attaining the age of 70 years unless no other judge is qualified to serve as chief judge under paragraph (1) or is qualified to act as chief judge under paragraph (2).

"(b) The chief judge shall have precedence and preside at any session of the court which such judge attends. Other judges of the court shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

"(c) If the chief judge desires to be relieved of the duties as chief judge while retaining active status as a judge of the court, the chief judge may so certify to the Chief Justice of the United States, and thereafter the chief judge of the court shall be such other judge of the court who is qualified to serve or act as chief judge under subsection (a).

"(d) If a chief judge is temporarily unable to perform the duties as such, such duties shall be performed by the judge of the court in active service, able and qualified to act, who is next in precedence.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 11 of title 28, United States Code, is amended—

(1) in section 251 by striking out subsection (b) and redesignating subsection (c) as subsection (b);

(2) in section 253—

(A) by amending the section heading to read as follows:

"§ 253. Duties of chief judge.";

and

(B) by striking out subsections (d) and (e); and

(3) in the table of sections for chapter 11 of title 28, United States Code—

(A) by amending the item relating to section 253 to read as follows:

"253. Duties of chief judge.";

and

(B) by adding at the end thereof the following:

"258. Chief judges; precedence of judges.".

(c) APPLICATION.—(1) Notwithstanding the provisions of section 258(a) of title 28, United States Code (as added by subsection (a) of this section), the chief judge of the United States Court of International Trade who is in office on the day before the date of enactment of this Act shall continue to be such chief judge on or after such date until any one of the following events occurs:

(A) The chief judge is relieved of his duties under section 258(c) of title 28, United States Code.

(B) The regular active status of the chief judge is terminated.

(C) The chief judge attains the age of 70 years.

(D) The chief judge has served for a term of 7 years as chief judge.

(2) When the chief judge vacates the position of chief judge under paragraph (1), the position of chief judge of the Court of International Trade shall be filled in accordance with section 258(a) of title 28, United States Code.

SEC. 503. JUDICIAL COST-OF-LIVING ADJUSTMENTS.

Section 140 of the resolution entitled "A Joint Resolution making further continuing appropriations for the fiscal year 1982, and for other purposes.", approved December 15, 1981 (Public Law 97–92; 95 Stat. 1200; 28 U.S.C. 461 note) is repealed.

TITLE VI—MISCELLANEOUS

SEC. 601. PARTICIPATION IN JUDICIAL GOVERNANCE ACTIVITIES BY DISTRICT, SENIOR, AND MAGISTRATE JUDGES.

(a) JUDICIAL CONFERENCE OF THE UNITED STATES.—Section 331 of title 28, United States Code, is amended by striking out the second undesignated paragraph and inserting in lieu thereof the following:

"The district judge to be summoned from each judicial circuit shall be chosen by the circuit and district judges of the circuit and shall serve as a member of the Judicial Conference of the United States for a term of not less than 3 successive years nor more than 5 successive years, as established by majority vote of all circuit and district judges of the circuit. A district judge serving as a member of the Judicial Conference may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title.".

(b) BOARD OF THE FEDERAL JUDICIAL CENTER.—Section 621 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge, elected by vote of the members of the Judicial Conference of the United States, except that any circuit or district judge so elected may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title but shall not be a member of the Judicial Conference of the United States; and"; and

(2) in subsection (b) by striking out "retirement," and inserting in lieu thereof "retirement pursuant to section 371(a) or section 372(a) of this title,".

SEC. 602. THE DIRECTOR AND DEPUTY DIRECTOR OF THE ADMINISTRATIVE OFFICE AS OFFICERS OF THE UNITED STATES.

Section 601 of title 28, United States Code, is amended by adding at the end thereof the following: "The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code.".

SEC. 603. REMOVAL OF ACTION FROM STATE COURT.

Section 1446(c)(1) of title 28, United States Code, is amended by striking out "petitioner" and inserting in lieu thereof "defendant or defendants".

SEC. 604. FEDERAL JUDICIAL CENTER EMPLOYEE RETIREMENT PROVISIONS.

Section 627(b) of title 28, United States Code, is amended—

(1) in the first sentence by inserting "Deputy Director," before "the professional staff"; and

(2) in the first sentence by inserting "chapter 84 (relating to the Federal Employees' Retirement System)," after "(relating to civil service retirement),".

SEC. 605. ABOLITION OF THE SPECIAL COURT, REGIONAL RAIL REORGANIZATION ACT OF 1973.

(a) ABOLITION OF THE SPECIAL COURT.—Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended in subsection (b)—

(1) by inserting "(1)" before "Within 30 days after"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The special court referred to in paragraph (1) of this subsection is abolished effective 90 days after the date of enactment of the Federal Courts Improvement Act of 1996. On such effective date, all jurisdiction and other functions of the special court shall be assumed by the United States District Court for the District of Columbia. With respect to any proceedings that arise or continue after the date on which the special court is abolished, the references in the following provisions to the special court established under this subsection shall be deemed to refer to the United States District Court for the District of Columbia:

"(A) Subsections (c), (e)(1), (e)(2), (f) and (g) of this section.

"(B) Sections 202 (d)(3), (g), 207 (a)(1), (b)(1), (b)(2), 208(d)(2), 301 (e)(2), (g), (k)(3), (k)(15), 303 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 304 (a)(1)(B), (i)(3), 305 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 306 (a), (b), (c)(4), and 601 (b)(3), (c) of this Act (45 U.S.C. 712 (d)(3), (g), 717 (a)(1), (b)(1), (b)(2), 718(d)(2), 741 (e)(2), (g), (k)(3), (k)(15), 743 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 744 (a)(1)(B), (i)(3), 745 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 746 (a), (b), (c)(4), 791 (b)(3), (c)).

"(C) Sections 1152(a) and 1167(b) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105(a), 1115(a)).

"(D) Sections 4023 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A) and 4025(b) of the Conrail Privatization Act (45 U.S.C. 1323 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A), 1324(b)).

"(E) Section 24907(b) of title 49, United States Code.

"(F) Any other Federal law (other than this subsection and section 605 of the Federal Courts Improvement Act of 1996), Executive order, rule, regulation, delegation of authority, or document of or relating to the special court as previously established under paragraph (1) of this subsection.".

(b) APPELLATE REVIEW.—(1) Section 209(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended by striking out the paragraph following paragraph (2) and inserting in lieu thereof the following:

"(3) An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(2) Section 303 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743) is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) APPEAL.—An order or judgment entered by the United States District Court for the District of Columbia pursuant to subsection (c) of this section or section 306 shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(3) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) APPEAL.—An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is further amended—

(A) in subsection (g) by inserting "or Court of Appeals for the District of Columbia Circuit" after "Supreme Court"; and

(B) by striking out subsection (h).

(2) Section 305(d)(4) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 745(d)) is amended by striking out "a judge of the United States district court with respect to such proceedings and such powers shall include those of".

(3) Section 1135(a)(8) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1104(8)) is amended to read as follows:

"(8) 'Special court' means the judicial panel established under section 209(b)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)(1)) or, with respect to any proceedings that arise or continue after the panel is abolished pursuant to section 209(b)(2) of such Act, the United States District Court for the District of Columbia.".

(4) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is further amended by striking out subsection (d).

(d) PENDING CASES.—Effective 90 days after the date of enactment of this Act, any case pending in the special court established under section 209(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)) shall be assigned to the United States District Court for the District of Columbia as though the case had originally been filed in that court. The amendments made by subsection (b) of this section shall not apply to any final order or judgment entered by the special court for which—

(1) a petition for writ of certiorari has been filed before the date on which the special court is abolished; or

(2) the time for filing a petition for writ of certiorari has not expired before that date.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) of this section shall take effect 90 days after the date of enactment of this Act and, except as provided in subsection (d), shall apply with respect to proceedings that arise or continue after such effective date.

SEC. 606. PLACE OF HOLDING COURT IN THE DISTRICT COURT OF UTAH.

(a) NORTHERN DIVISION.—Section 125(1) of title 28, United States Code, is amended by inserting "Salt Lake City and" before "Ogden".

(b) CENTRAL DIVISION.—Section 125(2) of title 28, United States Code, is amended by inserting ", Provo, and St. George" after "Salt Lake City".

SEC. 607. EXCEPTION OF RESIDENCY REQUIREMENT FOR DISTRICT JUDGES APPOINTED TO THE SOUTHERN DISTRICT AND EASTERN DISTRICT OF NEW YORK.

Section 134(b) of title 28, United States Code, is amended—

(1) by inserting "the Southern District of New York, and the Eastern District of New York," after "the District of Columbia,"; and

(2) by inserting at the end the following: "Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district to which he or she is appointed.".

SEC. 608. EXTENSION OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION REPORTS ON DEMONSTRATION AND PILOT PROGRAMS.

(a) DEMONSTRATION PROGRAM.—Section 104(d) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out "December 31, 1996," and inserting in lieu thereof "June 30, 1997,".

(b) PILOT PROGRAM.—Section 105(c)(1) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out "December 31, 1996," and inserting in lieu thereof "June 30, 1997,".

SEC. 609. EXTENSION OF ARBITRATION.

Section 905 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note) is amended in the first sentence by striking out "1997" and inserting in lieu thereof "1998".

SEC. 610. STATE JUSTICE INSTITUTE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 215 of the State Justice Institute Act of 1984 (42 U.S.C. 10713) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 215. There are authorized to be appropriated to carry out the purposes of this title $12,500,000 for each of fiscal years 1997, 1998, 1999, and 2000, to remain available until expended.".

(b) EXECUTIVE COMMITTEE.—Section 204(j) of the State Justice Institute Act of 1984 (42 U.S.C. 10703(j)) is amended by inserting "(on such occasions as it has been delegated the authority to act for the Board)" after "executive committee".

(c) HOWELL HEFLIN AWARD.—Section 204(k) of the State Justice Act of 1984 (42 U.S.C. 10703(k)) is amended—

(1) in paragraph (5) by striking out "and" after the semicolon;

(2) in paragraph (6) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(7) present an annual Howell Heflin Award in recognition of an innovative Institute-supported project that has a high likelihood of significantly improving the quality of justice in State courts across the Nation.".

(d) PRIORITY IN MAKING AWARDS.—Section 206(b) of the State Justice Institute Act of 1984 (42 U.S.C. 10705(b)) is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively;

(2) by inserting before paragraph (2) (as redesignated under paragraph (1) of this subsection) the following new paragraph:

"(1) The Institute shall give highest priority to awarding grants to and entering into cooperative agreements or contracts with State and local courts."; and

(3) in paragraph (2) (as redesignated by paragraph (1) of this subsection)—

(A) by striking out subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(e) GEOGRAPHIC DISTRIBUTION OF GRANTS.—Section 206(b) of the State Justice Institute Act of 1984 (42 U.S.C. 10705(b)) (as amended by subsection (d) of this section) is further amended by adding at the end thereof the following new paragraph:

"(7) In making grants under this title, the Institute shall undertake outreach efforts to assure the widest feasible geographical distribution of grant funds and benefits resulting from grants, consistent with its mission to award grants having the greatest likelihood of improving the quality of justice nationwide.".

(f) NONSUPPLANTATION.—Section 207(d) of the State Justice Institute Act of 1984 (42 U.S.C. 10706(d)) is amended—

(1) in the matter preceding paragraph (1) by inserting "or noncourt related activities of private organizations" after "basic court services";

(2) in paragraph (1)—

(A) by striking out "State or local" and inserting in lieu thereof "State, local, or private organizational"; and

(B) by striking out "or" after the semicolon;

(3) in paragraph (2) by striking out the period and inserting in lieu thereof a semicolon and "or"; and

(4) by adding at the end thereof the following new paragraph:

"(3) to support the activities of any national, State, or local bar association, except for—

"(A) the training of State court judges or court personnel, if such training is not provided by any person or entity other than a bar association; or

"(B) projects conducted in State courts or directly in conjunction with State courts to improve the efficiency of such courts.".

(g) REPORTS TO CONGRESS.—Section 213 of the State Justice Institute Act of 1984 (42 U.S.C. 10712) is amended to read as follows:

"REPORTS TO CONGRESS

"SEC. 213. Effective January 1, 1997, the Institute shall provide semiannual reports to the Committees on the Judiciary of the Senate and the House of Representatives identifying all grants made by the Institute during the preceding six months. The report shall include the name and address of the grantee, the purpose of the project, the amount of funding provided, and the duration of the project.".

AMENDMENT NO. 5430

(Purpose: To make improvements in the judicial system, and for other purposes)

Mr. LOTT. There is an amendment at the desk offered by Senator HATCH. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HATCH, proposes an amendment numbered 5430.

The amendment is as follows:

On page 4, line 15, strike through line 25.

On page 5, line 8, strike through line 14 on page 6 and insert the following:

SEC. 202. CONSENT TO TRIAL IN CERTAIN CRIMINAL ACTIONS.

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting ", other than a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction," after "misdemeanor";

(B) in the second sentence by inserting "judge" after "magistrate" each place it appears;

(C) by striking out the third sentence and inserting in lieu thereof the following: "The magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record."; and

(D) by striking out "judge of the district court" each place it appears and inserting in lieu thereof "district judge".

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "The magistrate judge may, in a petty offense case involving a juvenile, that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction, exercise all powers granted to the district court under chapter 403 of this title. The magistrate judge may, in any other class B or C misdemeanor case involving a juvenile in which consent to trial before a magistrate judge has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title.".

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out ", and" at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(2) by striking out paragraph (4) and inserting the following:

"(4) the power to enter a sentence for a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction; and

"(5) the power to enter a sentence for a class A misdemeanor, or a class B or C misdemeanor not covered by paragraph (4), in a case in which the parties have consented.".

On page 6, line 15, strike through the matter following line 2 on page 7.

On page 9, line 6, strike through line 2 on page 11.

On page 13, line 4, strike through line 7 on page 15.

On page 17, line 1, strike through line 3 on page 19.

On page 19, line 22, strike through line 9 on page 23.

On page 31, line 8, strike through line 2 on page 32.

On page 35, line 21, strike through line 2 on page 36.

On page 44, line 20, strike through line 21 on page 48.

On page 48, add after line 21 the following:

SEC. 611. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF NEW YORK.

The last sentence of section 112(b) of title 28, United States Code, is amended to read as follows:

"Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.".

SEC. 612. VENUE FOR TERRITORIAL COURTS.

(a) CHANGE OF VENUE.—Section 1404(d) of title 28, United States Code, is amended to read as follows:

"(d) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.".

(b) CURE OR WAIVER OF DEFECTS.—Section 1406(c) of title 28, United States Code, is amended to read as follows:

"(c) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin islands, and the term 'district' includes the territorial jurisdiction of each such court.".

(c) APPLICABILITY.—The amendments made by this section apply to cases pending on the date of the enactment of this Act and to cases commenced on or after such date.

Amend the Table of Contents accordingly.

Mr. GRASSLEY. Mr. President, the bill before us, S. 1887, entitled "The Federal Courts Improvement Act of 1996" is sponsored by myself, along with Senator HATCH and Senator HEFLIN. A first version of the bill, S.1101, was introduced in August 1995 at the request of the Judicial Conference.

In October of last year, we held a comprehensive hearing on that bill in the Judiciary Subcommittee on Administrative Oversight and the Courts, which I chair, at which both judges and lawyers testified at length on the substance of many of S.1101's provisions. The present bill was crafted after many months of detailed discussions and intense collaboration between myself, Senators HATCH and HEFLIN, and the Administrative Office of the United States Courts. More importantly, we have worked closely with the other members of the Judiciary Committee to address their concerns and include their suggestions, making this truly a bi-partisan bill.

At the onset, I would like to elaborate on the spirit in which this bill was crafted. I am sure my colleagues are well aware, many of my efforts have focused on saving the federal government's sparse resources and making the most of taxpayer dollars. As Chairman of the Judiciary Subcommittee with jurisdiction over the courts, I am also concerned that the federal judicial system be administered in the most efficient and cost-effective manner possible, while maintaining a high level of quality in the administration of justice. In fact, I sent out a judicial questionnaire earlier this year requesting assistance from individual judges on their ideas and views of the needs of the federal judiciary. I hope some of you have had the opportunity to review my Subcommittee's two reports on this survey, which were released this year. I found it enlightening to communicate with the individual judges, and hope that these lines of candid and constructive communication with the individual judges and the Administrative Office remain open and continue to produce beneficial results in terms of efficiency, cost savings and other improvements within the federal judiciary.

In drafting the Federal Courts Improvement bill, we worked closely with the Administrative Office to assess and address the needs of the federal judiciary. As a result, the bill contains both technical and substantive changes in the law, many of which were carried over from previous Congresses and/or originally proposed in S.1101. During our working sessions on the bill, some of the provisions in S.1101, such as the sections dealing with federal defender services matters, were determined to warrant further inquiry or additional hearings. Other provisions were dropped to help process the bill more smoothly through the House since the session is coming to a close in a day or two.

On the whole, the bill is broad-reaching, and contains provisions concerning judicial process improvements; judiciary personnel administration, benefits and protections; judicial financial administration; Federal Courts Study Committee recommendations; and other miscellaneous issues. Almost all of the provisions have been formally endorsed by the Judicial Conference, the governing body of the Federal courts.

Many provisions contained in this bill streamline the operation of the Federal court system. A good example of our attempt to render the judiciary more efficient is a provision which abolishes a special tribunal with narrow jurisdiction, the Special Court, which the Regional Rail Reorganization Act of 1973, established in the early 1970's to oversee the reorganization of insolvent railroads. The work of this court is basically concluded, with the court's docket containing 10 largely inactive cases. This section transfers the Special Court's jurisdiction over those cases and any future rail reorganization proceedings to the U.S. District Court for the District of Columbia, where the court's records and a majority of its judges are currently located, and makes other technical and conforming changes incidental to the court's abolition. The elimination of this court will produce budgetary and administrative economies and, according to the Administrative Office of the United States Courts, result in an annual cost savings of approximately $175,000.

The bill simplifies the appeal route in civil cases decided by magistrate judges with consent by confining appeals of judgments in such cases to the court of appeals and eliminating an alternative route of appeal to the district judge. A single forum of appeal in civil consent cases simplifies court procedures and recognizes the existing practice in most districts. The Judicial Conference recommended such action in the Long Range Plan for the Federal Courts. Also, this section would not alter the role of magistrate judges as adjuncts to article III courts since district judges would still control the referral of consent cases to magistrate judges.

We also change the reappointment procedure for incumbent bankruptcy judges. Rather than requiring the judicial council for a circuit or a merit selection panel to undergo a lengthy and time-consuming screening process, this section streamlines the reappointment process for judges whose performance has previously been reviewed. In this manner, the section eliminates unnecessary expenditures of time and money.

Additional sections facilitate judicial operations. One of these provisions authorize magistrate judges temporarily assigned to another judicial district because of an emergency to dispose of civil cases with the consent of the parties. Another section that deputy clerks may act whenever the clerk is unable to perform official duties for any reason, and permits the court to designate an acting clerk of court, when it is expected that the clerk will be unavailable or the office of clerk will be vacant for a prolonged period.

We also require an annual report by the Administrative Office of the United States Courts on the number and nature of orders relating to judicial misconduct or disability under section 332 of title 28 of the United States Code. This reporting requirement was recommended by the Report of the National Commission on Judicial Discipline and Removal of August 1993, which found that reliable information concerning council orders was difficult to obtain.

In conclusion, this bill is the result of careful consideration by members of the Judiciary Committee, in close collaboration with the Administrative Office, who have all worked long and hard in attempting to produce a strong, bipartisan piece of legislation. I strongly urge my colleagues to support this bill. When the Judiciary Committee voted the Federal Courts Improvement Act out of committee it was with an amendment offered by Senator KOHL dealing with the use of secrecy orders in Federal courts. The version of the act that we are passing today does not include that particular provision because Senator KOHL has generously agreed to an amendment that will remove it. Senator KOHL and I stand on opposite sides of the merits of his amendment, but I appreciate his commitment to the provision and his willingness to allow us to pass S. 1887 without it.

Mr. KOHL. I thank the Senator. We do think differently about this matter, but understand how important it was to you and to Senator HEFLIN that the Federal Courts Improvement Act pass this year. And I understand that if this provision regarding court secrecy, modeled on my legislation S. 374, The Sunshine in Litigation Act, were still part of S. 1887 it would keep that legislation from moving ahead. Although I believe that the problem of the excessive use of protective orders needs urgently to be addressed, I also will not let it hold up a measure so important to Senators GRASSLEY and HEFLIN.

Nevertheless, it is important to remember that the Judicial Committee has favorably recommended my court secrecy legislation and that this real problem will not vanish. I hope that the Judicial Conference might finally see fit to address this problem, but if it does not, I will continue to press this issue.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed at the appropriate place in the RECORD.

The amendment (No. 5430) was agreed to.

The bill (S. 1887), as amended, was deemed read for a third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Improvement Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

Sec. 101. New authority for probation and pretrial services officers.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Duties of magistrate judge on emergency assignment.
Sec. 202. Consent to trial in certain criminal actions.
Sec. 203. Registration of judgments for enforcement in other districts.
Sec. 204. Vacancy in clerk position; absence of clerk.
Sec. 205. Diversity jurisdiction.
Sec. 206. Removal of cases against the United States and Federal officers or agencies.
Sec. 207. Appeal route in civil cases decided by magistrate judges with consent.
Sec. 208. Reports by judicial councils relating to misconduct and disability orders.

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Senior judge certification.
Sec. 302. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.
Sec. 303. Bankruptcy judges reappointment procedure.
Sec. 304. Technical correction related to commencement date of temporary judgeships.
Sec. 305. Full-time status of court reporters.
Sec. 306. Court interpreters.
Sec. 307. Technical amendment related to commencement date of temporary bankruptcy judgeships.
Sec. 308. Contribution rate for senior judges under the judicial survivors' annuities system.
Sec. 309. Prohibition against awards of costs, including attorneys fees, and injunctive relief against a judicial officer.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 401. Increase in civil action filing fee.
Sec. 402. Interpreter performance examination fees.
Sec. 403. Judicial panel on multidistrict litigation.
Sec. 404. Disposition of fees.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

Sec. 501. Qualification of Chief Judge of Court of International Trade.

TITLE VI—MISCELLANEOUS

Sec. 601. Participation in judicial governance activities by district, senior, and magistrate judges.
Sec. 602. The Director and Deputy Director of the administrative office as officers of the United States.
Sec. 603. Removal of action from State court.
Sec. 604. Federal judicial center employee retirement provisions.
Sec. 605. Abolition of the special court, Regional Rail Reorganization Act of 1973.
Sec. 606. Place of holding court in the District Court of Utah.
Sec. 607. Exception of residency requirement for district judges appointed to the Southern District and Eastern District of New York.
Sec. 608. Extension of civil justice expense and delay reduction reports on pilot and demonstration programs.
Sec. 609. Place of holding court in the Southern District of New York.
Sec. 610. Venue for territorial courts.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (8)(B);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

"(9) if approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe; and".

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) If approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe.".

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY ASSIGNMENT.

The first sentence of section 636(f) of title 28, United States Code, is amended by striking out "(a) or (b)" and inserting in lieu thereof "(a), (b), or (c)".

SEC. 202. CONSENT TO TRIAL IN CERTAIN CRIMINAL ACTIONS.

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting ", other than a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction," after "misdemeanor";

(B) in the second sentence by inserting "judge" after "magistrate" each place it appears;

(C) by striking out the third sentence and inserting in lieu thereof the following: "The magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record."; and

(D) by striking out "judge of the district court" each place it appears and inserting in lieu thereof "district judge".

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "The magistrate judge may, in a petty offense case involving a juvenile, that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction, exercise all powers granted to the district court under chapter 403 of this title. The magistrate judge may, in any other class B or C misdemeanor case involving a juvenile in which consent to trial before a magistrate judge has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title.".

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out ", and" at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(2) by striking out paragraph (4) and inserting the following:

"(4) the power to enter a sentence for a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction; and

"(5) the power to enter a sentence for a class A misdemeanor, or a class B or C misdemeanor not covered by paragraph (4), in a case in which the parties have consented.".

SEC. 203. REGISTRATION OF JUDGMENTS FOR ENFORCEMENT IN OTHER DISTRICTS.

(a) IN GENERAL.—Section 1963 of title 28, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 1963. Registration of judgments for enforcement in other districts";

(2) in the first sentence—

(A) by striking out "district court" and inserting in lieu thereof "court of appeals, district court, bankruptcy court,"; and

(B) by striking out "such judgment" and inserting in lieu thereof "the judgment"; and

(3) by adding at the end thereof the following new undesignated paragraph:

"The procedure prescribed under this section is in addition to other procedures provided by law for the enforcement of judgments.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 125 of title 28, United States Code, relating to section 1963 is amended to read as follows:

"1963. Registration of judgments for enforcement in other districts.".

SEC. 204. VACANCY IN CLERK POSITION; ABSENCE OF CLERK.

(a) IN GENERAL.—Section 954 of title 28, United States Code, is amended to read as follows:

"§ 954. Vacancy in clerk position; absence of clerk

"When the office of clerk is vacant, the deputy clerks shall perform the duties of the clerk in the name of the last person who held that office. When the clerk is incapacitated, absent, or otherwise unavailable to perform official duties, the deputy clerks shall perform the duties of the clerk in the name of the clerk. The court may designate a deputy clerk to act temporarily as clerk of the court in his or her own name.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 28, United States Code, relating to section 954 is amended to read as follows:

"954. Vacancy in clerk position; absence of clerk.".

SEC. 205. DIVERSITY JURISDICTION.

(a) IN GENERAL.—Section 1332 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out "$50,000" and inserting in lieu thereof "$75,000"; and

(2) in subsection (b) by striking out "$50,000" and inserting in lieu thereof "$75,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 90 days after the date of enactment of this Act.

SEC. 206. REMOVAL OF CASES AGAINST THE UNITED STATES AND FEDERAL OFFICERS OR AGENCIES.

(a) In General.—Section 1442 of title 28, United States Code, is amended—

(1) in the section heading by inserting "**or agencies**" after "**officers**"; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking out "persons"; and

(B) in paragraph (1) by striking out "Any officer of the United States or any agency thereof, or person acting under him, for any act under color of such office" and inserting in lieu thereof "The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office".

(b) Technical and Conforming Amendment.—The table of sections for chapter 89 of title 28, United States Code, is amended by amending the item relating to section 1442 to read as follows:

"1442. Federal officers and agencies sued or prosecuted.".

SEC. 207. APPEAL ROUTE IN CIVIL CASES DECIDED BY MAGISTRATE JUDGES WITH CONSENT.

Section 636 of title 28, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3) by striking out "In this circumstance, the" and inserting in lieu thereof "The";

(B) by striking out paragraphs (4) and (5); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5); and

(2) in subsection (d) by striking out ", and for the taking and hearing of appeals to the district courts,".

SEC. 208. REPORTS BY JUDICIAL COUNCILS RELATING TO MISCONDUCT AND DISABILITY ORDERS.

Section 332 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) No later than January 31 of each year, each judicial council shall submit a report to the Administrative Office of the United States Courts on the number and nature of orders entered under this section during the preceding calendar year that relate to judicial misconduct or disability.".

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. SENIOR JUDGE CERTIFICATION.

(a) Retroactive Credit for Resumption of Significant Workload.—Section 371(f)(3) of title 28, United States Code, is amended by striking out "is thereafter ineligible to receive such a certification." and inserting in lieu thereof "may thereafter receive a certification for that year by satisfying the requirements of subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection in a subsequent year and attributing a sufficient part of the work performed in such subsequent year to the earlier year so that the work so attributed, when added to the work performed during such earlier year, satisfies the requirements for certification for that year. However, a justice or judge may not receive credit for the same work for purposes of certification for more than 1 year.".

(b) Aggregation of Certain Work for Partial Years.—Section 371(f)(1) of title 28, United States Code, is amended by adding at the end of subparagraph (D) the following: "In any year in which a justice or judge performs work described under this subparagraph for less than the full year, one-half of such work may be aggregated with work described under subparagraph (A), (B), or (C) of this paragraph for the purpose of the justice or judge satisfying the requirements of such subparagraph.".

SEC. 302. REFUND OF CONTRIBUTION FOR DECEASED DEFERRED ANNUITANT UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(o)(1) of title 28, United States Code, is amended by striking out "or while receiving 'retirement salary'," and inserting in lieu thereof "while receiving retirement salary, or after filing an election and otherwise complying with the conditions under subsection (b)(2) of this section,".

SEC. 303. BANKRUPTCY JUDGES REAPPOINTMENT PROCEDURE.

Section 120 of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98–353; 98 Stat. 344), is amended—

(1) in subsection (a) by adding at the end thereof the following new paragraph:

"(3) When filling vacancies, the court of appeals may consider reappointing incumbent bankruptcy judges under procedures prescribed by regulations issued by the Judicial Conference of the United States."; and

(2) in subsection (b) by adding at the end thereof the following: "All incumbent nominees seeking reappointment thereafter may be considered for such a reappointment, pursuant to a majority vote of the judges of the appointing court of appeals, under procedures authorized under subsection (a)(3).".

SEC. 304. TECHNICAL CORRECTION RELATED TO COMMENCEMENT DATE OF TEMPORARY JUDGESHIPS.

Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 104 Stat. 5101; 28 U.S.C. 133 note) is amended by adding at the end thereof the following: "For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeship created under this subsection.".

SEC. 305. FULL-TIME STATUS OF COURT REPORTERS.

Section 753(e) of title 28, United States Code, is amended by inserting after the first sentence the following: "For the purposes of subchapter III of chapter 83 of title 5 and chapter 84 of such title, a reporter shall be considered a full-time employee during any pay period for which a reporter receives a salary at the annual salary rate fixed for a full-time reporter under the preceding sentence.".

SEC. 306. COURT INTERPRETERS.

Section 1827 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(l) Notwithstanding any other provision of this section or section 1828, the presiding judicial officer may appoint a certified or otherwise qualified sign language interpreter to provide services to a party, witness, or other participant in a judicial proceeding, whether or not the proceeding is instituted by the United States, if the presiding judicial officer determines, on such officer's own motion or on the motion of a party or other participant in the proceeding, that such individual suffers from a hearing impairment. The presiding judicial officer shall, subject to the availability of appropriated funds, approve the compensation and expenses payable to sign language interpreters appointed under this section in accordance with the schedule of fees prescribed by the Director under subsection (b)(3) of this section.".

SEC. 307. TECHNICAL AMENDMENT RELATED TO COMMENCEMENT DATE OF TEMPORARY BANKRUPTCY JUDGESHIPS.

Section 3(b) of the Bankruptcy Judgeship Act of 1992 (Public Law 102–361; 106 Stat. 965; 28 U.S.C. 152 note) is amended in the first sentence by striking out "date of the enactment of this Act" and inserting in lieu thereof "appointment date of the judge named to fill the temporary judgeship position".

SEC. 308. CONTRIBUTION RATE FOR SENIOR JUDGES UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(b)(1) of title 28, United States Code, is amended to read as follows:

"(b)(1) Every judicial official who files a written notification of his or her intention to come within the purview of this section, in accordance with paragraph (1) of subsection (a) of this section, shall be deemed thereby to consent and agree to having deducted and withheld from his or her salary a sum equal to 2.2 percent of that salary, and a sum equal to 3.5 percent of his or her retirement salary. The deduction from any retirement salary—

"(A) of a justice or judge of the United States retired from regular active service under section 371(b) or section 372(a) of this title,

"(B) of a judge of the United States Court of Federal Claims retired under section 178 of this title, or

"(C) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of this title,

shall be an amount equal to 2.2 percent of retirement salary.".

SEC. 309. PROHIBITION AGAINST AWARDS OF COSTS, INCLUDING ATTORNEY'S FEES, AND INJUNCTIVE RELIEF AGAINST A JUDICIAL OFFICER.

(a) Nonliability for Costs.—Notwithstanding any other provision of law, no judicial officer shall be held liable for any costs, including attorney's fees, in any action brought against such officer for an act or omission taken in such officer's judicial capacity, unless such action was clearly in excess of such officer's jurisdiction.

(b) Proceedings in Vindication of Civil Rights.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting before the period at the end thereof ", except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity such officer shall not be held liable for any costs, including attorney's fees, unless such action was clearly in excess of such officer's jurisdiction".

(c) Civil Action for Deprivation of Rights.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by inserting before the period at the end of the first sentence: ", except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable".

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 401. INCREASE IN CIVIL ACTION FILING FEE.

(a) Filing Fee Increase.—Section 1914(a) of title 28, United States Code, is amended by striking out "$120" and inserting in lieu thereof "$150".

(b) Disposition of Increase.—Section 1931 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out "$60" and inserting in lieu thereof "$90"; and

(2) in subsection (b)—

(A) by striking out "$120" and inserting in lieu thereof "$150"; and

(B) by striking out "$60" and inserting in lieu thereof "$90".

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

SEC. 402. INTERPRETER PERFORMANCE EXAMINATION FEES.

(a) IN GENERAL.—Section 1827(g) of title 28, United States Code, is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

"(5) If the Director of the Administrative Office of the United States Courts finds it necessary to develop and administer criterion-referenced performance examinations for purposes of certification, or other examinations for the selection of otherwise qualified interpreters, the Director may prescribe for each examination a uniform fee for applicants to take such examination. In determining the rate of the fee for each examination, the Director shall consider the fees charged by other organizations for examinations that are similar in scope or nature. Notwithstanding section 3302(b) of title 31, the Director is authorized to provide in any contract or agreement for the development or administration of examinations and the collection of fees that the contractor may retain all or a portion of the fees in payment for the services. Notwithstanding paragraph (6) of this subsection, all fees collected after the effective date of this paragraph and not retained by a contractor shall be deposited in the fund established under section 1931 of this title and shall remain available until expended.".

(b) PAYMENT FOR CONTRACTUAL SERVICES.—Notwithstanding sections 3302(b), 1341, and 1517 of title 31, United States Code, the Director of the Administrative Office of the United States Courts may include in any contract for the development or administration of examinations for interpreters (including such a contract entered into before the date of the enactment of this Act) a provision which permits the contractor to collect and retain fees in payment for contractual services in accordance with section 1827(g)(5) of title 28, United States Code.

SEC. 403. JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.

(a) IN GENERAL.—(1) Chapter 123 of title 28, United States Code, is amended by adding after section 1931 the following new section:

"§ 1932. Judicial Panel on Multidistrict Litigation

"The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected by the Judicial Panel on Multidistrict Litigation.".

(2) The table of sections for chapter 123 of title 28, United States Code, is amended by adding after the item relating to section 1931 the following:

"1932. Judicial Panel on Multidistrict Litigation.".

(b) RELATED FEES FOR ACCESS TO INFORMATION.—Section 303(a) of the Judiciary Appropriations Act, 1992 (Public Law 102–140; 105 Stat. 810; 28 U.S.C. 1913 note) is amended in the first sentence by striking out "1926, and 1930" and inserting in lieu thereof "1926, 1930, and 1932".

SEC. 404. DISPOSITION OF FEES.

(a) DISPOSITION OF ATTORNEY ADMISSION FEES.—For each fee collected for admission of an attorney to practice, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, $30 of that portion of the fee exceeding $20 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code. Any portion exceeding $5 of the fee for a duplicate certificate of admission or certificate of good standing, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(b) DISPOSITION OF BANKRUPTCY COMPLAINT FILING FEES.—For each fee collected for filing an adversary complaint in a bankruptcy proceeding, as established in Item 6 of the Bankruptcy Court Miscellaneous Fee Schedule prescribed by the Judicial Conference of the United States pursuant to section 1930(b) of title 28, United States Code, the portion of the fee exceeding $120 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

SEC. 501. QUALIFICATION OF CHIEF JUDGE OF COURT OF INTERNATIONAL TRADE.

(a) IN GENERAL.—Chapter 11 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 258. Chief judges; precedence of judges

"(a)(1) The chief judge of the Court of International Trade shall be the judge of the court in regular active service who is senior in commission of those judges who—

"(A) are 64 years of age or under;

"(B) have served for 1 year or more as a judge of the court; and

"(C) have not served previously as chief judge.

"(2)(A) In any case in which no judge of the court meets the qualifications under paragraph (1), the youngest judge in regular active service who is 65 years of age or over and who has served as a judge of the court for 1 year or more shall act as the chief judge.

"(B) In any case under subparagraph (A) in which there is no judge of the court in regular active service who has served as a judge of the court for 1 year or more, the judge of the court in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

"(3)(A) Except as provided under subparagraph (C), the chief judge serving under paragraph (1) shall serve for a term of 7 years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge.

"(B) Except as provided under subparagraph (C), a judge of the court acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge meets the qualifications under paragraph (1).

"(C) No judge of the court may serve or act as chief judge of the court after attaining the age of 70 years unless no other judge is qualified to serve as chief judge under paragraph (1) or is qualified to act as chief judge under paragraph (2).

"(b) The chief judge shall have precedence and preside at any session of the court which such judge attends. Other judges of the court shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

"(c) If the chief judge desires to be relieved of the duties as chief judge while retaining active status as a judge of the court, the chief judge may so certify to the Chief Justice of the United States, and thereafter the chief judge of the court shall be such other judge of the court who is qualified to serve or act as chief judge under subsection (a).

"(d) If a chief judge is temporarily unable to perform the duties as such, such duties shall be performed by the judge of the court in active service, able and qualified to act, who is next in precedence.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 11 of title 28, United States Code, is amended—

(1) in section 251 by striking out subsection (b) and redesignating subsection (c) as subsection (b);

(2) in section 253—

(A) by amending the section heading to read as follows:

"§ 253. Duties of chief judge.";

and

(B) by striking out subsections (d) and (e); and

(3) in the table of sections for chapter 11 of title 28, United States Code—

(A) by amending the item relating to section 253 to read as follows:

"253. Duties of chief judge.";

and

(B) by adding at the end thereof the following:

"258. Chief judges; precedence of judges.".

(c) APPLICATION.—(1) Notwithstanding the provisions of section 258(a) of title 28, United States Code (as added by subsection (a) of this section), the chief judge of the United States Court of International Trade who is in office on the day before the date of enactment of this Act shall continue to be such chief judge on or after such date until any one of the following events occurs:

(A) The chief judge is relieved of his duties under section 258(c) of title 28, United States Code.

(B) The regular active status of the chief judge is terminated.

(C) The chief judge attains the age of 70 years.

(D) The chief judge has served for a term of 7 years as chief judge.

(2) When the chief judge vacates the position of chief judge under paragraph (1), the position of chief judge of the Court of International Trade shall be filled in accordance with section 258(a) of title 28, United States Code.

TITLE VI—MISCELLANEOUS

SEC. 601. PARTICIPATION IN JUDICIAL GOVERNANCE ACTIVITIES BY DISTRICT, SENIOR, AND MAGISTRATE JUDGES.

(a) JUDICIAL CONFERENCE OF THE UNITED STATES.—Section 331 of title 28, United States Code, is amended by striking out the second undesignated paragraph and inserting in lieu thereof the following:

"The district judge to be summoned from each judicial circuit shall be chosen by the circuit and district judges of the circuit and shall serve as a member of the Judicial Conference of the United States for a term of not less than 3 successive years nor more than 5 successive years, as established by majority vote of all circuit and district judges of the circuit. A district judge serving as a member of the Judicial Conference may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title.".

(b) BOARD OF THE FEDERAL JUDICIAL CENTER.—Section 621 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge, elected by vote of the members of the Judicial Conference of the United States, except that any circuit or district judge so elected may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title but shall not be a member of the Judicial Conference of the United States; and"; and

(2) in subsection (b) by striking out "retirement," and inserting in lieu thereof "retirement pursuant to section 371(a) or section 372(a) of this title,".

SEC. 602. THE DIRECTOR AND DEPUTY DIRECTOR OF THE ADMINISTRATIVE OFFICE AS OFFICERS OF THE UNITED STATES.

Section 601 of title 28, United States Code, is amended by adding at the end thereof the following: "The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code.".

SEC. 603. REMOVAL OF ACTION FROM STATE COURT.

Section 1446(c)(1) of title 28, United States Code, is amended by striking out "petitioner" and inserting in lieu thereof "defendant or defendants".

SEC. 604. FEDERAL JUDICIAL CENTER EMPLOYEE RETIREMENT PROVISIONS.

Section 627(b) of title 28, United States Code, is amended—

(1) in the first sentence by inserting "Deputy Director," before "the professional staff"; and

(2) in the first sentence by inserting "chapter 84 (relating to the Federal Employees' Retirement System)," after "(relating to civil service retirement),".

SEC. 605. ABOLITION OF THE SPECIAL COURT, REGIONAL RAIL REORGANIZATION ACT OF 1973.

(a) ABOLITION OF THE SPECIAL COURT.—Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended in subsection (b)—

(1) by inserting "(1)" before "Within 30 days after"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The special court referred to in paragraph (1) of this subsection is abolished effective 90 days after the date of enactment of the Federal Courts Improvement Act of 1996. On such effective date, all jurisdiction and other functions of the special court shall be assumed by the United States District Court for the District of Columbia. With respect to any proceedings that arise or continue after the date on which the special court is abolished, the references in the following provisions to the special court established under this subsection shall be deemed to refer to the United States District Court for the District of Columbia:

"(A) Subsections (c), (e)(1), (e)(2), (f) and (g) of this section.

"(B) Sections 202 (d)(3), (g), 207 (a)(1), (b)(1), (b)(2), 208(d)(2), 301 (e)(2), (g), (k)(3), (k)(15), 303 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 304 (a)(1)(B), (i)(3), 305 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 306 (a), (b), (c)(4), and 601 (b)(3), (c) of this Act (45 U.S.C. 712 (d)(3), (g), 717 (a)(1), (b)(1), (b)(2), 718(d)(2), 741 (e)(2), (g), (k)(3), (k)(15), 743 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 744 (a)(1)(B), (i)(3), 745 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 746 (a), (b), (c)(4), 791 (b)(3), (c)).

"(C) Sections 1152(a) and 1167(b) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105(a), 1115(a)).

"(D) Sections 4023 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A) and 4025(b) of the Conrail Privatization Act (45 U.S.C. 1323 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A), 1324(b)).

"(E) Section 24907(b) of title 49, United States Code.

"(F) Any other Federal law (other than this subsection and section 605 of the Federal Courts Improvement Act of 1996), Executive order, rule, regulation, delegation of authority, or document of or relating to the special court as previously established under paragraph (1) of this subsection.".

(b) APPELLATE REVIEW.—(1) Section 209(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended by striking out the paragraph following paragraph (2) and inserting in lieu thereof the following:

"(3) An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(2) Section 303 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743) is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) APPEAL.—An order or judgment entered by the United States District Court for the District of Columbia pursuant to subsection (c) of this section or section 306 shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(3) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) APPEAL.—An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is further amended—

(A) in subsection (g) by inserting "or Court of Appeals for the District of Columbia Circuit" after "Supreme Court"; and

(B) by striking out subsection (h).

(2) Section 305(d)(4) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 745(d)) is amended by striking out "a judge of the United States district court with respect to such proceedings and such powers shall include those of".

(3) Section 1135(a)(8) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1104(8)) is amended to read as follows:

"(8) 'Special court' means the judicial panel established under section 209(b)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)(1)) or, with respect to any proceedings that arise or continue after the panel is abolished pursuant to section 209(b)(2) of such Act, the United States District Court for the District of Columbia.".

(4) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is further amended by striking out subsection (d).

(d) PENDING CASES.—Effective 90 days after the date of enactment of this Act, any case pending in the special court established under section 209(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)) shall be assigned to the United States District Court for the District of Columbia as though the case had originally been filed in that court. The amendments made by subsection (b) of this section shall not apply to any final order or judgment entered by the special court for which—

(1) a petition for writ of certiorari has been filed before the date on which the special court is abolished; or

(2) the time for filing a petition for writ of certiorari has not expired before that date.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) of this section shall take effect 90 days after the date of enactment of this Act and, except as provided in subsection (d), shall apply with respect to proceedings that arise or continue after such effective date.

SEC. 606. PLACE OF HOLDING COURT IN THE DISTRICT COURT OF UTAH.

(a) NORTHERN DIVISION.—Section 125(1) of title 28, United States Code, is amended by inserting "Salt Lake City and" before "Ogden".

(b) CENTRAL DIVISION.—Section 125(2) of title 28, United States Code, is amended by inserting ", Provo, and St. George" after "Salt Lake City".

SEC. 607. EXCEPTION OF RESIDENCY REQUIREMENT FOR DISTRICT JUDGES APPOINTED TO THE SOUTHERN DISTRICT AND EASTERN DISTRICT OF NEW YORK.

Section 134(b) of title 28, United States Code, is amended—

(1) by inserting "the Southern District of New York, and the Eastern District of New York," after "the District of Columbia,"; and

(2) by inserting at the end the following: "Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district to which he or she is appointed.".

SEC. 608. EXTENSION OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION REPORTS ON DEMONSTRATION AND PILOT PROGRAMS.

(a) DEMONSTRATION PROGRAM.—Section 104(d) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out "December 31, 1996," and inserting in lieu thereof "June 30, 1997,".

(b) PILOT PROGRAM.—Section 105(c)(1) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out "December 31, 1996," and inserting in lieu thereof "June 30, 1997,".

SEC. 609. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF NEW YORK.

The last sentence of section 112(b) of title 28, United States Code, is amended to read as follows:

"Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.".

SEC. 610. VENUE FOR TERRITORIAL COURTS.

(a) CHANGE OF VENUE.—Section 1404(d) of title 28, United States Code, is amended to read as follows:

"(d) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.".

(b) CURE OR WAIVER OF DEFECTS.—Section 1406(c) of title 28, United States Code, is amended to read as follows:

"(c) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.".

(c) APPLICABILITY.—The amendments made by this section apply to cases pending on the date of the enactment of this Act and to cases commenced on or after such date.

BROADENING THE SCOPE OF CERTAIN FIREARM OFFENSES

Mr. LOTT. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. 1612, a bill to broaden the scope of certain firearm offenses, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1612) to provide for increased mandatory minimum sentences for criminals possessing firearms.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5433

(Purpose: To provide a complete substitute)

Mr. LOTT. Mr. President, I send an amendment to the desk for Senators DEWINE, HELMS, and ABRAHAM. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. DEWINE, for himself, Mr. HELMS, and Mr. ABRAHAM, proposes an amendment numbered 5433.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FIREARMS OFFENSES.

(a) IN GENERAL.—Sections 924(c)(1) and 929(a)(1) of title 18, United States Code, are each amended by striking "uses or carries" and inserting "possesses".

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and the policy statements of the Commission to provide an appropriate sentence enhancement with respect to any defendant who discharges a firearm during or in relation to any crime of violence or any drug trafficking crime.

(2) CONSISTENCY.—In carrying out this subsection, the United States Sentencing Commission shall—

(A) ensure that there is reasonable consistency with other Federal Sentencing Guidelines;

(B) avoid duplicative punishment for substantially the same offense; and

(C) take into account any mitigating circumstances that might justify an exception to any amendment made under paragraph (1).

(3) DEFINITIONS.—For purposes of this subsection, the terms "crime of violence" and "drug trafficking crime" have the same meanings as in section 924(c) of title 18, United States Code.

Amend the title so as to read: "A bill to broaden the scope of certain firearms offenses, and for other purposes.".

Mr. DEWINE. Mr. President, there is concern that some in the House might oppose S. 1612, the Helms/DeWine bill that just passed unanimously, for political reasons. I should emphasize the significance of getting this legislation passed by the House and sent to the President for his signature. This measure, which broadens the scope of firearms offenses committed by violent criminals, is essential if Federal prosecutors are going to have the tools necessary to combat violence and drug trafficking. I urge our colleagues in the House to pass this legislation with dispatch, and to send it to the President, whose Justice Department has been very supportive of this bill. Those who would stop this bill, do so at the expense of law-abiding citizens.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be deemed read a third time and passed as amended, the title amendment be agreed to, the motion to reconsider be laid upon the table and any statements relating to the bill appear at an appropriate point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5433) was agreed to.

The bill (S. 1612), as amended, was deemed read for a third time, and passed, as follows:

S. 1612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FIREARMS OFFENSES.

(a) IN GENERAL.—Sections 924(c)(1) and 929(a)(1) of title 18, United States Code, are each amended by striking "uses or carries" and inserting "possesses".

(b) AMENDMENT OF SENTENCING GUIDELINES—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and the policy statements of the Commission to provide an appropriate sentence enhancement with respect to any defendant who discharges a firearm during or in relation to any crime of violence or any drug trafficking crime.

(2) CONSISTENCY.—In carrying out this subsection, the United States Sentencing Commission shall—

(A) ensure that there is reasonable consistency with other Federal Sentencing Guidelines;

(B) avoid duplicative punishment for substantially the same offense; and

(C) take into account any mitigating circumstances that might justify an exception to any amendment made under paragraph (1).

(3) DEFINITIONS.—For purposes of this subsection, the terms "crime of violence" and "drug trafficking crime" have the same meanings as in section 924(c) of title 18, United States Code.

Passed the Senate October 3, 1996.

The title was amended so as to read: "A bill to broaden the scope of certain firearms offenses, and for other purposes."

COMPENSATING OWNERS OF PATENTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 632, regarding patent legal fees, and the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 632) to enhance fairness in compensating owners of patents used by the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5431

(Purpose: To provide for a limitation on reasonable costs and fees under special circumstances, and for other purposes)

Mr. LOTT. Mr. President, Senator HATCH has a technical amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HATCH, proposes an amendment numbered 5431.

The amendment is as follows:

On page 2, line 8, strike all after the period through "Acts." on line 13 and insert "Notwithstanding the preceding sentences, unless the action has been pending for more than 10 years from the time of filing to the time that the owner applies for such costs and fees, reasonable and entire compensation shall not include such costs and fees if the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.".

On page 2, line 17, strike "January 1, 1996" and insert "the date of the enactment of this Act".

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5431) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the measure be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 632), as amended, was deemed read the third time and passed.

OLDER AMERICANS INDIAN TECHNICAL AMENDMENTS ACT

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 1972) to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Strike out all after the enacting clause, and insert:

SECTION 1. TABLE OF CONTENTS.

Sec. 1. Table of contents.

TITLE I—OLDER AMERICANS ACT OF 1965

Sec. 101. Indian employment; definition of Indian reservation.
Sec. 102. Population statistics development.
Sec. 103. Reporting requirements.
Sec. 104. Expenditure of funds for nutrition services.
Sec. 105. Coordination of services.

TITLE II—EXTENSION OF PROGRAMS; MUSEUMS AND LIBRARIES

Subtitle A—Extension of Programs

Sec. 201. Extension of National Literacy Act of 1991.
Sec. 202. Adult Education Act amendments.
Sec. 203. Extension of Carl D. Perkins Vocational and Applied Technology Education Act.

Subtitle B—Museums and Libraries

Sec. 211. Museum and library services.
Sec. 212. National Commission on Libraries and Information Science.
Sec. 213. Transfer of functions from Institute of Museum Services.
Sec. 214. Service of individuals serving on date of enactment.
Sec. 215. Consideration.
Sec. 216. Transition and transfer of funds.

TITLE III—HIGHER EDUCATION

Subtitle A—Debt Reduction

Sec. 301. Unsubsidized student loans.
Sec. 302. Study of loan fees.

Subtitle B—Financial Responsibility Standards

Sec. 311. Extension of public comment period.

TITLE I—OLDER AMERICANS ACT OF 1965

SEC. 101. INDIAN EMPLOYMENT; DEFINITION OF INDIAN RESERVATION.

Section 502(b)(1)(B) of the Older Americans Act of 1965 (42 U.S.C. 3056(b)(1)(B)) is amended to read as follows:

"(B)(i) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities; or

"(ii) if such project is carried out by a tribal organization that enters into an agreement under this subsection or receives assistance from a State that enters into such an agreement, will provide employment for such individuals who are Indians residing on or near an Indian reservation, as the term is defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2));".

SEC. 102. POPULATION STATISTICS DEVELOPMENT.

Section 614(b) of the Older Americans Act of 1965 (42 U.S.C. 3057e(b)) is amended by striking "certification" and inserting "approval".

SEC. 103. REPORTING REQUIREMENTS.

Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) The Assistant Secretary shall provide waivers and exemptions of the reporting requirements of subsection (a)(3) for applicants that serve Indian populations in geographically isolated areas, or applicants that serve small Indian populations, where the small scale of the project, the nature of the applicant, or other factors make the reporting requirements unreasonable under the circumstances. The Assistant Secretary shall consult with such applicants in establishing appropriate waivers and exemptions.".

SEC. 104. EXPENDITURE OF FUNDS FOR NUTRITION SERVICES.

Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)), as amended by section 103, is further amended by adding at the end the following new paragraph:

"(3) In determining whether an application complies with the requirements of subsection (a)(8), the Assistant Secretary shall provide maximum flexibility to an applicant who seeks to take into account subsistence needs, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographical needs of the Indian populations to be served.".

SEC. 105. COORDINATION OF SERVICES.

Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)), as amended by section 104, is further amended by adding at the end the following new paragraph:

"(4) In determining whether an application complies with the requirements of subsection (a)(12), the Assistant Secretary shall require only that an applicant provide an appropriate narrative description of the geographical area to be served and an assurance that procedures will be adopted to ensure against duplicate services being provided to the same recipients.".

TITLE II—EXTENSION OF PROGRAMS; MUSEUMS AND LIBRARIES

Subtitle A—Extension of Programs

SEC. 201. EXTENSION OF NATIONAL LITERACY ACT OF 1991.

(a) NATIONAL WORKFORCE LITERACY ASSISTANCE COLLABORATIVE.—Subsection (c) of section 201 of the National Literacy Act of 1991 (20 U.S.C. 1211–1(c)) is amended by striking "$5,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

(b) FUNCTIONAL LITERACY AND LIFE SKILLS PROGRAM FOR STATE AND LOCAL PRISONERS.—Paragraph (3) of section 601(i) of the National Literacy Act of 1991 (20 U.S.C. 1211–2(i)) is amended by striking "$10,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

SEC. 202. ADULT EDUCATION ACT AMENDMENTS.

The Adult Education Act (20 U.S.C. 1201 et seq.) is amended—

(1) in section 312—

(A) in each of subparagraphs (A) and (B) of paragraph (11), by moving the left margin two ems to the right;

(B) in each of paragraphs (11) through (15), by moving the left margin two ems to the right; and

(C) by adding at the end the following:

"(16) The term 'family literacy services' means services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Training for parents on how to be the primary teacher for their children and full partners in the education of their children.

"(C) Parent literacy training.

"(D) An age-appropriate education program for children.";

(2) in section 313(a), by striking "the fiscal year 1991," and all that follows through "1995" and inserting "fiscal year 1997";

(3) in section 321, by inserting "and family literacy services" after "and activities";

(4) in the first sentence of section 322(a)(1), by inserting "and family literacy services" after "adult education programs";

(5) in section 341(a), by inserting "and for family literacy services" after "adult education";

(6) in section 356(k), by striking "$25,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.";

(7) in section 371(e)(1), by striking "the fiscal year 1991," and all that follows through the period and inserting "fiscal year 1997.";

(8) in section 384, by striking subsections (c) through (n); and

(9) by adding at the end the following:

"SEC. 386. NATIONAL INSTITUTE FOR LITERACY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established the National Institute for Literacy (in this section referred to as the 'Institute'). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary of Education with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the 'Interagency Group'). The Interagency Group may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education, the Department of Labor, or the Department of Health and Human Services whose purpose is determined by the Interagency Group to be related to the purpose of the Institute.

"(2) OFFICES.—The Institute shall have offices separate from the offices of the Department of Education, the Department of Labor, and the Department of Health and Human Services.

"(3) BOARD RECOMMENDATIONS.—The Interagency Group shall consider the recommendations of the National Institute for Literacy Advisory Board (in this section referred to as the 'Board') established under subsection (d) in planning the goals of the Institute and in the implementation of any programs to achieve such goals.

"(4) DAILY OPERATIONS.—The daily operations of the Institute shall be carried out by the Director of the Institute appointed under subsection (g).

"(b) DUTIES.—

"(1) IN GENERAL.—The Institute shall improve the quality and accountability of the adult basic skills and literacy delivery system by—

"(A) providing national leadership for the improvement and expansion of the system for delivery of literacy services;

"(B) coordinating the delivery of such services across Federal agencies;

"(C) identifying effective models of basic skills and literacy education for adults and families that are essential to success in job training, work, the family, and the community;

"(D) supporting the creation of new methods of offering improved literacy services;

"(E) funding a network of State or regional adult literacy resource centers to assist State and local public and private nonprofit efforts to improve literacy by—

"(i) encouraging the coordination of literacy services;

"(ii) carrying out evaluations of the effectiveness of adult education and literacy activities;

"(iii) enhancing the capacity of State and local organizations to provide literacy services; and

"(iv) serving as a reciprocal link between the Institute and providers of adult education and literacy activities for the purpose of sharing information, data, research, expertise, and literacy resources;

"(F) supporting the development of models at the State and local level of accountability systems that consist of goals, performance measures, benchmarks, and assessments that can be *used to improve the quality of adult education and literacy activities;*

"(G) providing information, and other program improvement activities to national, State, and local organizations, such as—

"(i) improving the capacity of national, State, and local public and private organizations that provide literacy and basic skills services, professional development, and technical assistance, such as the State or regional adult literacy resource centers referred to in subparagraph (E); and

"(ii) establishing a national literacy electronic database and communications network;

"(H) working with the Interagency Group, Federal agencies, and the Congress to ensure that such Group, agencies, and the Congress have the best information available on literacy and basic skills programs in formulating Federal policy with respect to the issues of literacy, basic skills, and workforce and career development; and

"(I) assisting with the development of policy with respect to literacy and basic skills.

"(2) GRANTS, CONTRACTS, AND AGREEMENTS.—The Institute may make grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

"(c) LITERACY LEADERSHIP.—

"(1) FELLOWSHIPS.—The Institute, in consultation with the Board, may award fellowships, with such stipends and allowances as the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

"(2) USE OF FELLOWSHIPS.—Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

"(3) INTERNS AND VOLUNTEERS.—The Institute, in consultation with the Board, may award paid and unpaid internships to individuals seeking to assist the Institute in carrying out its mission. Notwithstanding section 1342 of title 31, United States Code, the Institute may accept and use voluntary and uncompensated services as the Institute determines necessary.

"(d) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—There is established a National Institute for Literacy Advisory Board. The Board shall consist of 10 individuals appointed by the President, with the advice and consent of the Senate, from individuals who—

"(i) are not otherwise officers or employees of the Federal Government; and

"(ii) are representative of entities or groups described in subparagraph (B).

"(B) ENTITIES OR GROUPS DESCRIBED.—The entities or groups referred to in subparagraph (A) are—

"(i) literacy organizations and providers of literacy services, including—

"(I) nonprofit providers of literacy services;

"(II) providers of programs and services involving English language instruction; and

"(III) providers of services receiving assistance under this title;

"(ii) businesses that have demonstrated interest in literacy programs;

"(iii) literacy students;

"(iv) experts in the area of literacy research;

"(v) State and local governments; and

"(vi) representatives of employees.

"(2) DUTIES.—The Board—

"(A) shall make recommendations concerning the appointment of the Director and staff of the Institute;

"(B) shall provide independent advice on the operation of the Institute; and

"(C) shall receive reports from the Interagency Group and the Director.

"(3) FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"(4) TERMS.—

"(A) IN GENERAL.—Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which 1/3 of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

"(B) VACANCY APPOINTMENTS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made. A vacancy in the Board shall not affect the powers of the Board.

"(5) QUORUM.—A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation of the Board may be passed only by a majority of the Board's members present.

"(6) ELECTION OF OFFICERS.—The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

"(7) MEETINGS.—The Board shall meet at the call of the Chairperson or a majority of the members of the Board.

"(e) GIFTS, BEQUESTS, AND DEVISES.—The Institute may accept, administer, and use gifts or donations of services, money, or property, both real and personal.

"(f) MAILS.—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(g) DIRECTOR.—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

"(h) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum rate payable under section 5376 of title 5, United States Code.

"(i) EXPERTS AND CONSULTANTS.—The Board and the Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(j) REPORT.—The Institute shall submit a report biennially to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Each report submitted under this subsection shall include—

"(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in the field of literacy for the period covered by the report;

"(2) a description of how plans for the operation of the Institute for the succeeding two fiscal years will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and

"(3) any additional minority, or dissenting views submitted by members of the Board.

"(k) FUNDING.—Any amounts appropriated to the Secretary of Education, the Secretary of Labor, or the Secretary of Health and Human Services for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.

"(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this section.".

SEC. 203. EXTENSION OF CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

Subsection (a) of section 3 of the Carl D. Perkins Vocational and Applied Technology Act is amended by striking "appropriated" and all that follows through "1995" and inserting "appropriated for fiscal year 1997 such sums as may be necessary".

Subtitle B—Museums and Libraries

SEC. 211. MUSEUM AND LIBRARY SERVICES.

The Museum Services Act (20 U.S.C. 961 et seq.) is amended to read as follows:

"TITLE II—MUSEUM AND LIBRARY SERVICES

"Subtitle A—General Provisions

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Museum and Library Services Act'.

"SEC. 202. GENERAL DEFINITIONS.

"As used in this title:

"(1) COMMISSION.—The term 'Commission' means the National Commission on Libraries and Information Science established under section 3 of the National Commission on Libraries and Information Sciences Act (20 U.S.C. 1502).

"(2) DIRECTOR.—The term 'Director' means the Director of the Institute appointed under section 204.

"(3) INSTITUTE.—The term 'Institute' means the Institute of Museum and Library Services established under section 203.

"(4) MUSEUM BOARD.—The term 'Museum Board' means the National Museum Services Board established under section 275.

"SEC. 203. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

"(a) ESTABLISHMENT.—There is established, within the National Foundation on the Arts and the Humanities, an Institute of Museum and Library Services.

"(b) OFFICES.—The Institute shall consist of an Office of Museum Services and an Office of Library Services. There shall be a National Museum Services Board in the Office of Museum Services.

"SEC. 204. DIRECTOR OF THE INSTITUTE.

"(a) APPOINTMENT.—

"(1) IN GENERAL.—The Institute shall be headed by a Director, appointed by the President, by and with the advice and consent of the Senate.

"(2) TERM.—The Director shall serve for a term of 4 years.

"(3) QUALIFICATIONS.—Beginning with the first individual appointed to the position of Director after the date of the enactment of the Act entitled 'An Act to amend the Older Americans Act of 1965, and for other purposes', every second individual so appointed shall be appointed from among individuals who have special competence with regard to library and information

services. Beginning with the second individual appointed to the position of Director after the date of enactment of the Act entitled 'An Act to amend the Older Americans Act of 1965, and for other purposes', every second individual so appointed shall be appointed from among individuals who have special competence with regard to museum services.

"(b) COMPENSATION.—The Director may be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) DUTIES AND POWERS.—The Director shall perform such duties and exercise such powers as may be prescribed by law, including awarding financial assistance for activities described in this title.

"(d) NONDELEGATION.—The Director shall not delegate any of the functions of the Director to any person who is not an officer or employee of the Institute.

"(e) COORDINATION.—The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services.

"SEC. 205. DEPUTY DIRECTORS.

"The Office of Library Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have a graduate degree in library science and expertise in library and information services. The Office of Museum Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have expertise in museum services.

"SEC. 206. PERSONNEL.

"(a) IN GENERAL.—The Director may, in accordance with applicable provisions of title 5, United States Code, appoint and determine the compensation of such employees as the Director determines to be necessary to carry out the duties of the Institute.

"(b) VOLUNTARY SERVICES.—The Director may accept and utilize the voluntary services of individuals and reimburse the individuals for travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"SEC. 207. CONTRIBUTIONS.

"The Institute is authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such property or services in furtherance of the functions of the Institute. Any proceeds from such gifts, bequests, or devises, after acceptance by the Institute, shall be paid by the donor or the representative of the donor to the Director. The Director shall enter the proceeds in a special interest-bearing account to the credit of the Institute for the purposes specified in each case.

"Subtitle B—Library Services and Technology

"SEC. 211. SHORT TITLE.

"This subtitle may be cited as the 'Library Services and Technology Act'.

"SEC. 212. PURPOSE.

"It is the purpose of this subtitle—

"(1) to consolidate Federal library service programs;

"(2) to stimulate excellence and promote access to learning and information resources in all types of libraries for individuals of all ages;

"(3) to promote library services that provide all users access to information through State, regional, national and international electronic networks;

"(4) to provide linkages among and between libraries; and

"(5) to promote targeted library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited functional literacy or information skills.

"SEC. 213. DEFINITIONS.

"As used in this subtitle:

"(1) INDIAN TRIBE.—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) LIBRARY.—The term 'library' includes—

"(A) a public library;

"(B) a public elementary school or secondary school library;

"(C) an academic library;

"(D) a research library, which for the purposes of this subtitle means a library that—

"(i) makes publicly available library services and materials suitable for scholarly research and not otherwise available to the public; and

"(ii) is not an integral part of an institution of higher education; and

"(E) a private library, but only if the State in which such private library is located determines that the library should be considered a library for purposes of this subtitle.

"(3) LIBRARY CONSORTIUM.—The term 'library consortium' means any local, statewide, regional, interstate, or international cooperative association of library entities which provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers, for improved services for the clientele of such library entities.

"(4) STATE.—The term 'State', unless otherwise specified, includes each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(5) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term 'State library administrative agency' means the official agency of a State charged by the law of the State with the extension and development of public library services throughout the State.

"(6) STATE PLAN.—The term 'State plan' means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this subtitle, provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under this subtitle, submits copies for approval as required by regulations promulgated by the Director, identifies a State's library needs, and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this subtitle.

"SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $150,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this subtitle.

"(2) TRANSFER.—The Secretary of Education shall—

"(A) transfer any funds appropriated under the authority of paragraph (1) to the Director to enable the Director to carry out this subtitle; and

"(B) not exercise any authority concerning the administration of this title other than the transfer described in subparagraph (A).

"(b) FORWARD FUNDING.—

"(1) IN GENERAL.—To the end of affording the responsible Federal, State, and local officers adequate notice of available Federal financial assistance for carrying out ongoing library activities and projects, appropriations for grants, contracts, or other payments under any program under this subtitle are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year during which such activities and projects shall be carried out.

"(2) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In order to effect a transition to the timing of appropriation action authorized by subsection (a), the application of this section may result in the enactment, in a fiscal year, of separate appropriations for a program under this subtitle (whether in the same appropriations Act or otherwise) for two consecutive fiscal years.

"(c) ADMINISTRATION.—Not more than 3 percent of the funds appropriated under this section for a fiscal year may be used to pay for the Federal administrative costs of carrying out this subtitle.

"CHAPTER 1—BASIC PROGRAM REQUIREMENTS

"SEC. 221. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—

"(1) IN GENERAL.—From the amount appropriated under the authority of section 214 for any fiscal year, the Director—

"(A) shall reserve 1½ percent to award grants in accordance with section 261; and

"(B) shall reserve 4 percent to award national leadership grants or contracts in accordance with section 262.

"(2) SPECIAL RULE.—If the funds reserved pursuant to paragraph (1)(B) for a fiscal year have not been obligated by the end of such fiscal year, then such funds shall be allotted in accordance with subsection (b) for the fiscal year succeeding the fiscal year for which the funds were so reserved.

"(b) ALLOTMENTS.—

"(1) IN GENERAL.—From the sums appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year, the Director shall award grants from minimum allotments, as determined under paragraph (3), to each State. Any sums remaining after minimum allotments are made for such year shall be allotted in the manner set forth in paragraph (2).

"(2) REMAINDER.—From the remainder of any sums appropriated under the authority of section 214 that are not reserved under subsection (a) and not allotted under paragraph (1) for any fiscal year, the Director shall award grants to each State in an amount that bears the same relation to such remainder as the population of the State bears to the population of all States.

"(3) MINIMUM ALLOTMENT.—

"(A) IN GENERAL.—For the purposes of this subsection, the minimum allotment for each State shall be $340,000, except that the minimum allotment shall be $40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(B) RATABLE REDUCTIONS.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the aggregate of the minimum allotments for all States for that purpose for such year, each of such minimum allotments shall be reduced ratably.

"(C) SPECIAL RULE.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

"(ii) AWARD BASIS.—The Director shall award grants pursuant to clause (i) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(iii) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

"(iv) ADMINISTRATIVE COSTS.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.

"(4) DATA.—The population of each State and of all the States shall be determined by the Director on the basis of the most recent data available from the Bureau of the Census.

"SEC. 222. ADMINISTRATION.

"(a) IN GENERAL.—Not more than 4 percent of the total amount of funds received under this subtitle for any fiscal year by a State may be used for administrative costs.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to limit spending for evaluation costs under section 224(c) from sources other than this subtitle.

"SEC. 223. PAYMENTS; FEDERAL SHARE; AND MAINTENANCE OF EFFORT REQUIREMENTS.

"(a) PAYMENTS.—Subject to appropriations provided pursuant to section 214, the Director shall pay to each State library administrative agency having a State plan approved under section 224 the Federal share of the cost of the activities described in the State plan.

"(b) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share shall be 66 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of payments shall be provided from non-Federal, State, or local sources.

"(c) MAINTENANCE OF EFFORT.—

"(1) STATE EXPENDITURES.—

"(A) REQUIREMENT.—

"(i) IN GENERAL.—The amount otherwise payable to a State for a fiscal year pursuant to an allotment under this chapter shall be reduced if the level of State expenditures, as described in paragraph (2), for the previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years preceding that previous fiscal year. The amount of the reduction in allotment for any fiscal year shall be equal to the amount by which the level of such State expenditures for the fiscal year for which the determination is made is less than the average of the total of such expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.

"(ii) CALCULATION.—Any decrease in State expenditures resulting from the application of subparagraph (B) shall be excluded from the calculation of the average level of State expenditures for any 3-year period described in clause (i).

"(B) DECREASE IN FEDERAL SUPPORT.—If the amount made available under this subtitle for a fiscal year is less than the amount made available under this subtitle for the preceding fiscal year, then the expenditures required by subparagraph (A) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

"(2) LEVEL OF STATE EXPENDITURES.—The level of State expenditures for the purposes of paragraph (1) shall include all State dollars expended by the State library administrative agency for library programs that are consistent with the purposes of this subtitle. All funds included in the maintenance of effort calculation under this subsection shall be expended during the fiscal year for which the determination is made, and shall not include capital expenditures, special one-time project costs, or similar windfalls.

"(3) WAIVER.—The Director may waive the requirements of paragraph (1) if the Director determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"SEC. 224. STATE PLANS.

"(a) STATE PLAN REQUIRED.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this subtitle, a State library administrative agency shall submit a State plan to the Director not later than April 1, 1997.

"(2) DURATION.—The State plan shall cover a period of 5 fiscal years.

"(3) REVISIONS.—If a State library administrative agency makes a substantive revision to its State plan, then the State library administrative agency shall submit to the Director an amendment to the State plan containing such revision not later than April 1 of the fiscal year preceding the fiscal year for which the amendment will be effective.

"(b) CONTENTS.—The State plan shall—

"(1) establish goals, and specify priorities, for the State consistent with the purposes of this subtitle;

"(2) describe activities that are consistent with the goals and priorities established under paragraph (1), the purposes of this subtitle, and section 231, that the State library administrative agency will carry out during such year using such grant;

"(3) describe the procedures that such agency will use to carry out the activities described in paragraph (2);

"(4) describe the methodology that such agency will use to evaluate the success of the activities established under paragraph (2) in achieving the goals and meeting the priorities described in paragraph (1);

"(5) describe the procedures that such agency will use to involve libraries and library users throughout the State in policy decisions regarding implementation of this subtitle; and

"(6) provide assurances satisfactory to the Director that such agency will make such reports, in such form and containing such information, as the Director may reasonably require to carry out this subtitle and to determine the extent to which funds provided under this subtitle have been effective in carrying out the purposes of this subtitle.

"(c) EVALUATION AND REPORT.—Each State library administrative agency receiving a grant under this subtitle shall independently evaluate, and report to the Director regarding, the activities assisted under this subtitle, prior to the end of the 5-year plan.

"(d) INFORMATION.—Each library receiving assistance under this subtitle shall submit to the State library administrative agency such information as such agency may require to meet the requirements of subsection (c).

"(e) APPROVAL.—

"(1) IN GENERAL.—The Director shall approve any State plan under this subtitle that meets the requirements of this subtitle and provides satisfactory assurances that the provisions of such plan will be carried out.

"(2) PUBLIC AVAILABILITY.—Each State library administrative agency receiving a grant under this subtitle shall make the State plan available to the public.

"(3) ADMINISTRATION.—If the Director determines that the State plan does not meet the requirements of this section, the Director shall—

"(A) immediately notify the State library administrative agency of such determination and the reasons for such determination;

"(B) offer the State library administrative agency the opportunity to revise its State plan;

"(C) provide technical assistance in order to assist the State library administrative agency in meeting the requirements of this section; and

"(D) provide the State library administrative agency the opportunity for a hearing.

"CHAPTER 2—LIBRARY PROGRAMS

"SEC. 231. GRANTS TO STATES.

"(a) IN GENERAL.—Of the funds provided to a State library administrative agency under section 214, such agency shall expend, either directly or through subgrants or cooperative agreements, at least 96 percent of such funds for—

"(1) establishing or enhancing electronic linkages among or between libraries and library consortia; and

"(2) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(b) SPECIAL RULE.—Each State library administrative agency receiving funds under this chapter may apportion the funds available for the purposes described in subsection (a) between the two purposes described in paragraphs (1) and (2) of such subsection, as appropriate, to meet the needs of the individual State.

"CHAPTER 3—ADMINISTRATIVE PROVISIONS

"Subchapter A—State Requirements

"SEC. 251. STATE ADVISORY COUNCILS.

"Each State desiring assistance under this subtitle may establish a State advisory council which is broadly representative of the library entities in the State, including public, school, academic, special, and institutional libraries, and libraries serving individuals with disabilities.

"Subchapter B—Federal Requirements

"SEC. 261. SERVICES FOR INDIAN TRIBES.

"From amounts reserved under section 221(a)(1)(A) for any fiscal year the Director shall award grants to organizations primarily serving and representing Indian tribes to enable such organizations to carry out the activities described in section 231.

"SEC. 262. NATIONAL LEADERSHIP GRANTS OR CONTRACTS.

"(a) IN GENERAL.—From the amounts reserved under section 221(a)(1)(B) for any fiscal year the Director shall establish and carry out a program awarding national leadership grants or contracts to enhance the quality of library services nationwide and to provide coordination between libraries and museums. Such grants or contracts shall be used for activities that may include—

"(1) education and training of persons in library and information science, particularly in

areas of new technology and other critical needs, including graduate fellowships, traineeships, institutes, or other programs;

"(2) research and demonstration projects related to the improvement of libraries, education in library and information science, enhancement of library services through effective and efficient use of new technologies, and dissemination of information derived from such projects;

"(3) preservation or digitization of library materials and resources, giving priority to projects emphasizing coordination, avoidance of duplication, and access by researchers beyond the institution or library entity undertaking the project; and

"(4) model programs demonstrating cooperative efforts between libraries and museums.

"(b) GRANTS OR CONTRACTS.—

"(1) IN GENERAL.—The Director may carry out the activities described in subsection (a) by awarding grants to, or entering into contracts with, libraries, agencies, institutions of higher education, or museums, where appropriate.

"(2) COMPETITIVE BASIS.—Grants and contracts under this section shall be awarded on a competitive basis.

"(c) SPECIAL RULE.—The Director shall make every effort to ensure that activities assisted under this section are administered by appropriate library and museum professionals or experts.

"SEC. 263. STATE AND LOCAL INITIATIVES.

"Nothing in this subtitle shall be construed to interfere with State and local initiatives and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and insofar as consistent with the purposes of this subtitle, the determination of the best uses of the funds provided under this subtitle, shall be reserved for the States and their local subdivisions.

"Subtitle C—Museum Services

"SEC. 271. PURPOSE.

"It is the purpose of this subtitle—

"(1) to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and postsecondary education, and with programs of nonformal education for all age groups;

"(2) to assist museums in modernizing their methods and facilities so that the museums are better able to conserve the cultural, historic, and scientific heritage of the United States; and

"(3) to ease the financial burden borne by museums as a result of their increasing use by the public.

"SEC. 272. DEFINITIONS.

"As used in this subtitle:

"(1) MUSEUM.—The term 'museum' means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, that utilizes a professional staff, owns or utilizes tangible objects, cares for the tangible objects, and exhibits the tangible objects to the public on a regular basis.

"(2) STATE.—The term 'State' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"SEC. 273. MUSEUM SERVICES ACTIVITIES.

"(a) GRANTS.—The Director, subject to the policy direction of the Museum Board, may make grants to museums to pay for the Federal share of the cost of increasing and improving museum services, through such activities as—

"(1) programs that enable museums to construct or install displays, interpretations, and exhibitions in order to improve museum services provided to the public;

"(2) assisting museums in developing and maintaining professionally trained or otherwise experienced staff to meet the needs of the museums;

"(3) assisting museums in meeting the administrative costs of preserving and maintaining the collections of the museums, exhibiting the collections to the public, and providing educational programs to the public through the use of the collections;

"(4) assisting museums in cooperating with each other in developing traveling exhibitions, meeting transportation costs, and identifying and locating collections available for loan;

"(5) assisting museums in the conservation of their collections;

"(6) developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and penal and other State institutions; and

"(7) model programs demonstrating cooperative efforts between libraries and museums.

"(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—

"(1) PROJECTS TO STRENGTHEN MUSEUM SERVICES.—The Director, subject to the policy direction of the Museum Board, is authorized to enter into contracts and cooperative agreements with appropriate entities, as determined by the Director, to pay for the Federal share of enabling the entities to undertake projects designed to strengthen museum services, except that any contracts or cooperative agreements entered into pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in appropriations acts.

"(2) LIMITATION ON AMOUNT.—The aggregate amount of financial assistance made available under this subsection for a fiscal year shall not exceed 15 percent of the amount appropriated under this subtitle for such fiscal year.

"(3) OPERATIONAL EXPENSES.—No financial assistance may be provided under this subsection to pay for operational expenses.

"(c) FEDERAL SHARE.—

"(1) 50 PERCENT.—Except as provided in paragraph (2), the Federal share described in subsections (a) and (b) shall be not more than 50 percent.

"(2) GREATER THAN 50 PERCENT.—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to make grants under subsection (a), or enter into contracts or agreements under subsection (b), for which the Federal share may be greater than 50 percent.

"(d) REVIEW AND EVALUATION.—The Director shall establish procedures for reviewing and evaluating grants, contracts, and cooperative agreements made or entered into under this subtitle. Procedures for reviewing grant applications or contracts and cooperative agreements for financial assistance under this subtitle shall not be subject to any review outside of the Institute.

"SEC. 274. AWARD.

"The Director, with the advice of the Museum Board, may annually award a National Award for Museum Service to outstanding museums that have made significant contributions in service to their communities.

"SEC. 275. NATIONAL MUSEUM SERVICES BOARD.

"(a) ESTABLISHMENT.—There is established in the Institute a National Museum Services Board.

"(b) COMPOSITION AND QUALIFICATIONS.—

"(1) COMPOSITION.—The Museum Board shall consist of the Director and 14 members appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The appointive members of the Museum Board shall be selected from among citizens of the United States—

"(A) who are members of the general public;

"(B) who are or have been affiliated with—

"(i) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

"(ii) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, and botanical gardens; and

"(C) who are recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

"(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum Board may not include, at any time, more than 3 members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums.

"(c) TERMS.—

"(1) IN GENERAL.—Each appointive member of the Museum Board shall serve for a term of 5 years, except that—

"(A) of the members first appointed, 3 shall serve for terms of 5 years, 3 shall serve for terms of 4 years, 3 shall serve for terms of 3 years, 3 shall serve for terms of 2 years, and 2 shall serve for terms of 1 year, as designated by the President at the time of nomination for appointment; and

"(B) any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

"(2) REAPPOINTMENT.—No member of the Museum Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

"(3) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, a member of the Museum Board shall serve after the expiration of the term of the member until the successor to the member takes office.

"(d) DUTIES AND POWERS.—The Museum Board shall have the responsibility to advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum services, including general policies with respect to—

"(1) financial assistance awarded under this subtitle for museum services; and

"(2) projects described in section 262(a)(4).

"(e) CHAIRPERSON.—The President shall designate 1 of the appointive members of the Museum Board as Chairperson of the Museum Board.

"(f) MEETINGS.—

"(1) IN GENERAL.—The Museum Board shall meet—

"(A) not less than 3 times each year, including—

"(i) not less than 2 times each year separately; and

"(ii) not less than 1 time each year in a joint meeting with the Commission, convened for purposes of making general policies with respect to financial assistance for projects described in section 262(a)(4); and

"(B) at the call of the Director.

"(2) VOTE.—All decisions by the Museum Board with respect to the exercise of the duties and powers of the Museum Board shall be made by a majority vote of the members of the Museum Board who are present. All decisions by the Commission and the Museum Board with respect to the policies described in paragraph (1)(A)(ii) shall be made by a ⅔ majority vote of the total number of the members of the Commission and the Museum Board who are present.

"(g) QUORUM.—A majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official meetings of the Museum Board, but a lesser number of members may hold hearings. A majority of the members of the Commission and a majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the Museum Board.

"(h) COMPENSATION AND TRAVEL EXPENSES.—

"(1) COMPENSATION.—Each member of the Museum Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum Board. All members of the Museum Board who are officers or employees of the Federal Government shall serve without compensation in addition to compensation received for their services as officers or employees of the Federal Government.

"(2) TRAVEL EXPENSES.—The members of the Museum Board may be allowed travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"(i) COORDINATION.—The Museum Board, with the advice of the Director, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.

"SEC. 276. AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS.—For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Director $28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002.

"(b) ADMINISTRATION.—Not more than 10 percent of the funds appropriated under this section for a fiscal year may be used to pay for the administrative costs of carrying out this subtitle.

"(c) SUMS REMAINING AVAILABLE.—Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation until expended.".

SEC. 212. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

(a) FUNCTIONS.—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended—

(1) by redesignating subsections (b) through (d) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (a) the following:

"(b) The Commission shall have the responsibility to advise the Director of the Institute of Museum and Library Services on general policies with respect to the duties, powers, and authority of the Institute of Museum and Library Services relating to library services, including—

"(1) general policies with respect to—

"(A) financial assistance awarded under the Museum and Library Services Act for library services; and

"(B) projects described in section 262(a)(4) of such Act; and

"(2) measures to ensure that the policies and activities of the Institute of Museum and Library Services are coordinated with other activities of the Federal Government.

"(c)(1) The Commission shall meet not less than 1 time each year in a joint meeting with the National Museum Services Board, convened for purposes of providing advice on general policy with respect to financial assistance for projects described in section 262(a)(4) of such Act.

"(2) All decisions by the Commission and the National Museum Services Board with respect to the advice on general policy described in paragraph (1) shall be made by a ⅔ majority vote of the total number of the members of the Commission and the National Museum Services Board who are present.

"(3) A majority of the members of the Commission and a majority of the members of the National Museum Services Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the National Museum Services Board.".

(b) MEMBERSHIP.—Section 6 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "Librarian of Congress" and inserting "Librarian of Congress, the Director of the Institute of Museum and Library Services (who shall serve as an ex officio, nonvoting member),";

(B) in the second sentence—

(i) by striking "special competence or interest in" and inserting "special competence in or knowledge of"; and

(ii) by inserting before the period the following: "and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly";

(C) in the third sentence, by inserting "appointive" before "members"; and

(D) in the last sentence, by striking "term and at least" and all that follows and inserting "term."; and

(2) in subsection (b), by striking "the rate specified" and all that follows through "and while" and inserting "the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including traveltime) during which the members are engaged in the business of the Commission. While".

SEC. 213. TRANSFER OF FUNCTIONS FROM INSTITUTE OF MUSEUM SERVICES.

(a) DEFINITIONS.—For purposes of this section, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(b) TRANSFER OF FUNCTIONS FROM THE INSTITUTE OF MUSEUM SERVICES AND THE LIBRARY PROGRAM OFFICE.—There are transferred to the Director of the Institute of Museum and Library Services established under section 203 of the Museum and Library Services Act—

(1) all functions that the Director of the Institute of Museum Services exercised before the date of enactment of this section (including all related functions of any officer or employee of the Institute of Museum Services); and

(2) all functions that the Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education exercised before the date of enactment of this section and any related function of any officer or employee of the Department of Education.

(c) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under subsection (b).

(d) DELEGATION AND ASSIGNMENT.—Except where otherwise expressly prohibited by law or otherwise provided by this section, the Director of the Institute of Museum and Library Services may delegate any of the functions transferred to the Director of the Institute of Museum and Library Services by this section and any function transferred or granted to such Director of the Institute of Museum and Library Services after the effective date of this section to such officers and employees of the Institute of Museum and Library Services as the Director of the Institute of Museum and Library Services may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate, except that any delegation of any such functions with respect to libraries shall be made to the Deputy Director of the Office of Library Services and with respect to museums shall be made to the Deputy Director of the Office of Museum Services. No delegation of functions by the Director of the Institute of Museum and Library Services under this section or under any other provision of this section shall relieve such Director of the Institute of Museum and Library Services of responsibility for the administration of such functions.

(e) REORGANIZATION.—The Director of the Institute of Museum and Library Services may allocate or reallocate any function transferred under subsection (b) among the officers of the Institute of Museum and Library Services, and may establish, consolidate, alter, or discontinue such organizational entities in the Institute of Museum and Library Services as may be necessary or appropriate.

(f) RULES.—The Director of the Institute of Museum and Library Services may prescribe, in accordance with chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director of the Institute of Museum and Library Services determines to be necessary or appropriate to administer and manage the functions of the Institute of Museum and Library Services.

(g) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Institute of Museum and Library Services. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(h) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this section, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(i) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day preceding the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Institute of Museum and Library Services to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(j) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official of a Federal agency, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that were in effect before the effective date of this section, or were final before the effective date of this section and are to become effective on or after the effective date of this section;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Institute of Museum and Library Services or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Institute of Museum Services on the effective date of this section, with respect to functions transferred by this section. Such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken from the orders, and payments shall be made pursuant to the orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) SUITS NOT AFFECTED.—This section shall not affect suits commenced before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Institute of Museum Services, or by or against any individual in the official capacity of such individual as an officer of the Institute of Museum Services, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Institute of Museum Services relating to a function transferred under this section may be continued by the Institute of Museum and Library Services with the same effect as if this section had not been enacted.

(k) TRANSITION.—The Director of the Institute of Museum and Library Services may utilize—

(1) the services of such officers, employees, and other personnel of the Institute of Museum Services with respect to functions transferred to the Institute of Museum and Library Services by this section; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(l) REFERENCES.—A reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Director of the Institute of Museum Services with regard to functions transferred under subsection (b), shall be deemed to refer to the Director of the Institute of Museum and Library Services; and

(2) the Institute of Museum Services with regard to functions transferred under subsection (b), shall be deemed to refer to the Institute of Museum and Library Services.

(m) ADDITIONAL CONFORMING AMENDMENTS.—

(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, the Director of the Institute of Museum and Library Services shall prepare and submit to the appropriate committees of Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this section.

(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this section, the Director of the Institute of Museum and Library Services shall submit to the appropriate committees of Congress the recommended legislation referred to under paragraph (1).

SEC. 214. SERVICE OF INDIVIDUALS SERVING ON DATE OF ENACTMENT.

Notwithstanding section 204 of the Museum and Library Services Act, the individual who was appointed to the position of Director of the Institute of Museum Services under section 205 of the Museum Services Act (as such section was in effect on the day before the date of enactment of this Act) and who is serving in such position on the day before the date of enactment of this Act shall serve as the first Director of the Institute of Museum and Library Services under section 204 of the Museum and Library Services Act (as added by section 211 of this title), and shall serve at the pleasure of the President.

SEC. 215. CONSIDERATION.

Consistent with title 5, United States Code, in appointing employees of the Office of Library Services, the Director of the Institute of Museum and Library Services shall give strong consideration to individuals with experience in administering State-based and national library and information services programs.

SEC. 216. TRANSITION AND TRANSFER OF FUNDS.

(a) TRANSITION.—The Director of the Office of Management and Budget shall take appropriate measures to ensure an orderly transition from the activities previously administered by the Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services under this title. Such measures may include the transfer of appropriated funds.

(b) TRANSFER.—The Secretary of Education shall transfer to the Director the amount of funds necessary to ensure the orderly transition from activities previously administered by the Director of the Office of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services. In no event shall the amount of funds transferred pursuant to the preceding sentence be less than $200,000.

TITLE III—HIGHER EDUCATION

Subtitle A—Debt Reduction

SEC. 301. UNSUBSIDIZED STUDENT LOANS.

(a) AMENDMENT.—Paragraph (1) of section 428H(f) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(f)(1)) is amended to read as follows:

"(1) AMOUNT OF ORIGINATION FEE.—Except as provided in paragraph (5), an origination fee shall be paid to the Secretary with respect to each loan under this section in the amount of 3.0 percent of the principal amount of the loan. Each lender under this section is authorized to charge the borrower for such origination fee, provided that the lender assesses the same fee to all student borrowers. Any such fee charged to the borrower shall be deducted proportionately from each installment payment of the proceeds of the loan prior to payment to the borrower.".

(b) CONFORMING AMENDMENTS.—Section 428H(f) of such Act is further amended—

(1) in paragraph (3), by striking "the origination fee" and inserting "any origination fee that is charged to the borrower";

(2) in paragraph (4), by striking "origination fees authorized to be collected from borrowers" and inserting "origination fees required under paragraph (1)"; and

(3) by adding at the end the following new paragraph:

"(6) EXCEPTION.—Notwithstanding paragraph (1), a lender may assess a lesser origination fee for a borrower demonstrating greater financial need as determined by such borrower's adjusted gross family income.".

(c) REPORT ON COMPETITIVE ALLOCATION.—Within 60 days after the date of enactment of this Act, the Secretary of Education shall submit to each House of the Congress a legislative proposal that would permit the Secretary to allocate the right to make subsidized and unsubsidized student loans on the basis of competitive bidding. Such proposal shall include provision to ensure that any payments received from such competitive bidding are equally allocated to deficit reduction and to pro rata reduction of origination fees in both guaranteed and direct student loans.

SEC. 302. STUDY OF LOAN FEES.

(a) STUDY REQUIRED.—The Secretary of Education shall conduct a statistical analysis of the subsidized and unsubsidized student loan programs under part B of title IV of the Higher Education Act of 1965 to gather data on lenders' use of loan fees and to determine if there are any anomalies that would indicate any institutional, programmatic or socioeconomic discrimination in the assessing or waiving such fees.

(b) REPORT.—The Secretary of Education shall submit to each House of the Congress a report on the study required by subsection (a) within 2 years after the date of enactment of this Act.

(c) STATISTICAL CHARACTERISTICS TO BE STUDIED.—In conducting the study required by subsection (a), the Secretary of Education shall compare recipients of loans on the basis of income, residence location, type and location of higher education, program of instruction and type of lender.

Subtitle B—Financial Responsibility Standards

SEC. 311. EXTENSION OF PUBLIC COMMENT PERIOD.

The Secretary of Education shall extend until December 1, 1996, the period for public comment *on rules published in the Federal Register on September 20, 1996 (61 Fed. Reg. 49552), relating to financial responsibility standards for institutions participating in higher education programs (34 CFR part 668). The Secretary shall publish such rules in final form by February 1, 1997. Notwithstanding section 482(c) of the Higher Education Act of 1965 (20 U.S.C. 1089(c)), such rules shall, if so published by such date, be effective for award year 1997–98.*

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate disagree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL INVASIVE SPECIES ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that H.R. 4283 be referred to the Committee on Environment and Public Works, the bill be immediately discharged and referred to the Committee on Science, Commerce and Transportation, and the bill then be immediately discharged and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4283) to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PRESSLER. Mr. President, I rise to support adoption of H.R. 4283, the National Invasive Species Act of 1996.

Mr. President, this bill addresses a nationwide problem—nonindigenous species invading new habitats. This has tremendous impacts not only on natives species in the aquatic environment but, in some areas, our communities as well.

This bill would control nonindigenous species by establishing a voluntary national ballast water management program, and funding for research and implementation.

Earlier this year, Senator GLENN had introduced S. 1660, a similar bill to that of the House. Under an earlier unanimous-consent agreement, S. 1660 was referred to the Committee on Environment and Public Works. Following action in that committee, the bill would have been referred to the Committee on Commerce, Science, and Transportation since the Commerce Committee shares jurisdiction on this issue. Likewise, H.R. 3217, a bill introduced by Congressman LATOURETTE was adopted by the House, sent to the Senate and referred to the Environment and Public Works Committee. This bill, if acted upon, would have also been referred to the Committee Committee.

Mr. President, while this procedure is somewhat different than our normal order for legislation, Senator ABRAHAM, a member of the Commerce Committee, has been very interested in addressing this issue. I am pleased that we are able to accommodate his desires by adopting this bill today.

The bill that the House adopted addresses a concern of the Commerce Committee on vessel safety that the shipping industry has raised. It would simply allow vessels to continue to discharge their ballast water in a harbor if during their voyage they could not exchange their ballast water on the high seas due to safety concerns. This provision and the bill itself has the support of the shipping industry, port authorities and the U.S. Coast Guard.

In closing, Mr. President, I urge my colleagues to support the adoption of H.R. 4283.

Mr. CHAFEE. Mr. President, I come to the floor today to say a few words on final passage of H.R. 4283, the National Invasive Species Act of 1996.

The threat posed by nonindigenous aquatic nuisance species was first brought to this Nation's attention in the 1980's when we witnessed the devastating effect of the zebra mussel infestation in the Great Lakes region. It was then that we learned such nuisance species are typically introduced through the ballast water exchange of vessels. Congress responded to this threat with the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990—legislation which established a program to research, prevent, and control the unintentional introduction of nonindigenous species into the Great Lakes.

Clearly, the problem of nuisance species is not limited to the Great Lakes. Invasions of nonindigenous species into marine and fresh waters of the United States can have significant economic and environmental consequences. That is why the legislation approved by the Senate today goes beyond the Great Lakes region and establishes a voluntary program for ballast water management that is national in scope.

Mr. President, I was deeply distressed to learn that non-native species have invaded the Narragansett Bay in Rhode Island. Recently, a number of invasive plant species have been discovered. Also, there is grave concern that the Japanese shore crab may have arrived. If that is the case, Rhode Island's oyster beds will be greatly disrupted.

That is why the original version of this bill, H.R. 3217, was modified at my request to include an amendment authorizing the appropriation of $1 million for use by Rhode Island's Department of Environmental Management to address this problem. The pending bill, H.R. 4283, includes my amendment. These funds will allow the department to carry out research on the prevention, monitoring, and control of aquatic nuisance species in Narragansett Bay. It is imperative that we have a full inventory of the non-native species that have invaded the Bay. Once we have done so, we can work to manage the situation and hopefully, avoid future infestations.

Mr. President, this is a good bill and I applaud the Senate for its prompt action. It is my hope that the National Invasive Species Act of 1996 will stem the tide of invasive species in our Nation's waterways.

Mr. ABRAHAM. Mr. President, I rise to express my support for passage of the National Invasive Species Act of 1996 [NISA]. NISA reauthorizes and amends the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, a measure that passed with wide bipartisan support in response to concern over the potential impact of the Eurasian ruffe on the Great Lakes fishery [NANPCA]. NANPCA set forth a national program for preventing, researching, monitoring, and controlling infestations in U.S. waters of alien aquatic species. NISA continues these important measures, and includes some additional important provisions.

NISA directs the Department of Transportation to develop voluntary guidelines, recordkeeping and reporting procedures, and sampling techniques to prevent the introduction and spread of nonindigenous species into U.S. waters. Since, the primary means of prevention are measures addressing the exchange of ballast water, this legislation will develop suggested direction for ballast exchange outside the U.S. exclusive economic zone and will authorize ecological and ballast discharge surveys to be conducted in highly susceptible waters. In the effort to develop other ways to repel these unwelcome intruders, the Interior and Transportation Secretaries will undertake a demonstration of technologies and practices which may prevent the introduction and spread of such species. Finally, if the spread of the zebra mussel has demonstrated anything, it has shown us how important regional coordination is to the control of invasive animals. Therefore, this act encourages the formation of regional panels to participate in activities to control the introduction of aquatic nuisance species.

Mr. President, the impact of invasive species in the Great Lakes has been enormous. In 1950, the Great Lakes fishery nearly collapsed under its assault. Were it not for the constant efforts of the Great Lakes Fisheries Commission and the Great Lakes Environmental Research Laboratory, a similarly dire situation could occur. Michigan in particular has suffered greatly from the effects of nonindigenous plants and animals. In my State, the uncontrollable spread of the zebra mussel shut down the Monroe city water supply for 2 days in 1990 and contributed to sewage overflow in Lake St.

Clair. Without steps to curb the introduction and spread of such invasive species, the Great Lakes region, and other coastal States, can expect similar incidents in the future.

The spread of the zebra mussel, the sea lamprey, and other invaders have had a proven, negative impact on Great Lakes native species. Mr. President, I was happy to join as a cosponsor of legislation to control their spread, and I hope that the Senate can pass this reasonable, voluntary approach to curbing these species today.

Mr. GLENN. Mr. President, I rise in support of H.R. 4283, the National Invasive Species Act of 1996 and urge my colleagues to join me in approving this measure. I authored and introduced S. 1660, the National Invasive Species Act, in cooperation with a broad community of interest groups and regional delegations. Nineteen fellow Senators, from both sides of the aisle joined me in gaining passage of this critical bill. I am particularly grateful to my Ohio colleague, Congressman STEVE LATOURETTE, for his skilled leadership in introducing and gaining House passage of H.R. 4283, the companion to my bill, S. 1660.

The National Invasive Species Act of 1996 addresses the growing problem of the unintentional introduction of aquatic nuisance species into the waters of our Nation via the ballast water of vessels. The National Invasive Species Act will prevent the introduction of these pest species through the establishment of a national ballast management program. In addition, it will set up a national program of monitoring, management and control of invasive species already established in U.S. waters. The bill before us represents a consensus among interest groups. The environmental programs it sets forth are both reasonable and effective.

In the Great Lakes region, we spend millions of dollars annually to battle sea lamprey and zebra mussel infestations, I can attest that such biological spills can and do happen elsewhere, their impacts on the receiving system are additive, and the resource degradation is permanent. The zebra mussel, a native species of Eastern Europe, has spread throughout the United States from the Great Lakes where it was unintentionally introduced in ballast water of commercial vessels. Wherever it becomes established, the zebra mussel threatens the economy and the environment. It clogs intake pipes, fouls drinking water, and covers swimming beaches with sharp shells. It has cost $120 million over 5 years in direct costs to the raw water industry of our region. The zebra mussel also contributed to the loss of many highly valued native species of freshwater mussel in both the Great Lakes and the Mississippi River.

The Great Lakes are not the only entry way for invasive species into U.S. waters. In March, I hosted a National Forum on Nonindigenous Species Invasions of U.S. Marine and Fresh Waters. At the day-long event, experts from around the country cited serious species invasion in just about all of America's fresh and marine waters. Biodiversity and economic well-being are suffering due to invasions of nonindigenous species in the Pacific Northwest, San Francisco Bay, the Pacific Islands, the Gulf of Mexico, the Mississippi River, the Atlantic coasts, the Great Lakes and Lake Champlain. In particular, studies show that a new species of aquatic organism invades San Francisco Bay every 12 weeks. A crab which is the host of a dangerous parasite has been found in U.S. waters within the Gulf of Mexico, fortunately not yet established.

In 1990, I authored and Congress enacted the Nonindigenous Aquatic Nuisance Prevention and Control Act to begin to address the tremendous problem of unintentional invasions of aquatic species into the Great Lakes and other U.S. waters. The 1990 act consisted of two basic parts: A regional program to prevent new introductions of species into the Great Lakes by the ballast water; and a national program of monitoring, management and control of invasive species once established in U.S. waters. Most of the revisions contained in H.R. 4283 revise the prevention portion of the act.

As you know, ballast water is the leading vector for unintentional transfers of nonindigenous species into U.S. waters. Ships carry ballast water to maintain trim when they are empty or partially empty of cargo. They discharge this water at their ports of call. An estimated 21 billion gallons of ballast water from vessels from foreign ports is discharged into U.S. waters each year. That's 58 million gallons per day, and 2.4 million gallons per hour. This ballast water contains just about everything and anything that was in the harbor from which the water was drawn. It is estimated that 3,000 species of aquatic organisms are in transit in ballast tanks around the world in any given 24-hour period. Most of these organisms will come to nothing in the receiving ports, but any one of them could cause billions of dollars of damage. It's a huge gamble. Even human cholera is transported in ballast water and has been detected in ships visiting Mobile Bay and the Chesapeake, among other regions.

Fortunately, a ballast management practice known as high seas ballast exchange can greatly reduce the transfers of dangerous organisms through ballast water. This technique is not applicable in all circumstances; it cannot be employed in stormy weather and with some types of vessels. However, if applied where it can be employed safely, it would result in a substantial reduction in the risk of invasive species transfers into our waters. It is for this reason that the International Maritime Organization already encourages ballast management practices for commercial vessels.

The 1990 law included a voluntary ballast management program for the Great Lakes which automatically became regulatory in 1992. The act assigned the Coast Guard the task of consulting with the maritime industry and Canada to develop voluntary guidelines, conducting education and outreach, and, after 2 years, promulgating regulations to help reduce the probability of new introductions of alien species by commercial vessels into the Great Lakes. This program has been highly successful.

My 1996 proposal establishes a national ballast management program to begin to address concerns of other U.S. coastal regions. The Coast Guard is directed to issue ballast management guidelines for all vessels visiting U.S. ports after operating outside the exclusive economic zone. Consistent with the Great Lakes program, I want to stress that this program puts safety first. The guidelines will protect the safety of vessel and crew, whatever that may entail.

There will be no penalty against vessels which do not participate in the initial national program, though recordkeeping by vessels to document participation is required. However, in the interest of maintaining a level playing field nationally, the Coast Guard has authority to issue the same guidelines as regulations in regions where a review of ship records reveals poor cooperation with the voluntary approach. Thus, the maritime industry would see only one set of rules nationally. However, over time, there may be enforcement associated with the guidelines in certain regions. Of great interest to the Great Lakes community, the successful Great Lakes regulatory program remains in place.

For better prevention of invasions in the future, a demonstration program is established in the act. Over time new technologies and practices may replace ballast exchange as safer and more effective means of prevention. Other changes to the 1990 program which are contained in our National Invasive Species Act of 1996 include (1) the authorization of research in several coastal regions—including the Chesapeake Bay, Lake Champlain, the Mississippi River and the Gulf of Mexico—which are at particular risk of degradation by species invasions; (2) voluntary guidelines to help recreational boaters to prevent unintentional transfer of zebra mussels; and (3) provisions to encourage more regions to set up coordinating panels and develop State management plans for invasive species prevention and control. Though now much broader in scope, I am proud to announce that the overall cost of the National Invasive Species Act of 1996 does not exceed that of the 1990 law.

Recent discussions with interest groups have revealed gaps in S. 1660, which I have urged the lead sponsor of the House companion legislation, Congressman STEVE LATOURETTE, and my Senate colleagues to address. I am pleased that H.R. 4283 accommodates these concerns. For example, H.R. 4283 addresses the need for research on the fragile and precious natural resources of California, Rhode Island, and the Columbia River. Establishment of an ecological baseline and identification of alien species impacts in these regions will help us to ascertain whether our protection efforts are adequate.

A second set of concerns arose from the maritime industry. Senator JOHNSTON and I convened the leaders of this industry in Washington about a month ago to explore their position on the legislation and seek ways to increase their level of support without compromising the effectiveness of the legislation. While their initial response was skeptical and critical of the potential for regulation within NISA, ultimately they agreed to the legislation if certain clarifications were made in the legislative language. These clarifications—already a matter of Coast Guard policy—concern the priority on vessel safety, international consistency, and he equitable treatment of foreign and U.S.-flag vessels.

With respect to ship safety, the bill now explicitly gives sole discretion over safety to the ship master. The Coast Guard does not want to be put in the position of second-guessing the ship's master on safety, unless the call is not made in good faith. While the safety exemption clearly could still be exploited by those who simply do not want to undertake an exchange, ship masters have highly responsible positions and we would expect them to act responsibly with respect to these guidelines. In addition, by measuring the rate at which the safety exemption is utilized, we can gauge the extent to which the use of it may impede effective prevention of new invasions. We may find that alternative technologies should replace ballast exchange. H.R. 4283 also assures that additional requirements will not be imposed upon vessels that exercise the safety exemption from national ballast exchange requirements. This provision does not affect the Great Lakes region, where an alternative exchange zone is already identified and convenient for vessels. For the national program, because alternatives are not yet identified, the Coast Guard is likely to encourage a vessel master using the safety exemption to attempt alternative actions to reduce the amount of unexchanged ballast that is discharged into one of our harbors, but leave the exercise of them to the master's discretion. In addition, the bill now explicitly requires the equal treatment of United States and foreign-flag operators and encourages consistency of our guidelines with any international regulatory regime established through the International Maritime Organization.

Finally, to benefit all of us in assessing the adequacy of the program, the legislation includes a report to Congress by the Coast Guard after 2 years of implementation of the national guidelines. While it will consume some time, this report will assess for all to see, the rate of compliance by vessels, the extent to which the safety exemption has been utilized, the effectiveness of the guidelines at preventing new introductions of exotic species, and the regions—if any—in which the Coast Guard intends to enforce the guidelines due to poor compliance. The report will give Congress and the public a chance to review prevention program implementation and its effectiveness at meeting our resource protection and ship safety needs.

In a last minute change, the House also included an exemption for crude oil tankers engaged in coastwise trade. Most of this trade takes place along the West Coast and while coast-wise, some of these vessels will exit the exclusive economic zone and ply the high-seas on their way to Alaska from Hawaii or California. I am happy to say Senator STEVENS has included an amendment reflected in H.R. 4283 which evaluates the potential for upgrading a shore-side treatment facility, currently targeted at removing hydrocarbons from ballast water, for use in preventing non-native species transfer.

I would like to close by pointing out that biological pollution of U.S. waters, so far, has not had serious public health implications. But the 1992 transfer of human cholera from South American ports to the shellfish beds of Mobile Bay via ballast water of commercial vessels reminds us that our luck may not hold forever. It is in everyone's interest to improve our Nation's precautions against invasions of aquatic nuisance species.

Clearly, at this juncture, we do not have all the answers necessary to solve the problem of unintentional transfer of species via ballast water. H.R. 4283 has been carefully crafted to both generate and accommodate new information that will lead to rapid progress in protecting the natural resource wealth of our coasts. Unusual in the environmental arena, this issue offers us "low-hanging fruit" and bipartisan enthusiasm. I am grateful to my colleagues for joining in support of the National Invasive Species Act and urge enactment of this legislation this year.

Mr. KEMPTHORNE. Mr. President, in order to protect our native aquatic plants and animals, we seek to pass H.R. 4283, the National Invasive Species Act of 1996. This bill amends the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (P.L. 101-646), to establish a voluntary program to prevent the unintentional introduction of non-native invasive species through ballast water management. And, we will take one more step to manage to the best of our ability a particularly bad actor, the zebra mussel.

By passing this bill, we will be one step closer to taking control of the most common way that non-native species come to the United States—ballast water. Ballast water is carried in the holds of ships for stability as they travel empty or partly empty on the high seas. When the ships get to port, they discharge the water to make room for cargo.

When ballast water is discharged, all of the species that were picked up in a foreign port are discharged with them. The zebra mussel came to the Great Lakes in this manner. And, the zebra mussel has now colonized the Mississippi River drainage and is headed both east and west.

It turns out the zebra mussel, like many non-native invasive species, has ecological implications far wider than just its mere presence. This tiny clam—like organism attaches itself to any solid surface, including the shells of our native snails and clams. The natives are smothered by the newcomer. The newcomer, in its multitudes, feeds on microscopic plants and animals from the water, and thereby filters away all of the food for the native species.

I am told that with the 2.4 million gallons of ballast water discharged into U.S. ports every hour comes every organism that was picked up elsewhere and that survived the trip. Fortunately for all of us, very few of the estimated 3,000 species of organisms in transit every day survive when they are discharged. But, when they do, we have the makings of serious trouble on our hands as in the case of the zebra mussel.

Nearly every part of the country has been affected by this game of chance. From the Chesapeake Bay, to Honolulu Harbor, including San Francisco Bay, and many places in between the problems created by invasive non-native species are immense.

This bill has been developed with the cooperation of the U.S. maritime industry and the U.S. port authorities. We have assured ourselves that the voluntary program for ballast water exchange will not cause unsafe conditions for our ships at sea. And we have been assured that this bill be extremely important in protecting our ports, water systems, and waterways from the economic impacts of invasive species.

There is no intent to try to control intentional introductions of useful organisms, or invasive species in terrestrial environments through this bill.

We recognize that non-native species have been tremendously beneficial to us by enhancing recreational opportunities such as sport fishing, providing reliable sources of protein through mariculture and aquaculture, and by improving human existence through the pet and aquarium trade.

We understand perfectly well that intentional introductions are one thing, if they have been well studied, and have been introduced for a purpose. But, the game of roulette that is represented by ballast water introductions is something we cannot let continue.

For example, late last year a 2-inch predatory shrimp native to China was found near Portland, Oregon in the Columbia River. What effect this new species will have on the Columbia and Snake River insect life is still to be determined. My fear is that they will deprive the migrating salmon smoults of important food sources while they work their way from their native streams to the sea. One thing the beleagured salmon and steelhead do not need at this time is another competitor for their food sources.

There is evidence that unintentional introductions of non-native animals cause the endangerment of native species. One fisheries biologist, D.R. Lassuy estimates that non-native species contributed to 68 percent of the fish extinctions in the past 100 years, and the decline of 70 percent of the fish species listed by the Endangered Species Act.

But what is known about the effect of non-native invasive species is greater still. For example, it is thought by many accidentally introduced New Zealand mud snails have contributed directly to the decline of the native fauna in the Snake River, and led to the proposal to list at least one of the Snake River snails as endangered.

We hope that the Senate will quickly pass H.R. 4283. By passing this bill we will take one very important step to protect our aquatic habitats from non-native species.

BALLAST EXCHANGE

Mr. BREAUX. Mr. President, a priority for me in the National Invasive Species Act has been to establish a ballast technology demonstration program to usher in the development of safer and more reliable alternatives to ballast exchange. I note that in H.R. 4283, the Secretary of Interior and the Administrator of the National Oceanic and Atmospheric Administration implement this important program in cooperation with the Secretary of Transportation Administration. I believe the Secretary of Transportation should involve its Office of Shipbuilding and Technology which already has years of experience in ballast technology in this program.

Mr. KEMPTHORNE. Involvement of that office will be important to build upon past experience in ballast technology development and I also urge its involvement.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill, which provides for the National Invasive Species Act of 1996, be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The bill (H.R. 4283) was deemed read the third time and passed.

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 193, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 193) granting the consent of Congress to the Emergency Management Assistance Compact.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

I might say, this compact is among the States of Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, Missouri, Oklahoma, South Carolina, South Dakota, Tennessee, Virginia, and West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 193) was deemed read the third time and passed.

WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT AMENDMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 194.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 194) granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 194) was deemed read the third time and passed.

MODIFYING BOUNDARIES OF TALLADEGA FOREST, AL

Mr. LOTT. Mr. President, I ask unanimous consent that the Agriculture Committee be immediately discharged from further consideration of H.R. 1874, a bill to modify the boundaries on the Talladega National Forest, AL, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1874) to modify the boundaries of the Talladega National Forest, Alabama.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1874) was deemed read the third time and passed.

WAR CRIMES DISCLOSURE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 1281, received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1281) to express the sense of the Congress that it is the policy of the Congress that United States Government agencies in possession of records about individuals who are alleged to have committed Nazi war crimes should make those records public.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MOYNIHAN. Mr. President, I rise today in strong support of H.R. 1281, the War Crimes Disclosure Act, which expresses the sense of Congress that Government agencies in possession of records documenting Nazi war crimes should declassify such records and release them to the public.

Ideally, in a democracy, all government information belongs to the people, excepting such information as would be harmful to the body politic if made publicly available. Knowledge of wartime atrocities presents no threat to the American people. To the contrary, accurate information about the Nazi regime, and those who ruthlessly carried out its barbaric policies, can only serve to deepen our understanding of history's darkest chapter, and strengthen our resolve that it never be repeated.

On August 2, 1996, I introduced the War Crimes Disclosure Act (S. 2048), which would have amended the Freedom of Information Act to provide for disclosure of information relating to individuals who committed Nazi war crimes. This bill, cosponsored by Senators D'AMATO and DODD, is the Senate companion to a similar measure sponsored in the House of Representatives by my colleague from New York, the Honorable CAROLYN MALONEY.

Inexplicably, that measure has met with some opposition and, due to the impending adjournment of Congress, we will not be able to adopt it in its original form. Nevertheless, with the passage of this amended legislation, Congress makes an important statement in support of public disclosure of documents relevant to Nazi war crimes. This is a first step. I do hope that we can revisit this issue in the 105th Congress.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1281) was deemed read the third time and passed.

INDIAN HEALTH CARE IMPROVEMENT TECHNICAL CORRECTIONS ACT OF 1996

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (H.R. 3378) to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Indian Health Care Improvement Technical Corrections Act of 1996".

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Health Care Improvement Act.

SEC. 2. TECHNICAL CORRECTIONS IN THE INDIAN HEALTH CARE IMPROVEMENT ACT.

(a) DEFINITION OF HEALTH PROFESSION.—Section 4(n) (25 U.S.C. 1603(n)) is amended—

(1) by inserting "allopathic medicine," before "family medicine"; and

(2) by striking "and allied health professions" and inserting "an allied health profession, or any other health profession".

(b) INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.—Section 104(b) of their Indian Health Care Improvements Act (25 U.S.C. 1613a(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking the matter preceding clause (i) and inserting the following:

"(3)(A) The active duty service obligation under a written contract with the Secretary under section 338A of the Public Health Service Act (42 U.S.C. 254l) that an individual has entered into under that section shall, if that individual is a recipient of an Indian Health Scholarship, be met in a full-time practice, by service—";

(ii) by striking "or" at the end of clause (iii); and

(iii) by striking the period at the end of clause (iv) and inserting "; or";

(B) by redesignating subparagraph (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) At the request of any individual who has entered into a contract referred to in subparagraph (A) and who received a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

"(i) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service that is required under this section.

"(ii) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

"(iii) The active duty service obligation will be served in the health profession of that individual, in a manner consistent with clauses (i) through (v) of subparagraph (A).";

(D) in subparagraph (C), as so redesignated, by striking "prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) by service in a program specified in subparagraph (A)" and inserting "described in subparagraph (A) by service in a program specified in that subparagraph"; and

(E) in subparagraph (D), as so redesignated—

(i) by striking "Subject to subparagraph (B)," and inserting "Subject to subparagraph (C),"; and

(ii) by striking "prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m)" and inserting "described in subparagraph (A)";

(2) in paragraph (4)—

(A) in subparagraph (B), by striking the matter preceding clause (i) and inserting the following:

"(B) the period of obligated service described in paragraph (3)(A) shall be equal to the greater of—"; and

(B) in subparagraph (C), by striking "(42 U.S.C. 254m(g)(1)(B))" and inserting "(42 U.S.C. 254l(g)(1)(B))"; and

(3) in paragraph (5), by adding at the end the following new subparagraphs:

"(C) Upon the death of an individual who receives an Indian Health Scholarship, any obligation of that individual for service or payment that relates to that scholarship shall be canceled.

"(D) The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

"(i) it is not possible for the recipient to meet that obligation or make that payment;

"(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

"(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

"(E) Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

"(F) Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the non-discharge of the obligation would be unconscionable.".

(c) CALIFORNIA CONTRACT HEALTH SERVICES DEMONSTRATION PROGRAM.—Section 211(g) (25 U.S.C. 1621j(g)) is amended by striking "1993, 1994, 1995, 1996, and 1997" and inserting "1996 through 2000".

(d) EXTENSION OF CERTAIN DEMONSTRATION PROGRAM.—Section 405(c)(2) (25 U.S.C. 1645(c)(2)) is amended by striking "September 30, 1996" and inserting "September 30, 1998".

(e) GALLUP ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTER.—Section 706(d) (25 U.S.C. 1665(d)) is amended to read as follows:

"(d) AUTHORIZATON OF APPROPRIATIONS.—There are authorized to be appropriated, for each of fiscal years 1996 through 2000, such sums as may be necessary to carry out subsection (b).".

(f) SUBSTANCE ABUSE COUNSELOR EDUCATION DEMONSTRATION PROGRAM.—Section 711(h) (25 U.S.C. 1665j(h)) is amended by striking "1993, 1994, 1995, 1996, and 1997" and inserting "1996 through 2000".

(g) HOME AND COMMUNITY-BASED CARE DEMONSTRATION PROGRAM.—Section 821(i) (25 U.S.C. 1680k(i)) is amended by striking "1993, 1994, 1995, 1996, and 1997" and inserting "1996 through 2000".

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the Senate amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING TITLE XIX OF THE SOCIAL SECURITY ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 3632, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3632) to amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid Program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3632) was deemed read the third time and passed.

GENERAL ACCOUNTING OFFICE ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 3864 and, further, the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3864) to amend laws authorizing auditing, reporting, and other functions by the General Accounting Office.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 3864, the General Accounting Office Management Reform Act of 1996. The Congress has reduced spending for GAO by 25 percent over 1996–97. H.R. 3864 will allow GAO to make the best use of limited resources by modifying or terminating a number of activities and reporting requirements that are no longer central to their mission.

For example, section 102(d) of H.R. 3864 will eliminate a requirement placed on GAO by the Balanced Budget and Emergency Deficit Control Act of 1985, also known as Gramm-Rudman. Gramm-Rudman currently requires GAO to report whether the final sequestration order from the Office of Management and Budget complies with the law. GAO has issued their report every year, even though in the 10 years since Gramm-Rudman has been enacted large-scale sequestrations have only been a concern in two of those years. H.R. 3864 would make this report contingent upon request of the Budget Committees, who no doubt would request such a report if the situation warranted.

Although section 102(d) is clearly within the jurisdiction of the Budget Committee, I will not object because the Budget Committee supports the change that is being made. I congratulate the chairman and ranking member of the Governmental Affairs Committee for producing a bill that will encourage efficiency in GAO operations and urge that the bill do pass.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3864) was deemed read the third time and passed.

PROVIDING FOR EMERGENCY DROUGHT RELIEF

Mr. LOTT. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 3910 with regard to drought relief for Corpus Christi and, further, that the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3910) to provide emergency drought relief to the city of Corpus Christi, Texas, and the Canadian River Municipal Water Authority, Texas, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3910) was deemed read the third time and passed.

Mr. LOTT. Finally, I believe, Mr. President—not finally, others are coming. Agreements are wonderful. We keep reaching them right up to the end here.

AUTHORIZING PERIOD OF STAY FOR CERTAIN NURSES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2197, which was introduced earlier today by Senators FAIRCLOTH and MOSELEY-BRAUN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2197) to extend the authorized period of stay within the United States for certain nurses.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5432

Mr. LOTT. Mr. President, Senators HATCH and KENNEDY have an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HATCH, for himself and Mr. KENNEDY, proposes an amendment numbered 5432.

The amendment is as follows:

Add at the end of the bill the following:

SEC. 2. TECHNICAL CORRECTION.

Effective on September 30, 1996, subtitle A of title III of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended—

(1) in section 306(c)(1), by striking "to all final" and all that follows through "Act and" and inserting "as provided under section 309, except that";

(2) in section 309(c)(1), by striking "as of" and inserting "before"; and

(3) in section 309(c)(4), by striking "described in paragraph (1)".

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be considered and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5432) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2197), as amended, was deemed read the third time and passed, as follows:

S. 2197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORIZED PERIOD OF STAY FOR CERTAIN NURSES.

(a) ALIENS WHO PREVIOUSLY ENTERED THE UNITED STATES PURSUANT TO AN H–1A VISA.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the authorized period of stay in the United States of any nonimmigrant described in paragraph (2) is hereby extended through September 30, 1997.

(2) NONIMMIGRANT DESCRIBED.—A nonimmigrant described in this paragraph is a nonimmigrant—

(A) who entered the United States as a nonimmigrant described in section 101(a)(15)(H)(i)(a) of the Immigration and Nationality Act;

(B) who was within the United States on or after September 1, 1995, and who is within the United States on the date of the enactment of this Act; and

(C) whose period of authorized stay has expired or would expire before September 30, 1997 but for the provisions of this section.

(3) LIMITATIONS.—Nothing in this section may be construed to extend the validity of any visa issued to a nonimmigrant described in section 101(a)(15)(H)(i)(a) of the Immigration and Nationality Act or to authorize the

re-entry of any person outside the United States on the date of the enactment of this Act.

(b) CHANGE OF EMPLOYMENT.—A nonimmigrant whose authorized period of stay is extended by operation of this section shall not be eligible to change employers in accordance with section 214.2(h)(2)(i)(D) of title 8, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(c) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall issue regulations to carry out the provisions of this section.

(d) INTERIM TREATMENT.—A nonimmigrant whose authorized period of stay is extended by operation of this section, and the spouse and child of such nonimmigrant, shall be considered as having continued to maintain lawful status as a nonimmigrant through September 30, 1997.

SEC. 2. TECHNICAL CORRECTION.

Effective on September 30, 1996, subtitle A of title III of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended—

(1) in section 306(c)(1), by striking "to all final" and all that follows through "Act and" and inserting "as provided under section 309, except that";

(2) in section 309(c)(1), by striking "as of" and inserting "before"; and

(3) in section 309(c)(4), by striking "described in paragraph (1)".

Mr. FAIRCLOTH. Mr. President, today the Senate passed a bill which I cosponsored with my colleague from Illinois, Senator MOSELEY-BRAUN. It is designed to address a serious problem facing health care providers and patients in rural and inner city areas. Specifically, the legislation provides a 1-year visa extension for foreign nurses under the expired H–1A Program. It is supported by the American Nurses Association, the American Hospital Association, the American Health Care Association, and the American Business Council for Fair Immigration Reform.

In 1989, Congress passed the Immigrant Nursing Relief Act which created the H–1A Visa Program to address a nationwide nursing shortage which existed at that time. The H–1A Visa Program expired in September 1995. As a result, many rural and inner city hospitals, nursing homes, and other health care facilities will lose the valuable services of foreign nurses who enable these facilities to meet the health care needs of their communities.

While the shortage has subsided in most parts of the country, shortages continue in many rural and inner city areas. Foreign educated nurses holding H–1A visas fill an important void which continues to exist in certain areas. Without their professional services, the quality of patient care would dramatically decrease. In addition, I have heard from many rural health care providers in North Carolina who informed me that, without the services of foreign nurses, they would be unable to meet Federal and State staffing requirements.

While a long-term solution to this particular nursing shortage problem has not been developed, a short-term solution is needed to address the existing realities in rural and inner city areas. The legislation which passed the Senate today is a carefully crafted short-term compromise. It affects only those H–1A nurses who are currently residing in the United States and extends their length of stay until September 30, 1997. Importantly, this legislation does not allow additional foreign nurses to enter the United States under the expired H–1A Visa Program, nor does it change any of the current requirements for an H–1B visa.

This legislation was introduced and passed by unanimous consent today. Thus, there was no committee action and no legislative history relating to the bill. As the author of the legislation, I wish to clarify section 1(b) governing "Change of Employment." It is my intention that a change in an employer's ownership does not constitute a prohibited change of employment for a nonimmigrant affected by this act. For example, if an employer changes its name as a result of a merger or acquisition, I intend that the nonimmigrant be eligible to continue employment for the new owner. In such circumstances, it is my intention that this legislation permits the Immigration and Naturalization Service to process an I–129 petition to reflect this technical change. The same rules should apply to circumstances in which a nonimmigrant changes work locations with the same employer.

Finally, I wish to thank Senator SIMON for his assistance in passing this legislation. It has been a privilege to work with him to address a serious problem confronting both Illinois and North Carolina. In particular, I am glad to have had this opportunity to work with him one last time before he retires at the end of this Congress. I congratulate him on a distinguished career and wish him well in the future.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—SENATE CONCURRENT RESOLUTION 74

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 74 submitted earlier by Senator BROWN correcting the enrollment of the FAA authorization conference report; further, I ask that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Regrettably, Mr. President, I am compelled to object.

The PRESIDING OFFICER. Objection is heard.

RELIEF OF NGUYEN QUY AN

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 1087, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1087) for the relief of Nguyen Quy An.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1087) was deemed read a third time, and passed.

PRESIDENTIAL AND EXECUTIVE OFFICE ACCOUNTABILITY ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 636, H.R. 3452.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3452) to make certain laws applicable to the Executive Office of the President, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

THE WHITE HOUSE ACCOUNTABILITY ACT

Mr. COATS. Mr. President, the Senate today will pass a bill to eliminate an unfortunate double standard that has remained in the application of our civil rights and labor laws.

James Madison wrote that an effective control against oppressive measures from the Federal Government on the people is that Government leaders "can make no law which will not have its full operation on themselves and their friends, as well as the great mass of the society."

Last year, this Congress—under Republican leadership—passed the Congressional Accountability Act, requiring the Congress to live under the laws it passes—and oftentimes imposes—on the rest of the Nation. The White House, however, has remained exempt from these laws. After prodding from this Congress, the White House now agrees that this double standard should no longer exist, and our negotiations this week have led to final passage of the White House Accountability Act.

For many years I supported the Congressional Accountability Act, and was glad to see this important legislation become law. For me, this was an issue of fundamental fairness. Congress should live under the laws it passes, and the White House should be no exception. H.R. 3452 will allow all lawmakers—on Capitol Hill and in the Office of the President—to learn firsthand which laws work, and perhaps more often than not, which laws are overly intrusive and burdensome.

I think America's labor leaders will agree with me when I say that employees of the White House should be protected by the same laws that the President approves for the rest of the country. Employees should have the same rights and protections regardless of where they work—whether the individual labors in the private sector, the Congress, and yes, even in the White House.

The White House Accountability Act applies to all workers at the White House except those appointed by the President with Senate confirmation, those appointed to advisory committees, and members of a uniformed service. This legislation requires the White House to enforce 11 civil rights and labor laws for its workers as a matter of law, not just a matter of policy. These standards include the Civil Rights Act, the Family and Medical Leave Act, the Americans with Disabilities Act, OSHA, and the Fair Labor Standards Act.

This is a bipartisan bill that passed the House of Representatives last week on a vote of 410-5. The White House asked for some modifications to the House legislation, and while I did not agree with all of their requests, we have reached an accommodation that will—for the first time in our history—give White House employees protection under the law. I also am encouraged that we were able to persuade the White House to accept a provision ensuring that White House employees will not lose their jobs if they take time off under the Family and Medical Leave Act to care for a newborn or sick child, a spouse, or a parent. This is a significant victory for the families of employees who work in the Executive Office of the President.

Mr. President, American workers deserve the right to be free from discrimination, the right to work in a safe and healthy work environment, the right not to be harassed or fired simply because or race, sex, disability, or age. White House workers deserve the same rights and protections that now extend from our Nation's assembly lines to our Nation's general assembly. The bill we are passing today ensures that those rights will be enforced for employees of the White House.

AMENDMENT NO. 5434

(Purpose: To improve the remedial and enforcement provisions)

Mr. LOTT. Mr. President, Senator COATS has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT), for Mr. COATS, proposes an amendment numbered 5434.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be considered agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5434) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3452), as amended, was deemed read a third time, and passed.

FEDERAL ASSISTANCE FOR INDIAN TRIBES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 3219, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3219) to provide Federal assistance for Inidan tribes in a manner that recognizes the right of tribal self-governance, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, I rise today in support of prompt enactment of H.R. 3219, the Native American Housing Assistance and Self-Determination Act of 1996. The bill we have received from the House just 2 days ago will separate Indian housing from public housing and transform HUD-assisted native American housing programs into tribal block grants that will, for the first time, provide this Federal funding directly to native American Indian tribal governments.

First, I want to recognize and commend Congressman RICK LAZIO for spearheading the development of this legislation in the 104th Congress and for his efforts to involve the Indian tribes and the National American Indian Housing Council in the development of the bill. I also want to pay tribute to the steady and strong leadership of Senators D'AMATO and MACK, the respective chairmen of the Senate Banking Committee and its Housing Opportunities Subcommittee, and for their cooperation this past year in working with the Committee on Indian Affairs to ensure that the housing needs of Indian people would be appropriately considered and included in the public housing reform legislation. One public example of this cooperative effort is the joint hearing held earlier this year between the Committee on Indian Affairs and the Senate Banking Committee to review the provisions of the Native American Housing Act and to receive comments from Indian Country on how best to draft Indian housing reform legislation.

Mr. President, the housing problems confronting Indian people are far more serious than those facing non-Indians. Recent studies indicate that 28 percent of all American Indian and Alaska Native families live in substandard, overcrowded housing that lacks the basic amenities of indoor plumbing, electricity, or heating. By way of comparison, less than 5½ percent of all Americans live in similar conditions. Additionally, more than 90,000 native American families are estimated to be underhoused or homeless.

The severe housing problems facing Indian people are compounded by poverty and unemployment levels in native American communities that are of epidemic proportions. The number of Indian families with incomes below the poverty line is nearly three times the average rate for families throughout the rest of the Nation. The average income of native Americans is less than $4,500 per person per year.

HUD programs have been the major source of housing assistance available to Indian communities. Regular mortgage financing has not been available on Indian reservations because of the unwillingness of the private sector to broaden investment and lending opportunities in part because of the challenges presented by the unique status of Indian trust lands.

The statistics on Indian housing reveal an overwhelming need to change the status quo on HUD assistance to Indian tribes. For these reasons, I strongly support the transformation of existing HUD programs into tribal block grants and the separation of Indian housing from HUD's urban-oriented public housing programs. Tribal block grants are consistent with longstanding principles of Indian self-determination and tribal self-governance and should enhance the long-standing trust relationship between the United States and Indian tribal governments.

Mr. President, I am asking that my colleagues support immediate consideration and enactment of H.R. 3219. I am pleased with the progress that we have made this year to fashion an Indian housing bill that will best fit the needs of tribal communities. However, while I can support this bill as passed by the House on the eve of adjournment, I must express my serious concerns with the House-passed provisions which retreat from previous Senate-House agreements reached during conference on public housing reform legislation. Unfortunately, the Congress was unable to complete work on the larger public housing reform bill this year, but real progress on Indian housing reform should not be forfeited because of this inability.

H.R. 3219 reflects many of the agreements reached between Indian tribes, Indian Housing Authorities, the administration and the Congress. But, as typically happens in the last remaining days of a congressional session, changes were adopted to the bill in order to pave the way for House passage. I am particularly disturbed by provisions adopted by the House regarding the application of the Davis-Bacon wage requirements to the entire Indian housing bill, including programs which previously had limited exemptions from Davis-Bacon. The House changes will result in a loss of direct funding to Indian tribes for housing development.

As long as I have worked with Indian affairs, I have heard from Indian tribes, time and time again, overwhelming opposition to the application of Davis-Bacon wage requirements on Indian reservations. As chairman of the Committee on Indian Affairs, I have an obligation to protect tribal sovereignty and fight the age-old paternalism of the Federal Government to impose policies on Indian tribes that are not appropriate and that undermine the ability of tribal governments to make their own decisions about how to protect their people and manage their own affairs. I realize that a complete exemption of Davis-Bacon is not politically feasible in this Congress. However, for practical and policy reasons, I believe that the Secretary of HUD should have the authority to grant waivers to Indian tribal governments, at their request, who can provide clear evidence of the impracticality of Davis-Bacon.

In my view, the wage requirements of the Davis-Bacon Act inhibit the ability of Indian tribal governments to provide safe and affordable homes to their tribal members. I understand that for some tribal areas, Davis-Bacon may actually provide some benefit, but these situations are few and far between. For most of Indian Country, which is largely rural and isolated, Davis-Bacon inordinately raises the cost of construction of a typical housing unit and delays many Indian housing projects, thereby diminishing the efficiency of tribal housing development.

As applied on reservations, Davis-Bacon rates are much higher than they would otherwise be due to the fact that Indian reservations are located in largely rural areas which are not unionized and little or no effort is made to compute Davis-Bacon rates that are specific to each reservation setting. Factors such as geographic isolation, high poverty and unemployment levels, and the restricted status of Indian trust lands have demonstrated that Davis-Bacon is unworkable and inefficient for Indian housing. Under the block grant approach, unfortunately, these problems will only be exacerbated. As one tribal member pointed out to me, "we are being forced to pay Cadillac prices for Volkswagens."

I realize that Indian tribes, Indian Housing Authorities, the National American Indian Housing Council and the National Congress of American Indians support the separation of Indian housing from public housing and view this legislation as an important and historic step to accomplish this long-awaited goal. Despite my strong reservations about supporting a bill that is less than what I believe can be accomplished, I support prompt enactment of H.R. 3219. I share the views of Indian tribes who are convinced that this is the best available opportunity for us to reform HUD-assisted Indian housing programs. It is imperative that we should not continue the status quo of housing conditions in Indian Country any longer than is necessary.

For years, I have worked to turn over authority and funding to Indian tribes for their direct management of housing programs, consistent with long-standing principles of Tribal Self-Determination and Self-Governance. With much effort and work by Indian tribes, H.R. 3219 will bring Indian country closer to these goals. Next year, I will continue to work to exempt HUD-assisted construction activities on Indian lands from the application of the Davis-Bacon Act wage requirements, because those requirements simply undermine tribal authority and waste critically-needed housing funds.

Mr. President, I ask unanimous consent that copies of letters from the National Congress of American Indians and the National American Indian Housing Council be printed in the RECORD. I thank my colleagues for their support of prompt enactment of this important legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONGRESS OF
AMERICAN INDIANS,
September 30, 1996.

Re Indian Housing reform provision.

Hon. JOHN MCCAIN,
Chairman, Committee on Indian Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MCCAIN: I am writing with regard to the Indian Housing reform provisions passed in the House on 28 September 1996, and now being considered in the Senate. As you know, our tribes have gone on record in support of the "Lazio bill" introduced by Rep. Lazio in the House earlier in this session. Enclosed find Resolution No. TLS-96-101C in support of that legislation. Nonetheless, we have serious concerns with several provisions in the current version of the bill. When I testified on the Native American housing reform bill in June, consistent with tribal sovereignty the legislation contained a tribal "opt-in/opt-out" provision regarding the federal Davis Bacon Act. The new labor standards section does not contain this tribal option, and contradicts even existing limited exemptions for the application of this Act.

In addition, the old version of the housing reform bill contained a $650 million authorization to fund this critical reform legislation. The current version of the housing bill does not contain a specific provision regarding authorizations and funding, but rather a general authorization statement.

Mr. Chairman, having noted our strong opposition to these provisions, the NCAI supports this legislation.

Sincerely,

W. RON ALLEN,
President.

NATIONAL AMERICAN INDIAN
HOUSING COUNCIL,
Washington, DC, September 30, 1996.

Hon. JOHN MCCAIN, Chairman,
Senate Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN MCCAIN: The National American Indian Housing Council (NAIHC) is requesting that you support the Native American Housing Assistance and Self-Determination Act of 1996 (HR 3219). On Saturday, September 28, 1996, the House of Representatives passed HR 3219 as amended. NAIHC has reviewed the House-passed version and continue to support this bill.

This historic legislation was introduced by Congressman Rick Lazio, Chairman of the Subcommittee on Housing and Community Opportunities, earlier this year. Congressman Lazio has worked very closely with the Native American community since the bill's introduction and has continually sought our input. The bill incorporates many changes that have created problems in our communities and encourages our right to self-determination, a goal you have long supported.

In June, NAIHC's membership passed Resolution 96-01 supporting this legislation. The resolution passed with a vote of 125 for to 12 opposing. As you can see, there is an overwhelming majority of our people who believe the changes HR 3219 will bring are greatly needed and long overdue. NAIHC recognizes that the version of HR 3219 that Resolution 96-01 supports was somewhat revised as it made its way through the legislative process. Resolution 96-01, however, supports the concepts of HR 3219 which have remained intact.

Please pass this historic legislation before Congress departs for recess. Thank you for your continued support of Native Americans.

Sincerely,

JACQUELINE L. JOHNSON,
Chairperson.

Mr. D'AMATO. Mr. President, I rise to support passage of the Native American Housing Assistance and Self-Determination Act of 1996 (H.R. 3219). I would like to express my appreciation to Senate Committee on Indian Affairs Chairman JOHN MCCAIN, Senator TED STEVENS, Senator PETE DOMENICI and Senator BEN NIGHTHORSE CAMPBELL for their commitment and dedication to reforming Indian housing policy. In addition, I would like to commend the House of Representatives for taking the initiative in developing and passing this important legislation.

This legislation originally passed the House of Representatives as title VII of H.R. 2406, the United States Housing Act of 1996. On June 20, 1996, the Senate Committee on Banking, Housing, and Urban Affairs and the Senate Committee on Indian Affairs held a joint hearing on this bill and the future of Indian housing policy for our Nation.

The cornerstone of H.R. 3219 is the promotion of the essential Federal-Indian policy of tribal self-determination and self-governance. It recognizes the unique government to government relationship between the Federal Government and Indian tribes. The bill also makes a long overdue recognition that the conditions of American Indian and Alaska Native housing are very different from those of urban public housing and responds by separating the programs from each other.

This legislation is supported by the majority of Indian tribes and Indian Housing Authorities across America. It responds to tribal requests for reduced Government regulation, greater flexibility, and the consolidation of funding sources into block grants. In addition, it recognizes the reluctance of the private sector to provide housing on trust or restricted land by broadening the scope of the loan guarantee program and providing for 50-year leasehold interests on such lands.

Importantly, the bill maintains maximum rent restrictions to protect recipients of housing assistance. The monthly rent or homebuyer payment may not exceed 30 percent of the monthly adjusted income of such family. However, a tribally designated housing entity may choose to require a monthly housing payment which is less than 30 percent.

Although this bill is not perfect, it represents a strong beginning in the process of devolving control of housing policy from the Federal Government to the States and localities, in this case the tribally designated housing entities. The Senate Committee on Banking stands ready to legislate any necessary improvements which may be required prior to final implementation of the legislation. I rise to support the adoption of the Native American Housing Assistance and Self-Determination Act of 1996.

Mr. STEVENS. Mr. President, I would like to say just a few words about H.R. 3219, The Native American Housing Assistance and Self-Determination Act, which, if passed and signed into law, could become a landmark in the development of responsive and responsible housing for Indians and other native Americans throughout this country.

To say that the time has come for legislation like H.R. 3219 is to indulge in understatement. For far too long native Americans have been required to look to the U.S. Government—especially HUD, for direction and funding in the essential area of housing. Passage of H.R. 3219 will enable Native Alaskans and other native Americans to become responsible for their own housing decisions.

Mr. President, I am particularly proud of the fact that Ms. Jackie Johnson, a Tlinqit from Juneau, AK, who is Chair of the National American Indian Housing Council, played such an important role in the initiation and development of this historic legislation. Ms. Johnson has poured an enormous amount of work into this effort as has the entire National American Indian Housing Council. I also want to thank members of the Association of Alaska Housing Authorities and its president, Kristian N. Anderson, all of whom contributed so much toward the development of this legislation. All these fine Alaskans have reason to be proud.

I am hopeful, Mr. President, that passage of H.R. 3219 will mark the beginning of a new era in native and Indian Housing that is responsive and responsible—and most importantly, by and for native Americans.

Mr. BRYAN. Mr. President, today the Native American Housing Assistance and Self-Determination Act, H.R. 3219, will pass the Senate. I would like to enter into a short colloquy with Senator MACK, the subcommittee chairman of the Subcommittee on Housing Opportunity and Community Development.

In Nevada, there are a number of small Indian tribes which are very dependent upon the funding they receive from Department of Housing and Urban Development for their local housing programs. Under this bill, the funding for native American housing assistance will be provided to tribes through block grants for operation, modernization, and new development through a new funding formula. For fiscal year 1997, this legislation provides for hold harmless funding for small tribes like those in Nevada. During fiscal year 1997, the tribes will work with HUD through a negotiated rulemaking procedure to implement this act, and develop the funding allocation.

Tribes in my home State have raised concerns that the current hold harmless provision might disadvantage small tribes that received no modernization funding in fiscal year 1996, and that a technical correction may be necessary to ensure their funding level is indeed held harmless.

Mr. MACK. Mr. President, as the Senator from Nevada stated, H.R. 3219 includes language to specifically require the allocation formula will provide for the continuing operation and modernization needs of existing housing units. This provision is to hold harmless all native American housing authorities or tribes from unanticipated consequences of a new formula, while the tribes are guaranteed the opportunity to participate in determining the funding allocation through negotiated rulemaking with HUD.

If a technical correction is needed to ensure that small tribes and Indian housing authorities are held harmless during this negotiated rulemaking process, I will work with the Senator from Nevada to seek such correction early in the next Congress.

Mr. BRYAN. Mr. President, I appreciate the willingness of the Senator from Florida to deal with this issue expeditiously in the next Congress, if it is necessary to ensure that tribes which might be negatively affected by this bill will have their concerns addressed.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3219) was deemed read a third time, and passed.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Mr. LOTT. Mr. President, I send a bill to the desk in behalf of Senators STEVENS and MOYNIHAN, and I ask that it be considered and agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2198) to extend the Advisory Commission on Intergovernmental Relations and correct the enrollment of a bill.

Mr. LOTT. Mr. President, this is a bill to extend the Advisory Commission on Intergovernmental Relations and correct the enrollment of that bill.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Without objection, the leader's request is agreed to.

The bill (S. 2198) was deemed read a third time, and passed, as follows:

SEC. . (a) Notwithstanding the provision under the heading "ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS" under title IV of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52; 109 Stat. 480), the Advisory Commission on Intergovernmental Relations may continue in existence solely for the purpose of performing any contract entered into under section 7(a) of the National Gambling Impact Study Commission Act (Public Law 104–169; 110 Stat. 1487). The Advisory Commission on Intergovernmental Relations shall terminate on the date of the completion of such contract.

(b) The Advisory Commission on Intergovernmental Relations and employees of the Commission who are considered to be Federal employees under section 6(e) of Public Law 96–380 (42 U.S.C. 4276(e)) shall make contributions to and participate in Federal health insurance, life insurance, and retirement programs to the same extent and in the same manner as before the date of enactment of this section. The Commission shall make any such contributions from funds received through contracts.

Section 615 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997 (contained in Pub. L. No. 104–208) is amended by deleting "and "Community Oriented Policing Services Program"" and by deleting "and part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968". The amendments made by this section should take effect upon enactment.

Mr. LOTT. Mr. President, the staff is working desperately to wrap up a couple of final items. We feel like we need to go ahead and close because as long as we stay here, there will be other opportunities to try to get something cleared. I think we have done a very good job of moving some noncontroversial bills. We have had good cooperation on both sides.

So I do have just two or three more, and then we will wrap up.

MINING INSTITUTE LEGISLATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 501, H.R. 3249.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3249) to authorize appropriations for a mining institute to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements be placed at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R 3249) was deemed read a third time, and passed.

DESIGNATION OF THE CLARION RIVER AS COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3568, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3568) to designate 51.7 miles of the Clarion River, located in Pennsylvania, as component of the National Wild and Scenic Rivers System.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3568) was deemed read a third time, and passed.

AMENDING THE WILD AND SCENIC RIVER ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3155, another Wild and Scenic River designation, which has been received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislation clerk read as follows:

A bill (H.R. 3155) to amend the Wild and Scenic River Act by designating the Wekiva River, Seminole Creek, and Rock Springs Run in the State of Florida for study and potential addition to the National Wild and Scenic Rivers System.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3155) was deemed read a third time, and passed.

EXTENDING CERTAIN PROGRAMS UNDER THE ENERGY POLICY AND CONSERVATION ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4083, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4083) to extend certain programs under the Energy Policy and Conservation Act through September 30, 1997.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4083) was deemed read a third time, and passed.

INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, REFUGEES AND FOREIGN RELATIONS

Mr. LOTT. I ask unanimous consent the Senate now proceed to the consideration of H.R. 4036, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 4036) making certain provisions with respect to internationally recognized human rights, refugees and foreign relations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENTS NOS. 5435, 5436, 5437, 5438, 5439, EN BLOC

Mr. LOTT. I understand there are amendments at the desk offered by Senators PELL, KERRY, FORD, KASSEBAUM, and JEFFORDS. I ask unanimous consent that the amendments be considered and agreed to en bloc and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 5435, 5436, 5437, 5438, and 5439) were agreed to en bloc, as follows:

AMENDMENT NO. 5435

(Purpose: Human rights, refugee and other foreign relations issues)

Delete sections 101 and 102.

AMENDMENT NO. 5436

(Purpose: Human rights, refugee and other foreign relations issues)

At the end of the bill add the following new title:

TITLE III—CLAIBORNE PELL INSTITUTE FOR INTERNATIONAL RELATIONS AND PUBLIC POLICY

SEC. 301. SHORT TITLE.

This title may be cited as the "Claiborne Pell Institute for International Relations and Public Policy Act".

SEC. 302. GRANT AUTHORIZED.

In recognition of the public service of Senator Claiborne Pell, the Secretary of Education is authorized to award a grant, in accordance with the provisions of this title, to assist in the establishment and operation of the Claiborne Pell Institute for International Relations and Public Policy, located at Salve Regina University, Newport, Rhode Island, including the purchase and renovation of facilities to house the Institute.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1997 such sums, not to exceed $3,000,000, as may be necessary to carry out this title.

SEC. 304. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this Act.

TITLE IV—GEORGE BUSH SCHOOL OF GOVERNMENT AND PUBLIC SERVICE

SEC. 401. SHORT TITLE.

This Act may be cited as the "George Bush School of Government and Public Service Act".

SEC. 402. GRANT AUTHORIZED.

In recognition of the public service of President George Bush, the Secretary of Education is authorized to make a grant in accordance with the provisions of this Act to assist in the establishment of the George Bush Fellowship Program, located at the George Bush School of Government and Public Service of the Texas A & M University.

SEC. 403. GRANT CONDITIONS.

No payment may be made under this Act except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may require.

SEC. 404. APPROPRIATIONS AUTHORIZED.

There are authorized to be appropriated such sums, not to exceed $3,000,000, as may be necessary to carry out the provisions of this Act.

SEC. 405. EFFECTIVE DATE.

This Act shall take effect on October 1, 1996.

AMENDMENT NO. 5437

(Purpose: To provide for the Edmund S. Muskie Foundation)

At the appropriate place; insert the following new section:

SEC. . EDMUND S. MUSKIE FOUNDATION.

In recognition of the public service of Senator and Secretary of State Edmund S. Muskie, the Secretary of Education is authorized to award a grant in accordance with the provisions of this Act to assist in the establishment of the Edmund S. Muskie Foundation, located in Washington, DC, by providing assistance to support the foundation, including assistance to be used for awarding stewardships, supporting the Muskie archives, and supporting the Edmund S. Muskie Institute of Public Affairs.

AMENDMENT NO. 5438

Strike Section 104.

AMENDMENT NO. 5439

(Purpose: To authorize funds for the Calvin Coolidge Memorial Foundation)

At the appropriate place, insert the following:

SEC. ___. CALVIN COOLIDGE MEMORIAL FOUNDATION GRANT.

(a) DEFINITIONS.—In this section:

(1) FOUNDATION.—The term "Foundation" means the Calvin Coolidge Memorial Foundation.

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

(b) GRANT AUTHORIZED.—The Secretary is authorized to make a grant in the amount of $1,000,000 in accordance with the provisions of this section to the Foundation.

(c) GRANT CONDITIONS.—

(1) APPLICATION.—No payment may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(2) USE OF GRANT FUNDS.—Funds received under this section may be used for any of the following purposes:

(A) To increase the endowment of the Foundation.

(B) To conduct educational, archival, or preservation activities of the Foundation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $1,000,000, without fiscal year limitation, to carry out the provisions of this section.

(e) EFFECTIVE DATE.—This section shall take effect on October 1, 1996.

Mr. LOTT. I ask unanimous consent that the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4036), as amended, was passed.

RECORD ACCOMPLISHMENTS OF THE 104TH CONGRESS

Mr. LOTT. Mr. President, before the 104th Congress does come to an end, I want to take this opportunity to thank all Senators for their cooperation and hard work with regard to many accomplishments of this Congress. This is one of the most productive Congresses in recent memory, maybe not in terms of absolute numbers but in terms of historic legislation. There is a long list.

I personally was involved and enjoyed working on such bills as the telecommunications reform legislation, which was a mighty effort that had been in the making for 10 years. We had good bipartisan cooperation on that. We did get small business tax relief and, of course, we have all talked about welfare reform, health insurance reform, illegal immigration and the monumental task of putting together the omnibus appropriations bill without extensions of time, and we got it done.

I think we should rightfully take pride as we went along with more and more bipartisan effort, not always cooperation but we were working together and we were able to get an agreement on a number of issues that looked as if we might not be able to just days or weeks ago.

When I was first elected majority leader in June, the Senate was, frankly, in a logjam situation with regard to several key issues. It was with great cooperation and patience of all Senators, and especially my Republican colleagues, our leadership team, and, quite frankly, with the leadership on the other side of the aisle that we were able to resolve many of those outstanding issues in an orderly fashion.

However, with triumph does come disappointment. That goes to the fact that the Senate was not able to address some of the issues that I really had hoped that we would address in a different way—the partial-birth abortion ban veto vote which was disappointing, and I fully expect that matter will be considered again in the next Congress. But we had ample opportunity to debate and make our case. We had a vote, and in that one we just did not have enough votes to prevail, to override a veto.

All in all, I believe that the entire membership of the 104th Congress can leave today proud of their accomplishments and return in January ready to take on the many new challenges that face us.

Mr. DASCHLE. Mr. President, let me just make a couple of remarks prior to the time we finish our work today.

Let me first begin by again congratulating the majority leader on his first few months in his new position. I would not characterize this Congress quite as he has, but I think we need to end on as positive and as bipartisan a note as we can.

I congratulate him on many of his efforts over the last several months. I do believe this has become a more bipartisan and more cooperative and a more productive session in part because of the leadership that Senator LOTT has demonstrated. I hope that we can work as successfully together in the new Congress.

STAFF CONTRIBUTIONS

Mr. DASCHLE. Mr. President, as we watch them work, I am reminded again of the remarkable contribution made by our staff, the floor staff, our clerks, so many of the people in the cloakrooms and in every facet of the operation of the Senate. I admire them for their amazing dedication to this institution and for their hard work each and every day they come to work. We do not thank them enough. They are hard workers on both sides of the aisle.

I will not begin to name names except John Doney only because we know he is retiring, but we thank him, we applaud him, and we admire his great work—and their great work and contribution to our effort each and every day.

Again, I thank my colleagues and I thank our leadership, and I certainly thank my personal staff for the great job they have done in serving me and working with us in the last 2 years.

With that I yield the floor.

Mr. LOTT. Mr. President, I thank the Senator from South Dakota, the Democratic leader, for observing the fine work that we do receive from our staff. Some of them are on the back rail today. They work long hours. They produce a lot of good legislation on both sides of the aisle. Our own personal staffs in our offices work long hours, but the people here at the desks in front of us, they are here when the doors open and they are the last ones out. We would not dare presume to proceed without their very capable and efficient work. As we have seen here in the last few minutes, there has been a real scramble to get the work done, but it is always done very professionally and accurately, and I also extend my thanks to them.

PROVIDING FUNDING FOR THE OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

Mr. LOTT. Mr. President, I ask unanimous consent to proceed to the immediate consideration of Senate Resolution 324.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 324) to provide funding for the Office of Senate Fair Employment Practices to carry out certain transition responsibilities.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask that the resolution be adopted and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Under the previous order, the resolution is agreed to.

The resolution (S. Res. 324) was agreed to, as follows:

S. Res. 324

Resolved, That the Secretary of the Senate shall transfer an amount not to exceed $100,000, from the resolution and reorganization reserve of the miscellaneous items appropriations account, within the contingent fund of the Senate, for use by the Director of the Office of Senate Fair Employment Practices for salaries and expenses of such Office through January 30, 1997, related to carrying out the responsibilities of such Office in accordance with section 506 of the Congressional Accountability Act of 1995 (2 U.S.C. 1435). Effective date is October 1, 1996.

RETIREMENT OF SENATOR ALAN SIMPSON, U.S. SENATOR, WYOMING

Mr. WARNER. Mr. President, I rise to join other colleagues in wishing AL, Ann, and their children the best for their future. Senator SIMPSON has wisely reclaimed his life, the balance, for them.

I have waited until this moment, as the Senate "retires" from the 104th Congress to make my statement on behalf of one of the most valued and respected friends I have ever had.

A fearless advocate for what he believed. Integrity that could never be doubted.

As the "whip" of our side of the aisle, his leadership reconciled the "mountainous" Senate egos—ambitions—when all seemed unreconcilable. Leadership is "background and backbone." He was truly a son of the Senate, a son of a proud father, himself a Senator from Wyoming.

By his side, to steady his hand, often to protect, on occasion, fellow Senators from the "whip," to temper his flowing humor, to correct his record, was his wife—loved and respected by all. I shall dearly miss the Simpson family.

SENATOR HOWELL HEFLIN

Mr. LOTT. Mr. President, does the Senator from Alabama have anything? Is he willing to allow us to wrap this up? I know he is enjoying these last few moments that he is sitting here as a Senator. We all have enjoyed working with him so much. I found it interesting that he is here watching these last few moments. Would you like to leave one last word for posterity?

Mr. HEFLIN. It has sort of been a historical sine die session. This being my last few moments in the Senate, I though I would be here and watch this historic event. Thank you.

Mr. LOTT. We felt you presence.

Mr. HEFLINN. Thank you.

Mr. LOTT. We wish you Godspeed in all you do.

Does the Senator from Florida wish to speak?

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I wish to add my voice, first to the great warmth of which we feel towards our esteemed colleague from Alabama and how much we will miss his presence. And I appreciate the leadership that has been provided by both the majority and minority leaders during the session.

UNANIMOUS-CONSENT REQUEST—H.R. 2026

Mr. GRAHAM. Mr. President, to keep on this historical plane as we conclude, what would be more appropriate than to conclude the session by adopting singularly a bill that we already adopted as part of the coin bill package, and that is the one to recognize our first President, George Washington?

So, Mr. Leader, with your permission, I ask unanimous consent that we proceed to a bill, H.R. 2026, which is at the desk, which is the bill to commemorate, by coin, President Washington. I ask unanimous consent to proceed to that bill.

Mr. LOTT. Mr. President, it falls as our responsibility as leaders sometimes to object when we really would rather not. I would like to do this. I would like to accommodate the Senator from Florida. I would like to accommodate him on this particular bill. But there are a number of Senators who have very important coin bills that they would like to move freestanding, and they had objected to moving them individually and objected to them being moved unless they were moved in a group. I do not agree with that analogy. I do not quite understand it, but I am constrained, unfortunately, to object, as much as I prefer not to.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. There being no further business to come before the Senate——

Mr. President, does the Senator from Virginia wish to add one final word?

Mr. WARNER. I just——

Mr. LOTT. You do not have a unanimous consent request, do you?

Mr. WARNER. No. Just to speak on behalf of retiring Senators. But I judge that has now come to an end.

Mr. LOTT. Mr. President, I believe it has. The bewitching hour is before us.

CONDITIONAL ADJOURNMENT SINE DIE

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now move that the Senate stand in adjournment sine die under the provisions of House Concurrent Resolution 230, or until 6 p.m., Friday, October 4, if the House fails to adopt House Concurrent Resolution 230. And God be with you all.

The motion was agreed to, and at 6:54 p.m., the Senate adjourned sine die, conditioned on the House concurrence in the Senate amendment to House Concurrent Resolution 230.

NOMINATIONS

Executive nominations received by the Senate October 3, 1996:

NATIONAL TRANSPORTATION SAFETY BOARD

GEORGE W. BLACK, JR., OF GEORGIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2001. (REAPPOINTMENT)

EXTENSIONS OF REMARKS

A TRIBUTE TO JOHN H. MCCONNELL—WORTHINGTON INDUSTRIES

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Ms. PRYCE. Mr. Speaker, today I rise to pay tribute to Mr. John McConnell, chairman emeritus and founder of Worthington Industries of Columbus, OH. John McConnell is retiring this year, but the impact that he has in central Ohio will certainly continue.

John McConnell has truly lived the American dream. In 1955, he borrowed $600 on his 1952 Oldsmobile to start Worthington Industries. Under his leadership, Worthington Industries has grown to employ 9,700 people at 55 facilities in 23 States, Canada, Mexico, and France. He turned his initial $600 loan into a $1.8-billion-a-year company that serves as a model for both efficient production and effective leadership. When Worthington Industries was just starting out, John would spend the morning in a suit with customers, but after lunch he would change clothes and spend the afternoon working in the plant. It is this commitment to his company and its employees that has won their respect and loyalty.

Equally important, however, is John McConnell's social and civic involvement. He is chairman of the Law Enforcement Foundation of Ohio, a director of GMI Engineering and Management Institute in Flint, MI, and chairman of the board of the U.S. Health Corp. He also serves on a summer of charitable boards, including the Columbus Zoo and the YMCA.

All of these accomplishments have not gone unnoticed. He is a recipient of the 33 Degree Scottish Rite Mason, the Horatio Alger Award, the Ohio Governor's Award, and the Mr. Ohio Gold Award. Mr. McConnell has been named a Michigan State University Outstanding Alumni and Entrepreneur of the Year by Southern Illinois University. Financial World magazine recognized him as an outstanding Chief Executive Office of the Year. Industry Week magazine applauded his excellence in management.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in congratulating my good friend, Mr. John McConnell, on a long and brilliant career with Worthington Industries. I wish him and his wife, Peggy, of 50 years continued health and happiness.

HOW BUREAUCRATS REWRITE LAWS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. GINGRICH. Mr. Speaker, I would like to bring a recent article by John DiIulio, Jr., to the attention of my colleagues.

[The Wall Street Journal, Oct. 2, 1996]

HOW BUREAUCRATS REWRITE LAWS

(By John J. DiIulio Jr.)

As the historic 104th Congress draws to a close, scholars have already begun to debate its legislative record. Some stress that the first Republican Congress in four decades enacted fewer major laws than any Congress since the end of World War II. Others respond that it was only natural that a new conservative Congress committed to restraining the post-New Deal rise of national government activism would pass fewer big-government bills. Likewise, while some interpret President Clinton's bright re-election prospects as a negative referendum on the GOP-led House and Senate, others focus on how Republicans ended up setting the agenda on everything from balancing the budget to welfare reform.

For at least two reasons, however, both sides in this early war over the 104th's history are firing intellectual blanks. One reason is that it is not yet clear how much of the legislation will stick politically. For example, Mr. Clinton has made plain that, if reelected, he plans to "fix" the new welfare law. And should the House fall to the Democrats, ultraliberal committee chairmen will move quickly to undo much of what the Republicans did legislatively on welfare, crime, immigration and more.

The other and more fundamental reason is that, no matter what happens in November, it is by no means certain that the laws passed by the Republican Congress over the last two years will survive administratively.

BUREAUCRATIC WARS

Victories won on the legislative battlefield are routinely lost in the fog of bureaucratic wars over what the laws mean and how best to implement them. One of many recent examples is how the Federal Communications Commission has already virtually rewritten the Telecommunications Act of 1996.

On Feb. 8, President Clinton signed the first major rewrite of telecommunications law in 62 years. To many observers, the act represented the culmination of a series of political and judicial decisions that began in 1974 when the U.S. Justice Department filed an antitrust suit against AT&T, leading to a breakup of the old telephone monopoly and the creation in 1984 of the seven regional "Baby Bells." The bill-signing ceremony, the first ever held at the Library of Congress, was draped in symbolism. The president signed the bill with a digital pen that put his signature on the Internet. On a TV screen, comedian Lily Tomlin played her classic telephone company operator Ernestine, opening her skit with "one gigabyte" instead of "one ringie-dingie."

During the debate over the bill and for weeks after its enactment, the press played up the law's social-policy side-shows, like the requirement that most new television sets contain a "V-chip" enabling parents to lock out programs deemed inappropriate for children. But its true significance lay in removing barriers to competition in the telecommunications industry, and devolving responsibility for remaining regulation to the states. While its language is often technical, you need not be a telecom junkie to understand the letter of the law or the record of floor debates in Congress.

For example, Sections 251 and 252 of the law promote competition in local telephone markets, expressly giving state commissions authority to decide, via a strictly localized, case-specific process, what constitutes "just and reasonable" rates. It affords the FCC no role whatsoever in setting local exchange prices: "Nothing in this chapter shall be construed to apply or to give the Commission jurisdiction with respect to . . . charges, classifications, practices, facilities, or regulations for or in connection with intrastate communication service."

The law's devolutionary language and deregulatory intent was so clear that groups such as the National Council of Governors' Advisors quickly produced reports advising key state and local decision makers to prepare for "telewars in the states." Soon, one NCGA report on the law explained, "governors' offices, state legislatures and state public utility commissioners will be drawn into state debates on how to ensure a "level playing field for competition' among those firms seeking to provide local and intrastate telephone service." The major battles, the NCGA predicted, would be over the terms of price and interconnection agreements. Telephone company rivals could be expected to lobby governors, utility commissions and state legislatures in search of allies.

But within six months of the law's enactment, the FCC declared a victor in the "telewars in the states"—namely, itself. The commissions produced a 600-page document promulgating presumptive national pricing standards in local telephone markets. The FCC insists that the order is necessary to pry open local markets to long-distance carriers like AT&T, small firms like Teleport, and cable and wireless companies. Otherwise, the commission asserts, incumbent local carriers like the Regional Bell Operating Companies will remain invulnerable to real competition as potential entrants to intrastate markets are forced to contend with 50 different, localized state regulatory regimes.

But the FCC's rushed, revanchist rewrite of the telecommunications law is based on a hypothetical pricing scheme that only an armchair economist could love. In its hundreds of pages of national regulatory dictates, the FCC almost completely ignores the actual costs that local companies incurred to create the system, and the regional and other variations in how they operate.

On Aug. 23, GTE Corp. and Southern New England Telephone Co. jointly challenged the FCC in court, arguing that the FCC's order constitutes an uncompensated taking under the Fifth Amendment by requiring

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

them to sell their services at below actual costs. The order, they claim, would almost certainly enervate competition by permitting long-distance giants like AT&T to buy up local phone networks at huge discounts—an ironic potential outcome indeed given how all this began in 1974. Moreover, not only giants like AT&T but fly-by-night arbitrage artists could enrich themselves at the expense of consumers on the spread between actual operating costs and the prices set by the FCC. In response to the suit, a federal appeal court ordered a temporary stay of the FCC regulations and will hear oral arguments in the case tomorrow.

At a recent press conference, GTE's senior vice president and general counsel, former U.S. Attorney General William P. Barr, demanded to know why the FCC believes that it is better at making decisions "for 50 states than the state commissions are, who have done this historically, who have all the data that are relevant to the state before them."

A MOCKERY

But whether or not the FCC is wiser than the states, and regardless of who is right about the economics of the case, the FCC bureaucrats' orders mocks key provisions of a democratically enacted law. The FCC's action is at odds not only with the textbook understanding of "how a bill becomes law," but with the first principles of limited government and American constitutionalism.

The FCC's action should serve to remind us that the devolution and deregulation of federal authority are always in the administrative details. On telecommunications, welfare, and almost every other major issue, big government is the administrative state in which judges and unelected officials, and not the elected representatives who debate and enact the laws, govern us all.

TRIBUTE TO VICE PRESIDENT PREMIER LIEN OF TAIWAN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. ORTIZ. Mr. Speaker, I would like to commend Vice President/Premier Lien of Taiwan on his interest in continuing to lead Taiwan's move towards democracy, enhanced human rights, and global competitiveness.

I understand that Vice-President/Premier Lien recently reviewed Michael Porter's book "The Competitive Advantage of Nations." In the review, he indicted that the book has great relevance to the future development of Taiwan. Lien calls Porter's work "the leading edge of contemporary thought that can influence government policy.* * *"

Mr. Speaker, I know that the residents of Taiwan are hard working, dedicated individuals who have demonstrated their strength by becoming one of the most successful business environments in Southeast Asia. Not only have they excelled economically, but politically, they enjoy a strong and vibrant democracy. They also enjoy more individual liberty and personal freedom than any of their neighbors. I share Vice President/Premier Lien's belief that there is a definite relationship between political and economic freedom and continued international financial success. Clearly, Vice President/Premier Lien believes in a dynamic free market and I endorse his position to promote economic opportunity for everyone.

Mr. Speaker, I urge my colleagues to learn more about the changes that have taken place in Taiwan during the last few years.

TRIBUTE TO RICHARD M. LOBENTHAL

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. LEVIN. Mr. Speaker, as this session ends, an era is coming to an end in Michigan. After 32 years of commitment and dedication, Richard M. Lobenthal has led an impassioned fight against prejudice and discrimination as it affects all human beings. As the Michigan director of ADL, Mr. Lobenthal established a reputation as an advocate for the Jewish community speaking out against anti-Semitism and hate crimes.

The mission of the Anti-Defamation League is to preserve and translate into greater effectiveness the ideals of American Democracy. Mr. Lobenthal's advancement of this mission encompassed all minorities and extended beyond the borders of the United States.

Mr. Lobenthal has served in leadership positions on various boards and has been the recipient of numerous awards. He is a founder and past president of the Ecumenical Institute for Jewish-Christian Studies. He is also a founding board member of the Michigan Coalition for Human Rights and served as a cochair of the Bias Crimes Response Task Force of the Michigan Department of Civil Rights. Appointed by Governor Blanchard in 1987, Mr. Lobenthal served on the Michigan Council for the Humanities. In 1989, he was appointed by the Michigan Chiefs of Police as a consultant on anti-democratic movements.

In 1989, Mr. Lobenthal's expertise was sought by the West German government in their study of social and political movements in Europe and Germany and their effects on democratic structure. In 1993, Mr. Lobenthal was named as an American consultant to an international conference in Sofia, Bulgaria aimed at reducing ethnic tension.

I have been privileged to know Dick Lobenthal personally. For three decades, he has been a leader in the fight against injustice, anywhere and at anytime. Indeed, all of us have benefitted from his untiring efforts and dedication. He will be deeply missed.

A TRIBUTE TO CONGRESSMAN ANDY JACOBS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. BURTON of Indiana. Mr. Speaker, ANDY JACOBS is one of those guys who carries the Golden Rule in his heart. I feel very strongly about the caliber of this man, and I think the people really ought to know what he's like.

ANDY JACOBS sits on the other side of the aisle from me, and although we are political opponents, so to speak, I believe him to be one of the most outstanding Congressmen in the House of Representatives.

ANDY has worked these many years in the House to protect the Social Security System and was the chief sponsor of the Social Security Administration to become an independent agency, as well as several other Social Security provisions which have become law.

ANDY has long been a leading proponent of pre-school programs for educationally-disadvantaged children. He authored a provision which was enacted in 1994 which created demonstration projects designed to enhance the cognitive skills and linguistic ability of children under the age of 5 years.

ANDY also was responsible for the law which made Father's Day a national holiday. He authored a law which ended age-old immunity of Federal employees from court process to collect just debts owed by them. And, there are so many more accomplishments by this distinguished gentlemen during his 30 years in the House of Representatives.

Indianapolis Republican mayors have praised ANDY for protecting Indianapolis' interests in Washington during his many years in Congress.

We know ANDY's wife, Kim, and their two sons are very happy he is coming home to stay, but their gain is our loss. Regardless of who replaces ANDY, he will be missed by us on both sides of the aisle.

ONE HUNDRED YEARS OF SERVICE

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. DELAY. Mr. Speaker, I rise today to congratulate the First Baptist Church of Angleton, TX, on its 100-year anniversary.

October marks the celebration of a century of service to the community of Angleton. Growing and changing over the years, the church and its congregation of over 1,800 are currently involved in mission projects and television ministry.

I want to take this opportunity to commend the First Baptist Church of Angleton for its contributions and service and I wish the church and its congregation God's blessings for the years to come.

TRIBUTE TO CONGRESSWOMAN ENID GREENE

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. HANSEN. Mr. Speaker, as this historic session of Congress draws to a close, I wanted to take a moment and reflect upon the contributions of one of its finest Members—ENID GREENE. I have been proud to associate myself with ENID during the past 2 years, and I am sorry to see her leaving so soon.

Few will ever know the hard work, the long hours, and the dedication she has shown. Her tireless work on the Rules Committee has helped to fashion some of the most important legislation we have seen in decades; the balanced budget amendment, the line-item veto, welfare reform, and many, many others. She is a principled person of the highest integrity who has weathered some of the roughest personal seas that could ever be imagined. Through it all, she never lost her vision or gave up on her responsibilities in the Congress. She showed that she was able to continue working despite personal hardships. I marvel at her talents and abilities. She has much to offer, and I know that she will yet contribute in many other ways. I know that I join my colleagues in thanking ENID for her efforts, and wish her well in the future.

TRIBUTE TO RANDOLPH YUNKER

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. LAZIO. Mr. Speaker, I want to pay tribute to my constituent, Mr. Randolph Yunker of West Babylon, NY, who spent his career in service to his country and this House, and in doing so has made a real difference in his community.

For the past decade, Randy has served the people of Long Island, first as executive assistant to our former colleague, Norman Lent, 4th district, New York, and most recently district director to PETER KING, 3d district, New York. In these capacities, Randy has helped literally thousands of constituents, from the senior citizen experiencing problems receiving a social security check to the anxious child needing an emergency visa to visit an ailing parent in another country. Randy has taken the time to listen to their concerns and then acted quickly to resolve those problems, which may sound trivial to some, but in reality are quite important to the person needing assistance. In recognition of his dedication and support, Randy has been awarded membership in the National Association of Postmasters of the United States, making him the first congressional staff member in history to be accorded that honor.

Mr. Speaker, too often we forget the fine work that is done on our behalf by our dedicated and professional staff. Their efforts often help make our Government more responsive to the people we serve. So, it is only fitting that I take this time to honor Randy Yunker, who has a distinguished career of service to the people of Long Island.

CLINTON'S READING PLAN

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. GINGRICH. Mr. Speaker, I want to encourage my colleagues to read the following article which appeared in the Marietta Daily Journal September 15, 1996. As we look for ways to improve our country's schools, we would do well to listen to the advice of the teachers and parents who are working with the students every day. While the administration would like to simply spend more money on the wasteful education bureaucracy and curry favor with teachers unions, there is no substitute for individual help from teachers like Kay Vaughn who are working with children on a daily basis to teach them to read and write.

[From the Marietta Daily Journal, Sept. 15, 1996]

Local Teacher Says Clinton's Reading Plan Misses the Mark

(By Jamie Floer)

President Bill Clinton's proposal to send Americorps volunteers into the nation's schools to help teach children to read by the third grade gets a failing mark from Cobb educators.

The president promised during his nomination acceptance speech in August to emphasize reading performance when he proclaimed that "every student in America should be able to read by the third grade."

But when professional reading teacher Kay Vaughn heard about the idea, she knew better.

Surrounded by a table of first-graders at Dunleith Elementary School in Marietta, every day Ms. Vaughn teaches students the skills they need to become literate, and she contends the president's plan is not needed.

"We're really working on reading in kindergarten, first and second grade. . . . They definitely know how to read by third grade," she said. "The earlier you get them started the easier it is to break them of bad habits."

Sitting down to read an easy-reader book about a cat, 6-year-old Darius Alexander, the son of Frances and Lisa Alexander of Marietta, just started first grade a few weeks ago. "Reading is my favorite thing to do," Darius said.

Seeing the reading process click for students like Darius and his classmates makes Ms. Vaughn's efforts worthwhile.

Dunleith Principal Dr. Emily Lembeck said, "We have a lot of programs in place to support reading in our school." A former first-grade teacher herself, Dr. Lembeck said grasping the basics of reading is important and should definitely be in place well before third grade.

Dunleith uses innovative approaches such as the Partnership in Literacy Program that began last year where volunteers spend 15 minute a week listening to students read aloud.

Throughout Marietta, at schools such as West Side and A.L. Burruss, which was recognized last year with an international award for reading, reading has long been a focus.

Kelly Henson, assistant superintendent of the 6,000-student school district, said the city system's approaches have changed but the goal has remained the same—teach children to read by the end of first grade.

For three or four years the system used a one-on-one program called Reading Recovery, which was funded federally.

However, this school year the Early Intervention Reading Program was put into place to expand the program and serve more students. Under the new program school principals can choose to continue with one-on-one instruction or use small groups.

"It takes different shapes at every school depending on the needs. . . . We tried to take some of the restrictions off," Henson said.

Henson estimated that 99 percent of the students in Marietta City Schools know how to read by the third grade, except for a few students who speak a foreign language and students with extreme learning difficulties.

"Most of our students are reading easily in the first grade," Henson added.

85TH ANNIVERSARY OF THE FOUNDING OF THE REPUBLIC OF CHINA

HON. SOLOMAN P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. ORTIZ. Mr. Speaker, I know that I speak for many of my colleagues in offering my congratulations on the 85th anniversary of the founding of the Republic of China.

Taiwan is a model of 21 million hardworking men and women, who have achieved enormous economic success and political freedom, as well as international admiration and respect.

President Lee Teng-hui and Representatives Jason Hu should be very proud of the achievements of their citizens. I support their continued pragmatic campaign to promote international recognition of the efforts, and successes, of the 21 million men and women living on Taiwan.

I would also like to congratulate Dr. Lyushun Shen on his transfer back to Taiwan for a promotion as the Director of the North American Affairs at the Republic of China Foreign Ministry. As an outstanding diplomat, his services in the past 3 years as the congressional liaison director at the Taipei Economic and Cultural Representative Office in Washington, DC has strengthened our bilateral relations. I wish him the best in his new position.

Mr. Speaker, I urge my colleagues to join me in offering best wishes to the Republic of China on the 85th anniversary of its creation, and thanking Dr. Lyushun Shen for his contribution to a greater understanding of the issues relating to Taiwan.

CONGREGATION SHIR TIKVAH GROUNDBREAKING

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. LEVIN. Mr. Speaker, on Sunday, October 20, Congregation Shir Tikvah will break ground for their permanent home, a house of worship in the heart of Troy.

Congregation Shir Tikvah was founded 14 years ago when Pam Spitzer and Phyllis Wenig met in an elementary school parking lot. Recognizing the need for a worship community for Jewish families in the area, 18 families came together and the number quickly grew to 70. Today, Congregation Shir Tikvah has a membership of 240 families. Until now, the congregation has held its services in the Mormon, Catholic, Lutheran, Presbyterian, Unitarian, and Methodist Churches. The cross-cultural enrichment from these exchanges of hospitality fostered outreach to people of other faiths.

Shir Tikvah's Ark houses a sacred Torah which was seized after World War II in Nazi Germany. It travelled from Germany to England and then to Detroit. Led by Rabbi Arnie Sleutelberg, the congregation is open and welcome to all. It is a place to gather for spiritual growth, education, and socialization. Rabbi Arnie and his congregants are an active presence in the faith community of the area.

Shir Tikvah translates as "Song of Hope," and the congregation's groundbreaking on October 20 is, indeed, a symbol of their hope for the future. Mr. Speaker, I congratulate the members of Congregation Shir Tikvah on the realization of their dream, and I wish them continued success.

A TRIBUTE TO CONGRESSMAN JOHN T. MYERS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. BURTON of Indiana. Mr. Speaker, one of my very good friends in Congress is JOHN MYERS. JOHN has represented Indiana's 7th District which is adjacent to mine.

JOHN is retiring at the end of this Congress, and he is really going to be missed by everyone who appreciates a warm smile and cheery greeting.

Throughout JOHN's career in the House of Representatives he has the reputation of being a staunch fiscal conservative. He consistently voted against higher spending and never voted for a tax increase.

JOHN has been an institution on the Appropriations Committee. He has served as chairman of the Energy and Water Development Subcommittee during the 104th Congress, after being ranking Republican on the full committee for several years. He also has served as ranking Republican on the Ethics Committee and on the old Post Office and Civil Service Committee.

JOHN's intelligence, fairness, and integrity are unquestionable. JOHN is known to be an independent thinker and is one of those congressmen who really thought hard about an issue before deciding how he should vote. His record of achievement has earned him the respect of everyone on both sides of the aisle.

JOHN has served the 7th District and the State of Indiana in an exemplary manner these past 30 years. I'm really going to miss him. This place won't be the same without him. I wish JOHN and Carol a very long and happy retirement.

LET'S HEAR IT FOR FIRE SAFETY: TEST YOUR DETECTORS

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. WISE. Mr. Speaker, I would like to pay tribute to Fire Prevention Week. This year's Fire Prevention Week theme is "Let's Hear it for Fire Safety: Test Your Detectors."

One life lost to fire is a great tragedy. When that tragedy could have been prevented, it compounds the loss. Smoke detectors are necessary equipment in every home to prevent tragedies from occurring. Every home in West Virginia should be equipped with properly installed and maintained smoke detectors outside sleeping areas as well as one on each level of the house, basement included.

Statictics show that 13 out of every 14 homes have at least one smoke detector, but far too many are not working. I am trying to raise that statistic in West Virginia to 100 percent. With the assistance of the Berkeley County Office of Emergency Services and State Farm Insurance, I have made a fire prevention video which teaches children how smoke detectors operate and how to maintain them. This video is distributed to every elementary school in West Virginia.

Obtaining a smoke detector can be as easy as contacting the local fire department. Many fire departments and local organizations participate in free give-aways of smoke detectors.

Over the past 2 weeks the Congressional Fire Services Institute hand delivered to every Member of Congress, a Fire Prevention Week Community Awareness Kit, courtesy of the National Fire Protection Association. I urge all my colleagues to use the information contained in those kits.

USTR ANNOUNCEMENT ON ARGENTINEAN FOOTWEAR

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. NEAL of Massachusetts. Mr. Speaker, I support the action taken by United States Trade Representative Charlene Barshefsky on October 1, 1996, concerning Argentinean footwear. USTR announced the United States has filed a section 301 complaint with the World Trade Organization [WTO] against Argentina due to their practices concerning footwear and textiles. This action is necessary to curb Argentina's unfair trade practices.

Argentina maintains specific import duties on textiles, apparel, and footwear that are above the 35-percent ad valorem tariff rate to which Argentina committed under the WTO agreements. USTR has decided to invoke WTO dispute settlement procedure. The WTO should take action to make Argentina comply with the WTO agreement.

Argentina has taken action in the past and this action is unacceptable. USTR realizes the actions taken by Argentina are insufficient and inappropriate. Consultation with the WTO has become necessary. I commend Ambassador Barshefsky for taking the appropriate action.

For companies in Massachusetts, this action by Argentina is dangerous. The action taken by USTR will help those businesses who have been discriminated against because of the unfair trade practices of Argentina. In Massachusetts, companies such as Reebok and thousands of Massachusetts employees, depend upon fair access to foreign consumer markets for their livelihoods.

Once again, I congratulate Ambassador Barshefsky and offer my continuing support for firm steps to enforce our international trade treaties to benefit U.S. interests.

STATEMENT OF THE HONORABLE DON RITTER

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. ROYCE. Mr. Speaker, I insert the following for the RECORD:

STATEMENT OF THE HONORABLE DON RITTER—FORMER CO-CHAIRMAN, U.S. CONGRESSIONAL TASK FORCE ON AFGHANISTAN, JUNE 6, 1996, NEAR EAST AND SOUTH ASIAN AFFAIRS SUBCOMMITTEE, SENATE FOREIGN RELATIONS COMMITTEE

I want to thank you Chairman Brown and the other distinguished Members of this Committee for holding this important and timely hearing on Afghanistan. I would also like to express my appreciation to my former colleagues, Congressman Dana Rohrabacher and Congressman Charles Wilson, as well as the other witnesses offering testimony today before this Committee. Congressional leadership on this issue has always played an important and historic role.

We are gathered here today out of concern for the people of Afghanistan and that war-torn country that has suffered unspeakable brutality and neglect. Clearly, the United States, so active over so many crucial years, needs to place a higher priority now on the agony and devastation of Afghanistan and its people.

Mr. Chairman, the United States has a moral obligation to the people of Afghanistan because of their pivotal role in defeating the Red Army at a time when Communism was on the march around the globe. This seems like ancient history sometimes but, ultimately, Afghanistan proved to be the Achilles Heel of the Soviet Communism and military expansion. One can make a strong case that the Soviet Empire would not have met its demise, nor would the Berlin Wall have come down and the people of eastern Europe and the former U.S.S.R. made free, if the people of Afghanistan had not had the courage to fight the Red Army when it invaded. For over a decade, the Afghan people paid a heavy and horrible price fighting the Soviet Union for their beloved country—mass executions, chemical attacks, cities destroyed, villages burned, the countryside mined, children orphaned. Millions of Afghans fled or were murdered by the communists. The point is this Mr. Chairman: Freedom loving people in the United States and around the world thus owe an important debt to the Afghans for helping to win the Cold War and the course of world history.

The bipartisan Congressional Task Force on Afghanistan that I helped lead with Senator Gordon Humphrey, Congressman Charles Wilson, Congressman Bob Lagomarsino and others pressed for U.S. humanitarian and military support for the Afghan people during some of the darkest and most brutal periods of Soviet military operations in Afghanistan. In recent years, after the Soviet withdrawal and the communist defeat, I have grown increasingly troubled by the tragic fate that has overtaken Afghanistan. The United States must again reassert a leadership role to help the people of Afghanistan.

The point is this: We fought together with the Afghan people to win the war. In a very real sense they served on the front lines for us. Now is the time to fight together to win the peace. Its the right thing to do. We have the responsibility.

Although I no longer serve in Congress, I am willing to step forward once again to join you, Mr. Chairman, along with Congressman Wilson, Congressman Rohrabacher and others committed to helping to find solutions to the situation in Afghanistan. I would encourage others to join me in this effort—Americans and Afghans, those in government as well as in the private sector. Now is the hour. Now is the time for the United States to launch a new initiative to help bring peace, stability and prosperity to the war-weary and suffering people of Afghanistan.

Finally, the United States, as this Committee well knows and will explore today, ignores the situation in Afghanistan at great peril. Afghanistan remains important to the national interest of the United States for geostrategic and national security reasons because of its pivotal role regarding Central Asia, the Middle East, and South Asia. If the United States will not take a leadership role in Afghanistan, Iran and other hostile terrorist forces will. In a world that for us grows ever smaller and more integrated all the time, this prospect in South Asia is more threatening to the United States. America must act with resolve and courage to help the people of Afghanistan while there is yet time.

TRIBUTE TO THE CIRCLES OF SERBIAN SISTERS OF NORTHWEST INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. VISCLOSKY. Mr. Speaker, it is my great honor to commend the Circles of Serbian Sisters of Northwest Indiana. This distinguished organization is holding its fourth annual benefit at St. George Serbian Orthodox Church in East Chicago, IN this Sunday, October 6, 1996.

The Circles of Serbian Sisters of Northwest Indiana is the combined effort of four separate Circles of Serbian Sisters organizations, each of which contains about 200 members. The presidents of the Circles of Serbian Sisters are: Ms. Helen Tezich, from St. George Serbian Orthodox Church in East Chicago; Ms. Natalie Tieca, from St. George Serbian Orthodox Church in Schererville; Ms. Ann Rudman, from St. Sava Serbian Orthodox Church in Merrillville; and Ms. Milica Bodrozic, from St. Elijah Serbian Orthodox Church in Merrillville.

Four years ago, these organizations unified to assemble this humanitarian fundraiser in order to provide aid to orphaned and refugee children in the former Yugoslavia. Last year alone, the Circles of Serbian Sisters sent over 7,000 packages and vaccines to these displaced children, who are forced to live in refugee camps and shelters. These individually wrapped packages consisted of underwear, sweat suits, and candy. Circles of Serbian Sisters of Northwest Indiana works with the International Orthodox Christian Charities and the Serbian Orthodox Church in the former Yugoslavia.

Four priests, who have supported this effort from the very beginning are: Father Steve Kovaceivich, from St. George Serbian Orthodox Church in East Chicago; the Very Reverend Father Milan Savich, from St. George Serbian Orthodox Church in Schererville; the Arch Priest John Todorovich, from St. Sava Serbian Orthodox Church; and Father Lazar Kostur, from St. Elijah Serbian Orthodox Church.

The following distinguished clergymen from the Serbian Orthodox Church have sent their blessings for the event Metro Bishop Irney—Kovacevich—Serbian Orthodox Hierarch of the New Granica Metropolitinate, seated in Third Lake, IL; His Eminence Metropolitan Christopher—Kovacevich—Serbian Orthodox Hierarch for Midwestern America, seated in Libertyville, IL; and His Grace Bishop Sava—Jurich—Serbian Orthodox Bishop of Australia and New Zealand, Surrogate Bishop to His Holiness Serbian Orthodox Patriarch Pavle, administrator of the Serbian Orthodox Diocese of USA and Canada.

During this year's banquet, which is held at a different church each year, two sisters, Ms. Millica Bodrozic and Mara Dobrijevich, who have been involved in this movement from the very beginning, will describe what they experienced as they traveled to the former Yugoslavia to deliver the aid packages. Thank you notes from the orphaned children will also be read during this benefit.

Mr. Speaker, during this sad time in the former Yugoslavia, the mission of the Circles of Serbian Sisters offers renewed hope in the humanity of all people. I ask you and my other distinguished colleagues to join me in commending the Circles of Serbian Sisters and wishing them well on their fourth annual banquet, as well as the continued success of their humanitarian efforts.

THE SOUTH DADE/HOMESTEAD MOTORSPORTS EXHIBITION CENTER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Ms. ROS-LEHTINEN. Mr. Speaker, Economic Development Administration [EDA] funding of an economic development grant is being sought for the South Dade/Homestead Motorsports Exhibition Center.

Mr. Speaker, the Homestead/South Dade community is still recovering from the brunt of hurricane Andrew in 1992. We continue to seek economic revitalization assistance from the Federal Government, the State of Florida and from the private sector to bring this community back to prosperity.

The South Dade/Homestead Motorsports Speedway Complex has already attracted millions of tourists to the area and has generated jobs at all levels in the community. The city of Homestead and a nonprofit partnership involving private businesses, have proposed a motorsports exhibition center which will build on the success of this complex.

The south Florida community is hopeful that the Subcommittee on Commerce, State and Justice and the EDA will support this project in fiscal year 1997.

HONORING GATEWAY DAY HABILITATION PROGRAM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. ENGEL. Mr. Speaker, today begins a new program to help the developmentally disabled come into the mainstream of life. The Gateway Day Habilitation Center, a not-for-profit organization, will work to help their consumers achieve further independence and integration into the community at large. In describing the philosophy of Gateway, Sylvia Lask, the director of community relations, says Gateway has as its goal a high quality of life to be achieved, in part, by gainful employment.

Gateway will also help society embrace the developmentally disabled to foster the development of a variety of meaningful relationships. It will provide such day-to-day skills as cooking, money handling, domestic skills, reading, mathematics, writing, basic safety, travel training, therapeutic exercises, and many others. Gateway deserves the praise and cooperation of all of us for the goals it has adopted in helping our fellow citizens.

SUPPORT FOR AUNG SAN SUU KYI

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. ROHRABACHER. Mr. Speaker, the Burmese regime is once again cracking down on Aung San Suu Kyi and her democratic movement. The large scale repression and violence by Burma's tyrants we have witnessed over the past week justifies a tougher approach toward the Rangoon regime.

I introduced legislation this year to impose economic sanctions on Burma. Although that legislation did not become law, the American people are becoming more familiar with the tragic situation in Burma. I intend to reintroduce similar legislation concerning Burma in the 105th Congress if I am reelected.

Last month, the Burmese regime held a long press conference during which various officials criticized Aung San Suu Kyi and the United States. Specifically, the Burmese criticized the International Republican Institute, and its program officer, Mr. Michael Mitchell, for working with the democratic forces inside Burma. That kind of criticism is a badge of honor.

Although the international spotlight rarely shines on Burma, I am watching closely what is happening in that tortured land. The escalating reign of terror against democracy activists and hilltribe people belies Rangoon callous disregard for the infinite value of human life.

Mr. Speaker, the American people stand behind Aung San Suu Kyi and I am proud the International Republican Institute is doing what it can to support democracy in Burma.

THE IMPORTANCE OF FEDERAL SUPPORT FOR HIGHER EDUCATION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. CLAY. Mr. Speaker, in light of the $3.5 billion increase just given to education in the omnibus spending bill, I rise today to underscore yet again the crucial role that our Federal education programs play. This apparent sudden concern on the part of my Republican colleagues for protecting education is gladly received, because millions of young Americans will benefit from these resources.

During the 104th Congress, the Democratic members of the Economic and Educational Opportunities Committee, however, were distressed by the repeated attempts by the majority to slash funds for education. In fact, earlier this year, we held a hearing to demonstrate the impact that Federal education programs have on preparing America's children for a bright future. At this hearing, we heard many witnesses testify in trenchant detail about the pain that defenseless children, students, and families were suffering from the cuts Congress had imposed on Federal education programs. The higher education student community was represented at this hearing by two outstanding students, Rob Sewell and Willie Brown, then the president and vice-president, respectively, of the American Student Association of Community Colleges. I would like to insert their testimony into the RECORD at this time, because it perfectly illustrates from a student's point of view why Democrats will always fight for education. After all, education is the true path to opportunity, and our role as legislators should be to increase access to lifelong learning for all Americans. This is the only way that our country will become stronger and more productive into the 21st century.

TESTIMONY BY MR. ROB SEWELL, PRESIDENT OF THE AMERICAN STUDENT ASSOCIATION OF COMMUNITY COLLEGES AND MR. WILLIE BROWN, VICE PRESIDENT OF THE AMERICAN STUDENT ASSOCIATION OF COMMUNITY COLLEGES

We appreciate this opportunity to speak to our elected Representatives about federal programs that promote college access and lifelong learning.

My name is Rob Sewell, a student at Northern Virginia Community College Annandale Campus, and President of the American Student Association of Community colleges. I am accompanied by Willie Brown, ASACC's Vice President for the southeast Region, and a student at Thomas Nelson Community College at Hampton, Virginia, who is now a member of AmeriCorps.

In my years at Northern Virginia Community College, I have held several student leadership positions, including President of our Student Government Association, and President of our campus chapter of Phi Theta Kappa, the International Honor Society of two-year colleges. These activities have made me very conscious of how important and indispensable the federal student aid programs, and especially Pell Grants, are to our students in their pursuits of marketable skills and worthwhile careers

As popular as Pell Grants are, I believe they are under-appreciated as an engine of American competitiveness. Higher education as a community should bear the blame for not doing more research to document the economic significance of Pell Grants: but the general evidence is very plain to see.

As you already know, community colleges have become the nation's largest source, outside industry itself, of the advanced technical training (and retraining) that American workers must have to keep themselves globally competitive in the 21st Century, and to maintain the standard of living that most of us enjoy.

Approximately 11 million students of all ages are now taking credit and non-credit courses annually in the two-year colleges, most of them pursuing better job skills. In some states, the community colleges are tempted to boast that they are the largest graduate school, because they now serve more students with bachelor's or higher degrees than the senior institutions of their state.

Roughly one-third of the full-time equivalency of all this enrollment is identified with students receiving Pell Grants, according to estimates we've heard from various campuses.

Spot surveys of former Pell Grant recipients, made by three colleges at ASACC's request, are giving us a dramatic picture of how the grants have enriched the recipients' lives and work paths.

The latest returns, from Pell grant alumni of North Central Technical College in the district of Rep. David Obey of Wisconsin, typically show a very substantial economic return on the federal investment.

With such positive findings among community colleges, which serve the greater numbers of high-risk students, we have to believe that the same survey done by four-year colleges, public and private, would show equally impressive if not more striking correlations between Pell Grants and post-college success. We believe higher education owes the Congress broader and deeper data in this vein. Pell Grants have helped about three times as many Americans pursue their American Dream, as the four separate GI Bills have. We regard Pell Grants as the best competitiveness policy Congress has yet devised, and colleges essentially have been taking the program for granted.

Summing up our concerns, we emphasize the importance of smaller Pell Grants in community colleges. Our commuter and part-time enrollments are significantly higher than those of four-year colleges. Willie wants to elaborate on this point. Congress will undercut both national competitiveness and the American Dream if it caps either Pell Grant funding or the total awards. The threshold grant should remain $400, and the grant maximum should be increased again.

Funding should also be increased for Work-Study. The benefits could be spread to greater numbers of needy students, if the local matching requirement were increased by 5 percent. Innumerable low-income students taste their first real employment through campus work-study.

I cannot close without expressing deep concern over the expiration of tax code Section 127. The very modest federal contribution to Employee Education Assistance—modest in relative terms—has proven to be another powerful engine of competitiveness. We are actively supporting H.R. 127, which would restore EEA permanently. Because of their low cost, community colleges are the most frequent choices among workers using this incentive to upgrade their job skills. It will be a sad step backward for both the American Dream and workforce productivity if this Congress fails to reinstate Section 127 retroactively.

This policy should never be mistaken for federal give-away—employers are not about to waste tuition payments on workers who can't benefit from the courses they want. I wish I could recall the source of data a decade or so ago that showed that workers who have either two-year or four-year degrees have careers several years longer than those with only a high school diploma or equivalency. Ignoring any promotions, the added federal taxes from those longer careers would alone repay the "revenue foregone" a hundred-fold or more.

As students, we will do our best to answer your questions. We respectfully ask that the record of this hearing include the ASACC statement of priorities for this session of Congress.

Again, we thank you for investing our testimony.

THE HONORABLE DON RITTER: HELPING THE PEOPLE OF AFGHANISTAN BUILD A BRIGHTER FUTURE

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. WILSON. Mr. Speaker, I have devoted a significant amount of effort over the years assisting the people of Afghanistan in their struggle for freedom and peace. During difficult periods and in pivotal policy debates, I could always count on a key Member of Congress—DON RITTER. Hence, I wish to express my sincere gratitude to a remarkable individual who has consistently stood with the people of Afghanistan and other freedom loving peoples worldwide during some of their darkest hours and most critical battles. For well over a decade, I have had the distinct honor and pleasure of working with the Honorable DON RITTER, an aggressive champion for freedom and human rights.

As one of the leading congressional proponents of United States assistance to the people of Afghanistan during the Soviet invasion and occupation, DON RITTER continues to seek to build international support for solutions to Afghanistan's problems. DON RITTER is now forging the Washington, District of Columbia-based, Afghanistan Foundation. RITTER seeks to build his organization into a national and international vehicle that will help to bring peace, stability, and prosperity to Afghanistan.

DON RITTER was a leader of the American effort to help the people of Afghanistan throughout the 1980's, working closely with Afghan community and resistance leaders here and abroad. He was the first Member of Congress to act publicly using his position as senior member of the Congressional Helsinki Commission to engage that body in the Afghan human rights and policy debate.

To discuss founding the Afghanistan Foundation, RITTER will be hosting a historic meeting on October 14th in Laguna Beach, CA, with a number of important Afghans who share his vision to help build a brighter future for Afghanistan. Among those attending this special event will be representatives from a variety of Afghan organizations as well as Afghan community and business leaders, professionals, scholars, and artists.

RITTER was the founder of the Congressional Task Force on Afghanistan, the only high level body in Congress to give consistent voice, both public and private, to the cause of freedom for Afghanistan. In this capacity, he helped lead the fight in Congress for humanitarian and military aid to the people of Afghanistan. Congessman RITTER organized a series of historic meetings of task force members with top governmental officials having responsibility for the Afghan assistance program. The Congressional Task Force on Afghanistan played a major role in moving United States policy toward a higher level of positive and practical involvement that helped free Afghanistan from the Soviet military occupation.

Today, RITTER believes that the time has come for the same kind of application of United States policy and influence to help free the people of Afghanistan from the terrible violence and division that have pervaded that country. He sees the Afghan community worldwide as increasing its influence in the professional and business world and ready to assume substantial new responsibility to contribute to Afghanistan's future. The Afghan people have an important and valuable friend in DON RITTER. I salute his efforts to help them bring about a brighter future for their nation.

SPEECH BY JOHN HOLUM, DIRECTOR, U.S. ARMS CONTROL AND DISARMAMENT AGENCY, ON THE COMPREHENSIVE TEST BAN TREATY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. HAMILTON. Mr. Speaker, since the President signed the Comprehensive Test Ban Treaty at the United Nations on September 24, 1996, there are already 100 countries which have followed the U.S. lead. This is truly a significant achievement of this President and his team led by the Arms Control and Disarmament Agency. Such a diplomatic tour de force would not have been possible without the dedicated efforts and personal involvement of the Secretary of State, Warren Christopher and John Holum, Director of ACDA, who were helped by many others in and out of the U.S. Government, not to mention the contributions of many other nations and individuals.

This unique achievement was the subject of a speech by Mr. Holum at the American Bar Association on September 26, 1996. Mr. Holum, in his speech, clearly articulates the CTBT's contribution toward erecting a mighty political barrier to any more nuclear explosions anywhere and at the same time makes a convincing case of how this treaty does not compromise U.S. national security, even as we wait for its entry into force. The text follows:

The crux of my message today is legal, and so I'm grateful for this sophisticated audience of international lawyers, and the chance to discuss the full implications of events earlier this week in New York.

Two days ago, at the United Nations, President Clinton signed the Comprehensive Test Ban Treaty—a major break with the nuclear past, and an immense practical step toward a safer future. It is a landmark achievement for President Clinton, who took a personal and active interest in the effort, and for Secretary Christopher, Secretary O'Leary, National Security Advisor Lake, and many others who played decisive roles.

ACDA, as you know, had the lead in the negotiations and in the backstopping in Washington. That means I'm realizing these days what Casey Stengel said when he defined managing as "getting paid for home runs someone else hits." For this above all is an achievement of a remarkable team of negotiators, policy analysts and advisors, technical experts, secretaries and clerks—and, of course, lawyers, most of whom you know very well, including Tom Graham, Tom's successor as ACDA's General Counsel Mary Lib Hoinkes, and Marshall Brown and Peter Mason, who carried the legal ball in Geneva.

For my own part, aside from relevant internal management and the interagency effort to craft negotiable positions, early on I saw one contribution I could make on the scene in Geneva. It began when the negotiations opened in January 1994, and I went there and made a speech on the test ban to a plenary session of the Conference on Disarmament. I threatened to keep coming back about every six months and making more speeches until the Treaty was completed. And I make good on that threat.

The only problem turned out to be that India apparently really liked those speeches—and so was prepared to keep the negotiations going for many more years to come.

As you know, that obstacle was surmounted. And so we have completed an effort that has been building since the fallout fears of the 1950s, the verification jockeying of the 1960s, the "missile gap" perceptions of the 1970s, the further MIRVing of the 1980s, and now the strategic reductions of the 1990s.

Ever since the Trinity test made glass of the desert sand near Alamagordo, New Mexico in 1945, testing has proved a hard habit to break. Partial measures—the Limited Test Ban Treaty of 1963, the Threshold Test Ban Treaty of 1974 and the Peaceful Nuclear Explosions Treaty of 1976—curbed its most frightening environmental harms, but hardly broke its military momentum. Indeed, most of the world's nuclear tests have occurred in the years since 1963, when the LTBT drove them underground. And with continued testing, nuclear arms capabilities have proliferated horizontally to more countries, and vertically, to fearsome heights of power, portability, and efficiency.

Still, for all the Treaty's historic importance, its practical effect is widely underestimated. Indeed, the entry into force provision probably has received more attention than all the rest of the Treaty combined. For that provision, as you know, establishes as indispensable for entry into force a group of countries that have in common Conference on Disarmament membership and either nuclear power or research reactors—a total of 44 nations. Among them is India. India says it won't sign. That, it is said, makes the Treaty a nullity.

Today I want to discuss with you just one issue, which is why that proposition is wrong—why the CTBT, as it stands, in fact means that more than half a century of nuclear testing is over, at least as surely as anything ever can be in international affairs

I'll address that based upon both the Treaty's political effect and its legal effect now, as well as what we intend to do bring it formally into force.

THE POLITICAL EFFECT OF THE CTBT

The CTBT's political effect has already been considerable. All five declared nuclear weapon states have already stopped testing, in anticipation of the Treaty and under the spotlight of the negotiations. Most recently that has included China. Remember that it also includes a French government under President Chirac that hardly anyone thought would agree to this step.

The restraining effect was powerfully reinforced when virtually all of the now-61 members of the Conference on Disarmament agreed on the text that Chairman Jaap Ramaker of the negotiating committee drew out of nearly three years of painstaking negotiation. For the first time in history, all five of the declared nuclear weapon states accepted not only the principle of a test ban, but every clause of a completed text. At the last minute in Geneva, India was joined only by Iran in blocking consensus—but then Iran voted for the Treaty in New York, so 60 out of 61 CD members came to be in favor.

Next, through an initiative by Australia, an overwhelming margin of UN members—158 to 3—voted in New York to approve the Treaty and open it for signature. On that vote India was joined only by its client state Bhutan and by Libya.

Now we are in the midst of the next step—countries signing and ratifying the Treaty. Thus far 80 countries have done so, including all five of the nuclear weapon states, who signed in succession on Tuesday. Israel also has signed.

The world is acting with unanimity and resolve, in part because we are not so much making new promises as fulfilling existing ones. In particular, in last May's review and extension conference for the Nuclear Non-Proliferation Treaty, there was no dissent to the decision either to make the NPT permanent or to conclude a CTBT no later than this year. And last December the UN General Assembly resolved, by consensus, for an even faster test ban timetable.

What has happened is this: There was considerable sympathy in Geneva and New York for the lofty disarmament mandates in which India wrapped its positions. But there was no sympathy whatsoever for any more nuclear tests by anyone, anywhere, for any purpose. There was certainly no sympathy for the idea that one state should present itself as the world's agent to threaten its own nuclear tests as leverage for further disarmament by others. Instead, the countries of the world were determined to validate the work of the Conference on Disarmament, and claim a forty year dream that could no longer be deferred.

In so doing, no matter what else happens, they have erected a mighty political barrier against nuclear testing. They have declared unmistakably that henceforth the world community will view it as out of bounds for any state. In all likelihood that, alone, will be enough to preclude further nuclear explosions.

THE LEGAL EFFECT OF SIGNING THE CTBT

But there's a strong argument that the CTBT is considerably more than a high political barrier against testing—that the Treaty signings well underway this week erect a legal barrier as well.

As you know, under customary international law as codified in Article 18 of the Vienna Convention on the Law of Treaties, a signatory is obliged, pending ratification, to refrain from any action that would defeat its object and purpose. Broadly speaking, the CTBT's object and purpose is to halt nuclear explosive testing. But we also need to ask, "Why?" If the sole aim of the Treaty is to prevent the spread of nuclear weapons to more countries, for example, then arguably its object and purpose would not be defeated if countries that already have such weapons conduct further tests.

Fortunately, we are not left guessing, for the CTBT text speaks to this issue. The Preamble declares, in pertinent part:

"The States Parties to this Treaty . . . Convinced that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects . . .

It is fair to assume that the parties, being "convinced" of these effects, intend them. The nuclear explosive testing to be stopped by the Treaty is conducted both to develop nuclear weapons and to improve them. Accordingly, as indicated by its Preamble, the CTBT's objective and purpose is to arrest both horizontal and vertical proliferation—not only the spread of nuclear weapons to the "have nots," but also their qualitative improvement by the "haves."

The text of the CTBT has always reflected this dual purpose. The United States expectation has been affirmed many times, at the highest possible level. Most recently, after he signed the Treaty Tuesday, President Clinton told the UN General Assembly:

"The Comprehensive Test Ban Treaty will help to prevent the nuclear powers from developing more advanced and more dangerous weapons. It will limit the ability to other states to acquire such devices themselves."

Having identified the Treaty's objects and purposes, the next step is to determine whether they would be defeated by testing. Over the years the United States has developed two basic principles for applying the Vienna Convention rule. First a signatory must take no action that would render its eventual full compliance impossible. Second, it must take no action that would render impossible, at entry into force, re-establishment of the status quote for the signatory as of when it signed. In these ways, the rule prevents a signatory from taking advantage of the situation to effectively deprive other parties of the benefits of their bargain.

By these standards, for example, a country probably could continue to produce chemical weapons after signing the Chemical Weapons Convention, because those made in the interval could still be destroyed, re-establishing the status quo.

Nuclear explosive testing, however, is done to produce something that is not so destructible: knowledge—or specifically experimental data about whether and how nuclear weapons work. And such knowledge, once gained, cannot be rescinded. Once a country conducts a nuclear test, it cannot unlearn the resulting information. Indeed, even if the test data is not used today in weapons design, it remain available tomorrow for analysis and exploitation. A nuclear explosion is a bell that cannot be un-rung.

Yet denial of such experimental data is the heart of the CTBT bargain. For all countries, the CTBT aims to pull the plug on the primary escalator up the nuclear weapons learning curve. So for any country to conduct a nuclear explosive test would be to deprive other countries of the benefit of their bargain—denial of the technological fruits of that activity to the testing country.

It might be argued, of course, that a test could be conducted for a purpose entirely unrelated to those stated in the Treaty—for example, to make sure an existing weapon won't explode accidentally. But the Treaty negotiators concluded, in part at our insistence, that even nuclear explosions confirmed as entirely peaceful are precluded, because they can't be distinguished from tests with weapons value. Some of you may have heard me refer to so-called "peaceful nuclear explosions" as the atomic equivalent of a friendly punch in the nose. Whether or not it accepted the characterization, the CD agreed with the conclusion and outlawed PNEs.

In short, because a test cannot be undone, and the resultant data will not disappear, it is reasonable to conclude that any further testing would defeat the CTBT's object and purpose, and thus is precluded by any signatory state—that if a country signs the CTBT, it is legally bound not to test, whether or not it has ratified, and whether or not the Treaty is in force.

THE U.S. IS PROTECTED PENDING ENTRY INTO FORCE

Does this mean the U.S. has signed on to a bad security bargain, because we cannot test while others, who haven't signed, can press ahead?

First, it is important, of course, that all the declared nuclear weapon states, having sighed, are bound to the same extent we are.

Moreover, note that the obligation not to frustrate the object and purpose of the Treaty does not usurp the Senate's constitutional role of advice and consent to ratification. So if we decide based on international developments that restraint is no longer in our interest, we simply have to provide an authoritative national signal that we no longer intend to ratify the Treaty, and we will no longer be constrained. This is considerably simpler than invoking the "supreme national interest' clause after ratification to withdraw from the CTBT according to its terms.

Meanwhile, we can do a great deal to assess whether other countries are holding to the bargain. Even before entry into force, we have excellent and improving capabilities to monitor compliance.

This baseline confidence derives from our National Technical Means for detecting nuclear explosions—seismic techniques we've been working on for more than 35 years, our satellite nuclear burst detection system, and other assets. Over the years, our seismologists and other scientists have made great strides in event detection, location, and identification—giving us truly sensitive seismic arrays and other forensic techniques of extraordinary utility. Recent strides in computer modeling and data integration are further improving our capabilities. Such efforts have been spurred by the President's call last year to heighten confidence even at very low yields. So even pending the Treaty's entry into force, our national abilities to monitor nuclear testing will stand us in good stead.

WE WILL NOT REST UNTIL THE TREATY ENTERS INTO FORCE

Does all this mean our diplomatic job is done? Obviously not. Formal entry into force remains indispensable. For only this will bring into being the CTBT's full apparatus for verifying compliance, including the International Monitoring. System with four different kinds of sensors, and its International Data Center, where data from these sensors will be compiled, analyzed, integrated and shared. And the Treaty's provision for on-site inspections is an important means of detecting and deterring cheaters—especially in light of recent and emerging advances in detecting the slightest traces of radioactivity that linger for weeks in the vicinity of even a small and well-hidden nuclear explosion.

This is no time to break strike in the hard climb toward entry into force. For we know that a state violating a treaty commitment is even more of a pariah than one violating a powerful international norm . . . that evidence of any violation is all the more credible when every nation has a state and a voice in its discovery . . . that any would-be testing state is less likely to proceed if it has made a conscious decision not to, instead of chafing against an international opinion it does not share.

It is deeply in our interest for the CTBT to be a binding legal commitment on every country—and for every country to participate in its enforcement. So we are determined to bring it into force.

CONCLUSION

More than 30 years ago, John F. Kennedy said of a CTBT, "The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. And it would place the nuclear posers in a position to deal more effectively with . . . the further spread of nuclear arms." President Kennedy was right on all counts. And his vision is now being realized—a truth to celebrate and savor.

Nuclear weapons have been explored twice in war—and more than 2,000 times in contemplation of war, at more than 20 locations around the globe. And all the while, the world's store of knowledge about how the work has continued to mushroom.

Now, after five decades of testing and four decades of calls to end it, the world has said, "enough." At long last we have erected a powerful barrier to further testing.

Let us do out utmost to buttress it, bring it into force—and then enforce it for all nations, for all time.

For as we do, we will ensure that nuclear explosions were known to our century alone—and as the President said at the UN, enter "a century in which the roles and risks of nuclear weapons can be further reduced, and ultimately eliminated."

With the era of nuclear testing at an end, we are a giant step closer to that ultimate goal.

TRIBUTE TO PROVIDENCE POLICE DEPARTMENT'S TOP COPS—DETECTIVES FRANK DELLAVENTURA AND FREDDY ROCHA

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. REED. Mr. Speaker, it gives me great pleasure to recognize and pay tribute to two distinguished individuals who have dedicated their lives to protecting Rhode Islanders against crime and violence.

Today, Detectives Frank DellaVentura and Freddy Rocha of the Police Department in Providence, RI, will receive Top Cops Awards for their outstanding service in protecting our

Nation's communities. The Top Cops Award is the only national award for officers nominated by their peers in law enforcement.

Across our country, drug abuse is a root cause of the crime and violence that plague our neighborhoods. In recent years, we have made important strides to stop drug-related crime. Law enforcement has been a vital part of this effort, and Detectives Rocha and DellaVentura have been instrumental in this fight.

For example, in 1994, Detective Rocha went undercover to investigate a group of criminals who were identifying themselves as law enforcement agents and stealing drugs and money from drug dealers. Risking his life by posing as a major cocaine dealer, Detective Rocha gathered evidence against this group, which was also linked to organized crime. Winning the group's confidence, he arranged a meeting at which its members expected to receive drugs and money, but instead were apprehended by the Providence SWAT team. The criminals are now serving prison sentences.

Detective DellaVentura has also played a critical role in Rhode Island's fight against drugs. He organized several of the undercover operations in which Detective Rocha has served. In addition, Detective DellaVentura's detailed research, careful surveillance, and thorough knowledge of the requirements of federal law have been essential to these operations' success.

The work of Detectives DellaVentura and Rocha has been nothing short of exceptional. I respectfully ask my colleagues to join me in saluting these Top Cops for their efforts to make the streets of Rhode Island safer for law-abiding citizens.

ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

HON. ENI F. H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to clarify the treatment of American Samoans who are nationals but not citizens of the United States under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 contained in H.R. 3610. It is my understanding that the new act does not alter the status or rights of noncitizen nationals.

I am advised that the intent of the new act is to apply the existing statutory definition of alien as set forth in the Immigration and Nationality Act [INA]. 8 U.S.C. §1101(a)(3). Under the INA, noncitizen nationals of the United States are not considered aliens, and I am advised that they are not considered aliens under the new act. In some instances, the new act expressly incorporates and applies the existing statutory definition of alien contained in the INA. In other instances, the new act amends existing law in a manner which automatically invokes the existing INA definition of alien.

Title I of the new act provides for improvement of border control, facilitation of legal entry, and interior enforcement. For purposes of title I, the INA definition of alien is specifically incorporated. § 1(c).

Title II of the new act covers alien smuggling and document fraud, and it amends both the INA and the criminal statutes contained in title 18 of the United States Code. The amendments of the INA are automatically subject to the existing INA definition of alien. I am advised that criminal provisions in title 18 of the Code involving immigration offenses are normally interpreted to follow the INA definition of alien.

Title III of the new act covers inspection, apprehension, adjudication, and removal of inadmissible and deportable aliens. This title amends the INA and is therefore automatically subject to the existing INA definition of alien.

Title IV of the new act provides for the enforcement of employment restrictions, including use of citizen attestation programs. The title specifically provides that "United States citizenship" includes "United States nationality." §401(d)(6).

Title V of the new act places restrictions on benefits for aliens. The title expressly incorporates the INA definition of alien. §594(1). Thus, the benefits of noncitizen nationals are not affected.

Title VI of the new act contains miscellaneous provisions, some of which amend the INA and are thus automatically subject to the INA definition of alien. For those provisions of title VI which do not amend the INA, the new act specifically incorporates the INA definition of alien. § 1(c).

GEORGE COBBS HELPS BAY AREA WORKERS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. STARK. Mr. Speaker, I rise today to recognize the achievements of Mr. George E. Cobbs, Jr., president of the International Employee Assistance Professional Association [IEAPA] and a member of the San Francisco Bay Area Chapter of the Employee Assistance Professional Association [EAPA]. On October 12, 1996, the San Francisco Bay Area Chapter of the EAPA will celebrate its 25th anniversary at the IAMW Union Hall in Burlingame, CA, where Mr. Cobbs will be honored for his many years of dedicated service to the association.

The San Francisco Bay Area Chapter of the Employee Assistance Professional Association is recognizing Mr. Cobbs for his distinguished leadership in the IEAPA and for his 30 years of service in the International Longshoremen's and Warehousemen's Union. As president of the IEAPA, Mr. Cobbs has tried to foster a work ethic that promotes the idea that, recovery in the workplace is good business.

The many programs offered through the Employee Assistance Program provide assistance to employees with alcohol and drug related programs as well as with issues dealing with grief, divorce, parental matters, and emotional distress. The Employee Assistance Program provide confidential assessments and referrals, management consulting, and many other services to our country's work force.

Mr. Speaker, I would like to ask that you and my colleagues join me in recognizing Mr. George E. Cobbs, Jr., for his distinguished service to the Employee Assistance Program and for making the Employee Assistance Program such an exceptional program that benefits so many in today's work force.

PALAU NEEDS U.S. ASSISTANCE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. UNDERWOOD. Mr. Speaker, last Thursday, September 17, the bridge connecting the islands of Koror and Babeldaob in the Republic of Palau collapsed into the ocean during rush-hour traffic. Two men died in the incident—four others were injured. While the leaders of Palau are thankful that more injuries or deaths did not result it was and is a devastating accident. I rise today to call upon the Federal Government to act quickly in assisting the Republic of Palau.

The Koror-Babeldaob bridge was not just a means of efficient transportation between Palau's two major islands; islands which have no other connection—natural or man-made. The 267-yard structure also brought power and water to Babeldaob, the island with Palau's largest population and industrial base. In addition, the collapsed bridge connected Palau's airport and hospital to many of its villages. Because of this, the impact of the bridge collapsing is far greater than it would have been if it was simply a means of transportation.

One Pacific Daily news report characterized the bridge as the "backbone" of Palau's economy. The analogy is a poignant and accurate one. Many of Palau's residents are still without water or power and it is uncertain when these utilities will function again.

The Government of Palau has organized boats and barges to move people and vehicles across the channel and I applaud those private boat owners and others who acted quickly to help in any way they could. I would also like to commend the people of Guam who have offered their assistance in Palau's time of need including the members of the Guam National Guard.

Assistance from the Federal Government, however, is necessary and must go beyond initial emergency assistance and an assessment of the cause of the collapse. The Federal Government must also help Palau restore power and water supplies to its citizens and assist Palau in its effort to build another, more reliable bridge.

As many of you know, the Republic of Palau commemorated its second year of independence just yesterday. Prior to its independence, the Republic of Palau was part of the United States Trust Territory of the Pacific. Palau, the Northern Mariana Islands, the Marshall Islands, and the Federated States of Micronesia, entered into negotiations with the Federal Government in 1968.

In 1994, Palau became an independent nation in free association with the United States.

This is a special relationship that Palau and the United States entered into over the long term. This relationship has also helped build a strong relationship along with a special cultural bond between the People of Guam and the People of Palau.

The Federal Government has an obligation and a duty to assist Palau in this time of crisis. I urge the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, and other appropriate Government agencies to assist Palau in meeting its immediate health and safety needs as well as the long term infrastructure needs resulting from this disaster.

BEWARE AMERICAN CONTRACTOR! KUWAIT DOES NOT PAY ITS BILLS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. COLEMAN. Mr. Speaker, Saddam Hussein is beating the war drums again and the United States is marching to Kuwait to once again save the Kuwaitis from aggression. Fighting for democracy is an American tradition that we want to keep but there is something going on that the Congress and the American people need to know.

When Johnny came marching home from Kuwait after the gulf war his pockets were empty—some say Johnny's pockets had been picked by Kuwaiti business practices.

Take the example of a small business based in Maryland, Integrated Logistics Support Systems International, Inc. [ILS], that helped the Kuwait security by building a sophisticated air support warehouse at Al Jabar Air Base near the Iraqi border. The Al Jabar Base is now used by the U.S.-supported military operations as the first line of defense against Saddam's aggression.

During the Iraqi invasion of Kuwait and operation Desert Storm, ILS was one of the first American companies called upon to provide vital strategic services to Kuwait in order to protect America's national security interests. ILS immediately responded at the request of the U.S. Navy with tactical support facilities. Operation Dessert Storm desperately needed the mobile operations vans provided by ILS in order to operate from an austere base in the Saudi Arabian Desert.

ILS directed activities which permitted the shipment of maintenance material, aircraft spare parts, ordnance and other supplies from the U.S. to Saudi Arabia, enabling the KAF to achieve a reconstituted wartime status. Humanitarian assistance to Kuwaiti citizens in the United States and other nations outside their homeland, was provided by ILS. Special equipment was obtained for the Kuwait resistance movement during Desert Storm/Desert Shield as well.

After the war, the KAF, with the approval of the USN, requested ILS to design a state-of-the-art automated supply system and to adapt the new system to the facilities in Kuwait. ILS did so.

The climate conditions in Kuwait were extreme. ILS responded to the challenge because logistic supply support facilities were critical to the operation of the KAF F–18 Hornet aircraft based at Al Jabar Air Base.

Capt. Nick Kobylk, U.S. Navy, retired, was the former director of operations for the U.S. Navy International Programs Office [Navy IPO] with oversight of more than 5,400 foreign military sales [FMS] contracts for the U.S. Navy prior to his retirement in September 1992. Captain Kobylk who is currently working and living in Kuwait, visited the building site at Al Jabar Air Base while it was being built. He observed the following:

> The warehouse location is over an hour drive through the desert and oil fields from the nearest hotel. It was built with temperatures in excess of 50 degrees Celsius (122 degrees Fahrenheit). The work was exhausting and became more dangerous as the day progressed. Food, water and ice were brought daily to the sites by ILS. The base had no security. Unexploded ordnance was discovered around the work area. One man was killed and another wounded for life. The closest full medical facility was over an hour away. There was intermittent and unreliable electrical and water service. The only consistent and reliable means of communication was via a mobile telephone system.
>
> These harsh conditions still exist. However, electrical power, potable water, dining and medical facilities are now locally available. The population has increased. ILS and U.S. Corps of Engineer personnel support and operate a major air base in the desert. The warehouse supply support system implemented 3 years ago met the demands of October 1994. The F/A–18's were prepared and ready to defend Kuwait as Saddam Hussein began massing on the border again. The ILS warehouse system meets the current demands of September 1996, even with the influx of the USAF highly sophisticated weapon systems and their unanticipated requirements. The KAF has realized one of the finest warehousing systems in the world. It is essential to their national security. They are more than pleased with it.

ILS received high praise from the Kuwaitis for the quality of its professionalism and performance.

Kuwait's size, topography, and population do not permit it to unilaterally conduct a meaningful defense of its borders. Kuwait must rely on allies and air defense. The work of ILS literally provided the linchpin of Kuwait's national security by providing the most sophisticated logistical support/supply facility of its kind in that region of the world.

Today, as tensions once again escalate, we should notice that this small American company is to be credited for providing the foundation for the success of the security of the region.

However, Kuwait has not paid its obligations to this company. The U.S. Navy has not assisted this American contractor to obtain payment from Kuwait either.

The contractor has been told that Kuwait will pay its debt if the Navy authorizes it. The Navy has told this contractor the reverse. I consider this to be the run-around.

Why won't Kuwait pay ILS for the work that has been performed or direct the Navy pay the ILS? It is because Kuwait has been systematically defaulting on its debts after the gulf war. It is the way this country does business with American companies.

Congress should initiate a full investigation of these business practices that leave U.S. contractors holding the bag for work that was successfully performed, especially such critical work as this.

Congress should also assist these contractors to unwind the ball of redtape that binds the United States Navy which administers contracts for Kuwait and other foreign allies.

Congress should not allow Johnny to come marching home after the gulf war with his pockets picked by Kuwait.

TRIBUTE TO THE 119TH FIGHTER GROUP

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. POMEROY. Mr. Speaker, I rise today to commend the 119th Fighter Group of the Air National Guard based in Fargo, ND. The 119th, more commonly known as the "Happy Hooligans," was featured in today's edition of the USA Today as they prepare to defend their title as champion of the William Tell air-to-air combat competition. I have submitted a copy of the article that will appear in the RECORD following my remarks.

Mr. Speaker, I urge all of my colleagues to take the time to read this story about the truly remarkable people of the 119th. Two years ago, the Hooligans sent a team to Tyndall AFB, FL, to compete in the most prestigious air-to-air event in the entire Air Force—the William Tell competition. The Hooligans were pitted against the cream of the crop, the "top guns" from the Active Duty Air Force. What's more, the Hooligans were flying relatively aged F–16's but competed against units flying the more advanced F–15. Much to the surprise and considerable dismay of the Air Force's young fighter jocks, the Hooligans outperformed the entire field and took home the William Tell trophy.

In 2 weeks, the Hooligans will return to Florida to defend their title. I am confident that they will once again distinguish themselves and make North Dakota proud. Last year, I had the opportunity to fly with the Happy Hooligans in an F–16 piloted by Lt. Colonel Maury Borud, so I can personally attest to their top-shelf performance. I would also note that today Colonel Borud will make the last flight of his distinguished 28-year career.

Mr. Speaker, on an issue of special interest to Congress, I ask my colleagues to remember the championship quality of the Happy Hooligans if the Pentagon once again advances plans to reduce the fighter force structure in the Air National Guard. Such plans are short-sighted and ill-advised, especially given the unparalleled performance of the Hooligans and other ANG fighter units. Cutting the Hooligans would be like benching Michael Jordan, a foolish mistake by any measure.

Congratulatios to the Happy Hooligans. You never cease to make North Dakota proud.

[From the USA Today, Oct. 3, 1996]

OLD-TIME PILOTS SHOW 'TOP GUNS' WHO'S HOT

FARGO, N.D.—The scene around the air base of the 119th Fighter Wing of the Air National Guard here would never be confused with the set of Top Gun. It is no hotbed of 20-something fighter jocks tooling around on motorcycles and doing shooters at the local bar after work.

Here you see balding middle-agers with chiseled faces. People whose "other jobs" are at the insurance office, on the farm or flying for FedEx. They are members of local churches, officers in local civic organizations, habitues of the nearby public golf courses.

Yet, when you strap one of these senior fliers into the cockpit of an F-16 Fighting Faclon, the younger boys get out of the way because these are the best air-to-air combat fighters in the world. They are the Godfathers of air superiority—and right now, they are in the final "spin up" to defend that title.

Two years ago, in October 1994, Fargo's "Happy Hooligans" as they are called, flew down to Tyndall Air Force base in Florida to duke it out in the Super Bowl of dogfights—the biennial William Tell competition. What they accomplished there may rank as one of the greatest upset victories since Joe Namath took his Jets to Florida in 1969.

The Fargo team had the oldest pilots and the oldest aircraft in the competition. Their F-16s were slower and their radar range shorter than that of the F-15s flown by the Air Force regulars from around the world. The Air Force had a vast pool of planes, maintenance crews and sharp young pilots on their teams.

The Fargo group was so sparse, they had Guard part-timers, classic "weekend warriors," flying some of their jets.

And, as if to emphasize their underdog status, Fargo's lead pilot was a diminutive lieutenant colonel nicknamed "Pee Wee."

A FAMILY AFFAIR

The William Tell is a grueling weeklong competition conducted by the Air Force that combines air-to-air combat games, weapons loading drills and target shooting.

Imagine a typical scenario.

You are strapped in the cockpit of an F-16 racing at nearly twice the speed of sound, defending a chunk of air space that extends from 0 to 50,000 feet high, 50 miles deep, 30 miles wide.

Five jets come screaming into that space—four "hostiles," one "friendly." Your radar is jammed, you are being fed conflicting and erroneous communications, the horizon is lurching skyward to your right.

Your mission: destroy the hostiles and let the friendly pass. You have five minutes.

"Your concentration level is so high," says Maj. Bob Becklund, who will lead Fargo's team as they defend their title Oct. 21. "Everything is happening so quickly that it just starts feeling like slow motion."

When a pilot jerks his plane skyward, as he may do several times in a competition like this one, the blood actually drains from the head and concentration can be affected. Still, the pilot must react instantaneously.

At that point, says Robert "Pee Wee" Edlund, "you are not really flying the plane, it is just something strapped to your back" as you go through the maneuvers.

In situations like this, the Fargo pilots use the F-16 to their advantage.

"You can visually spot an F-15 maybe 10 miles out," says Becklund. "In the F-16, if I've got the nose pointed at you, and I'm jamming your radar, you aren't going to pick me up visually until I'm maybe 3 miles out."

At Mach 1.6, three miles out is as good as in your back pocket. If both planes are moving at about the same speed, the F-16 is on you in less than 7 seconds.

"It is physically and emotionally very demanding," says Edlund. "When it's over you are emotionally drained, but euphoric."

In 1994, when the Fargo team won, "people were surprised and upset—shocked," says Edlund, who is prevented by the rules from competing again but is serving as a kind of coach for the team. "Believe me, there are some big egos out there. I know those F-15 crews went home embarrassed." Particularly because Air Force crews flying F-15s had won the previous two competitions.

The Fargo team also won the Hughes Trophy that year, an award given to the best air combat unit in the Air Force. They were the only F-16 unit ever to win it.

How did a group of such precision fighters spring up in the unlikely location of North Dakota?

"It is a family kind of thing," says Maj. Marshall Kjelvik, one of the pilots who will fly in the William Tell. We are a family-oriented organization, with deep roots in the community."

Indeed, Kjelvik's father worked in maintenance at the Fargo air base and introduced him to jet fighters as a child. "After that, I always wanted to fly," he says.

"It means a lot to represent your hometown, where my family and my father are from," says Kjelvik.

Familial connections run through the base like electrical wiring. Kjelvik's sister works in the maintenance division. Becklund's father, retired Brig. Gen. Thornton Becklund, was a former base commander.

First Lt. Brad Derrig is an alternate pilot who will travel to Tyndall. His father also flew for the guard and his brother, Tom, is the flight surgeon. "That's one of the unique things," he says about Fargo. "There are a lot of brothers, sister and family members working together."

PRIDE IN SAFETY RECORD

But surely, there must be some Tom Cruse wannabes in the bunch.

"There is a fine line between being a cocky fighter pilot, and being a good pilot. If you are really good, you realize you don't have to be cocky," says base commander Col. Mike Haugen, who at 50 still flies the F-16. "When you are 23, you tjhink there is no end to life and you are always going to be here. But this is a serious business."

First Lt. Jon Wutzke, 31, is on the Tell team. He joined the Air Force straight out of high school and joined the Fargo Air National Guard when he has going to college at North Dakota State University.

"The age difference was a shock for me," he recalls. "Back then we were flying F-4s and I worked in the shop. Some of those guys have been working on those same engines since the 1950s! So the corporate memory here goes way back."

And continues. The Fargo team would not be as good in the air without the skills of the crews on the ground.

"As proud as I am of our performance at William Tell," says Haugen, "it is our safety record and our ground crews that make it possible. We haven't lost an aircraft in over 100,000 hours of flight time, over 25 years of flying" he says.

"Frankly, we should have lost three of those aircraft by now," says Haugen of the F-16s on the runway.

"That's what the statistics say."

Those statistics do not trouble the men who fly these F-16s, however.

"It's like I tell my wife," says Edlund, "the only dangerous part about being a jet fighter pilot is driving to the air base. We have some of the oldest jets in the world, F-16 wise, but the way they are maintained by our crews, they are like brand new."

EXPERIENCE COUNTS

When it came William Tell contest time, the Hooligans had rebuilt, retuned and customized their F-16s like hotrods in the shop.

As a result, when those old planes went to Tyndall, they were ready to do things that were not even possible when they were brand new.

There also is a distinction among the fliers.

"They are young," says Edlund of the regular Air Force units. "We are experienced. The younger guys might pull more Gs (maximum speed maneuvers) and have quicker reactions, but we've got more flight time. There is no substitute for having been there."

Edlund, 39, has been there. He spent 11 years in the Air Force, then joined the Guard full-time six years ago. It is not an easy way to make a living.

An F-16 can fly at Mach 2, twice the speed of sound. It is capable of making a 9G turn or climb. In a 9G turn, the gravitational pull on the body is 9 times that of gravity. The force of such a turn is so great that if you happen to be looking over your left shoulder at an approaching plane or missile, and you throw your jet into a steep 9G turn to the right, the force can break your neck.

Even if you do everything right, you can return from a routine flight bruised up and exhausted.

In a 9G turn all the organs of the body will be pulled two inches out of their normal alignments. The liver shifts, the heart moves, connective tissue strains. Pilots training for William Tell will often fly twice daily.

"I pulled a neck muscle once in a 9G turn and it was bad. I couldn't fly for a month," says Edlund. "Finally I went to the flight surgeon and he cleared me. He said, 'Pee Wee, you're good to go. You can Fly, no problem.' But then he took me aside and said he wanted to show me something. He pulled out my X-rays and there were these white spots, calcium deposits and stuff, all up and down my neck and back.

"He said, 'Pee Wee, this is what a 60-year-old man's back looks like. Nobody knows what the long-term affects of flying a jet aircraft like the F-16 will be, but the body was just not designed to take all these Gs.'

"I said, 'That's great, doc, but can I get that in writing?' " He laughs.

"I mean, this the best job there is. Where else can you get to fly a multi-million dollar aircraft that is the best in the world? I wouldn't trade it for all of Bill Gate's money or Michael Jordan's fame," he says.

Edlund is nearing the end of his career as a jet pilot. His hair is gray, he's working in an industry that is constantly downsizing. He has a wife, two kids, a dog and a cat, a house in the suburbs and a Little League team he has taken to the state championships. He is no longer much of a Hooligan, but still good to go.

"I'll probably have to hang it up in five years or so, maybe when I have 5,000 hours. That would be a pretty good career for a fighter pilot. Then, I'll just push paper. Be a ground-pounder for the team."

HOUSE OF REPRESENTATIVES—*Friday, October 4, 1996*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. WALKER].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 4, 1996.

I hereby designate the Honorable ROBERT S. WALKER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Bless Your people, O gracious God, bless all who seek Your favor and who earnestly wish to serve You by serving others. We are specially aware this day of those who leave this institution, who have given of their knowledge and zeal and commitment in ways that have served the common good and who have done their part by promoting justice in our land and in our world. We salute them with our praise and we remember them in our prayers for their efforts have contributed to the foundations that strengthen the Nation. So may Your benediction be with all who serve and may Your grace be with every person now and in all the days to come. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York [Mr. SOLOMON] come forward and lead the House in the Pledge of Allegiance.

Mr. SOLOMON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H.R. 1087. An act for the relief of Nguyen Quy An;

H.R. 1281. An act to express the sense of the Congress that it is the policy of the Congress that United States Government agencies in possession of records about individuals who are alleged to have committed Nazi war crimes should make these records public;

H.R. 1874. An act to modify the boundaries of the Talladega National Forest, Alabama;

H.R. 3155. An act to amend the Wild and Scenic Rivers Act by designating the Wekiva River, Seminole Creek, and Rock Springs Run in the State of Florida for study and potential addition to the national wild and scenic rivers system;

H.R. 3219. An act to provide Federal assistance for Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; H.R. 3249. An act to authorize appropriations for a mining institute. or institutes to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes;

H.R. 3568. An act to designate 51.7 miles of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System;

H.R. 3632. An act to amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition;

H.R. 3864. An act to amend laws authorizing auditing, reporting, and other functions by the General Accounting Office;

H.R. 3910. An act to provide emergency drought relief to the city of Corpus Christi, Texas, and the Canadian River Municipal Water Authority, Texas, and for other purposes;

H.R. 4083. An act to extend certain programs under the Energy Policy and Conservation Act through September 30, 1997;

H.R. 4236. An act to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes;

H.R. 4283. An act to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes;

H.J. Res. 193. Joint resolution granting the consent of Congress to the Emergency Management Assistance Compact; and

H.J. Res. 194. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a concurrent resolution of the House of the following titles:

H.R. 632. An act to enhance fairness in compensating owners of patents used by the United States;

H.R. 1776. An act to require the Secretary of the Treasury to mint coins in commemoration of Black Revolutionary War patriots and the 275th anniversary of the 1st Black Revolutionary War patriot, Crispus Attucks;

H.R. 3452. An act to make certain laws applicable to the Executive Office of the President, and for other purposes;

H.R. 4036. An act making certain provisions with respect to internationally recognized human rights, refugees, and foreign relations;

H.R. 4137. An act to combat drug-facilitated crimes of violence, including sexual assaults; and

H. Con. Res. 230. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Fourth Congress.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 342. An act to establish the Cache La Poudre River Corridor;

S. 1612. An act to broaden the scope of certain firearms offenses, and for other purposes;

S. 1887. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2197. An act to extend the authorized period of stay within the United States for certain nurses; and

S. 2198. An act to provide for the Advisory Commission on Intergovernmental Relations to continue in existence, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 3378) "An act to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors."

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1972) "An act to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, Speaker Pro Tempore MORELLA signed the following enrolled bills on Thursday, October 3, 1996: H.R. 3539, to amend title 49,

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; H.R. 3723, to amend title 18, United States Code, to protect proprietary economic information, and for other purposes; and S. 39, to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes.

RESIGNATION AS MEMBER AND APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Permanent Select Committee on Intelligence:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 1996.

Speaker NEWT GINGRICH,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Effective today, October 3, 1996, I respectfully resign from the House Intelligence Committee.

With kindest personal regards, I remain

Very truly yours,
RONALD D. COLEMAN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of clause 1 of rule XLVIII and clause 6(f) of rule X, the Chair announces the Speaker's appointment of the gentleman from New Mexico [Mr. RICHARDSON] to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon and to rank after the gentleman from Washington [Mr. DICKS].

There was no objection.

IN MEMORY OF SECRET SERVICE AGENT RUFUS YOUNGBLOOD

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise this morning to inform the house that one of America's heroes died on Wednesday.

After a battle with cancer, retired U.S. Secret Service Agent Rufus W. Youngblood died at the age of 72 in Savannah, GA.

Agent Youngblood was awarded the Treasury Exceptional Service Award in recognition of his outstanding courage and voluntary risk of personal safety in protecting the Vice President on November 22, 1963 in Dallas, TX. He was riding in Vice President Lyndon Johnson's limousine when President John F. Kennedy was assassinated.

When Rufus Youngblood retired from the Secret Service in 1971, he was the Deputy Director of the Service. Agent Youngblood joined the Service in 1951 and had a distinguished career including his service in the Presidential and Vice Presidential Protective Divisions.

A World War II Army Air Force veteran, Rufus Youngblood was always there when his country called. Our Nation is the better for his service and we all share in the loss of this American hero. He is survived by his wife and four children and I know my colleagues in the Congress join me in sending our deepest sympathies and thanks to his family.

Mr. Speaker, God was truly blessing America when he gave us Rufus Youngblood.

DOD'S RESPONSE TO FREEDOM OF INFORMATION REQUEST

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, it is no secret I have been coming to the floor every day this week talking about my war with the Defense Department and why they are violating regulations by allowing military officers to engage in partisan politics by assigning them to the Speaker's office.

I had a Freedom of Information request to the Defense Department, and after I gave my speech yesterday, I want to show you what the Defense Department sent me. Is this wonderful? This is their answer to my freedom of information request. Really helpful, huh? One blacked-out page after another. And they also sent me my own correspondence back, which I thought was very sweet of them.

They said in their letter that they must withhold this information, because it had subjective evaluations, opinions and recommendations in it. That is precisely what we were getting to.

Obviously this is in clear violation of President Clinton's memo to all departments, talking about how the Freedom of Information Act is how people get information from their Government. This is an outrage and I am very sorry to see this happen.

MESSAGE FROM THE SENATE

The SPEAKER pro tempore. The Chair lays before the House the following message priviledged from the Senate.

The Clerk read as follows:

Resolved, That the resolution from the House of Representatives (H. Con. Res. 230) entitled "Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Fourth Congress.", do pass with the following Senate amendment:

Strike out all after the resolving clause and insert: That when the House adjourns on the legislative day of Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4137) to combat drug-facilitated crimes of violence, including sexual assaults, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enactment clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Induced Rape Prevention and Punishment Act of 1996".

SEC. 2. PROVISIONS RELATING TO USE OF A CONTROLLED SUBSTANCE WITH INTENT TO COMMIT A CRIME OF VIOLENCE.

(a) PENALTIES FOR DISTRIBUTION.—Section 401(b) of the Controlled Substances Act is amended by adding at the end the following:

"(7) PENALTIES FOR DISTRIBUTION.—

"(A) IN GENERAL.—Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18, United States Code (including rape), against an individual, violates subsection (a) by distributing a controlled substance to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18, United States Code.

"(B) DEFINITION.—For purposes of this paragraph the term 'without that individual's knowledge' means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual.".

(b) Additional Penalties Relating to Flunitrazepam.—

(1) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(A) in subsection (b)(1)(C), by inserting ", or 1 gram of flunitrazepam," after "I or II"; and

(B) in subsection (b)(1)(D), by inserting "or 30 milligrams of flunitrazepam," after "schedule III,".

(2) IMPORT AND EXPORT PENALTIES.—

(A) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting "or flunitrazepam" after "I or II".

(B) Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended by inserting "or flunitrazepam," after "I or II,".

(C) Section 1010(b)(4) of the Controlled Substances Import and Export Act is amended by inserting "(except a violation involving flunitrazepam)" after "III, IV, or V,".

(3) SENTENCING GUIDELINES.—

(A) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend, as appropriate, the sentencing guidelines for offenses involving flunitrazepam.

(B) SUMMARY.—The United States Sentencing Commission shall submit to the Congress—

(i) a summary of its review under subparagraph (A); and

(ii) an explanation for any amendment to the sentencing guidelines made under subparagraph (A).

(C) SERIOUS NATURE OF OFFENSES.—In carrying out this paragraph, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenses involving flunitrazepam reflect the serious nature of such offenses.

(c) INCREASED PENALTIES FOR UNLAWFUL SIMPLE POSSESSION OF FLUNITRAZEPAM.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after "exceeds 1 gram." the following: "Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section or both.".

SEC. 3. STUDY ON RESCHEDULING FLUNITRAZEPAM.

(a) STUDY.—The Administrator of the Drug Enforcement Administration shall, in consultation with other Federal and State agencies, as appropriate, conduct a study on the appropriateness and desirability of rescheduling flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on the Judiciary of the House of Representatives and the Senate the results of the study conducted under subsection (a), together with any recommendations regarding rescheduling of flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

SEC. 4. EDUCATIONAL PROGRAM FOR POLICE DEPARTMENTS.

The Attorney General may—

(1) create educational materials regarding the use of controlled substances (as that term is defined in section 102 of the Controlled Substances Act) in the furtherance of rapes and sexual assaults; and

(2) disseminate those materials to police departments throughout the United States.

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendment is considered as read and printed in the RECORD.

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

Mrs. SCHROEDER. Reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON] to further explain the bill.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentlewoman and I will say one more time, this will be the last day that she will participate in a session on this floor. She has been here longer than I have and she is certainly one of the most outstanding and respected Members of this body, even though we have had our differences over the years. But we wish her well in her new endeavors, she and her family.

Mr. Speaker, the amendments made in the Senate are reasonable and they do strengthen the bill. I readily accept the amendments and urge House approval of the amended bill.

In response to the growing use of date rape drugs and the use of other drugs in violent sex crimes against women, this bill before us today increases the penalty for anyone who possesses a drug with the intent to commit a crime of violence, including sexual battery. The bill comes not a moment too soon. Recently in the San Francisco Chronicle they reported how a 17-year-old young woman who played varsity volleyball died after someone slipped a date rape drug into her drink.

The additional penalties in this bill will fight crimes just like this one. It will for the first time ever make using a drug to commit the crime of rape as a weapon a minimum sentence felony. So the bill is a good bill, and I would certainly urge that the committee adopt it unanimously.

Mr. Speaker, I commend the distinguished majority leader, TRENT LOTT, for his support of my bill in the Senate and also Senators HATCH and COVERDELL for all their hard work in this important legislation.

The amendments made in the Senate are reasonable and strengthen the bill. I readily accept the amendments and urge House approval of the amended bill.

Ladies and gentleman, in response to the growing use of date-rape drugs and the use of other drugs in violent sex crimes against women, the bill before us today (H.R. 4137) increases the penalties for anyone who possesses a drug with the intent to commit a crime of violence, including sexual battery.

This bill comes not a moment too soon. Recently, the San Francisco Chronicle reported how a 17-year-old young woman who played varsity volleyball died after someone slipped a date rape drug into her drink. The additional penalties in this bill will fight crimes just like this one.

This is a commonsense, tough response by Congress to protect the safety of our young people.

Now that Congress has responded to the issue of the date rape drug, it is up to the President to make this important public safety legislation into law.

I include the following for the RECORD:

[From the San Francisco Chronicle, Sept. 11, 1996]

DATE RAPE DRUG LINKED TO MYSTERIOUS DEATH

LA PORTE, TX.—A high school student who died mysteriously last month was killed by an illegal "date rape drug" that was slipped into her soft drink, police said.

Hillory Farias, 17, a varsity volleyball player, was found unconscious and not breathing the morning of August 4 after a night out with girlfriends.

Authorities at first were puzzled by her death because tests showed no drugs or alcohol in her body; but they ruled the death a homicide Monday after finding gamma y-hydroxybutyrate, also known as GHB, which—like the better-known date-rape drug Rohypnol—is odorless and almost tasteless.

Date rape drugs, which cause dizziness, drowsiness and memory loss, sometimes are used to incapacitate women so they can more easily be sexually assaulted.

Mrs. SCHROEDER. Further reserving the right to object, Mr. Speaker, I want to congratulate this body and the gentleman from New York for reporting this bill and getting it out. It is absolutely urgent. I am pleased with the educational parts of it; I am pleased that the mandatory minimums went away.

The one change that it had that I wish we had retained was in our committee we had raised this drug to a schedule 1 level and it is no longer at that level, although they did increase the penalties. We want to be as tough as possible on it. I know some of the drug companies balked and so we have a little difference here. But we will not object because it is certainly better than where we are and this has become a crisis on some of our campuses. So I think it is important that we get this out.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4194) to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 12, after line 5, insert:

SEC. 12. JURISDICTION OF THE UNITED STATES COURT OF FEDERAL CLAIMS AND THE DISTRICT COURTS OF THE UNITED STATES: BID PROTESTS.

(a) BID PROTESTS.—Section 1491 of title 28, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a) by striking out paragraph (3); and

(3) by inserting after subsection (a), the following new subsection;

"(b)(1) Both the United States Court of Federal Claims and the district courts of the United States shall have jurisdiction to render judgment on an action by an interested party objecting to a solicitation by a Federal agency for bids or proposals for a proposed contract or to a proposed award or the award of a contract or any alleged violation of statute or regulation in connection with a procurement or a proposed procurement. Both the United States Court of Federal Claims and the district courts of the United States shall have jurisdiction to entertain such an action without regard to whether suit is instituted before or after the contract is awarded.

"(2) To afford relief in such an action, the courts may award any relief that the court considers proper, including declaratory and injunctive relief except that any monetary relief shall be limited to bid preparation and proposal costs.

"(3) In exercising jurisdiction under this subsection, the courts shall give due regard to the interests of national defense and national security and the need for expeditious resolution of the action.

"(4) In any action under this subsection, the courts shall review the agency's decision pursuant to the standards set forth in section 706 of title 5.".

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on December 31, 1996 and shall apply to all actions filed on or after that date.

(c) STUDY.—No earlier than 2 years after the effective date of this section, the United States General Accounting Office shall undertake a study regarding the concurrent jurisdiction of the district courts of the United States and the Court of Federal Claims over bid protests to determine whether concurrent jurisdiction is necessary. Such a study shall be completed no later than December 31, 1999, and shall specifically consider the effect of any proposed change on the ability of small businesses to challenge violations of Federal procurement law.

(d) SUNSET.—The jurisdiction of the district courts of the United States over the actions described in section 1491(b)(1) of title 28, United States Code (as amended by subsection (a) of this section) shall terminate on January 1, 2001 unless extended by Congress. The savings provisions in subsection (e) shall apply if the bid protest jurisdiction of the district courts of the United States terminates under this subsection.

(e) SAVINGS PROVISIONS.—

(1) ORDERS.—A termination under subsection (d) shall not terminate the effectiveness of orders that have been issued by a court in connection with an action within the jurisdiction of that court on or before December 31, 2000. Such orders shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by a court of competent jurisdiction or by operation of law.

(2) PROCEEDINGS AND APPLICATIONS.—(A) a termination under subsection (d) shall not affect the jurisdiction of a court of the United States to continue with any proceeding that is pending before the court on December 31, 2000.

(B) Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if such termination had not occurred. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, set aside, or revoked by a court of competent jurisdiction or by operation of law.

(C) Nothing in this paragraph prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that proceeding could have been discontinued or modified absent such termination.

(f) NONEXCLUSIVITY OF GAO REMEDIES.—In the event that the bid protest jurisdiction of the district courts of the United States is terminated pursuant to subsection (d), then section 3556 of title 31, United States Code, shall be amended by striking "a court of the United States or" in the first sentence.

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendment is considered as read and printed in the RECORD.

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

Mrs. SCHROEDER. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from New York a question.

I would like to ask the gentleman, am I correct that this bill does not authorize an agency to require a party to submit to binding arbitration as a condition of employment or to require a party to relinquish rights that they have under title VII of the Civil Rights Act of 1964?

Mr. SOLOMON. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would say to the gentlewoman, it is my understanding that she is correct, that H.R. 4194 does not change current law at this point at all.

Mrs. SCHROEDER. I thank the gentleman for his response. Based upon that, I will not object. I thank the gentleman for bringing this up.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of H.R. 4194, the Administrative Dispute Resolution Act, as amended by the other body. I would like to focus my remarks on section 12 of this bill, which was added by the Senate and concerns the so-called Scanwell jurisdiction. This section will be a great benefit to small businesses in New York, and across the Nation.

The conference report on H.R. 2977, the Administrative Dispute Resolution Act, which was on the suspension calendar for floor action September 27, 1996, was pulled at the last minute—to the benefit of all our constituents. Provisions in that measure would have eliminated Federal district court jurisdiction for bid protests of Government contracts, leaving only two other possible forums, both located in Washington, DC.

Federal district court jurisdiction, commonly known as Scanwell jurisdiction, has been an important safeguard to our constituents back home, ensuring that they have a local forum to appeal decisions on Government contracts. Eliminating Scanwell would have put burdens on our businesses, both large and small, to litigate their claims long-distance. This provision was included in the bill, although no hearings on this subject were held in the House. A compromise was later reached that creates equal forums in the Federal district courts and in the Court of Federal Claims—and requires both courts to use the Administrative Procedure Act as the standard of review. The procedure will be in effect for 4 years.

This makes sense. It gives our constituents the benefit of either forum for a full evidentiary hearing and allows a practical test of whether both forums are needed. Such common sense approaches are just good Government. This provision will enable actual experience over the next 4 years and a GAO study, after 2 years to provide the data necessary for Congress to make an informed decision regarding something as important as how far the courthouse door will be from home. I am certain that we would not allow the post offices to be closed in our towns and cities, so why should we close the Federal district courthouse door for claims concerning the $200 billion spent annually by the Government for goods and services. This bill protects our constituents, and I am happy that these good provisions will not be lost.

Mrs. SCHROEDER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

FEDERAL COURTS IMPROVEMENT ACT OF 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1887) to make improvements in the operation and administration of the Federal courts, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Improvement Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

Sec. 101. New authority for probation and pretrial services officers.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Duties of magistrate judge on emergency assignment.

Sec. 202. Consent to trial in certain criminal actions.

Sec. 203. Registration of judgments for enforcement in other districts.
Sec. 204. Vacancy in clerk position; absence of clerk.
Sec. 205. Diversity jurisdiction.
Sec. 206. Removal of cases against the United States and Federal officers or agencies.
Sec. 207. Appeal route in civil cases decided by magistrate judges with consent.
Sec. 208. Reports by judicial councils relating to misconduct and disability orders.

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Senior judge certification.
Sec. 302. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.
Sec. 303. Bankruptcy judges reappointment procedure.
Sec. 304. Technical correction related to commencement date of temporary judgeships.
Sec. 305. Full-time status of court reporters.
Sec. 306. Court interpreters.
Sec. 307. Technical amendment related to commencement date of temporary bankruptcy judgeships.
Sec. 308. Contribution rate for senior judges under the judicial survivors' annuities system.
Sec. 309. Prohibition against awards of costs, including attorneys fees, and injunctive relief against a judicial officer.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 401. Increase in civil action filing fee.
Sec. 402. Interpreter performance examination fees.
Sec. 403. Judicial panel on multidistrict litigation.
Sec. 404. Disposition of fees.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

Sec. 501. Qualification of Chief Judge of Court of International Trade.

TITLE VI—MISCELLANEOUS

Sec. 601. Participation in judicial governance activities by district, senior, and magistrate judges.
Sec. 602. The Director and Deputy Director of the administrative office as officers of the United States.
Sec. 603. Removal of action from State court.
Sec. 604. Federal judicial center employee retirement provisions.
Sec. 605. Abolition of the special court, Regional Rail Reorganization Act of 1973.
Sec. 606. Place of holding court in the District Court of Utah.
Sec. 607. Exception of residency requirement for district judges appointed to the Southern District and Eastern District of New York.
Sec. 608. Extension of civil justice expense and delay reduction reports on pilot and demonstration programs.
Sec. 609. Place of holding court in the Southern District of New York.
Sec. 610. Venue for territorial courts.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (8)(B);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

"(9) if approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe; and".

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) If approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe.".

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY ASSIGNMENT.

The first sentence of section 636(f) of title 28, United States Code, is amended by striking out "(a) or (b)" and inserting in lieu thereof "(a), (b), or (c)".

SEC. 202. CONSENT TO TRIAL IN CERTAIN CRIMINAL ACTIONS.

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting ", other than a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction," after "misdemeanor";

(B) in the second sentence by inserting "judge" after "magistrate" each place it appears;

(C) by striking out the third sentence and inserting in lieu thereof the following: "The magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record."; and

(D) by striking out "judge of the district court" each place it appears and inserting in lieu thereof "district judge".

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "The magistrate judge may, in a petty offense case involving a juvenile, that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction, exercise all powers granted to the district court under chapter 403 of this title. The magistrate judge may, in any other class B or C misdemeanor case involving a juvenile in which consent to trial before a magistrate judge has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title.".

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out ", and" at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(2) by striking out paragraph (4) and inserting the following:

"(4) the power to enter a sentence for a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction; and

"(5) the power to enter a sentence for a class A misdemeanor, or a class B or C misdemeanor not covered by paragraph (4), in a case in which the parties have consented.".

SEC. 203. REGISTRATION OF JUDGMENTS FOR ENFORCEMENT IN OTHER DISTRICTS.

(a) IN GENERAL.—Section 1963 of title 28, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 1963. Registration of judgments for enforcement in other districts";

(2) in the first sentence—

(A) by striking out "district court" and inserting in lieu thereof "court of appeals, district court, bankruptcy court,"; and

(B) by striking out "such judgment" and inserting in lieu thereof "the judgment"; and

(3) by adding at the end thereof the following new undesignated paragraph:

"The procedure prescribed under this section is in addition to other procedures provided by law for the enforcement of judgments.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 125 of title 28, United States Code, relating to section 1963 is amended to read as follows:

"1963. Registration of judgments for enforcement in other districts.".

SEC. 204. VACANCY IN CLERK POSITION; ABSENCE OF CLERK.

(a) IN GENERAL.—Section 954 of title 28, United States Code, is amended to read as follows:

"§ 954. Vacancy in clerk position; absence of clerk

"When the office of clerk is vacant, the deputy clerks shall perform the duties of the clerk in the name of the last person who held that office. When the clerk is incapacitated, absent, or otherwise unavailable to perform official duties, the deputy clerks shall perform the duties of the clerk in the name of the clerk. The court may designate a deputy clerk to act temporarily as clerk of the court in his or her own name.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 28, United States Code, relating to section 954 is amended to read as follows:

"954. Vacancy in clerk position; absence of clerk.".

SEC. 205. DIVERSITY JURISDICTION.

(a) IN GENERAL.—Section 1332 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out "$50,000" and inserting in lieu thereof "$75,000"; and

(2) in subsection (b) by striking out "$50,000" and inserting in lieu thereof "$75,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 90 days after the date of enactment of this Act.

SEC. 206. REMOVAL OF CASES AGAINST THE UNITED STATES AND FEDERAL OFFICERS OR AGENCIES.

(a) IN GENERAL.—Section 1442 of title 28, United States Code, is amended—

(1) in the section heading by inserting "**or agencies**" after "**officers**"; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking out "persons"; and

(B) in paragraph (1) by striking out "Any officer of the United States or any agency thereof, or person acting under him, for any act under color of such office" and inserting in lieu thereof "The United States or any agency thereof or any officer (or any person acting under that officer) of the United

States or of any agency thereof, sued in an official or individual capacity for any act under color of such office".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 28, United States Code, is amended by amending the item relating to section 1442 to read as follows:

"1442. Federal officers and agencies sued or prosecuted.".

SEC. 207. APPEAL ROUTE IN CIVIL CASES DECIDED BY MAGISTRATE JUDGES WITH CONSENT.

Section 636 of title 28, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3) by striking out "In this circumstance, the" and inserting in lieu thereof "The";

(B) by striking out paragraphs (4) and (5); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5); and

(2) in subsection (d) by striking out ", and for the taking and hearing of appeals to the district courts,".

SEC. 208. REPORTS BY JUDICIAL COUNCILS RELATING TO MISCONDUCT AND DISABILITY ORDERS.

Section 332 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) No later than January 31 of each year, each judicial council shall submit a report to the Administrative Office of the United States Courts on the number and nature of orders entered under this section during the preceding calendar year that relate to judicial misconduct or disability.".

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. SENIOR JUDGE CERTIFICATION.

(a) RETROACTIVE CREDIT FOR RESUMPTION OF SIGNIFICANT WORKLOAD.—Section 371(f)(3) of title 28, United States Code, is amended by striking out "is thereafter ineligible to receive such a certification." and inserting in lieu thereof "may thereafter receive a certification for that year by satisfying the requirements of subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection in a subsequent year and attributing a sufficient part of the work performed in such subsequent year to the earlier year so that the work so attributed, when added to the work performed during such earlier year, satisfies the requirements for certification for that year. However, a justice or judge may not receive credit for the same work for purposes of certification for more than 1 year.".

(b) AGGREGATION OF CERTAIN WORK FOR PARTIAL YEARS.—Section 371(f)(1) of title 28, United States Code, is amended by adding at the end of subparagraph (D) the following: "In any year in which a justice or judge performs work described under this subparagraph for less than the full year, one-half of such work may be aggregated with work described under subparagraph (A), (B), or (C) of this paragraph for the purpose of the justice or judge satisfying the requirements of such subparagraph.".

SEC. 302. REFUND OF CONTRIBUTION FOR DECEASED DEFERRED ANNUITANT UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(o)(1) of title 28, United States Code, is amended by striking out "or while receiving 'retirement salary'," and inserting in lieu thereof "while receiving retirement salary, or after filing an election and otherwise complying with the conditions under subsection (b)(2) of this section,".

SEC. 303. BANKRUPTCY JUDGES REAPPOINTMENT PROCEDURE.

Section 120 of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98–353; 98 Stat. 344), is amended—

(1) in subsection (a) by adding at the end thereof the following new paragraph:

"(3) When filling vacancies, the court of appeals may consider reappointing incumbent bankruptcy judges under procedures prescribed by regulations issued by the Judicial Conference of the United States."; and

(2) in subsection (b) by adding at the end thereof the following: "All incumbent nominees seeking reappointment thereafter may be considered for such a reappointment, pursuant to a majority vote of the judges of the appointing court of appeals, under procedures authorized under subsection (a)(3).".

SEC. 304. TECHNICAL CORRECTION RELATED TO COMMENCEMENT DATE OF TEMPORARY JUDGESHIPS.

Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 104 Stat. 5101; 28 U.S.C. 133 note) is amended by adding at the end thereof the following: "For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeship created under this subsection.".

SEC. 305. FULL-TIME STATUS OF COURT REPORTERS.

Section 753(e) of title 28, United States Code, is amended by inserting after the first sentence the following: "For the purposes of subchapter III of chapter 83 of title 5 and chapter 84 of such title, a reporter shall be considered a full-time employee during any pay period for which a reporter receives a salary at the annual salary rate fixed for a full-time reporter under the preceding sentence.".

SEC. 306. COURT INTERPRETERS.

Section 1827 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(l) Notwithstanding any other provision of this section or section 1828, the presiding judicial officer may appoint a certified or otherwise qualified sign language interpreter to provide services to a party, witness, or other participant in a judicial proceeding, whether or not the proceeding is instituted by the United States, if the presiding judicial officer determines, on such officer's own motion or on the motion of a party or other participant in the proceeding, that such individual suffers from a hearing impairment. The presiding judicial officer shall, subject to the availability of appropriated funds, approve the compensation and expenses payable to sign language interpreters appointed under this section in accordance with the schedule of fees prescribed by the Director under subsection (b)(3) of this section.".

SEC. 307. TECHNICAL AMENDMENT RELATED TO COMMENCEMENT DATE OF TEMPORARY BANKRUPTCY JUDGESHIPS.

Section 3(b) of the Bankruptcy Judgeship Act of 1992 (Public Law 102–361; 106 Stat. 965; 28 U.S.C. 152 note) is amended in the first sentence by striking out "date of the enactment of this Act" and inserting in lieu thereof "appointment date of the judge named to fill the temporary judgeship position".

SEC. 308. CONTRIBUTION RATE FOR SENIOR JUDGES UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(b)(1) of title 28, United States Code, is amended to read as follows:

"(b)(1) Every judicial official who files a written notification of his or her intention to come within the purview of this section, in accordance with paragraph (1) of subsection (a) of this section, shall be deemed thereby to consent and agree to having deducted and withheld from his or her salary a sum equal to 2.2 percent of that salary, and a sum equal to 3.5 percent of his or her retirement salary. The deduction from any retirement salary—

"(A) of a justice or judge of the United States retired from regular active service under section 371(b) or section 372(a) of this title,

"(B) of a judge of the United States Court of Federal Claims retired under section 178 of this title, or

"(C) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of this title,

shall be an amount equal to 2.2 percent of retirement salary.".

SEC. 309. PROHIBITION AGAINST AWARDS OF COSTS, INCLUDING ATTORNEY'S FEES, AND INJUNCTIVE RELIEF AGAINST A JUDICIAL OFFICER.

(a) NONLIABILITY FOR COSTS.—Notwithstanding any other provision of law, no judicial officer shall be held liable for any costs, including attorney's fees, in any action brought against such officer for an act or omission taken in such officer's judicial capacity, unless such action was clearly in excess of such officer's jurisdiction.

(b) PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting before the period at the end thereof ", except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity such officer shall not be held liable for any costs, including attorney's fees, unless such action was clearly in excess of such officer's jurisdiction".

(c) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by inserting before the period at the end of the first sentence: ", except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable".

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 401. INCREASE IN CIVIL ACTION FILING FEE.

(a) FILING FEE INCREASE.—Section 1914(a) of title 28, United States Code, is amended by striking out "$120" and inserting in lieu thereof "$150".

(b) DISPOSITION OF INCREASE.—Section 1931 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out "$60" and inserting in lieu thereof "$90"; and

(2) in subsection (b)—

(A) by striking out "$120" and inserting in lieu thereof "$150"; and

(B) by striking out "$60" and inserting in lieu thereof "$90".

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

SEC. 402. INTERPRETER PERFORMANCE EXAMINATION FEES.

(a) IN GENERAL.—Section 1827(g) of title 28, United States Code, is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

"(5) If the Director of the Administrative Office of the United States Courts finds it necessary to develop and administer criterion-referenced performance examinations for purposes of certification, or other examinations for the selection of otherwise qualified interpreters, the Director may prescribe for each examination a uniform fee for applicants to take such examination. In determining the rate of the fee for each examination, the Director shall consider the fees charged by other organizations for examinations that are similar in scope or nature. Notwithstanding section 3302(b) of title 31, the Director is authorized to provide in any contract or agreement for the development or administration of examinations and the collection of fees that the contractor may retain all or a portion of the fees in payment for the services. Notwithstanding paragraph (6) of this subsection, all fees collected after the effective date of this paragraph and not retained by a contractor shall be deposited in the fund established under section 1931 of this title and shall remain available until expended.".

(b) PAYMENT FOR CONTRACTUAL SERVICES.—Notwithstanding sections 3302(b), 1341, and 1517 of title 31, United States Code, the Director of the Administrative Office of the United States Courts may include in any contract for the development or administration of examinations for interpreters (including such a contract entered into before the date of the enactment of this Act) a provision which permits the contractor to collect and retain fees in payment for contractual services in accordance with section 1827(g)(5) of title 28, United States Code.

SEC. 403. JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.

(a) IN GENERAL.—(1) Chapter 123 of title 28, United States Code, is amended by adding after section 1931 the following new section:

"§ 1932. Judicial Panel on Multidistrict Litigation

"The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected by the Judicial Panel on Multidistrict Litigation.".

(2) The table of sections for chapter 123 of title 28, United States Code, is amended by adding after the item relating to section 1931 the following:

"1932. Judicial Panel on Multidistrict Litigation.".

(b) RELATED FEES FOR ACCESS TO INFORMATION.—Section 303(a) of the Judiciary Appropriations Act, 1992 (Public Law 102–140; 105 Stat. 810; 28 U.S.C. 1913 note) is amended in the first sentence by striking out "1926, and 1930" and inserting in lieu thereof "1926, 1930, and 1932".

SEC. 404. DISPOSITION OF FEES.

(a) DISPOSITION OF ATTORNEY ADMISSION FEES.—For each fee collected for admission of an attorney to practice, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, $30 of that portion of the fee exceeding $20 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code. Any portion exceeding $5 of the fee for a duplicate certificate of admission or certificate of good standing, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(b) DISPOSITION OF BANKRUPTCY COMPLAINT FILING FEES.—For each fee collected for filing an adversary complaint in a bankruptcy proceeding, as established in Item 6 of the Bankruptcy Court Miscellaneous Fee Schedule prescribed by the Judicial Conference of the United States pursuant to section 1930(b) of title 28, United States Code, the portion of the fee exceeding $120 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

SEC. 501. QUALIFICATION OF CHIEF JUDGE OF COURT OF INTERNATIONAL TRADE.

(a) IN GENERAL.—Chapter 11 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 258. Chief judges; precedence of judges

"(a)(1) The chief judge of the Court of International Trade shall be the judge of the court in regular active service who is senior in commission of those judges who—

"(A) are 64 years of age or under;

"(B) have served for 1 year or more as a judge of the court; and

"(C) have not served previously as chief judge.

"(2)(A) In any case in which no judge of the court meets the qualifications under paragraph (1), the youngest judge in regular active service who is 65 years of age or over and who has served as a judge of the court for 1 year or more shall act as the chief judge.

"(B) In any case under subparagraph (A) in which there is no judge of the court in regular active service who has served as a judge of the court for 1 year or more, the judge of the court in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

"(3)(A) Except as provided under subparagraph (C), the chief judge serving under paragraph (1) shall serve for a term of 7 years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge.

"(B) Except as provided under subparagraph (C), a judge of the court acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge meets the qualifications under paragraph (1).

"(C) No judge of the court may serve or act as chief judge of the court after attaining the age of 70 years unless no other judge is qualified to serve as chief judge under paragraph (1) or is qualified to act as chief judge under paragraph (2).

"(b) The chief judge shall have precedence and preside at any session of the court which such judge attends. Other judges of the court shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

"(c) If the chief judge desires to be relieved of the duties as chief judge while retaining active status as a judge of the court, the chief judge may so certify to the Chief Justice of the United States, and thereafter the chief judge of the court shall be such other judge of the court who is qualified to serve or act as chief judge under subsection (a).

"(d) If a chief judge is temporarily unable to perform the duties as such, such duties shall be performed by the judge of the court in active service, able and qualified to act, who is next in precedence.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 11 of title 28, United States Code, is amended—

(1) in section 251 by striking out subsection (b) and redesignating subsection (c) as subsection (b);

(2) in section 253—

(A) by amending the section heading to read as follows:

"§ 253. Duties of chief judge.";

and

(B) by striking out subsections (d) and (e); and

(3) in the table of sections for chapter 11 of title 28, United States Code—

(A) by amending the item relating to section 253 to read as follows:

"253. Duties of chief judge.";

and

(B) by adding at the end thereof the following:

"258. Chief judges; precedence of judges.".

(c) APPLICATION.—(1) Notwithstanding the provisions of section 258(a) of title 28, United States Code (as added by subsection (a) of this section), the chief judge of the United States Court of International Trade who is in office on the day before the date of enactment of this Act shall continue to be such chief judge on or after such date until any one of the following events occurs:

(A) The chief judge is relieved of his duties under section 258(c) of title 28, United States Code.

(B) The regular active status of the chief judge is terminated.

(C) The chief judge attains the age of 70 years.

(D) The chief judge has served for a term of 7 years as chief judge.

(2) When the chief judge vacates the position of chief judge under paragraph (1), the position of chief judge of the Court of International Trade shall be filled in accordance with section 258(a) of title 28, United States Code.

TITLE VI—MISCELLANEOUS

SEC. 601. PARTICIPATION IN JUDICIAL GOVERNANCE ACTIVITIES BY DISTRICT, SENIOR, AND MAGISTRATE JUDGES.

(a) JUDICIAL CONFERENCE OF THE UNITED STATES.—Section 331 of title 28, United States Code, is amended by striking out the second undesignated paragraph and inserting in lieu thereof the following:

"The district judge to be summoned from each judicial circuit shall be chosen by the circuit and district judges of the circuit and shall serve as a member of the Judicial Conference of the United States for a term of not less than 3 successive years nor more than 5 successive years, as established by majority vote of all circuit and district judges of the circuit. A district judge serving as a member of the Judicial Conference may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title.".

(b) BOARD OF THE FEDERAL JUDICIAL CENTER.—Section 621 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge, elected by vote of the members of the Judicial Conference of the United States, except that any circuit or district judge so elected may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title but shall not be a member of the Judicial Conference of the United States; and"; and

(2) in subsection (b) by striking out "retirement," and inserting in lieu thereof "retirement pursuant to section 371(a) or section 372(a) of this title,".

SEC. 602. THE DIRECTOR AND DEPUTY DIRECTOR OF THE ADMINISTRATIVE OFFICE AS OFFICERS OF THE UNITED STATES.

Section 601 of title 28, United States Code, is amended by adding at the end thereof the following: "The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code.".

SEC. 603. REMOVAL OF ACTION FROM STATE COURT.

Section 1446(c)(1) of title 28, United States Code, is amended by striking out "petitioner" and inserting in lieu thereof "defendant or defendants".

SEC. 604. FEDERAL JUDICIAL CENTER EMPLOYEE RETIREMENT PROVISIONS.

Section 627(b) of title 28, United States Code, is amended—

(1) in the first sentence by inserting "Deputy Director," before "the professional staff"; and

(2) in the first sentence by inserting "chapter 84 (relating to the Federal Employees' Retirement System)," after "(relating to civil service retirement),".

SEC. 605. ABOLITION OF THE SPECIAL COURT, REGIONAL RAIL REORGANIZATION ACT OF 1973.

(a) ABOLITION OF THE SPECIAL COURT.—Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended in subsection (b)—

(1) by inserting "(1)" before "Within 30 days after"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The special court referred to in paragraph (1) of this subsection is abolished effective 90 days after the date of enactment of the Federal Courts Improvement Act of 1996. On such effective date, all jurisdiction and other functions of the special court shall be assumed by the United States District Court for the District of Columbia. With respect to any proceedings that arise or continue after the date on which the special court is abolished, the references in the following provisions to the special court established under this subsection shall be deemed to refer to the United States District Court for the District of Columbia:

"(A) Subsections (c), (e)(1), (e)(2), (f) and (g) of this section.

"(B) Sections 202 (d)(3), (g), 207 (a)(1), (b)(1), (b)(2), 208(d)(2), 301 (e)(2), (g), (k)(3), (k)(15), 303 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 304 (a)(1)(B), (i)(3), 305 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 306 (a), (b), (c)(4), and 601 (b)(3), (c) of this Act (45 U.S.C. 712 (d)(3), (g), 717 (a)(1), (b)(1), (b)(2), 718(d)(2), 741 (e)(2), (g), (k)(3), (k)(15), 743 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 744 (a)(1)(B), (i)(3), 745 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 746 (a), (b), (c)(4), 791 (b)(3), (c)).

"(C) Sections 1152(a) and 1167(b) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105(a), 1115(a)).

"(D) Sections 4023 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A) and 4025(b) of the Conrail Privatization Act (45 U.S.C. 1323 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A), 1324(b)).

"(E) Section 24907(b) of title 49, United States Code.

"(F) Any other Federal law (other than this subsection and section 605 of the Federal Courts Improvement Act of 1996), Executive order, rule, regulation, delegation of authority, or document of or relating to the special court as previously established under paragraph (1) of this subsection.".

(b) APPELLATE REVIEW.—(1) Section 209(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended by striking out the paragraph following paragraph (2) and inserting in lieu thereof the following:

"(3) An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(2) Section 303 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743) is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) APPEAL.—An order or judgment entered by the United States District Court for the District of Columbia pursuant to subsection (c) of this section or section 306 shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(3) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) APPEAL.—An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is further amended—

(A) in subsection (g) by inserting "or Court of Appeals for the District of Columbia Circuit" after "Supreme Court"; and

(B) by striking out subsection (h).

(2) Section 305(d)(4) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 745(d)) is amended by striking out "a judge of the United States district court with respect to such proceedings and such powers shall include those of".

(3) Section 1135(a)(8) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1104(8)) is amended to read as follows:

"(8) 'Special court' means the judicial panel established under section 209(b)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)(1)) or, with respect to any proceedings that arise or continue after the panel is abolished pursuant to section 209(b)(2) of such Act, the United States District Court for the District of Columbia.".

(4) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is further amended by striking out subsection (d).

(d) PENDING CASES.—Effective 90 days after the date of enactment of this Act, any case pending in the special court established under section 209(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)) shall be assigned to the United States District Court for the District of Columbia as though the case had originally been filed in that court. The amendments made by subsection (b) of this section shall not apply to any final order or judgment entered by the special court for which—

(1) a petition for writ of certiorari has been filed before the date on which the special court is abolished; or

(2) the time for filing a petition for writ of certiorari has not expired before that date.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) of this section shall take effect 90 days after the date of enactment of this Act and, except as provided in subsection (d), shall apply with respect to proceedings that arise or continue after such effective date.

SEC. 606. PLACE OF HOLDING COURT IN THE DISTRICT COURT OF UTAH.

(a) NORTHERN DIVISION.—Section 125(1) of title 28, United States Code, is amended by inserting "Salt Lake City and" before "Ogden".

(b) CENTRAL DIVISION.—Section 125(2) of title 28, United States Code, is amended by inserting ", Provo, and St. George" after "Salt Lake City".

SEC. 607. EXCEPTION OF RESIDENCY REQUIREMENT FOR DISTRICT JUDGES APPOINTED TO THE SOUTHERN DISTRICT AND EASTERN DISTRICT OF NEW YORK.

Section 134(b) of title 28, United States Code, is amended—

(1) by inserting "the Southern District of New York, and the Eastern District of New York," after "the District of Columbia,"; and

(2) by inserting at the end the following: "Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district to which he or she is appointed.".

SEC. 608. EXTENSION OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION REPORTS ON DEMONSTRATION AND PILOT PROGRAMS.

(a) DEMONSTRATION PROGRAM.—Section 104(d) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out "December 31, 1996," and inserting in lieu thereof "June 30, 1997,".

(b) PILOT PROGRAM.—Section 105(c)(1) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out "December 31, 1996," and inserting in lieu thereof "June 30, 1997,".

SEC. 609. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF NEW YORK.

The last sentence of section 112(b) of title 28, United States Code, is amended to read as follows:

"Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.".

SEC. 610. VENUE FOR TERRITORIAL COURTS.

(a) CHANGE OF VENUE.—Section 1404(d) of title 28, United States Code, is amended to read as follows:

"(d) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.".

(b) CURE OR WAIVER OF DEFECTS.—Section 1406(c) of title 28, United States Code, is amended to read as follows:

"(c) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.".

(c) APPLICABILITY.—The amendments made by this section apply to cases pending on the date of the enactment of this Act and to cases commenced on or after such date.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING PERIOD OF STAY IN UNITED STATES FOR CERTAIN NURSES

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2197) to extend the authorized period of stay within the United States for certain nurses, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. ROHRABACHER. Mr. Speaker, reserving the right to object, I understand that this is designed to help a lot of people who come here to provide employment, to be here as nurses, but I would like to understand a little bit more about this.

Mr. SOLOMON. Mr. Speaker, if the gentleman would yield, I would like to withdraw the unanimous consent. I believe that the staff has some information that might solve some of his problems and I will bring it up at a later date.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] withdraws his unanimous-consent request with regard to S. 2197.

□ 1415

ENHANCING FAIRNESS IN COMPENSATING OWNERS OF PATENTS USED BY UNITED STATES

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 632) to enhance fairness in compensating owners of patents used by the United States, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments: Page 2, line 8, strike out all after "States'." down to and including "Acts." in line 13 and insert "Notwithstanding the preceding sentences, unless the action has been pending for more than 10 years from the time of filing to the time that the owner applies for such costs and fees, reasonable and entire compensation shall not include such costs and fees if the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust."

Page 2, line 17, strike out "January 1, 1995" and insert "the date of the enactment of this Act".

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendments are considered as read and printed in the RECORD.

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

PROVISIONS WITH RESPECT TO INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, REFUGEE, AND OTHER FOREIGN RELATIONS

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4036) making certain provisions with respect to internationally recognized human rights, refugees, and foreign relations, with Senate amendments, thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 2, strike out all after line 4 over to and including line 6 on page 4.

Page 4, line 7, strike out "103" and insert "101".

Page 4, strike out all after line 20, over to and including line 17 on page 6.

Page 6, line 18, strike out "105" and insert "102".

Page 7, line 3, strike out "106" and insert "103".

Page 8, line 10, strike out "107" and insert "104".

Page 12, after line 2 insert:

TITLE III—CLAIBORNE PELL INSTITUTE FOR INTERNATIONAL RELATIONS AND PUBLIC POLICY

SEC. 301. SHORT TITLE.

This title may be cited as the "Claiborne Pell Institute for International Relations and Public Policy Act".

SEC. 302. GRANT AUTHORIZED.

In recognition of the public service of Senator Claiborne Pell, the Secretary of Education is authorized to award a grant, in accordance with the provisions of this title, to assist in the establishment and operation of the Claiborne Pell Institute for International Relations and Public Policy, located as Salve Regina University, Newport, Rhode Island, including the purchase and renovation of facilities to house the Institute.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1997 such sums, not to exceed $3,000,000, as may be necessary to carry out this title.

SEC. 304. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this Act.

TITLE IV—GEORGE BUSH SCHOOL OF GOVERNMENT AND PUBLIC SERVICE

SEC. 401. SHORT TITLE.

This title may be cited as the "George Bush School of Government and Public Service Act".

SEC. 402. GRANT AUTHORIZED.

In recognition of the public service of President George Bush, the Secretary of Education is authorized to make a grant in accordance with the provisions of this Act to assist in the establishment of the George Bush Fellowship Program, located at the George Bush School of Government and Public Service of the Texas A & M University.

SEC. 403. GRANT CONDITIONS.

No payment may be made under this title except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may require.

SEC. 404. APPROPRIATIONS AUTHORIZED.

There are authorized to be appropriated such sums, not to exceed $3,000,000, as may be necessary to carry out the provisions of this title.

SEC. 405. EFFECTIVE DATE.

This title shall take effect on October 1, 1996.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EDMUND S. MUSKIE FOUNDATION.

In recognition of the public service of Senator and Secretary of State Edmund S. Muskie, the Secretary of Education is authorized to award a grant in accordance with the provisions of this Act to assist in the establishment of the Edmund S. Muskie Foundation, located in Washington, DC, by providing assistance to support the foundation, including assistance to be used for awarding stewardships, supporting the Muskie archives, and supporting the Edmund S. Muskie Institute of Public Affairs.

SEC. 502. CALVIN COOLIDGE MEMORIAL FOUNDATION GRANT.

(a) DEFINITIONS.—In this section:

(1) FOUNDATION.—The term "Foundation" means the Calvin Coolidge Memorial Foundation.

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

(b) GRANT AUTHORIZED.—The Secretary is authorized to made a grant in the amount of $1,000,000 in accordance with the provisions of this section to the Foundation.

(c) GRANT CONDITIONS.—

(1) APPLICATION.—No payment may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(2) USE OF GRANT FUNDS.—Funds received under this section may be used for any of the following purposes:

(A) To increase the endowment of the Foundation.

(B) To conduct educational, archival, or preservation activities of the Foundation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $1,000,000, without fiscal year limitation, to carry out the provisions of this section.

(e) EFFECTIVE DATE.—This section shall take effect on October 1, 1996.

The SPEAKER pro tempore. (during the reading). Without objection, the Senate amendments are considered as read and printed in the RECORD.

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New Jersey?

Mr. ROHRABACHER. Mr. Speaker, reserving the right to object, I would like to ask my good friend and colleague from New Jersey to explain to me the provisions in this bill concerning abortion and what protections we would have against, let us say, in China, for example, where there are forced abortions?

Mr. SMITH of New Jersey. Mr. Speaker, if the gentleman will yield, the language in this legislation that dealt with coercive abortion was stripped in the Senate. The issue was already covered by the CR, which had an identical provision. We are concurring with the Senate in taking that language out of the bill, so there is nothing in the bill on that subject.

Mr. ROHRABACHER. Mr. Speaker, continuing my reservation of objection, some people were concerned that anyone who wanted to immigrate from China would just get pregnant and come back over here.

The second thing is, what groups are protected by this act? I understand this gives certain immigration treatment to certain groups.

Mr. SMITH of New Jersey. Mr. Speaker, if the gentleman will yield further, the language of the bill extends to Russian Jews, evangelicals, and to some of the people in Southeast Asia a very basic amount of protection for 1 year. As a matter of fact, this too mirrors exactly the human rights and refugee provisions in the CR, and because this had broad bipartisan support, it was kept in.

Mr. ROHRABACHER. Mr. Speaker, further reserving the right to object, I would ask the gentleman, is there a cap on this?

Mr. SMITH of New Jersey. No, there is not.

Mr. ROHRABACHER. How many people would be affected by this?

Mr. SMITH of New Jersey. It is unclear.

Mr. ROHRABACHER. Is it possible we are talking about more than 100,000 people?

Mr. SMITH of New Jersey. No, not at all. As a matter of fact, the annual cap negotiated between the administration and Congress is far less than 100,000 in its totality.

Mr. Speaker, this act consists of several human rights refugee and education provisions. I am proud to sponsor this legislation along with House International Relations Committee Chairman BEN GILMAN and Ranking Democratic Member LEE HAMILTON, as well as TOM LANTOS, HOWARD BERMAN, HENRY HYDE, ILEANA ROS-LEHTINEN, and BILL GOODLING. The administration does not oppose the legislation.

H.R. 4036 extends the authority of USIA to include Tibetan and Burmese exiles in its scholarship programs, and requires USIA to take appropriate steps to involve prodemocracy and human rights leaders in exchange programs with countries whose people do not fully enjoy freedom and democracy. It also requires that the State Department's Country Reports on Human Rights Practices include reports on each country's votes on resolutions before the U.N. Human Rights Commission, as well as its treatment of refugees. The latter provision is designed to enhance efforts to persuade other countries in the Western Hemisphere and elsewhere to accept their fair share of the world's refugee population, rather than leaving the brunt of the burden on the United States and a few other nations.

The act extends for 1 year an extremely important policy relating to refugees in certain high-risk categories, such as Jews and evangelical Christians from the former Soviet Union and Southeast Asians who have suffered persecution for their wartime associations with the United States.

Also, the act provides that the United States should not give foreign assistance, other than humanitarian assistance, to Mauritania unless that country rigorously enforces its laws against human chattel slavery.

H.R. 4036 also authorizes the Secretary of Education to make grants for the Pell Institute, the Bush Fellowships, the Muskie Foundation, and the Coolidge Memorial Foundation. A Pell amendment deleted section 102, providing for reports on the Cuban Government's methods of enforcing its 1994 and 1995 immigration agreements with the United States.

The administration opposed an earlier version of this provision on the ground that it already provides such reports. We are agreeing to drop this provision only because we have been assured that these reports will continue to be provided. Originally, the agreement negotiated with the Senate was that a reference to the Cuba human rights reports would be placed in report language rather than in the text of the bill itself. Because the procedure under which this law is enacted does not provide for committee reports, it is important to place in the RECORD the continued expectation of the Subcommittee on International Operations and Human Rights that our Government will continue to monitor and report to Congress on the treatment of people against whom the Castro regime enforces these two agreements. The reports are an important manifestation of congressional concern about the human rights of persons against whom enforcement measures are taken.

I would like to extend my deep gratitude to Senator HELMS and his staff, who shepherded this important human rights bill through the Senate. In particular, Chief Counsel Tom Kleine of the Senate Foreign Relations Committee has demonstrated his willingness and ability to work effectively with people representing a wide range of viewpoints in order to ensure that our law reflects the right answers to important questions of public policy. Senator LOTT and Senator NICKLES and their respective staffs have also been extremely helpful. I also thank the Democratic staff of the Foreign Relations Committee for working with us on this bipartisan effort.

Mr. BALDACCI. Mr. Speaker, I rise today in support of H.R. 4036. Included in this legislation are provisions to create the Edmund S. Muskie Foundation. We were all deeply saddened earlier this year when Senator Muskie passed away. This legislation provides a worthy tribute to one of the Nation's greatest statesmen and legislators.

As part of its work, the Muskie Foundation will make environmental stewardship awards. Senator Muskie played a crucial role in the drafting and adoption of every major piece of environmental legislation that was signed into law during his tenure in the Senate. He was one of the first to recognize the tremendous harm that humans were doing to their environment. He educated his colleagues in the Congress, as well as the American people, and helped them to understand that we needed to change our ways. The result of his efforts was landmark legislation to clean up our Nation's air and water. The Muskie Foundation's environmental stewardship awards will help to ensure that Senator Muskie's legacy will live on.

The Muskie Foundation will also assist the Muskie Archives at Bates College in Lewiston, ME, to ensure that future generations will have access to Senator Muskie's papers. The foundation will work with the Muskie Institute for Public Policy at the University of Southern Maine to promote the study of policy development. And the foundation will engage in other programs and activities in which Senator Muskie had an abiding interest.

Mr. Speaker, as a freshman Member of Congress from the State of Maine, I was privileged to be able to turn to Senator Muskie for encouragement and advice. He was a mentor to me, and to countless others of my generation. I am pleased that we are honoring him today, and I urge my colleagues to support this legislation.

Mr. ROHRABACHER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New Jersey?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendments to H.R. 4036.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PRESIDENTIAL AND EXECUTIVE OFFICE ACCOUNTABILITY ACT

Mr. CLINGER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3452) to make certain laws applicable to the Executive Office of the President, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

In section 1(b), strike the items relating to sections 4 through 9, and insert the following:

Sec. 4. Applicability of future employment laws.
Sec. 5. Repeal of section 303 of the Government Employee Rights Act of 1991.

In the table of contents relating to title 3, United States Code (as added by section 2), redesignate the item relating to section 420 as an item relating to section 421.

In the table of contents relating to title 3, United States Code (as added by section 2), redesignate the item relating to section 430 as an item relating to section 431.

In the table of contents relating to title 3, United States Code (as added by section 2), in the item relating to subchapter III, strike the hyphen and insert a space.

In the table of contents relating to title 3, United States Code (as added by section 2), strike the item relating to section 457.

In the table of contents for title 3, United States Code (as amended by section 2), strike the items relating to subchapters IV and V and insert the following:

"SUBCHAPTER IV—EFFECTIVE DATE

"471. Effective date.".

In section 401 of title 3, United States Code (as added by section 2), insert before "Except" the following:

"(a) IN GENERAL.—".

In section 401 of title 3, United States Code (as added by section 2), add at the end the following:

"(b) DEFINITIONS RELATING TO CERTAIN MATTERS.—For purposes of applying this chapter with respect to any practice or other matter—

"(1) to which section 411 relates, the terms 'employing office' and 'covered employee' shall each be considered to have the meaning given to the term by such section;

"(2) to which section 412 relates, the term 'covered employee' means a covered employee described in section 412(a)(2)(B);

"(3) to which section 413 relates, the term 'covered employee' excludes interns and volunteers, as described in section 413(a)(2); and

"(4) to which section 416 relates, the term 'covered employee' means a covered employee described in section 416(a)(2).".

In section 411 of title 3, United States Code (as added by section 2), redesignate subsection (d) as subsection (e).

In section 411 of title 3, United States Code (as added by section 2 and so redesignated) insert after subsection (c) the following:

"(d) REGULATIONS TO IMPLEMENT SECTION.—

"(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement paragraphs (1) and (3) of subsection (a) and paragraphs (1) and (3) of subsection (b).

"(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the appropriate officer of an executive agency to implement the statutory provisions referred to in paragraphs (1) and (3) of subsection (a) and paragraphs (1) and (3) of subsection (b)—

"(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

"(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 717 of the Civil Rights Act of 1964 or section 501 of the Rehabilitation Act of 1973 that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in paragraph (1) or (3) of subsection (a) or paragraph (1) or (3) of subsection (b), if the issuance of such regulations—

"(i) would be equally effective for the implementation of the rights and protections under this section; and

"(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.".

In section 411 of title 3, United States Code (as added by section 2 and so redesignated), add at the end the following:

"(f) EFFECTIVE DATE.—This section shall take effect on October 1, 1997.".

In section 412(b) of title 3, United States Code (as added by section 2), strike "such damages" and insert "such remedy".

In section 412 of title 3, United States Code (as added by section 2), add at the end the following:

"(c) REGULATIONS TO IMPLEMENT SECTION.—

"(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement this section.

"(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b)—

"(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

"(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of subchapter V of chapter 63 of title 5, United States Code, that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

"(i) would be equally effective for the implementation of the rights and protections under this section; and

"(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.

"(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (c); or

"(2) October 1, 1998.".

In section 413(c)(1) of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In section 413(c)(2) of title 3, United States Code (as added by section 2), strike "subsection (a) except insofar as the President" and insert "subsections (a) and (b) except to the extent that the President or designee".

In section 413(c)(3) of title 3, United States Code (as added by section 2), strike "President" and insert "President or designee".

In section 413 of title 3, United States Code (as added by section 2), add at the end the following:

"(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (c); or

"(2) October 1, 1998.".

In section 414(c)(1) of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In section 414(c)(2) of title 3, United States Code (as added by section 2), strike "insofar as the President" and insert "to the extent that the President or designee".

In section 414 of title 3, United States Code (as added by section 2), add at the end the following:

"(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (c); or

"(2) October 1, 1998.".

In section 415(a)(2)(A) of title 3, United States Code (as added by section 2), strike "does not succeed himself" and insert "is not elected to a successive term".

In section 415(c)(1) of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In section 415(c)(2) of title 3, United States Code (as added by section 2), strike "subsection (a) except insofar as the President" and insert "subsections (a) and (b) except to the extent that the President or designee".

In section 415 of title 3, United States Code (as added by section 2), add at the end the following:

"(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (c); or

"(2) October 1, 1998.".

In section 416(c)(1) of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In section 416(c) of title 3, United States Code (as added by section 2), strike paragraph (2) and insert the following:

"(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b)—

"(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

"(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 4314 or 4324 of title 38, United States Code, that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

"(i) would be equally effective for the implementation of the rights and protections under this section; and

"(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.".

In section 416 of title 3, United States Code (as added by section 2), add at the end the following:

"(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (c); or

"(2) October 1, 1998.".

In section 417 of title 3, United States Code (as added by section 2), strike subsection (c).

In section 420 of title 3, United States Code (as added by section 2), strike "**420.**" and insert "**421.**".

In section 421 of title 3, United States Code (as added by section 2 and so redesignated), add at the end the following:

"(d) REGULATIONS TO IMPLEMENT SECTION.—

"(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement this section.

"(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the appropriate officer of an executive agency to implement the statutory provisions referred to in subsections (a) and (b)—

"(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

"(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 1, 2, 3, or 6 of the Act entitled 'An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped', approved August 12, 1968 (commonly known as the 'Architectural Barriers Act of 1968') or section 501 of the Rehabilitation Act of 1973 that applies to agencies of the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

"(i) would be equally effective for the implementation of the rights and protections under this section; and

"(ii) would promote uniformity in the application of Federal law to agencies of the executive branch of the Federal Government.

"(e) EFFECTIVE DATE.—Subsections (a), (b), and (c) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (d); or

"(2) October 1, 1998.".

In section 425(c)(3)(A) of title 3, United States Code (as added by section 2), strike "he" and insert "the employer".

In section 425(c)(5) of title 3, United States Code (as added by section 2), strike "appropriate United States circuit court of appeals" and insert "United States Court of Appeals for the Federal Circuit".

In section 425(d)(1) of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In section 425(d)(2) of title 3, United States Code (as added by section 2), strike "subsection (a) except to the extent that the President" and insert the following: "subsections (a) and (b)—

"'(A) except to the extent that the President or designee".

In section 425(d)(2) of title 3, United States Code (as added by section 2), strike the period at the end and insert the following: "; and

"'(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 19 of the Occupational Safety and Health Act of 1970 that applies to agencies or employees of the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

"'(i) would be equally effective for the implementation of the rights and protections under this section; and

"'(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.".

In section 425 of title 3, United States Code (as added by section 2), add at the end the following:

"(e) EFFECTIVE DATE.—Subsections (a) through (c) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (d); or

"(2) October 1, 1998.".

In section 430 of title 3, United States Code (as added by section 2), strike "**430.**" and insert "**431.**".

In section 431(c)(2)(B) of title 3, United States Code (as added by section 2 and so redesignated), strike "deems" and insert "may determine that a modification of such regulations is".

In section 431(d)(1) of title 3, United States Code (as added by section 2 and so redesignated), strike "Federal Labor Relations".

In section 431(d)(2)(E) of title 3, United States Code (as added by section 2 and so redesignated), strike "Advisors" and insert "Advisers".

In section 431(d)(2)(G) of title 3, United States Code (as added by section 2 and so redesignated), strike the semicolon and insert "; and".

In section 431(d)(2)(H) of title 3, United States Code (as added by section 2 and so redesignated), strike "; and" and insert a period.

In section 431(d)(2) of title 3, United States Code (as added by section 2 and so redesignated), strike subparagraph (I).

In section 431 of title 3, United States Code (as added by section 2 and so redesignated), add at the end the following:

"(e) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall take effect on the earlier of—

"(A) the effective date of regulations issued under subsection (c); or

"(B) October 1, 1998.

"(2) CERTAIN EMPLOYING OFFICES.—Subsections (a) and (b) shall take effect, with respect to employing offices, and employees of employing offices, referred to in subsection (d)(2), on the earlier of—

"(A) the effective date of regulations issued under subsection (d); or

"(B) October 1, 1998.".

In section 435(a) of title 3, United States Code (as added by section 2), strike "420" and insert "421".

In section 435 of title 3, United States Code (as added by section 2), strike subsection (g) and insert the following:

"(g) POLITICAL AFFILIATION.—It shall not be a violation of any provision of this chapter to consider, or make any employment decision based on, the party affiliation, or political compatibility with the employing office, of an employee who is a covered employee.".

In section 452(a) of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In section 453(1) of title 3, United States Code (as added by section 2), strike "administrative".

In section 454(a) of title 3, United States Code (as added by section 2), add at the end the following: "The complaint in an action involving such an alleged violation shall be processed under the procedures specified by the President, or the designee of the President, in such regulations as the President or designee may issue.".

In section 454(b)(1) of title 3, United States Code (as added by section 2), strike "other Federal employee" and insert "employee in the executive branch of the Federal Government (other than a covered employee)".

In section 454(b)(2) of title 3, United States Code (as added by section 2), strike "However, in" and insert "In".

In section 454(b)(2) of title 3, United States Code (as added by section 2), strike "(c)(1)".

In section 454(b)(3) of title 3, United States Code (as added by section 2), strike "appropriate circuit court of appeals" and insert "United States Court of Appeals for the Federal Circuit".

In section 455 of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In title 3, United States Code (as amended by section 2), strike section 457.

In title 3, United States Code (as amended by section 2), strike subchapter IV.

In title 3, United States Code (as amended by section 2), redesignate subchapter V as subchapter IV.

In title 3, United States Code (as amended by section 2), strike section 481 and insert the following:

"SEC. 471. EFFECTIVE DATE.

"(a) IN GENERAL.—Except as otherwise provided in this chapter, this chapter shall take effect on October 1, 1997.

"(b) REGULATIONS.—Sections 411(d), 412(c), 413(c), 414(c), 415(c), 416(c), 421(d), 425(d), 431(c), 431(d), 452(a), and 454(a) shall take effect on the date of enactment of this Act.".

Section 2(b) is amended to read as follows:

"(b) REGULATIONS.—Appropriate measures shall be taken to ensure that—

"(1) any regulations required to implement section 411 of title 3, United States Code, shall be in effect by October 1, 1997; and

"(2) any other regulations needed to implement chapter 5 of title 3, United States Code shall be in effect as soon as practicable, but not later than October 1, 1998.".

In section 3(a)(1), strike "(1) Chapter" and insert the following:

"(1) IN GENERAL.—Chapter".

In section 1296(a) of title 3, United States Code (as added by section 3(a)(1)), strike "the courts of appeals (other than the United States Court of Appeals for the Federal Circuit)" and insert "the United States Court of Appeals for the Federal Circuit".

In section 1296(a)(2) of title 3, United States Code (as added by section 3(a)(1)), strike "under chapter" and all that follows through "such title" and insert "made under part D of subchapter II of chapter 5 of title 3, notwithstanding section 7123 of title 5".

In section 1296 of title 3, United States Code (as added by section 3(a)(1)), strike subsection (c).

In section 3(a)(2), strike "(2) The table of sections for chapter 158" and insert the following:

"(2) TABLE OF SECTIONS.—The table of sections for chapter 83".

In section 3(b)(2)(A), strike "(A) Chapter" and insert the following:

"(A) IN GENERAL.—Chapter".

In section 3(b)(2)(B), strike "(B)" and insert the following:

"(B) TABLE OF SECTIONS.—".

In section 3(b)(3), strike "(A)".

In section 3(b)(3), insert opening quotation marks after "striking".

In section 3(c), strike "PROCEDURE.—" and all that follows through "Part VI" and insert the following: "PROCEDURE.—Part VI".

In section 3903 of title 28, United States Code (as added by section 3(c)), strike "President" and insert "President, the designee of the President, or the Federal Labor Relations Authority".

In section 3905(a) of title 28, United States Code (as added by section 3(c)), strike "420" and insert "421".

In section 3905 of title 28, United States Code (as added by section 3(c)), add at the end the following:

"(c) PUNITIVE DAMAGES.—Except as otherwise provided in chapter 5 of title 3, no punitive damages may be awarded with respect to any claim under chapter 5 of title 3.".

In section 3906(2) of title 28, United States Code (as added by section 3(c)), strike "such office" and insert "the office involved".

In title 28, United States Code (as amended by section 3(c)), strike section 3908 and insert the following:

"§ 3908. Definitions.

"For purposes of applying this chapter, the terms 'employing office' and 'covered employee' have the meanings given those terms in section 401 of title 3.".

Section 3(d) is amended to read as follows:

"(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997.".

In section 3(e), strike "(1)".

Strike sections 4 and 5.

Strike section 6 and insert the following:

"SEC. 4. APPLICABILITY OF FUTURE EMPLOYMENT LAWS.

"(a) IN GENERAL.—Each provision of Federal law that is made applicable to the legislative branch under section 102 of the Congressional Accountability Act of 1995 (2 U.S.C. 1302), and that is enacted later than 12 months after the date of the enactment of this Act, shall be deemed to apply with respect to "employing offices" and "covered employees" (within the meaning of section 401 of title 3, United States Code, as added by this Act), unless such law specifically provides otherwise and expressly cites this section.

"(b) REGULATIONS.—

"(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement such provision.

"(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) to implement a provision shall be the same as substantive regulations promulgated by the head of the appropriate executive agency to implement the provision, except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under the section.".

In section 7, in the section heading, strike "**320**" and insert "**303**".

In section 7(a), strike "320 of the Government Employee Rights Act of 1991" and insert "303 of the Government Employee Rights Act of 1991 (as redesignated by section 504(a)(3) of the Congressional Accountability Act of 1995)".

Section 7(b) is amended to read as follows:

"(b) EFFECTIVE DATE.—This section shall take effect on October 1, 1997."

In section 7(c), strike "in which the" and insert "under such section 303 in which a".

Redesignate section 7 as section 5.

Strike sections 8 and 9.

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter I and insert the following:

"SUBCHAPTER I—GENERAL PROVISIONS".

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter II and insert the following:

"SUBCHAPTER II—EXTENSION OF RIGHTS AND PROTECTIONS".

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter III and insert the following:

"SUBCHAPTER III—ADMINISTRATIVE AND JUDICIAL DISPUTE RESOLUTION PROCEDURES".

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter IV (as so redesignated) and insert the following:

"SUBCHAPTER IV—EFFECTIVE DATE".

In section 401 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 401. Definitions".

In section 402 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 402. Application of laws".

In section 411 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 411. Rights and protections under title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and title I of the Americans with Disabilities Act of 1990".

In section 412 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 412. Rights and protections under the Family and Medical Leave Act of 1993".

In section 413 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 413. Rights and protections under the Fair Labor Standards Act of 1938".

In section 414 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 414. Rights and protections under the Employee Polygraph Protection Act of 1988".

In section 415 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 415. Rights and protections under the Worker Adjustment and Retraining Notification Act".

In section 416 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 416. Rights and protections relating to veterans' employment and reemployment".

In section 417 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 417. Prohibition of intimidation or reprisal".

In section 421 of title 3, United States Code (as added by section 2 and so redesignated), strike the section heading and insert the following:

"§ 421. Rights and protections under the Americans with Disabilities Act of 1990".

In section 425 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 425. Rights and protections under the Occupational Safety and Health Act of 1970; procedures for remedy of violations".

In section 431 of title 3, United States Code (as added by section 2 and so redesignated), strike the section heading and insert the following:

"§ 431. Application of chapter 71 of title 5, relating to Federal service labor-management relations; procedures for remedy of violations".

In section 435 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 435. Generally applicable remedies and limitations".

In section 451 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 451. Procedure for consideration of alleged violations".

In section 452 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 452. Counseling and mediation".

In section 453 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 453. Election of proceeding".

In section 454 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 454. Appropriate agencies".

In section 455 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 455. Effect of failure to issue regulations".

In section 456 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

"§ 456. Confidentiality".

In section 471 of title 3, United States Code (as added by section 2 and so redesignated), strike the section heading and insert the following:

"§471. Effective date".

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendments are considered as read and printed in the RECORD.

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Pennsylvania?

Mrs. SCHROEDER. Mr. Speaker, reserving the right to object, I would like to ask the distinguished chairman several questions about this bill.

Mr. Speaker, my understanding is this is to parallel the Congressional Accountability Act, and I know that the House has decided not to allow unions for legislative employees. What are we doing in this bill then vis-a-vis executive branch employees?

Mr. CLINGER. Mr. Speaker, if the gentlewoman will yield, my understanding is this bill tracks the Congressional Accountability Act. I am advised there is no provision in this bill with regard to union representation.

Mrs. SCHROEDER. Mr. Speaker, further reserving the right to object, I thank the gentleman for that. The second question I have is about the inspector general. There were folks saying that the inspector general in the White House is given more authority than the inspector general has under the congressional accountability laws.

Mr. CLINGER. If the gentlewoman would yield further, I would advise the gentlewoman that the provision with regard to inspector general, as well as the provision with regard to chief financial officer which were included in the House-passed version of the bill, were stricken by the Senate and are not included in this unanimous-consent request.

Mrs. SCHROEDER. I see. So basically this is as close a mirror to what the Congressional Accountability Act was, and the areas that we have blocked by just not implementing them, would the White House be allowed to do the same?

Mr. CLINGER. I am sorry, would the gentlewoman repeat the question?

Mrs. SCHROEDER. As the gentleman knows, there have been parts of the Congressional Accountability Act that we have not implemented fully here. Would the White House be allowed that same leeway, to not implement in the areas where the House is not implementing?

Mr. CLINGER. Mr. Speaker, if the gentlewoman would yield further, as I would suggest to the gentlewoman, I think since the act is designed to track the congressional version, obviously if portions of it have not been implemented in the House, they would be deferred in the executive branch as well.

Mrs. SCHROEDER. Mr. Speaker, further reserving the right to object, I thank the gentleman. I am one of the people who really thinks both should be fully under the laws we pass for other people, but in my entire 24 years here we tend to pass it and then exempt all sorts of things. I want to be sure that we have not done that vis-a-vis ourselves, but turned around and done it to the executive branch. I think we ought to be treating both the same. I think we both ought to get rid of all roadblocks and be under the laws that everybody else is under. What the gentleman is assuring me is that his intent is to treat the executive branch exactly the same way he has treated us through this House.

Mr. CLINGER. If the gentlewoman would yield further, precisely the same way as we are dealt with here in the House.

Mrs. SCHROEDER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Pennsylvania?

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, I think the veterans preference that was passed under the Mica bill is not in this bill we are considering now.

Mr. CLINGER. Mr. Speaker, if the gentleman would yield, the gentleman is correct. It is not included in this measure.

Mr. MONTGOMERY. The Senate did drop the provisions on the veterans provision.

Mr. CLINGER. The gentleman is correct.

Mrs. MALONEY. Mr. Speaker, I strongly support H.R. 3452, the Presidential and Executive Office Accountability Act, as amended by the other body. The basic principle behind this legislation is that the Federal Government should be subject to the same laws and regulations as the private sector. Congress has already passed the Congressional Accountability Act, and there is no good reason why the Executive Office of the President should not also be subject to the same laws as Congress and the private sector.

The other body has improved this bill by deleting two controversial provisions from the House-passed version—one called for a compliance board and the other for establishing an inspector general in the White House. The compliance board would have been unnecessary and overly bureaucratic, as White House employees already have recourse to the Merit Systems Protection Board. The provision establishing an inspector general in the White House was, in my view, costly, unnecessary, and of dubious constitutionality. I am glad that we will have an opportunity for full and open debate on this issue in the future.

Mr. Speaker, H.R. 3452 is a good bill, and I want to thank Representative HORN and Chairman CLINGER for their willingness to work with the minority as it made its way through the legislative process.

Mr. MONTGOMERY. Mr. Speaker, I withdraw my reservation of objection.

Mr. SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Pennsylvania?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendments to H.R. 3452.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

BLACK REVOLUTIONARY WAR PATRIOTS COMMEMORATIVE COIN ACT

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1776) to require the Secretary of the Treasury to mint coins in commemoration of black Revolutionary War patriots and the 275th anniversary of the first black Revolutionary War patriot, Crispus Attucks, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States Commemorative Coin Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—COMMEMORATIVE COIN PROGRAMS

Sec. 101. Commemorative coin programs.
Sec. 102. Design.
Sec. 103. Legal tender.
Sec. 104. Sources of bullion.
Sec. 105. Quality of coins.
Sec. 106. Sale of coins.
Sec. 107. General waiver of procurement regulations.
Sec. 108. Financial assurances.

TITLE II—NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND

Sec. 201. National Law Enforcement Officers Memorial Maintenance Fund.

TITLE III—STUDY OF FIFTY STATES COMMEMORATIVE COIN PROGRAM

Sec. 301. Short title.
Sec. 302. Study.
Sec. 303. Fixed terms for members of the Citizens Commemorative Coin Advisory Committee.
Sec. 304. Mint managerial staffing reform.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Fund" means the National Law Enforcement Officers Memorial Maintenance Fund established under section 201;

(2) the term "recipient organization" means an organization described in section 101 to which surcharges received by the Secretary from the sale of coins issued under this Act are paid; and

(3) the term "Secretary" means the Secretary of the Treasury.

TITLE I—COMMEMORATIVE COIN PROGRAMS

SEC. 101. COMMEMORATIVE COIN PROGRAMS.

In accordance with the recommendations of the Citizens Commemorative Coin Advisory Committee, the Secretary shall mint and issue the following coins:

(1) DOLLEY MADISON.—

(A) IN GENERAL.—In commemoration of the 150th anniversary of the death of Dolley Madison, the Secretary shall mint and issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph shall be emblematic of the 150th anniversary of the death of Dolley Madison and the life and achievements of the wife of the fourth President of the United States.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—

(i) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this paragraph beginning January 1, 1999.

(ii) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this paragraph after December 31, 1999.

(E) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of $10 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the National Trust for Historic Preservation in the United States (hereafter in this paragraph referred to as the "National Trust") to be used—

(i) to establish an endowment to be a permanent source of support for Montpelier, the home of James and Dolley Madison and a museum property of the National Trust; and

(ii) to fund capital restoration projects at Montpelier.

(2) GEORGE WASHINGTON.—

(A) IN GENERAL.—The Secretary shall mint and issue not more than 100,000 $5 coins, each of which shall—

(i) weigh 8.359 grams;

(ii) have a diameter of 0.850 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph shall be emblematic of George Washington, the first President of the United States.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—

(i) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this paragraph beginning May 1, 1999.

(ii) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this paragraph after November 31, 1999.

(E) SURCHARGES.—All sales of coins minted under this paragraph shall include a surcharge of $35 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Mount Vernon Ladies' Association (hereafter in this paragraph referred to as the "Association") to be used—

(i) to supplement the Association's endowment for the purpose of providing a permanent source of support for the preservation of George Washington's home; and

(ii) to provide financial support for the continuation and expansion of the Association's efforts to educate the American people about the life of George Washington.

(3) BLACK REVOLUTIONARY WAR PATRIOTS.—

(A) IN GENERAL.—In commemoration of Black Revolutionary War patriots and the 275th anniversary of the birth of the first Black Revolutionary War patriot, Crispus Attucks, who was the first American colonist killed by British troops during the Revolutionary period, the Secretary shall mint and issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph—

(i) on the obverse side of the coins, shall be emblematic of the first Black Revolutionary War patriot, Crispus Attucks; and

(ii) on the reverse side of such coins, shall be emblematic of the Black Revolutionary War Patriots Memorial.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—The Secretary may issue coins minted under this paragraph only during the period beginning on January 1, 1998, and ending on December 31, 1998.

(E) SURCHARGES.—All sales of coins issued under this paragraph shall include a surcharge of $10 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Black Revolutionary War Patriots Foundation for the purpose of establishing an endowment to support the construction of a Black Revolutionary War Patriots Memorial.

(4) FRANKLIN DELANO ROOSEVELT.—

(A) IN GENERAL.—To commemorate the public opening of the Franklin Delano Roosevelt Memorial in Washington, D.C., which will honor President Roosevelt's leadership and legacy, during a 1-year period beginning on or after May 15, 1997, the Secretary shall issue not more than 100,000 $5 coins, each of which shall—

(i) weigh 8.359 grams;

(ii) have a diameter of 0.850 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of $35 per coin.

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Franklin Delano Roosevelt Memorial Commission.

(5) YELLOWSTONE NATIONAL PARK.—

(A) IN GENERAL.—To commemorate the 125th anniversary of the establishment of Yellowstone National Park as the first national park in the United States, and the birth of the national park idea, during a 1-year period beginning in 1999, the Secretary shall issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of $10 per coin.

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary in accordance with the following:

(i) Fifty percent of the surcharges received shall be paid to the National Park Foundation to be used for the support of national parks.

(ii) Fifty percent of the surcharges received shall be paid to Yellowstone National Park.

(6) NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL.—

(A) IN GENERAL.—To recognize the sacrifice of law enforcement officers and their families in preserving public safety, during a 1-year period beginning on or after December 15, 1997, the Secretary shall issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of $10 per coin.

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), after receiving surcharges from the sale of the coins issued under this paragraph, the Secretary shall transfer to the Secretary of the Interior an amount equal to the surcharges received from the sale of the coins issued under this paragraph, which amount shall be deposited in the Fund established under section 201.

(7) JACKIE ROBINSON.—

(A) IN GENERAL.—In commemoration of the 50th anniversary of the breaking of the color barrier in major league baseball by Jackie Robinson and the legacy that Jackie Robinson left to society, the Secretary shall mint and issue—

(i) not more than 100,000 $5 coins, each of which shall—

(I) weigh 8.359 grams;

(II) have a diameter of 0.850 inches; and

(III) contain 90 percent gold and 10 percent alloy; and

(ii) not more than 200,000 $1 coins, each of which shall—

(I) weigh 26.73 grams;

(II) have a diameter of 1.500 inches; and

(III) contain 90 percent silver and 10 percent copper.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph shall be emblematic of Jackie Robinson and his contributions to major league baseball and to society.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—The Secretary may issue coins minted under this paragraph only during the period beginning on July 1, 1997, and ending on July 1, 1998.

(E) SURCHARGES.—All sales of the coins issued under—

(i) subparagraph (A)(i) shall include a surcharge of $35 per coin; and

(ii) subparagraph (A)(ii) shall include a surcharge of $10 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act)—

(i) all surcharges received by the Secretary from the sale of the initial 100,000 coins issued under subparagraph (A)(ii), shall be promptly paid by the Secretary to the National Fund for the United States Botanic Garden; and

(ii) all surcharges received by the Secretary from the sale of any coins issued under this paragraph (other than the coins described in clause (i)) shall be promptly paid by the Secretary to the Jackie Robinson Foundation for the purposes of—

(I) enhancing the programs of the Jackie Robinson Foundation in the fields of education and youth leadership skills development; and

(II) increasing the availability of scholarships for economically disadvantaged youths.

SEC. 102. DESIGN.

(a) SELECTION.—The design for each coin issued under this paragraph shall be—

(1) selected by the Secretary after consultation with the appropriate recipient organization or organizations and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin issued under this paragraph there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year; and

(3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

SEC. 103. LEGAL TENDER.

(a) LEGAL TENDER.—The coins issued under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134(f) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 104. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this title pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this title from sources the Secretary determines to be appropriate, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 105. QUALITY OF COINS.

Each coin minted under this title shall be issued in uncirculated and proof qualities.

SEC. 106. SALE OF COINS.

(a) SALE PRICE.—Each coin issued under this title shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coin;

(2) the surcharge provided in section 101 with respect to the coin; and

(3) the cost of designing and issuing the coin (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

Section 5112(j) of title 31, United States Code, shall apply to the procurement of goods or services necessary to carrying out the programs and operations of the United States Mint under this title.

SEC. 108. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

TITLE II—NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND

SEC. 201. NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Law Enforcement Officers Memorial Maintenance Fund, which shall be a revolving fund administered by the Secretary of the Interior (or the designee of the Secretary of the Interior).

(2) FUNDING.—Amounts in the Fund shall include—

(A) amounts deposited in the Fund under section 101(6); and

(B) any donations received under paragraph (3).

(3) DONATIONS.—The Secretary of the Interior may accept donations to the Fund.

(4) INTEREST-BEARING ACCOUNT.—The Fund shall be maintained in an interest-bearing account within the Treasury of the United States.

(b) PURPOSES.—The Fund shall be used—

(1) for the maintenance and repair of the National Law Enforcement Officers Memorial in Washington, D.C.;

(2) to periodically add the names of law enforcement officers who have died in the line of duty to the National Law Enforcement Officers Memorial;

(3) for the security of the National Law Enforcement Officers Memorial site, including the posting of National Park Service rangers and United States Park Police, as appropriate;

(4) at the discretion of the Secretary of the Interior and in consultation with the Secretary and the Attorney General of the United States, who shall establish an equitable procedure between the Fund and such other organizations as may be appropriate, to provide educational scholarships to the immediate family members of law enforcement officers killed in the line of duty whose names appear on the National Law Enforcement Officers Memorial, the total annual amount of such scholarships not to exceed 10 percent of the annual income of the Fund;

(5) for the dissemination of information regarding the National Law Enforcement Officers Memorial to the general public;

(6) to administer the Fund, including contracting for necessary services, in an amount not to exceed the lesser of—

(A) 10 percent of the annual income of the Fund; or

(B) $200,000 during any 1-year period; and

(7) at the discretion of the Secretary of the Interior, in consultation with the Fund, for appropriate purposes in the event of an emergency affecting the operation of the National Law Enforcement Officers Memorial, except that, during any 1-year period, not more than $200,000 of the principal of the Fund may be used to carry out this paragraph.

(c) BUDGET AND AUDIT TREATMENT.—The Fund shall be subject to the budget and audit provisions of chapter 91 of title 31, United States Code.

TITLE III—STUDY OF FIFTY STATES COMMEMORATIVE COIN PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the "50 States Commemorative Coin Program Act".

SEC. 302. STUDY.

(a) STUDY.—The Secretary of the Treasury shall by June 1, 1997 complete a study of the feasibility of a circulating commemorative coin program to commemorate each of the 50 States. The study shall assess likely public acceptance of and consumer demand for different coins that might be issued in connection with such a program (taking into consideration the pace of issuance of coins and the length of such a program), a comparison of the costs of producing coins issued under the program and the revenue that the program would generate, the impact on coin distribution systems, the advantages and disadvantages of different approaches to selecting designs for coins in such a program, and such other factors as the Secretary considers appropriate in deciding upon the feasibility of such a program. No steps taken in order to gather information for this study shall be considered a collection of information within the meaning of section 3502 of title 44, United States Code.

(b) REPORT.—The Secretary shall submit the study required in subsection (a) above, to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate, simultaneously on its receipt by the Secretary.

(c) 50-STATE COMMEMORATIVE COIN PROGRAM.—The Secretary shall determine by August 1, 1997 whether the results of the study authorized by subsection (a) justify such a program. If the Secretary determines that such a program is justified, then he shall by January 1, 1999, notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) of section 5112, title 31, United States Code, commence a commemorative coin program consisting of the minting and issuance of quarter dollar coins bearing designs, selected in accordance with paragraph (4) of this subsection, which are emblematic of the 50 States. If the Secretary determines that such a commemorative coin program is justified but that it is not practicable to commence the program by January 1, 1999, then he shall notify the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of such impracticability and of the date on which the program will commence.

(1) DESIGN.—The design for each quarter dollar issued under the program shall be emblematic of 1 of the 50 States. The designs for quarter dollar coins issued during each year of the program shall be emblematic of States which have not previously been commemorated under the program.

(2) ORDER OF ISSUANCE.—Each State will be honored by a coin in the order of that State's admission to the United States.

(3) NUMBER OF COINS.—Of the quarter dollar coins issued during each year of the program, the Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollar coins which shall be issued with each of the designs selected for such year.

(4) SELECTION OF DESIGN.—Each of the 50 designs required for quarter dollars issued under the program shall be—

(A) selected pursuant to a process, decided upon by the Secretary, on the basis of the study conducted pursuant to subsection (a), which process shall involve, among other things, consultation with appropriate officials of the State being commemorated with such design; and

(B) reviewed by the Citizens Commemorative Coin Advisory Committee and the Commission of Fine Arts.

(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this section shall be considered to be numismatic items.

(6) NUMISMATIC ITEMS.—

(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) of this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

(B) SILVER COINS.—Notwithstanding the provisions of subsection 5112(b) of title 31, United States Code, the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) of this subsection as the Secretary determines to be appropriate with a content of 90 percent silver and 10 percent copper.

(C) SOURCES OF BULLION.—The Secretary may obtain silver for minting coins under paragraph (6)(B) from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

(d) FUNDING.—Funds used to complete this study shall be offset from funds from the Department of the Treasury.

SEC. 303. FIXED TERMS FOR MEMBERS OF THE CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 5135(a)(4) of title 31, United States Code, is amended to read as follows:

"(4) TERMS.—

"(A) IN GENERAL.—Each individual appointed to the Advisory Committee under clause (i) or (iii) of paragraph (3)(A) shall be appointed for a term of 4 years.

"(B) INTERIM APPOINTMENTS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

"(C) CONTINUATION OF SERVICE.—Each member appointed under clause (i) or (iii) of paragraph (3)(A) may continue to serve after the expiration of the term to which such member was appointed until a successor has been appointed and qualified.".

(b) STAGGERED TERMS.—Of the members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of section 5135(a)(3)(A) of title 31, United States Code, who are serving on the Advisory Committee as of the date of the enactment of this Act—

(1) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1997;

(2) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1998; and

(3) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to

have been appointed to a term which ends on December 31, 1999.

(c) STATUS OF MEMBERS.—The members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of section 5135(a)(3)(A) of title 31, United States Code, shall not be treated as special Government employees.

SEC. 304. MINT MANAGERIAL STAFFING REFORM.

Section 5131 of title 31, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendments are considered as read and printed in the RECORD.

There was no objection.

Mr. DAVIS. Mr. Speaker, I rise in support of H.R. 1776, an omnibus commemorative coin act that has been negotiated with the Senate. This bill contains seven surcharged commemorative coin programs and the promise of a new circulating program. For the first time, the taxpayer and the Mint will be insulated from any failure of these programs to sell their authorized mintage amounts. That is because the protections from our earlier reform legislation H.R. 2614, have been signed into law earlier this week.

The beneficiaries of the respective coins are as follows—for 1997: the Franklin Delano Roosevelt Memorial, 100,000 $5 gold coins authorized, the National Law Enforcement Officers Memorial Fund, 500,000 silver dollars authorized, and the Jackie Robinson Foundation, 100,000 $5 gold coins authorized and 200,000 silver dollars authorized. In 1999, Yellowstone National Park is scheduled to be commemorated, with 500,000 silver $1 coins authorized.

In addition, we are moving toward the first circulating commemorative coin program since the bicentennial quarter. Providing a Treasury feasibility study is positive, the program will honor the 50 States of the United States of America by producing a series of circulating quarter dollar coins that commemorate each State in the order that they entered the Union.

The bill also provides coins for the three programs that observed House Banking Committee rules and proceeded through the difficult process of obtaining two thirds co-sponsorship, through hearings, mark-up and passage through this House in regular order. They are: The Black Revolutionary War Patriots Memorial for 1998, 500,000 silver dollars, the Dolley Madison coin for the benefit of Montpelier in 1999, 500,000 silver dollars, and the George Washington coin to benefit Mount Vernon also in 1999, 100,000 gold $5 pieces.

This bill protects the taxpayer from the abuses common to many earlier coin programs and still benefits these most worthy causes.

I urge its immediate adoption.

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise in support of the Senate amendments to H.R. 1776. Included in them is a bill I introduced with Congressman FLOYD FLAKE which would commemorate the 50th anniversary of Jackie Robinson's breaking the color barrier in major league baseball. Our bill, entitled the "Jackie Robinson Commemorative Coin Act" (H.R. 4148) currently has 158 cosponsors.

Our bill would authorize the minting of $1 coins to commemorate this important event in American history. Sales of the coin would benefit the Jackie Robinson Foundation, which provides college scholarships to hundreds of underprivileged students. An important feature of this bill is that it requires the Treasury Department to recover its full costs before any funds go to the Foundation.

Jackie Robinson was a great and courageous American. Many Americans today would be unable to comprehend the virulent racism Jackie Robinson experienced when he became America's first African-American major league baseball player.

It is truly amazing that any human being could have withstood the endless abuse and degrading racial epithets that were hurled at Jackie Robinson during the 1947 baseball season. Yet, he never let racial slurs get the best of him. Instead, Jackie Robinson conducted himself with the utmost grace and dignity. On the field, he proved to his detractors that the color of one's skin is irrelevant to one's athletic ability.

In fact, he was such an incredible ballplayer that he won the Rookie of the Year award that year.

Mr. Speaker, Jackie Robinson was a talented hitter and fielder, but to many, his athletic prowess was most apparent as a base runner. he led the National League in stolen bases in 1947 and 1949. Perhaps his most exciting play was stealing home. As any baseball fan knows, stealing home is one of the most difficult plays in baseball to execute—yet it was Jackie Robinson's specialty.

I remember watching old newsreels of Brooklyn Dodger games and seeing Jackie on third base, with a big lead, taunting the pitcher. Then he would explode down the base path in a flash and slide into home before the catcher could apply the tag. No play in baseball is more exciting to watch.

Of course, stealing home, like being the first black major league ball player, take guts, supreme confidence, and a steely determination—qualities Jackie Robinson had both on and off the field.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 1776, an omnibus commemorative coin act that has been negotiated with the Senate. This bill contains seven surcharged coin programs that, as usual, benefit worthy causes. I still believe that there are too many coin programs being ordered to be minted in 1997 for them all to be successful. However, for the first time, the taxpayer and the mint will be insulated from any failure of these programs to sell their authorized mintage amounts. That is because the protections from our reform legislation H.R. 2614, have been signed into law earlier this week.

The beneficiaries of the respective coins are as follows—for 1997: the Franklin Delano Roosevelt Memorial, 100,000 $5 gold coins authorized, the National Law Enforcement Officers Memorial Fund, 500,000 silver dollars authorized, and the Jackie Robinson Foundation, 100,000 $5 gold coins authorized and 200,000 silver dollars authorized. In 1999 Yellowstone National Park will be commemorated, 500,000 silver coins authorized. Under the Commemorative Coin Reform Act signed into law on September 30, 1996, only two programs per year are permitted. Early in the 105th Congress we will address this conflict in a mutually agreeable fashion.

The bill also includes something for the collectors who support all of these programs by actually purchasing the resulting coins. Beginning after 1999, mintages will be limited and as stated, only two programs per year will be permitted. In addition, we are moving toward the first circulating commemorative coin program since the bicentennial quarter. Providing a Treasury feasibility study is positive, the program will honor the 50 States of the United States of America by producing a series of circulating quarter dollar coins that commemorate each State in the order that they entered the Union.

Each year, until every State has been honored, five unique designs, each representing an individual State, will be issued at intervals of about 2 months. The completed set will represent the diverse history and culture of the States of the Union.

There will be no private surcharges added to the cost of these coins. Nevertheless, the estimated earnings from the silver coins alone is over $100 million over the course of the program. This sum is scorable for budgetary purposes.

The mint's production schedule is demand driven. Increased production, estimated for this circulating commemorative program at an additional 50 percent over baseline projections, will produce anticipated earnings on the order of over $3 billion for the total program. By Congressional Budget Office scoring convention, these earnings are off-budget and thus are not available to be spent by Congress. Instead, they will be applied directly to replace borrowing otherwise necessary to fund the national debt, saving taxpayers over $1 billion in interest payments over the first 10 years of the program.

The bill also provides coins for the three programs that observed House Banking Committee rules and proceeded through the difficult process of obtaining two-thirds cosponsorship, through hearings, markup and passage through this House in regular order. They are: The Black Revolutionary War Patriots Memorial for 1998, 500,000 silver dollars, the Dolley Madison coin for the benefit of Montpelier in 1999, 500,000 silver dollars, and the George Washington coin to benefit Mount Vernon also in 1999, 100,000 gold $5 pieces.

Among its other virtues, this program will introduce a younger and more diverse population to the fascinating hobby of coin collecting. This bill will also protect the taxpayer from the abuses common to many earlier coin programs and still benefit a number of worthy causes.

I urge its immediate adoption.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Virginia?

There was no objection.

A motion to reconsider was laid on the table.

WILDFIRE SUPPRESSION AIRCRAFT TRANSFER ACT OF 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the Senate bill (S. 2078) to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mrs. SCHROEDER. Mr. Speaker, reserving the right to object, I wanted to thank them for bringing this up. I know the gentleman from New Mexico [Mr. RICHARDSON] has worked terribly hard on this. For those of us who live in the West, where forest fires are so eminent, this is essential, because it gets us the airplanes we need to fight those wildfires. So I thank the gentleman from New York, and we thank the Congress for getting this here. Hopefully we will not have any wildfires. If we do, we had better be ready for them. I thank the gentleman very much, for the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, I am pleased to rise in strong support of the Wildfire Suppression Aircraft Transfer Act of 1996, a bipartisan bill that I introduced in the House and Senator BINGAMAN introduced in the Senate.

This bill authorizes the Department of Defense to sell excess military aircraft to private contractors that provide fire fighting services to the Federal Government.

The powerful wildfires that spread throughout the West this past year have highlighted the need for an improved, modernized and expanded fleet of airtankers to help the U.S. Forest Service and the Department of Interior to fight wildfires.

The current fleet of World War II and Korean War vintage aircraft needs to be replaced with modern, turbine powered aircraft that are more efficient and safe.

The only reliable source of these aircraft is excess military aircraft available from the Department of Defense that can be converted to deliver fire retardant.

This legislation would provide the authority to the Secretary of Defense to sell appropriate aircraft to qualified airtanker operators solely for use in fighting wildfires.

In New Mexico, many communities were threatened by wildfires this past summer including the community of Lama. The wildfires were burning on very steep slopes, with high fuel loads, strong wind gusts and unseasonably hot and dry weather.

For this reason, the firefighters need as much assistance as possible. By upgrading our airtanker fleets, we will have a better chance of protecting and saving our lives, property, and forests.

Because of the nearly 150,000 acres of forest and grasslands that were burned when wildfires ravaged New Mexico, and the many more wildfires that burned throughout the West this past year, it is essential that we give firefighters the necessary tools that they need. This bill provides the necessary equipment to assist firefighters.

I want to thank Senator BINGAMAN for all his hard work on this legislation, and I also want to thank the Members on both sides of the aisle who worked to pass this important piece of legislation.

Mrs. SCHROEDER. I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Wildfire Suppression Aircraft Transfer Act of 1996".

SEC. 2. AUTHORITY TO SELL AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.

(a) AUTHORITY.—(1) Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning on October 1, 1996, and ending on September 30, 2000, sell the aircraft and aircraft parts referred to in paragraph (2) to persons or entities that contract with the Federal Government for the delivery of fire retardant by air in order to suppress wildfire.

(2) Paragraph (1) applies to aircraft and aircraft parts of the Department of Defense that are determined by the Secretary to be—

(A) excess to the needs of the Department; and

(B) acceptable for commercial sale.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) may be used only for the provision of airtanker services for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes jointly approved by the Secretary of Defense and the Secretary of Agriculture in writing in advance.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or entity under subsection (a) only if the Secretary of Agriculture certifies to the Secretary of Defense, in writing, before the sale that the person or entity is capable of meeting the terms and conditions of a contract to deliver fire retardant by air.

(d) REGULATIONS.—(1) As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Agriculture and the Administrator of General Services, prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at fair market value (as determined by the Secretary of Defense) and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used only in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other end users in accordance with the conditions set forth in subsections (b) and (e); and

(D) ensure, to the maximum extent practicable, that the Secretary consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of the regulations prescribed under subsection (d).

(f) REPORT.—Not later than March 31, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and type of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARINE MINERAL RESOURCES RESEARCH ACT OF 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1194) to promote the research, identification, assessment, and exploration of marine mineral resources, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Mineral Resources Research Act of 1996".

SEC. 2. RESEARCH PROGRAM.

The Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended—

(1) by inserting after the first section the following:

"TITLE I—MINING POLICY";

(2) by redesignating section 2 as section 101; and

(3) by adding at the end the following:

"TITLE II—MARINE MINERAL RESOURCES RESEARCH PROGRAM

"SEC. 201. DEFINITIONS.

"In this title:

“(1) The term ‘contract’ has the same meaning as ‘procurement contract’ in section 6303 of title 31, United States Code.

“(2) The term ‘cooperative agreement’ has the same meaning as in section 6305 of title 31, United States Code.

“(3) The term ‘eligible entity’ means—

“(A) a research or educational entity chartered or incorporated under Federal or State law;

“(B) an individual who is a United States citizen; or

“(C) a State or regional agency.

“(4) The term ‘grant’ has the same meaning as ‘grant agreement’ in section 6304 of title 31, United States Code.

“(5) The term ‘in-kind contribution’ means a noncash contribution provided by a non-Federal entity that directly benefits and is related to a specific project or program. An in-kind contribution may include real property, equipment, supplies, other expendable property, goods, and services.

“(6) The term ‘marine mineral resource’ means—

“(A) sand and aggregates;

“(B) placers;

“(C) phosphates;

“(D) manganese nodules;

“(E) cobalt crusts;

“(F) metal sulfides; and

“(G) other marine resources that are not—

“(i) oil and gas;

“(ii) fisheries; or

“(iii) marine mammals.

“(7) The term ‘Secretary’ means the Secretary of the Interior.

“SEC. 202. RESEARCH PROGRAM.

“(a) IN GENERAL.—The Secretary shall establish and carry out a program of research on marine mineral resources.

“(b) PROGRAM GOAL.—The goal of the program shall be to—

“(1) promote research, identification, assessment, and exploration of marine mineral resources in an environmentally responsible manner;

“(2) assist in developing domestic technologies required for efficient and environmentally sound development of marine mineral resources;

“(3) coordinate and promote the use of technologies developed with Federal assistance, and the use of available Federal assets, for research, identification, assessment, exploration, and development of marine mineral resources; and

“(4) encourage academia and industry to conduct basic and applied research, on a joint basis, through grants, cooperative agreements, or contracts with the Federal Government.

“(c) RESPONSIBILITIES OF THE SECRETARY.—In carrying out the program, the Secretary shall—

“(1) promote and coordinate partnerships between industry, government, and academia to research, identify, assess, and explore marine mineral resources in an environmentally sound manner;

“(2) undertake programs to develop the basic information necessary to the long-term national interest in marine mineral resources (including seabed mapping) and to ensure that data and information are accessible and widely disseminated as needed and appropriate;

“(3) identify, and promote cooperation among agency programs that are developing, technologies developed by other Federal programs that may hold promise for facilitating undersea applications related to marine mineral resources, including technologies related to vessels and other platforms, underwater vehicles, survey and mapping systems, remote power sources, data collection and transmission systems, and various seabed research systems; and

“(4) foster communication and coordination between Federal and State agencies, universities, and private entities concerning marine mineral research on seabeds of the continental shelf, ocean basins, and arctic and cold water areas.

In carrying out these responsibilities, the Secretary shall ensure the participation of nonfederal users of technologies and data related to marine mineral resources in planning and priority setting.

“SEC. 203. GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.

“(a) ASSISTANCE AND COORDINATION.—

“(1) IN GENERAL.—The Secretary shall award grants or contracts to, or enter into cooperative agreements with, eligible entities to support research for the development or utilization of—

“(A) methods, equipment, systems, and components necessary for the identification, assessment, and exploration of marine mineral resources in an environmentally responsible manner;

“(B) methods of detecting, monitoring, and predicting the presence of adverse environmental effects in the marine environment and remediating the environmental effects of marine mineral resource exploration, development, and production; and

“(C) education and training material in marine mineral research and resource management.

“(2) COST-SHARING FOR CONTRACTS OR COOPERATIVE AGREEMENTS.—

“(A) FEDERAL SHARE.—Except as provided in subparagraph (B)(ii), the Federal share of the cost of a contract or cooperative agreement carried out under this subsection shall not be greater than 80 percent of the total cost of the project.

“(B) NON-FEDERAL SHARE.—The remaining non-Federal share of the cost of a project carried out under this section may be—

“(i) in the form of cash or in-kind contributions, or both; and

“(ii) comprised of funds made available under other Federal programs, except that non-Federal funds shall be used to defray at least 10 percent of the total cost of the project.

“(C) CONSULTATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish, after consultation with other Federal agencies, terms and conditions under which Federal funding will be provided under this subsection that are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreement Act (19 U.S.C. 3511(d)(12)).

“(b) COMPETITIVE REVIEW.—

“(1) IN GENERAL.—An entity shall not be eligible to receive a grant or contract, or participate in a cooperative agreement, under subsection (a) unless—

“(A) the entity submits a proposal to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require; and

“(B) the proposal has been evaluated by a competitive review panel under paragraph (3).

“(2) COMPETITIVE REVIEW PANELS.—

“(A) COMPOSITION.—A competitive review panel shall be chaired by the Secretary or by the Secretary's designee and shall be composed of members who meet the following criteria:

“(i) APPOINTMENT.—The members shall be appointed by the Secretary.

“(ii) EXPERIENCE.—Not less than 50 percent of the members shall represent or be employed by private marine resource companies that are involved in exploration of the marine environment or development of marine mineral resources.

“(iii) INTEREST.—None of the members may have an interest in a grant, contract, or cooperative agreement being evaluated by the panel.

“(B) NO COMPENSATION.—A review panel member who is not otherwise a Federal employee shall receive no compensation for performing duties under this section, except that, while engaged in the performance of duties away from the home or regular place of business of the member, the member may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as a person employed intermittently in the Government service under section 5703 of title 5, United States Code.

“(3) EVALUATION.—A competitive review panel shall base an evaluation of a proposal on criteria developed by the Secretary that shall include—

“(A) the merits of the proposal;

“(B) the research methodology and costs of the proposal;

“(C) the capability of the entity submitting the proposal and any other participating entity to perform the proposed work and provide in-kind contributions;

“(D) the amount of matching funds provided by the entity submitting the proposal or provided by other Federal, State, or private entities;

“(E) the extent of collaboration with other Federal, State, or private entities;

“(F) in the case of a noncommercial entity, the existence of a cooperative agreement with a commercial entity that provides for collaboration in the proposed research;

“(G) whether the proposal promotes responsible environmental stewardship; and

“(H) such other factors as the Secretary considers appropriate.

“(c) LIMITATIONS.—

“(1) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the amount made available to carry out this section during a fiscal year may be used by the Secretary for expenses associated with administration of the program authorized by this section.

“(2) CONSTRUCTION COSTS.—None of the funds made available under this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

“(d) REPORTS.—An eligible entity that receives a grant or contract or enters into a cooperative agreement under this section shall submit an annual progress report and a final technical report to the Secretary that—

“(1) describes project activities, implications of the project, the significance of the project to marine mineral research, identification, assessment, and exploration, and potential commercial and economic benefits and effects of the project; and

“(2) in the case of an annual progress report, includes a project plan for the subsequent year.

“SEC. 204. MARINE MINERAL RESEARCH CENTERS.

“(a) IN GENERAL.—No later than 90 days after the date of enactment of this section, the Secretary shall designate 3 centers for marine mineral research and related activities.

“(b) CONCENTRATION.—One center shall concentrate primarily on research in the continental shelf regions of the United States, 1 center shall concentrate primarily on research in deep seabed and near-shore environments of islands, and 1 center shall concentrate primarily on research in arctic and cold water regions.

"(c) CRITERIA.—In designating a center under this section, the Secretary shall give priority to a university that—

"(1) administers a federally funded center for marine minerals research;

"(2) matriculates students for advanced degrees in marine geological sciences, nonenergy natural resources, and related fields of science and engineering;

"(3) is a United States university with established programs and facilities that primarily focus on marine mineral resources;

"(4) has engaged in collaboration and cooperation with industry, governmental agencies, and other universities in the field of marine mineral resources;

"(5) has demonstrated significant engineering, development, and design experience in two or more of the following areas;

"(A) seabed exploration systems;

"(B) marine mining systems; and

"(C) marine mineral processing systems; and

"(6) has been designated by the Secretary as a State Mining and Mineral Resources Research Institute.

"(d) CENTER ACTIVITIES.—A center shall—

"(1) provide technical assistance to the Secretary concerning marine mineral resources;

"(2) advise the Secretary on pertinent international activities in marine mineral resources development;

"(3) engage in research, training, and education transfer associated with the characterization and utilization of marine mineral resources; and

"(4) promote the efficient identification, assessment, exploration, and management of marine mineral resources in an environmentally sound manner.

"(e) ALLOCATION OF FUNDS.—In distributing funds to the centers designated under subsection (a), the Secretary shall, to the extent practicable, allocate an equal amount to each center.

"(f) LIMITATIONS.—

"(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section during a fiscal year may be used by the Secretary for expenses associated with administration of the program authorized by this section.

"(2) CONSTRUCTION COSTS.—None of the funds made available under this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated such sums as are necessary to carry out this title.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1649) to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Irrigation Project Contract Extension Act of 1996".

SEC. 2. EXTENSION OF CONTRACTS.

The Secretary of the Interior shall extend the water service contracts for the following projects, entered into by the Secretary of the Interior under subsection (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) and section 9(c) of the Act of December 22, 1944 (58 Stat. 891, chapter 665), for a period of 4 additional years after the dates on which each of the contracts, respectively, would expire but for this section:

(1) The Bostwick Unit (Kansas portion), Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Republic County, Jewell County, and Cloud County, Kansas.

(2) The Bostwick Unit (Nebraska portion), Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Harlan County, Franklin County, Webster County, and Nuckolls County, Nebraska.

(3) The Farwell Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Act of August 3, 1956 (70 Stat. 975, chapter 923), situated in Howard County, Sherman County, and Valley County, Nebraska.

(4) The Frenchman-Cambridge Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665) as a component of the Pick-Sloan Missouri Basin Program, situated in Chase County, Frontier County, Hitchcock County, Furnas County, Red Willow County, and Harlan County, Nebraska.

(5) The Frenchman Valley Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Hayes County and Hitchcock County, Nebraska.

(6) The Kirwin Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Flood Control Act of 1946 (60 Stat. 641, chapter 596), as a component of the Pick-Sloan Missouri Basin Program, situated in Phillips County, Smith County, and Osborne County, Kansas.

(7) The Sargent Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Flood Control Act of 1946 (60 Stat. 641, chapter 596), situated in Blaine County, Custer County, and Valley County, Nebraska.

(8) The Webster Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Flood Control Act of 1946 (60 Stat. 641, chapter 596), as a component of the Pick-Sloan Missouri Basin Program, situated in Rooks County and Osborne County, Kansas.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TECHNICAL CORRECTIONS TO PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2183) to make technical corrections to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of S. 2183.

This bill would allow States, like New Mexico, that have a growing number of people who qualify for food stamps or are unemployed access to the contingency fund moneys that were included in the recently enacted welfare reform bill.

This is merely a technical correction which is necessary for many States which will not be able to reform welfare programs until their State legislatures meet again next year, but as of October 1 are operating under limited block grants funding.

In New Mexico, our population is growing at such a rapid pace that continuing our current welfare program under the block grant system will lead to a funding shortfall.

Inadequate block grant funding would cause States like New Mexico to make across-the-board cuts in welfare payments to families in need.

This legislation would allow States like New Mexico to tap into the welfare contingency fund and avoid financial hardships during the transition to a new welfare program.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS TO THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) CLARIFICATION OF LIMITATION ON CERTAIN FEDERAL OBLIGATIONS FOR 1997.—Section 116(b)(1)(B)(ii)(II) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended—

(1) in item (aa), by striking "the State family assistance grant" and inserting "the

sum of the State family assistance grant and the amount, if any, that the State would have been eligible to be paid under the Contingency Fund for State Welfare Programs established under section 403(b) of the Social Security Act (as amended by section 103(a)(1) of this Act), during the period beginning on October 1, 1996, and ending on the date the Secretary of Health and Human Services first receives from the State a plan described in section 402(a) of the Social Security Act (as so amended) if, with respect to such State, the effective date of this Act under subsection (a)(1) were August 22, 1996,"; and

(2) in item (bb)—

(A) by inserting "sum of the" before "State family assistance grant"; and

(B) by striking the period and inserting ", and the amount, if any, that the State would have been eligible to be paid under the Contingency Fund for State Welfare Programs established under section 403(b) of the Social Security Act (as amended by section 103(a)(1) of this Act), during the period beginning on October 1, 1996, and ending on the date the Secretary of Health and Human Services first receives from the State a plan described in section 402(a) of the Social Security Act (as so amended) if, with respect to such State, the effective date of this Act under subsection (a)(1) were August 22, 1996.".

(b) CORRECTIONS RELATED TO THE CONTINGENCY FUND FOR STATE WELFARE PROGRAMS.—Section 403(b)(4)(A) of the Social Security Act, as amended by section 103(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, is amended—

(1) in clause (i)(II), by striking "minus any Federal payment with respect to such child care expenditures"; and

(2) in clause (ii)(I)—

(A) by inserting "the sum of" before "the expenditures"; and

(B) by inserting ", and any additional qualified State expenditures, as defined in section 409(a)(7)(B)(i), for child care assistance made under the Child Care and Development Block Grant Act of 1990" before the semicolon.

(c) CLARIFICATION OF HEADING.—The heading of section 116(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended by inserting "; LIMITATION ON FISCAL YEARS 1996 AND 1997 PAYMENTS" after "DATE".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of and the amendments made by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

SEC. 2. EXTENSION OF NORTHERN GREAT PLAINS RURAL DEVELOPMENT COMMISSION.

Section 11 of the Northern Great Plains Rural Development Act (Public Law 103–318; 7 U.S.C. 2661 note) is amended by striking "the earlier" and all that follows through the period at the end and inserting "September 30, 1997.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING PERIOD OF STAY IN UNITED STATES FOR CERTAIN NURSES

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2197) to extend the authorized period of stay within the United States for certain nurses, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. ROHRABACHER. Mr. Speaker, reserving the right to object, I am concerned that we in fact are extending the stay in this country of probably thousands of nurses who come from another country, at a time when we do not necessarily have a nursing shortage in America.

However, I am informed by one of my colleagues, who spent an enormous amount of time and effort, from North Carolina, that in his area and in several areas of the United States they have a nursing shortage that would be exacerbated tremendously if we did not pass this legislation.

My concern, and I do intend to withdraw my objection, is that these nurses are put on notice and those hospitals and nursing homes that are using these services are put on notice that this is a one-time extension; that we are not granting these nurses that are in question in this legislation something that is going to be extended to them again and again; and next year when this comes up, it is going to be more difficult, because the time when they are legally supposed to leave this country will be all at the same day, because this bill suggests that their visas are then going to expire, every one of these nurses will expire on the same day. But, for the record, I am stating that we will make sure and we should ensure that is not the intent of this legislation, to extend in perpetuity their right to stay in this country.

Again, I will be withdrawing my reservation, but with the understanding that we are not going to just do this every year, and their employers and the nurses are on notice that they should use this time to start preparing themselves, No. 1, to go back to their home country, and, No. 2, to find Americans who can work as nurses in these areas in rural North Carolina, as well as in Chicago and elsewhere where there are, as I say, spot shortages of nurses.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, the gentleman's statement certainly speaks to the point. The gentleman is absolutely correct. That will be the legislative intent.

Mr. SMITH of Texas. Mr. Speaker, I have become aware of an apparent technical error in two provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Title III of the act, based on the House-passed version of H.R. 2202, includes a comprehensive reform of the procedures for apprehending, adjudicating, and removing illegal aliens from the United States. Section 306 of title III overhauls the rules regarding judicial review from orders of removal. It was the clear intent of the conferees that, as a general matter, the full package of changes made by this part of title III effect those cases filed in court after the enactment of the new law, leaving cases already pending before the courts to continue under existing law.

The conferees also intended, however, to accelerate the implementation of certain of the reforms in title III. This intent is clearly spelled out in section 309 of the act. Specifically, section 309(c)(4) calls for accelerated implementation of some of the reforms made in section 306 regarding judicial review, but does not call for immediate implementation of all of these reforms. This intent is manifest not only in the plain language of section 309(c)(4), but also in the statement of managers accompanying the conference report on H.R. 2202, at pages 222 and 223—Report No. 104–828.

Unfortunately, a cross-reference in section 309(c)(4) could be read to suggest that implementation of the transitional changes in judicial review should be delayed until after title III's general effective date. This error occurred through adoption of an effective date provision from the Senate-passed version of H.R. 2202. In light of the specific provisions of section 306(c), the reference in section 309(c)(4) to cases "described in paragraph (1)" should not have been included in the conference report. In addition, there is a need to clarify the scope of section 306(c) to ensure that it does not conflict with section 309(c)(4).

Section 2 of S. 2197 includes technical corrections to reflect this intent.

Mr. ROHRABACHER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORIZED PERIOD OF STAY FOR CERTAIN NURSES.

(a) ALIENS WHO PREVIOUSLY ENTERED THE UNITED STATES PURSUANT TO AN H–1A VISA.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the authorized period of stay in the United States of any nonimmigrant described in paragraph (2) is hereby extended through September 30, 1997.

(2) NONIMMIGRANT DESCRIBED.—A nonimmigrant described in this paragraph is a nonimmigrant—

(A) who entered the United States as a nonimmigrant described in section 101(a)(15)(H)(i)(a) of the Immigration and Nationality Act;

(B) who was within the United States on or after September 1, 1995, and who is within the United States on the date of the enactment of this Act; and

(C) whose period of authorized stay has expired or would expire before September 30, 1997 but for the provisions of this section.

(3) LIMITATIONS.—Nothing in this section may be construed to extend the validity of any visa issued to a nonimmigrant described in section 101(a)(15)(H)(i)(a) of the Immigration and Nationality Act or to authorize the re-entry of any person outside the United

States on the date of the enactment of this Act.

(b) CHANGE OF EMPLOYMENT.—A nonimmigrant whose authorized period of stay is extended by operation of this section shall not be eligible to change employers in accordance with section 214.2(h)(2)(i)(D) of title 8, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(c) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall issue regulations to carry out the provisions of this section.

(d) INTERIM TREATMENT.—A nonimmigrant whose authorized period of stay is extended by operation of this section, and the spouse and child of such nonimmigrant, shall be considered as having continued to maintain lawful status as a nonimmigrant through September 30, 1997.

SEC. 2. TECHNICAL CORRECTION.

Effective on September 30, 1996, subtitle A of title III of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 as amended—

(1) in section 306(c)(1), by striking "to all final" and all that follows through "Act and" and inserting "as provided under section 309, except that";

(2) in section 309(c)(1), by striking "as of" and inserting "before"; and

(3) in section 309(c)(4), by striking "described in paragraph (1)".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1430

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS EXTENSION

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2198) to provide for the Advisory Commission on Intergovernmental Relations to continue in existence, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. WALKER). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Notwithstanding the provision under the heading "ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS" under title IV of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52; 109 Stat. 480), the Advisory Commission on Intergovernmental Relations may continue in existence solely for the purpose of performing any contract entered into under section 7(a) of the National Gambling Impact Study Commission Act (Public Law 104–169; 110 Stat. 1487). The Advisory Commission on Intergovernmental Relations shall terminate on the date of the completion of such contract.

(b) The Advisory Commission on Intergovernmental Relations and employees of the commission who are considered to be Federal employees under section 6(e) of Public Law 96–380 (42 U.S.C. 4276(e)) shall make contributions to a participate in Federal health insurance, life insurance, and retirement programs to the same extent and in the same manner as before the date of enactment of this section. The Commission shall make any such contributions from funds received through contracts.

SEC. 2. Section 615 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997 (contained in Pub. L. No. 104–208) is amended by deleting "and Community Oriented Policing Services Program" and by deleting "and part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968". The amendments made by this section shall take effect upon enactment.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CACHE LA POUDRE RIVER CORRIDOR ACT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 342) to establish the Cache La Poudre River Corridor, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mrs. SCHROEDER. Mr. Speaker, reserving the right to object, I just rise to thank the membership for bringing this up. This is terribly important to the State of Colorado. I saw Senator BROWN here, too, very nervous about this. You would wait until last, would you not, to bring this up? Anyway, we are delighted to have this up and over with.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. SOLOMON.]

Mr. SOLOMON. Mr. Speaker, I just wanted to make sure that the gentlewoman had the last word.

Mrs. SCHROEDER. I thank the gentleman, Mr. Speaker.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 100. SHORT TITLE.

This Act may be cited as the "Cache La Poudre River Corridor Act".

SEC. 101. PURPOSE.

The purpose of this Act is to designate the Cache La Poudre Corridor within the Cache La Poudre River Basin and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

SEC. 102. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Cache La Poudre Corridor Commission established by section 104(a).

(2) CORRIDOR.—The term "Corridor" means the Cache La Poudre Corridor established by section 103(a).

(3) GOVERNOR.—The term "Governor" means the Governor of the State of Colorado.

(4) PLAN.—The term "Plan" means the corridor interpretation plan prepared by the Commission pursuant to section 108(a).

(5) POLITICAL SUBDIVISION OF THE STATE.—The term "political subdivision of the State" means a political subdivision of the State of Colorado, any part of which is located in or adjacent to the Corridor, including a county, city, town, water conservancy district, or special district.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT OF THE CACHE LA POUDRE CORRIDOR.

(a) ESTABLISHMENT.—There is established in the State of Colorado the Cache La Poudre Corridor.

(b) BOUNDARIES.—The boundaries of the Corridor shall include the lands within the 100-year flood plain of the Cache La Poudre River Basin, beginning at a point where the Cache La Poudre River flows out of the Roosevelt National Forest and continuing east along the floodplain to a point ¼ mile west of the confluence of the Cache La Poudre River and the South Platte Rivers in Weld County, Colorado, comprising less than 35,000 acres, and generally depicted as the 100-year flood boundary on the Federal Flood Insurance maps listed below:

(1) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0146B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(2) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0147B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(3) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0162B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(4) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0163C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(5) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0178C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(6) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080102 0002B, February 15, 1984. Federal Emergency Management Agency, Federal Insurance Administration.

(7) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0179C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(8) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No.

080101 0193D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(9) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0194D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(10) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0208C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(11) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0221C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(12) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0605D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(13) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080264 0005A, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(14) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0608D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(15) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0609C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(16) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0628C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(17) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080184 0002B, July 16, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(18) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0636C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(19) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0637C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of the boundaries of the Corridor.

(c) PUBLIC ACCESS TO MAPS.—The maps shall be on file and available for public inspection in—

(1) the offices of the Department of the Interior in Washington, District of Columbia, and Denver, Colorado; and

(2) local offices of the city of Fort Collins, Larimer Country, the city of Greeley, and Weld County.

SEC. 104. ESTABLISHMENT OF THE CACHE LA POUDRE CORRIDOR COMMISSION.

(a) CACHE LA POUDRE CORRIDOR COMMISSION.—

(1) IN GENERAL.—Upon the recommendation of the Governor, the Secretary is authorized to recognize, for the purpose of developing and implementing the plan referred to in subsection (g)(1), the Cache La Poudre Corridor Commission, as such Commission may be established by the State of Colorado or its political subdivisions.

(2) REFLECTION OF CROSS-SECTION OF INTERESTS.—The Secretary may provide recognition under paragraph (1) only if the Commission reflects the following:

(A) MEMBERSHIP.—

(i) COMPOSITION.—The Commission shall be composed of 15 members appointed not later than 6 months after the date of enactment of this Act. Of these 15 members—

(I) 1 member shall be a representative of the Secretary of the Interior which member shall be an ex officio member;

(II) 1 member shall be a representative of the Forest Service, appointed by the Secretary of Agriculture, which member shall be an ex officio member;

(III) 3 members shall be recommended by the Governor and appointed by the Secretary, of whom—

(aa) 1 member shall represent the State;

(bb) 1 member shall represent Colorado State University in Fort Collins; and

(cc) 1 member shall represent the Northern Colorado Water Conservancy District;

(IV) 6 members shall be representatives of local governments who are recommended by the Governor and appointed by the Secretary, of whom—

(aa) 1 member shall represent the city of Fort Collins;

(bb) 2 members shall represent Larimer County, 1 of which shall represent agriculture or irrigated water interests;

(cc) 1 member shall represent the city of Greeley;

(dd) 2 members shall represent Weld County, 1 of which shall represent agricultural or irrigated water interests; and

(ee) 1 member shall represent the city of Loveland; and

(V) 3 members shall be recommended by the Governor and appointed by the Secretary, and shall—

(aa) represent the general public;

(bb) be citizens of the State; and

(cc) reside within the Corridor.

(ii) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission from among members appointed under subclause (III), (IV), or (V) of clause (i). The chairperson shall be elected for a 2-year term.

(iii) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(B) TERMS OF SERVICE.—

(i) IN GENERAL.—Except as provided in clause (ii) and (iii), each member of the Commission shall be appointed for a term of 3 years and may be reappointed.

(ii) INITIAL MEMBERS.—The initial members of the Commission first appointed under subparagraph (A)(i) shall be appointed as follows:

(I) 3-YEAR TERMS.—The following initial members shall serve for a 3-year term:

(aa) The representative of the Secretary of the Interior.

(bb) 1 representative of Weld County.

(cc) 1 representative of Larimer County.

(dd) 1 representative of the city of Loveland.

(ee) 1 representative of the general public.

(II) 2-YEAR TERMS.—The following initial members shall serve for a 2-year term:

(aa) The representative of the Forest Service.

(bb) The representative of the State.

(cc) The representative of Colorado State University.

(dd) The representative of the Northern Colorado Water Conservancy District.

(III) 1-YEAR TERMS.—The following initial members shall serve for a 1-year term:

(aa) 1 representative of the city of Fort Collins.

(bb) 1 representative of Larimer County.

(cc) 1 representative of the city of Greeley.

(dd) 1 representative of Weld County.

(ee) 1 representative of the general public.

(iii) PARTIAL TERMS.—

(I) FILLING VACANCIES.—A member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of the member's term.

(II) EXTENDED SERVICE.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

(C) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission.

(D) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

SEC. 105. STAFF OF THE COMMISSION.

(a) STAFF.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out the duties of the Commission.

(1) APPOINTMENT AND COMPENSATION.—Staff appointed by the Commission—

(A) shall be appointed without regard to the civil service laws (including regulations); and

(B) shall be compensated without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(c) STAFF OF OTHER AGENCIES.—

(1) FEDERAL.—Upon request of the Commission, the head of a Federal agency may detail, on a reimbursement basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the Commission's duties. The detail shall be without interruption or loss of civil service status or privilege.

(2) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) STATE.—The Commission may—

(A) accept the service of personnel detailed from the State, State agencies, and political subdivisions of the State; and

(B) reimburse the State, State agency, or political subdivision of the State for such services.

SEC. 106. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out this title.

(2) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) MATCHING FUNDS.—The Commission may use its funds to obtain money from any source under a program or law requiring the recipient of the money to make a contribution in order to receive the money.

(d) GIFTS.—Except as provided in subsection (e)(3), the Commission may, for the purpose of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services received from any source.

(e) REAL PROPERTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may not acquire real property or an interest in real property.

(2) EXCEPTION.—Subject to paragraph (3), the Commission may acquire real property in the Corridor, and interests in real property in the Corridor—

(A) by gift or device;

(B) by purchase from a willing seller with money that was given or bequeathed to the Commission; or

(C) by exchange.

(3) CONVEYANCE TO PUBLIC AGENCIES.—Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate non-Federal public agency, as determined by the Commission. The conveyance shall be made—

(A) as soon as practicable after acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used in furtherance of the purpose for which the Corridor is established.

(f) COOPERATIVE AGREEMENTS.—For the purpose of carrying out the Plan, the Commission may enter into cooperative agreements with Federal agencies, State agencies, political subdivisions of the State, and persons. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action that may affect the implementation of the Plan.

(g) ADVISORY GROUPS.—The Commission may establish such advisory groups as it considers necessary to ensure open communication with, and assistance from Federal agencies, State agencies, political subdivisions of the State, and interested persons.

(h) MODIFICATION OF PLANS.—

(1) IN GENERAL.—The Commission may modify the Plan if the Commission determines that such modification is necessary to carry out this title.

(2) NOTICE.—No modification shall take effect until—

(A) any Federal agency, State agency, or political subdivision of the State that may be affected by the modification receives adequate notice of, and an opportunity to comment on, the modification;

(B) if the modification is significant, as determined by the Commission, the Commission has—

(i) provided adequate notice of the modification by publication in the area of the Corridor; and

(ii) conducted a public hearing with respect to the modification; and

(C) the Governor has approved the modification.

SEC. 107. DUTIES OF THE COMMISSION.

(a) PLAN.—The Commission shall prepare, obtain approval for, implement, and support the Plan in accordance with section 108.

(b) MEETINGS.—

(1) TIMING.—

(A) INITIAL MEETING.—The Commission shall hold its first meeting not later than 90 days after the date on which its last initial member is appointed.

(B) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the chairperson or 7 of its members, except that the commission shall meet at least quarterly .

(2) QUORUM.—Ten members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(3) BUDGET.—The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

(c) ANNUAL REPORTS.—Not later than May 15 of each year, following the year in which the members of the Commission have been appointed, the Commission shall publish and submit to the Secretary and to the Governor, an annual report concerning the Commission's activities.

SEC. 108. PREPARATION, REVIEW, AND IMPLEMENTATION OF THE PLAN.

(a) PREPARATION OF PLAN.—

(1) IN GENERAL.—Not later than 2 years after the Commission conducts its first meeting, the Commission shall submit to the Governor a Corridor Interpretation Plan.

(2) DEVELOPMENT.—In developing the Plan, the Commission shall—

(A) consult on a regular basis with appropriate officials of any Federal or State agency, political subdivision of the State, and local government that has jurisdiction over or an ownership interest in land, water, or water rights within the Corridor; and

(B) conduct public hearings within the Corridor for the purpose of providing interested persons the opportunity to testify about matters to be addressed by the Plan.

(3) RELATIONSHIP TO EXISTING PLANS.—The Plan—

(A) shall recognize any existing Federal, State, and local plans;

(B) shall not interfere with the implementation, administration, or amendment of such plans; and

(C) to the extent feasible, shall seek to coordinate the plans and present a unified interpretation plan for the Corridor.

(b) REVIEW OF PLAN.—

(1) IN GENERAL.—The Commission shall submit the Plan to the Governor for the Governor's review.

(2) GOVERNOR.—The Governor may review the Plan and, if the Governor concurs in the Plan, may submit the Plan to the Secretary, together with any recommendations.

(3) SECRETARY.—The Secretary shall approve or disapprove the Plan within 90 days. In reviewing the Plan, the Secretary shall consider the adequacy of—

(A) public participation; and

(B) the Plan in interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

(c) DISAPPROVAL OF PLAN.—

(1) NOTIFICATION BY SECRETARY.—If the Secretary disapproves the Plan, the Secretary shall, not later than 60 days after the date of disapproval, advise the Governor and the Commission of the reasons for disapproval, together with recommendations for revision.

(A) REVISION AND RESUBMISSION TO GOVERNOR.—Not later than 90 days after receipt of the notice of disapproval, the Commission shall revise and resubmit the Plan to the Governor for review.

(B) RESUBMISSION TO SECRETARY.—If the Governor concurs in the revised Plan, he may submit the revised Plan to the Secretary who shall approve or disapprove the revision within 60 days. If the Governor does not concur in the revised Plan, he may resubmit it to the Commission together with his recommendations for further consideration and modification.

(2) IMPLEMENTATION OF PLAN.—After approval by the Secretary, the Commission shall implement and support the Plan as follows:

(A) CULTURAL RESOURCES.—

(i) IN GENERAL.—The Commission shall assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the conservation and interpretation of cultural resources within the Corridor.

(ii) EXCEPTION.—In providing the assistance, the Commission shall in no way infringe upon the authorities and policies of a Federal agency, State agency, or political subdivision of the State concerning the administration and management of property, water, or water rights held by the agency, political subdivision, or private persons or entities, or affect the jurisdiction of the State of Colorado over any property, water, or water rights within the Corridor.

(3) PUBLIC AWARENESS.—The Commission shall assist in the enhancement of public awareness of, and appreciation for, the historical, recreational, architectural, and engineering structures in the Corridor, and the archaeological, geological, and cultural resources and sites in the Corridor—

(A) by encouraging private owners of identified structures, sites, and resources to adopt voluntary measures for the preservation of the identified structure, site, or resource; and

(B) by cooperating with Federal agencies, State agencies, and political subdivisions of the State in acquiring, on a willing seller basis, any identified structure, site, or resource which the Commission, with the concurrence of the Governor, determines should be acquired and held by an agency of the State.

(4) RESTORATION.—The Commission may assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the restoration of any identified structure or site in the Corridor with consent of the owner. The assistance may include providing technical assistance for historic preservation, revitalization, and enhancement efforts.

(5) INTERPRETATION.—The Commission shall assist in the interpretation of the historical, present, and future uses of the Corridor—

(A) by consulting with the Secretary with respect to the implementation of the Secretary's duties under section 110;

(B) by assisting the State and political subdivisions of the State in establishing and maintaining visitor orientation centers and other interpretive exhibits within the Corridor;

(C) by encouraging voluntary cooperation and coordination, with respect to ongoing interpretive services in the Corridor, among Federal agencies, State agencies, political subdivisions of the State, nonprofit organizations, and private citizens; and

(D) by encouraging Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations to undertake new interpretive initiatives with respect to the Corridor.

(6) RECOGNITION.—The Commission shall assist in establishing recognition for the Corridor by actively promoting the cultural, historical, natural, and recreational resources of the Corridor on a community, regional, statewide, national, and international basis.

(7) LAND EXCHANGES.—The Commission shall assist in identifying and implementing land exchanges within the State of Colorado by Federal and State agencies that will expand open space and recreational opportunities within the flood plain of the Corridor.

SEC. 109. TERMINATION OF TRAVEL EXPENSES PROVISION.

Effective on the date that is 5 years after the date on which the Secretary approves the Plan, section 104 is amended by striking subsection (e).

SEC. 110. DUTIES OF THE SECRETARY.

(a) ACQUISITION OF LAND.—The Secretary may acquire land and interests in land within the Corridor that have been specifically identified by the Commission for acquisition by the Federal Government and that have been approved for the acquisition by the Governor and the political subdivision of the State where the land is located by donation, purchase with donated or appropriated funds, or exchange. Acquisition authority may only be used if the lands cannot be acquired by donation or exchange. No land or interest in land may be acquired without the consent of the owner.

(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of the Commission, provide technical assistance to the Commission in the preparation and implementation of the Plan pursuant to section 108.

(c) DETAIL.—Each fiscal year during the existence of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties under section 107.

SEC. 111. OTHER FEDERAL ENTITIES.

(a) DUTIES.—Subject to section 112, a Federal entity conducting or supporting activities directly affecting the flow of the Cache La Poudre River through the Corridor, or the natural resources of the Corridor shall consult with the Commission with respect to the activities;

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary or Administrator of a Federal agency may acquire land in the flood plain of the Corridor by exchange for other lands within the agency's jurisdiction within the State of Colorado, based on fair market value, if the lands have been identified by the Commission for acquisition by a Federal agency and the Governor and the political subdivision of the State or the owner where the lands are located concur in the exchange. Land so acquired shall be used to fulfill the purpose for which the Corridor is established.

(2) CONVEYANCE OF SURPLUS REAL PROPERTY.—Without monetary consideration to the United States, the Administrator of General Services may convey to the State of Colorado, its political subdivisions, or instrumentalities thereof all of the right, title, and interest of the United States in and to any surplus real property (within the meaning of section 3(g) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(g))) within the State of Colorado which the Secretary has determined is suitable and desirable to meet the purposes for which the Corridor is established. Subparagraph (B) of section 203(k)(3) of such Act shall apply to any conveyance made under this paragraph. For purposes of the preceding sentence, such subparagraph shall be applied by substituting "the purposes for which the Cache La Poudre Corridor is established" for "historic monument purposes".

SEC. 112. EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS, RESTRICTIONS, AND SAVINGS PROVISIONS.

(a) EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.—

(1) VOLUNTARY COOPERATION.—In carrying out this title, the Commission and Secretary shall emphasize voluntary cooperation.

(2) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this title shall be considered to impose or form the basis for imposition of any environmental, occupational, safety, or other rule, regulation, standard, or permit process that is different from those that would be applicable had the Corridor not been established.

(3) ENVIRONMENTAL QUALITY STANDARDS.—Nothing in this title shall be considered to impose the application or administration of any Federal or State environmental quality standard that is different from those that will be applicable had the Corridor not been established.

(4) WATER STANDARDS.—Nothing in this title shall be considered to impose any Federal or State water use designation or water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent to the Corridor, that is more restrictive than those that would be applicable had the Corridor not been established.

(5) PERMITTING OF FACILITIES.—Nothing in the establishment of the Corridor shall abridge, restrict, or alter any applicable rule, regulation, standard, or review procedure for permitting of facilities within or adjacent to the Corridor.

(6) WATER FACILITIES.—Nothing in the establishment of the Corridor shall affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers.

(7) WATER AND WATER RIGHTS.—Nothing in the establishment of the Corridor shall be considered to authorize or imply the reservation or appropriation of water or water rights for any purpose.

(b) RESTRICTIONS ON COMMISSION AND SECRETARY.—Nothing in this title shall be construed to vest in the Commission or the Secretary the authority to—

(1) require a Federal agency, State agency, political subdivision of the State, or private person (including an owner of private property) to participate in a project or program carried out by the Commission or the Secretary under the title;

(2) intervene as a party in an administrative or judicial proceeding concerning the application or enforcement of a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including, but not limited to, authority relating to—

(A) land use regulation;

(B) environmental quality;

(C) licensing;

(D) permitting;

(E) easements;

(F) private land development; or

(G) other occupational or access issue;

(3) establish or modify a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including authority relating to—

(A) land use regulation;

(B) environmental quality; or

(C) pipeline or utility crossings;

(4) modify a policy of a Federal agency, State agency, or political subdivision of the State;

(5) attest in any manner the authority and jurisdiction of the State with respect to the acquisition of lands or water, or interest in lands or water;

(6) vest authority to reserve or appropriate water or water rights in any entity for any purpose;

(7) deny, condition, or restrict the construction, repair, rehabilitation, or expansion of water facilities, including stormwater, water, and wastewater treatment facilities; or

(8) deny, condition, or restrict the exercise of water rights in accordance with the substantive and procedural requirements of the laws of the State.

(c) SAVINGS PROVISION.—Nothing in this title shall diminish, enlarge, or modify a right of a Federal agency, State agency, or political subdivision of the State—

(1) to exercise civil and criminal jurisdiction within the Corridor; or

(2) to tax persons, corporations, franchises, or property, including minerals and other interests in or on lands or waters within the urban portions of the Corridor.

(d) ACCESS TO PRIVATE PROPERTY.—Nothing in this title requires an owner of private property to allow access to the property by the public.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated not to exceed $50,000 to the Commission to carry out this Act for each of the first 5 fiscal years following the date of enactment of this Act.

(b) MATCHING FUNDS.—Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds or in-kind contributions of services or materials from non-Federal sources.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REQUEST FOR SPECIAL ORDER

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent to address the House for 1 hour.

The SPEAKER pro tempore. The Chair would want to dispose of any 5-minute special orders before recognizing the gentleman for that period.

The Chair cannot entertain that request at this time.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WALKER). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ANNIVERSARY OF ARMS CONTROL AND DISARMAMENT AGENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, I just want to take note of the fact that this is a significant anniversary for the Arms Control and Disarmament Agency. That agency has been crucial in making progress on a number of fronts that affect the national interests of the United States.

Thirty-three years ago, at the height of the cold war, President Kennedy announced in a speech at American University in Washington that talks would begin shortly in Moscow on a comprehensive nuclear test ban treaty.

This week at the United Nations, President Clinton became the first leader to sign the treaty. He said he was proud that after all this time the signatures of the world's nuclear powers and the vast majority of its other nations would "immediately create an international norm against nuclear testing, even before the treaty formally enters into force."

During all of those years, the Arms Control and Disarmament Agency [ACDA] has worked tirelessly to bring some sanity to the escalation in the number of weapons of mass destruction. Today, as it observes its 35th anniversary I would like to congratulate the Agency and its director, John D. Holum.

Despite the recent success, Holum points out that the dismantling of the Soviet-American arms race has been overshadowed by "a danger perhaps even more ominous: Proliferation of weapons of mass destruction—whether nuclear, chemical or biological, or the missiles to deliver them—to rogue regimes and terrorists around the world."

To his credit, President Clinton has said repeatedly that he is determined to pursue "the most ambitious agenda to dismantle and fight the spread of weapons of mass destruction since the dawn of the nuclear age."

On this 35th anniversary, we would all do well to remember that there is no more important task than to continue to try to control these horrible weapons of mass destruction.

CONGRESSIONAL ACCOMPLISHMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, I just thought that it would be apropos for us to take a look at what the accomplishments of this particular Congress and the changes in the world are bringing to the American people. Today I hope that those people who are reading these remarks in the CONGRESSIONAL RECORD and those people who are watching on C-SPAN recognize that over the past 2 years we have indeed seen a revolution in Washington, DC.

The word "revolution" really means a turnaround. It means not necessarily that great strides have taken place going in one direction or the other but, instead, that the direction has changed. Over these last 2 years, we have changed the direction of Government in the United States of America. I am very proud to have been part of NEWT GINGRICH's team, the new team in the House of Representatives, and what we have done to try to bring control to the uncontrolled increase in taxation and spending that threatened the very well-being of the American people. We have also come to grips with other issues that in the past have been unattended when the other party controlled the House of Representatives.

One of the issues that is of most concern to me, Mr. Speaker, and of most concern to Californians is the flood of immigration, especially illegal immigration, that is flowing into California that is destroying some of our basic institutions and our social infrastructure.

Today in California, many Americans who have spent their entire life paying their taxes, living honestly, trying to raise their family, trying to be good citizens in their community, are finding that the social infrastructure that they have come to rely upon is being destroyed because people from other countries are coming to our State illegally and flooding into the schools, into our hospitals, they are crowding our jails and preventing the judicial system from functioning and the other social services systems from functioning as they were set up.

For the first time Congress has come to grips with this problem. I am very proud that although the President of the United States, who claimed that he was going to try to do everything he could to help us with this flood of immigration, that the President of the United States instead did everything he could to drag his feet and to prevent us from passing a meaningful immigration bill, but despite this, we were able to pass an immigration bill that turned the country around.

There is still very much to do, and next year we will accomplish more on the issue of immigration reform. But we can be proud that instead of aiming at policies that made the situation worse, we have now turned this Government toward solving the problem and confronting the challenge to the American people.

One area of concern to me, and I believe that our people should be alerted to this, is that this year this administration decided to speed up the process of naturalization of people who are in this country legally. However, many of those people who have been sworn in and become citizens of the United States were people who entered the United States illegally and were granted amnesty back in 1986. What we have had in the last year is a speedup of the naturalization process so that 1.3 million legal immigrants now have basically become citizens. That is three times the number that were normalized just 2 years ago.

Of that 1.3 million, this administration was in such a rush to grant them citizenship that thousands upon thousands of individuals who should have been screened out because they were convicted felons have been granted U.S. citizenship and turned loose among us.

This cannot be tolerated. I would hope that the American people note who is trying to solve the problem and who is not trying to solve the problem, who is trying to come to grips with the ever increasing load of taxation and spending that we have seen from Washington, who is trying could to come to grips with this threat of a massive flood of illegal immigration.

Mr. Speaker, I am proud to have served in this Congress, a Congress that has at last come to grips with some of these problems and challenges to our country's well-being.

FUNDAMENTAL CHANGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 5 minutes.

Mr. ROTH. Mr. Speaker, I wish to say that I have enjoyed serving here in this Congress with you. Let me say that this session, the first in 40 years with conservatives in control, we made many fundamental changes. We did end the era of big government and ushered in the Information Age in government, the age of less government, but more responsive government. This is a great institution, the U.S. Congress. It is here that the people's will is carried out, maybe not always with rushing speed, but it is certainly carried out, heard and eventually carried out.

The greatest honor that I have had bestowed on me has come from the people of the Eighth Congressional District of Wisconsin, who have elected me nine times to this U.S. House of Representatives, and for that I thank them. This is a wonderful institution, wonderful people to serve with, and as I take my leave today, I just want all of my colleagues to know how much I have appreciated serving in this body, and I hope to see them often, and I know that they will carry on in the great traditions that this Congress has served the American people for over 200 years.

FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. ENGEL] is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I wanted to take this opportunity to comment on a couple of things that have been said over the course of the past few days. First of all, I want to comment on the ridiculous and intemperate remarks made by Governor Bush of Texas with regard to the Yankees and Bronx, NY, which I am proud to represent.

When asked if he would be coming to Yankee Stadium to see the Yankees play, he made a remark about if he came he would have to carry his gun. I think that that is a remark that ill behooves a Governor of a great State and, quite frankly, if Governor Bush had cared as much about taking guns out of the hands of criminals and perhaps controlling, having some kind of gun control instead of signing legislation that allows people to carry concealed weapons, perhaps the streets would be safer for all of us.

I would invite him to come to the Bronx, where crime has dropped tremendously; in fact, as the mayor of New York, who is a Republican, has pointed out, that New York City has led the way. There has been a reduction in crime across the country. I think President Clinton deserves credit, Congress deserves credit, and local officials deserve credit. But New York City has led the way in the drop in crime, and so has Bronx, NY. And so I just think that Governors ought to think about what they say before they go shooting their mouths off and making intemperate remarks.

I also wanted to comment on some of the remarks made by Senator Dole the past couple of days where he has been very critical of President Clinton's foreign policy. I want to say that I think that the President, certainly over the past couple of years, has shown great leadership in terms of foreign policy. One only needs to look around the world.

One needs to look at Bosnia, where ethnic cleansing was going along until the United States stepped in firmly and stopped it. Has everything been a 100 percent success? Nothing is 100 percent success, but we know under President Clinton's leadership we have ended most of the killing in Bosnia and the United States has shown leadership and only the United States can show that type of leadership.

In the Middle East, we saw the accords signed and we saw a potential unraveling of the peace accords in the Middle East. It took a great courage, in my opinion, for President Clinton to have called Mr. Arafat and Prime Minister Binyamin Netanyahu and King Hussein to the White House to try to get calmer heads to prevail, to try to start a dialog, to try to ensure that the peace process is put back on track. That was done 5 weeks before his reelection. I think that took an inordinate amount of courage for him to do it.

As Prime Minister Netanyahu said, what else do you expect the President of the United States to do? He tried to bring the parties together. That is what he has done in terms of his leadership.

In Iraq, I was one of those Democrats that broke with my party and supported President Bush on the Persian Gulf war. Frankly, if President Bush's administration had done the job it was supposed to do, we would have been rid of Saddam Hussein. Many of us could not understand why he was allowed to stay in power after American triumphs in the Persian Gulf war.

And so now I think it ill behooves Senator Dole and others to point fingers and criticize when, quite frankly, during those days leading up to the Persian Gulf war, when this House had the great courage and the Senate did as well to pass my resolution declaring Jerusalem the undivided capital of Israel, it was Senator Dole back in those days of 1990 who criticized it, said he had been to Arab capitals and all the Arab leaders wanted to talk about was this terrible resolution which should not have been passed. One of the so-called Arab leaders that he spoke with in those days traveled to Baghdad and spoke with Saddam Hussein and was very concerned about what Saddam Hussein thought.

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And then several months later we were battling him in the Persian Gulf; so frankly I do not think that Bob Dole is in any kind of position to criticize President Clinton in that regard.

Northern Ireland; we can go on and on. The President has tried very, very hard to say that the United States needs to play a leadership role, I think in world affairs. And again Senator Dole when he was here was cutting back foreign aid, cutting back American involvement overseas.

I think we make a terrible mistake if we move back to the isolationist policies, as friends of my friends on the Republican side of the aisle seem to think, moving back 100 years ago. When communism collapsed, suddenly many of my friends on the other side of the aisle did not think the United States ought to play a role, a major role, in world affairs. I think we need to be engaged if we are the leaders of the world, the leaders of the free world and the leaders of the world as we are. Then with leadership comes responsibility. No one anointed us the leader of the world; we claim that mantle, and we ought to act that way.

So I think we ought to be helping these countries, we ought to be doing what we can. We cannot be the policemen of the world, but we need to pick and choose and show American determination and American leadership, and that is what this President has done, and that is why I support him.

CAN GOVERNMENT THRIVE IN SUNSHINE?

The SPEAKER pro tempore (Mr. WALKER). Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I rise for my last speech very saddened by the fact that I have to ask the question: Am I too idealistic for government, or is government possible without—can you possibly relate to values and character and disclosure? Can government ever be anything other than a fungus? Can it thrive in sunshine? I tend to believe it can. But I want to tell you I came in with difficulties with the Defense Department, and I leave with the same frustration and difficulties with the Defense Department. It is now under my own party, and they are probably happier to see me leave than anybody, even on the other side of the aisle. How saddened I am that their real message to me is:

You are leaving. We do not care. Good-bye. We are not even going to answer inquiries.

Now for 6 months almost we have been asking the Defense Department about why they would deploy high ranking officials to the Speaker's office. We have asked that and asked that and asked that. They have stonewalled and stonewalled.

Then we add a Freedom of Information Act, and what did I get? I got their memo talking about how the Speaker had requested these high quality officers in his thing. Then I got a wonderful four pages, totally blacked out, and the rest of it was copies of my letters to them.

Now, this is treating me like I have the brain of a gnat. You think that if they are sitting over there with over 20,000 employees and that kind of arrogance: we do not care what the law is, we are going to do what we want; this saddens me very much, and I think it only breeds cynicism about what happens to people when they come here.

I remind them that I thought they worked for the Commander in Chief. He put out a memo on what department heads and agencies were supposed to do with the Freedom of Information Act. I remind them I thought they worked under Janet Reno and her memo about what you are supposed to do with the Freedom of Information Act and that kind of information.

How classified could this information be? I mean, please. These memos all say that, if one sentence is classified, you are not to blank out the whole page. Well, tell that to the Defense Department.

Furthermore, how classified is that that public regulations in the House and public regulations in the Defense Department, which clearly deny the use of military officers for partisan purposes when they are being requested; the Joint Chiefs then send them over? That is not classified. That is not any great secret. I guess the only secret is if other Members of Congress find out this happened, they too may request officers in their office. And where does this all end?

That is why this is so dangerous.

Look, a lot of people liked it when they grew up playing with soldiers, little tin soldiers; but we are not supposed to be able to requisition fully-funded taxpayer soldiers to play with in your office. This is not GI Joe. This is a legislative body.

So, obviously, what this has done was one more way the Pentagon lobbies on this Hill. They lobby on this Hill in a way that no other agency can, and people would be outraged if any other agency did. Yet, they get by with it, and I think it is very sad that they would duck the Freedom of Information Act, duck the memos from the Attorney General, duck the memos from the President and do their total blackout on something that I cannot imagine has one classified secret that you could even dream of in there.

I think all this is, is protecting their backside. All this is, is saying that that woman will go back to Colorado, and we will not have to deal with her, and no one else will take this up. Well, I hope other Members in this body take it up because I think, once you start allowing the military to come into political offices— I do not care if they are Republican or Democratic offices— and sit around to use military strategy to figure out how you declare partisan war on the other side, that is a shock. I think the taxpayers would find that shocking. I do not think they think we pay military officers to engage in partisan political games. I think they think they are paying them to do something in an entirely different nonpartisan way.

So I hope these lines do not ever get blurred again. We have seen a tremendous blurring of them, and we have seen the Defense Department stonewalling and defending them and defending their right to do it. But as I leave here, I certainly hope somebody picks this up and we put this to bed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. OBEY, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today

Mr. ROTH, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table, and under the rule, referred as follows:

S. 1080. An act to amend chapters 83 and 84 of title 5, United States Code, to provide additional investment funds for the Thrift Savings Plan, to permit employees to gain addition liquidity in their Thrift Savings Accounts, and for other purposes; to the Committee on Government Reform and Oversight;

S. 1514. An act to authorize the obligation and expenditure of appropriated funds for a 2.4 percent increase in pay and allowances and a 5.2 percent increase for basic allowance for quarters for the members of the uniformed services; to the Committee on National Security;

S. 1559. An act to make technical corrections to title 11, United States Code, and for other purposes; to the Committee on the Judiciary;

S. 1612. An act to broaden the scope of certain firearms offenses, and for other purposes; to the Committee on the Judiciary;

S. 1918. An act to amend trade laws and related provisions to clarify the designation of normal trade relations; to the Committee on Ways and Means; and

S. 2130. An act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices; to the Committee on International Relations.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore (Mrs. MORELLA) announced her signature to an enrolled bill of the Senate of the following title:

S. 39. An act to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore (Mrs. MORELLA).

H.R 3539. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; and

H.R. 3723. An act to amend title 18, United States Code, to protect proprietary economic information, and for other purposes.

SINE DIE ADJOURNMENT

Mr. MYERS of Indiana. Mr. Speaker, the work of the 2d session of the 104th Congress has been completed. Pursuant to House Concurrent Resolution 230, as amended, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. WALKER). In accordance with the provisions of House Concurrent Resolution 230, as amended, the Chair declares the 2d session of the 104th Congress adjourned sine die.

Thereupon (at 2 o'clock and 52 minutes p.m.), pursuant to House Concurrent Resolution 230, as amended, the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5446. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Assessment Rate [Docket No. FV96–929–3 FIR] received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5447. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Certain Designated Counties In Idaho, and Malheur County, Oregon; Assessment Rate [Docket No. FV96–9 45–1 FIR] received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5448. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—USDA to Eliminate Obsolete Regulations [Docket No. S&TD–96–004] received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5449. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Dried Prunes Produced in California; Assessment Rate [Docket No. FV96–993–1 FIR] received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5450. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Viruses, Serums, Toxins, and Analogous Products; Antibody Products [Docket No. 92–124–2] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5451. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Change in Disease Status of the Czech Republic and Italy Because of Rinderpest and Foot-and-Mouth Disease [Docket No. 96–027–2] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5452. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Karnal Bunt [Docket No. 96–016–14] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5453. A letter from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Miscellaneous Farm Bill Provisions Relating to the Authorization of Retail Firms and Wholesale Food Concerns (RIN: 0584–AB02) received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5454. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting a copy of the 17th monthly report as required by the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104–6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

5455. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 4018, H.R. 3230, and H.R. 1642, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

5456. A letter from the Acting Assistant Deputy Secretary, Department of Labor, transmitting the Department's final rule—Permanent Replacement of Lawfully Striking Employees by Federal Contractors (RIN: 1294–AA15) received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5457. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Washington; Revision to the State Implementation Plan Puget Sound (Seattle-Tacoma Area) Carbon Monoxide Attainment Demonstration [FRL–5631–2] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5458. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Maintenance Plan for Air Quality Planning Purposes for the State of Washington; Carbon Monoxide [FRL–5631–6] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5459. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–5630–4] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5460. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Indiana: Final Full Program Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program [FRL–5630–5] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5461. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of HFC 4310mee and HCFC 22ca and cb [FRL–5466–9] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5462. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Chemical Category, Formulating, Packaging and Repackaging Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards [FRL–5630–9] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5463. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the removal of items from the U.S. Munitions List, pursuant to 22 U.S.C. 2778(f); to the Committee on International Relations.

5464. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification indicating the President's intent to exercise his authority under section 614(a)(1) of the FAA to authorize issuance of loan guarantees in lieu of their statutory deduction under the Loan Guarantees for Israel Program, pursuant to 22 U.S.C. 2364(c); to the Committee on International Relations.

5465. A letter from the Canada-United States Interparliamentary Group, transmitting the American Group's report on the seventh annual meeting of the Canada-United States Interparliamentary Conference, pursuant to 22 U.S.C. 276f; to the Committee on International Relations.

5466. A letter from the Mayor, District of Columbia, transmitting the actuaries review of the effect of temporary early retirement option on the D.C. teachers' retirement program, pursuant to D.C. Code, Section 1–722(d)(1); to the Committee on Government Reform and Oversight.

5467. A letter from the Mayor, District of Columbia, transmitting the actuaries review of the effect of base retention differential and retention incentives on the police officers and fire fighters retirement program, pursuant to D.C. Code, Section 1–722(d)(1); to the Committee on Government Reform and Oversight.

5468. A letter from the Mayor, District of Columbia, transmitting the actuaries review of the effect of the change in the cost-of-living adjustment frequency for post-December 31, 1979 hires on the D.C. teachers and police officers and fire fighters' retirement program, pursuant to D.C. Code, Section 1–722(d)(1); to the Committee on Government Reform and Oversight.

5469. A letter from the Mayor, District of Columbia, transmitting the actuaries review of the effect of 1996 temporary early retirement option on the D.C. teachers' retirement program, pursuant to D.C. Code, Section 1–722(d)(1); to the Committee on Government Reform and Oversight.

5470. A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting the Department final rule—Agricultural Acquisition Regulation; Revision (RIN: 0599–AA00) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5471. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule—Inflation Adjustment of Civil Monetary Penalties [Docket No. 96–17] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5472. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Service's final rule—Removal of Subchapter D, Management of Wildlife Research Areas from Title 50 CFR (RIN: 1018–AD72) received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5473. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—Policy on Excess Federal Power (6450–10–P), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5474. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Species Status for Four Plants and Threatened Status for One Plant from the Central Sierran Foothills of California (RIN: 1018–AC47) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5475. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Magnuson Act Provisions; Foreign Fishing Regulations; Removal of Spawning Closure [Docket No. 950710176–6258–02] received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5476. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Technical Amendment; Correction and Clarification (RIN: 0648–AI18) received October 3, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Resources.

5477. A letter from the Acting Director, Office of Surface Mining, transmitting the Office's final rule—North Dakota Abandoned Mine Land Reclamation Plan [ND–033–FOR] received October 4, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Resources.

5478. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to provide congressional approval of an interstate and Federal-State compact for the exchange of criminal-history records for noncriminal-justice purposes ("Compact"); to the Committee on the Judiciary.

5479. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled "Criminal Offender Anti-Drug Act"; to the Committee on the Judiciary.

5480. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled "Child Support Recovery Amendments Act of 1996"; to the Committee on the Judiciary.

5481. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to clarify the effective date provision of rules 413 through 415 of the Federal Rules of Evidence; to the Committee on the Judiciary.

5482. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule—Administrative Offset [Docket No. 96–15] received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5483. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Employer Sanctions Modifications; Warning Notices; Generation of Blank Employment Eligibility Verification Forms (Form I–9) (RIN: 1115–AE21) received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5484. A letter from the Director, Bureau of Transportation Statistics, transmitting Transportation Statistics Annual Report 1996, pursuant to Public Law 102–240, section 6006 (105 Stat. 2174); to the Committee on Transportation and Infrastructure.

5485. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities; Mental Disorders (RIN: 2900–AF01) received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5486. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—VA Acquisition Regulation: Service Contracting (RIN: 2900–AG67) received October 2, 1996, pursuant to 5 U.S.C. 8 Sec. (a)(1)(A); to the Committee on Veterans' Affairs.

5487. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision on Burlington Northern RR v. Commissioner (82 T.C. 143 [1984]); Action on Decision in Eastman Kodak Co. v. United States (534 F.2d 252); Revenue Ruling 96-51—received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5488. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to title II of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1996; jointly, to the Committees on International Relations and Appropriations.

5489. A letter from the Acting Administrator, General Services Administration, transmitting a draft of proposed legislation to clarify actions taken in the Omnibus Appropriations Act of 1996 to dissolve the Pennsylvania Avenue Development Corporation [PADC] as of April 1, 1996, and transfer certain of its functions and properties and existing assets and liabilities to the General Services Administration [GSA]; jointly, to the Committees on Resources and Government Reform and Oversight.

5490. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled "To Authorize the Sale of Excess Federal Aircraft to Facilitate the Suppression of Wildfire"; jointly, to the Committees on Government Reform and Oversight, National Security, and Agriculture.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII:

Mr. DORNAN introduced a bill (H.R. 4344) to amend title 10, United States Code, to provide that a member of the Armed Forces who is diagnosed as being HIV-positive within 1 year of entering military service shall be considered to have entered the Armed Forces under a fraudulent enlistment or appointment; which was referred to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. WAMP.

H.R. 878: Mr. WAMP.

H.R. 1057: Mr. JOHNSON of South Dakota.

H.R. 2771: Mr. NEUMANN.

H.R. 3277: Mr. BURTON of Indiana.

H.R. 3531: Mr. VENTO.

H.R. 3614: Mr. BARTLETT of Maryland.

H.R. 3647: Mr. HORN.

H.R. 4145: Mr. BECERRA.

H.R. 4313: Mr. LAFALCE and Mrs. MALONEY.

H. Con. Res. 63: Mr. DIAZ-BALART.

H. Con. Res. 173: Mr. HOSTETTLER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

77. By the SPEAKER: Petition of Marlene Y. Green, Pittsburgh, PA, relative to the C.Y.S. bill; to the Committee on Economic and Educational Opportunities.

78. Also, petition of Marlene Y. Green, Pittsburgh, PA, relative to the agreement; to the Committee on International Relations.

79. Also, petition of Marlene Y. Green, Pittsburgh, PA, relative to historical landmarks preservation; education; to the Committee on Resources.

80. Also, petition of De Willem of West Coast, Demerara, Guyana, South America, relative to reporting violations of U.S. immigration policy; to the Committee on the Judiciary.

81. Also, petition of Marlene Y. Green, Pittsburgh, PA, relative to MAG-LEV monorail transportation subsidy; to the Committee on Transportation and Infrastructure.

EXTENSIONS OF REMARKS

A CENTURY OF SERVICE: JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mrs. MORELLA. Mr. Speaker, in 1894, articles appeared in numerous newspapers and magazines portraying Jews as being unpatriotic. In response, Jewish men who had served in the Civil War met at the Lexington Avenue Opera House on 58th Street in New York, on March 15, 1896 and formed a new Jewish veterans organization. They called themselves the Hebrew Union Veterans Association of the Civil War Veterans, and their mission was to fight the vicious anti-Semitic lies.

Amazingly, these 78 Jewish veterans, who have been described as "old and infirmed", not only fought these allegations against Jewish participation in the Civil War, but caused Harper's Weekly to retract its stories, and won an apology from Mark Twain, who had helped promote this lie until presented with the facts.

Over the years, there have been changes in the organization's name to recognize the Jewish soldiers who fought in the Spanish-American War and World War I—then calling themselves the "Hebrew Veterans of the Wars of the Republic", but since that time they have been known as the Jewish War Veterans of the United States of America [JWV]. A thread that remains from the past, however, is a continuing dedication toward fighting anti-Semitism. They have worked closely with the Office of Special Investigation in their efforts to prosecute Nazi war criminals living in the United States, and in addition they have a JWV Reward Fund which dispenses money to individuals who help in the arrest and conviction of those responsible for acts of anti-Semitism and racism.

Remembering that their bond and strength is their experience as veterans, the JWV honors their ancestors through the National Museum of American Jewish Military History, located in Washington, DC, the only museum in this country dedicated to chronicling Jewish participation in the defense of this Nation. In addition to the many services they provide for Jewish veterans, the JWV has close ties with Israel and has built a Soldier's "R and R" home in Beersheba. Mindful of the discrimination suffered by others, they were the only veterans' organization to join the Reverend Martin Luther King in his historic March on Washington.

Mr. Speaker, I honor and salute the Jewish War Veterans as they celebrate their 100th birthday. On Veterans Day this November, they will be the host at Arlington National Cemetery. They deserve our respect and congratulations for all they have contributed to our country and I wish them all good wishes for their next 100 years.

TRIBUTE TO ASSEMBLYMAN PHILLIP ISENBERG

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to pay tribute to a close friend and dedicated public servant, Hon. Phil Isenberg, who represents Sacramento in the California Assembly.

Phil and I got our starts in politics together as staff members in the assembly, Phil for Willie Brown. An assemblyman himself since 1982, Phil has served as the conscience of that body. He is an unabashed liberal in the best sense of the word—using government to care for people—yet his record for fiscal responsibility in government was unrivaled and broke the mold of traditional liberalism in our State. Now, due to term limits, he is retiring at the end of the year.

In the assembly, Phil authored laws to allow people who have been denied health insurance because of previous medical conditions to buy State-backed coverage, and he wrote the law establishing the toughest smoking prevention programs in the Nation. He was the author of landmark legislation to reform conditions in California nursing homes.

Phil has been a leading advocate of restructuring State and local government to deliver services to citizens more effectively. As chairman of the assembly judiciary committee from 1989 to 1995, he authored landmark legislation mandating efficiencies in court operations, providing State funding for trial courts, and increasing public access.

Phil has long been committed to the protection of the Delta and to the equitable distribution of water for people, farms, and the environment. He authored laws to promote agriculture water conservation, expand wetland areas, and protect Mono Lake.

Phil's election to the California Assembly in 1982 came after years of active service at the local level. He served first as city council member, then two-term mayor for Sacramento, and he, more than anyone, was responsible for putting Sacramento on the map. He was the first mayor to focus on economic development, and his efforts have transformed Sacramento from a small city dominated by State government into one of the fastest-growing and most attractive cities in California and the United States, where high technology companies flourish alongside modern agriculture and manufacturing facilities.

Born in 1939, his family moved to California in 1945. Phil earned a bachelor's degree from Sacramento State University and a law degree from the University of California, Boalt Hall, in Berkeley. He served in the California National Guard and as a civilian employee at McClellan Air Force Base.

I have long admired Phil's contributions and service to his community and to his State. As he retires from the California Assembly with a record of achievement for his district and his State, I wish him continued success, especially with his art collection, and I extend my congratulations to him and his wife Marilyn.

TRIBUTE TO SAM KARAS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. FARR of California. Mr. Speaker, I rise today to recognize a remarkable man who has served his community for more than 40 years. He has been an impressive figure of California's central coast and a strong leader in his home town of Monterey. It is with sadness that I announce that Sam Karas will soon be retiring from the Monterey County Board of Supervisors.

Sam's long tradition of public service began in 1943 when he moved to Monterey as a second lieutenant in the U.S. Army. It was at this time that he also married the lovely Edith James. The Karas' have been blessed with three daughters, all of whom graduated from the Monterey Peninsula Unified School District, and four granddaughters.

When not doting on his family, Sam Karas has long been involved in community service. Employed in the wholesale meat industry for 35 years, Sam always found time to involve himself in a variety of activities and humanitarian causes, donating his time and talent as a fund raiser. He was one of the original board members of the Human Rights Commission, which led the fight against California's proposition 14, a discriminatory housing initiative. He has received awards for the National Association for the Advancement of Colored People, the League of United Latin American Citizens and the Japanese American Citizens League for his outstanding work. Sam also served as an organizer and board member of the Monterey Peninsula Visitor and Convention Bureau.

Additionally, Sam Karas served as board member for the Monterey Peninsula Visitor and Convention Bureau, and on the board of trustees of the Monterey Peninsula Unified School District from 1973 to 1980. During this time his contributions included fighting for a Magnet School Program and advocating for the integration of students, staff, and teachers. In 1984, Sam was elected to the Monterey County Board of Supervisors and has served Monterey County in that capacity ever since. He was elected chair of the board of supervisors in 1986 and again in 1991. In his role as county supervisor, I have had the honor of cochairing the Big Sur Multi-Agency Advisory Council with him where he always provides a fresh outlook and a candid perspective.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Among Sam's many accomplishments is the work he has done on behalf of the farm worker community and in support of decent and affordable housing in Monterey County. In addition to this, Sam Karas created the Carmel River Task Force which successfully rebuilt community bridges and neighborhoods after two devastating floods in the winter of 1995. Sam also helped to protect the environment by coauthoring a countywide ballot measure to prevent offshore oil and gas development in the Monterey Bay—now part of the Monterey Bay National Marine Sanctuary.

Sam's contributions to the area have stretched far beyond the average capacity, adding to the artistic richness of the community as well. He has appeared in many local theater productions, including being asked by his friend Clint Eastwood to play a role in the Academy Award winning film "Unforgiven." Sam helped to organize the famous Monterey Pop Festival, served as an original member of the board of directors of the Monterey Jazz Festival, and is currently on the board of directors of the Monterey Bay Blues Festival. He has received many honors recognizing his extensive talents.

Sam's devotion to community service is exemplary. It has been an honor and a pleasure to work with him for the benefit of Monterey County. Sam has offered us concern, compassion, realism, and a spunk that we will miss greatly. I know and I am speaking for all residents of Monterey County when I say that we will be sad to see Sam Karas retire from the Monterey County Board of Supervisors, but wish him all the very best in his future endeavors.

HONORING ST. JUDE THADDEUS CATHOLIC CHURCH

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. BENTSEN. Mr. Speaker, I rise today to honor the parish of St. Jude Thaddeus in Highlands, TX, as they prepare to commemorate their 50th anniversary on November 3, 1996. The church has been a building block and an inspiration for the community.

The history of St. Jude Thaddeus Catholic Church began with a census taken in 1945 to determine the community and spiritual needs for a Catholic Church in Highlands, TX. In 1946, the parish began building a wooden structure on 2½ acres of land on Main Street. With Father Bernard Roehmer serving as resident pastor, Bishop Christopher Byrne dedicated this new structure on November 30, 1947.

On March 6, 1966, the existing brick church and C.C.E. Building were completed and blessed by the Reverend Bishop John L. Morkovsky. From the humble beginning of 30 registered families at St. Jude Thaddeus Catholic Church, the support and commitment of the community has been inspirational.

Father John Zabelskas, appointed in 1992, serves as the eighth pastor of the present facilities which include Marian Hall, a new rectory, C.C.E. Building, and parish gym. On Sunday, November 3, 1996, St. Jude Thaddeus Catholic Church will celebrate its 50th anniversary with a High Mass, dinner, and reception in the parish gymnasium. I thank the parish for all that they have contributed to our community in these 50 years and wish them many blessings for the future.

A TRIBUTE TO GEORGE R. BOGGS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. CUNNINGHAM. Mr. Speaker, I rise today to praise George Boggs, president of Palomar Community College. It has been my privilege to work with Mr. Boggs in addressing the educational needs of the people of San Diego County.

On October 12, George Boggs will be recognized as the best community college executive in the United States by the Association of Community College Trustees. His record of achievement is outstanding and clearly deserving of this recognition.

I submit for the RECORD an editorial from the October 4, 1996, North County Times—Escondido, CA—newspaper which further describes President Boggs' outstanding achievements.

Congratulations George, you have earned it.

[From the North County (CA) Times, Oct. 4, 1996]

UNJUSTIFIED MODESTY

When George R. Boggs came to Palomar Community College in 1985 to serve as its president, there were 15,500 students, the equivalent of 325 full-time faculty members, and a standard array of course offerings.

Today, the college has about 26,000 students enrolled, a full-time equivalent faculty of 516, and the honor of being named as one of three"flagship" community colleges in the nation, for the college's focus on learning outcomes.

Humility being one of his obvious traits, Boggs would never take credit for the school's successful growth. But his board of trustees and his national peers would: Boggs has been named the best community college executive in the United States by the Association of Community College Trustees.

On Oct. 12, Boggs will receive the 1996 Marie Y. Martin Chief Executive Officer Award at the association's annual conference. It is an exceptional honor, one earned by Boggs' exemplary performance in a politically and economically challenging era for community colleges. And his success is not based on his numerous publications, the size of the school's endowment, or the value of its research facilities.

No, instead Boggs has focused the district's resources on that which is most important to the community: student learning. Boggs has built partnerships within the community to improve both student access to higher education and the experience they have in the classroom. And the college is continuing to grow.

North County is lucky to have Boggs and the outstanding curriculum, staff, and student body he has helped to nurture. Congratulations.

TRIBUTE TO AMERICAN LEGION POST 642

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Ms. KAPTUR. Mr. Speaker, I rise today to commemorate the 50th anniversary of American Legion Post 642—the Przybylski Post—in Toledo OH. The post is celebrating the occasion on Sunday, October 6, 1996. As part of this golden anniversary celebration, the post's adjutant has announced that the members and families of American Legion Post 642 will "honor the founding and present members for the American endeavor and patriotism which have sustained the post for so long." To mark this auspicious occasion, we recall the "American Creed," penned by William Tyler Page.

I believe in the United States of America as a Government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic, a sovereign Nation of many sovereign States; a perfect Union one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes. I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies.

The men and women of American Legion Post 642 have vigilantly upheld the tenets of the "American Creed" to a superior degree. For remaining true to these precious beliefs in times of battle and in times in peace, we thank them, and we honor their strength.

TRIBUTE TO ASSEMBLYMAN THOMAS M. HANNIGAN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to pay tribute to a close friend and dedicated public servant, Hon. Tom Hannigan, a California Assemblyman representing Solano County, Yolo County, and the delta portion of Sacramento County in the California State Assembly.

I owe my political career to Tom because he stepped aside when I first ran for the California Assembly and undoubtedly would have beaten me. A few years later, when I ran for the House of Representatives, he was elected to that assembly seat where he has served with distinction ever since.

Due to term limits in the California Assembly, Tom is retiring at the end of this year. But for many years, he has worked as a quiet, effective assemblyman, playing a central role in the most important issues confronting California, chief among them budget, education reform, agriculture, and transportation.

Tom Hannigan has been instrumental in easing the commuter crunch around Sacramento's transportation arteries, such as the Interstate 80 corridor. He has pushed for increased passenger train service between the State capital and the Bay Area.

Tom has also played a major role regarding California's largest industry—agriculture. He is the author of legislation strengthening the Williamson Act farm preservation law. His legislation also created the California Center for Cooperatives at UC–Davis, providing research and support for agricultural co-ops and other rural development initiatives.

Tom has deep roots in Solano County. He was first elected to the California Assembly in 1978 after years of active service at the local level—as a successful businessman, as mayor of Fairfield, and as chairman of the Solano County Board of Supervisors. In the assembly, among other positions, he served as Democratic Majority Leader.

He is a native Californian, born in Vallejo, and he stayed loyal to his State by attending college at Santa Clara University, receiving his degree in business administration. After college, Tom served his country as a U.S. Marine Corps officer and saw service in Vietnam.

It may not be an exaggeration to say that Tom was a successful assemblyman only because Fairfield is close enough to Sacramento for him to get home to his family every night. His commitment to his family always ranked first on his priority list. Term limits may be forcing his retirement from the assembly, but perhaps not that much sooner than the strong call of grandchildren would have required.

Tom's retirement from the California Assembly is a real loss, not only for his constituents, but for the assembly and for California itself. He retires with a record of achievement for his district and his State. I wish him continued success, and I extend my congratulations to him, his wife Jan, and their children and grandchildren.

PROTECT U.S. INTERESTS AND JOBS

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. MOAKLEY. Mr. Speaker, I rise today to commend a recent action taken by the Clinton administration on behalf of U.S. businesses and their thousands of employees in Massachusetts.

Earlier this year I wrote to USTR, to the Secretary of Commerce, and to the Secretary of State, urging decisive action to combat unfair trade practices by Argentina that keep United States products out of their marketplace. Argentina acted in direct violation of its obligations under the GATT and WTO—where it had committed to maintaining tariffs on footwear and apparel at no more than 35 percent. Even this level was quite high. In the U.S., import tariffs on footwear are in the 8 to 10 percent range. However, Argentina suddenly imposed footwear duties up to 150 percent, violating their agreements under the GATT and WTO. Ambassador Barshefsky has just announced that the U.S. is challenging these unfair duties by invoking the WTO section 301 dispute settlement mechanism. I applaud the administration's use of this initiative to protect U.S. interests and jobs.

In my district, for example, the Reebok company employs over 2,000 Massachusetts citizens in good family-wage jobs. For Reebok, as well as other major athletic footwear brands, the U.S. constitutes 50 percent of their market, while world-wide sales provide the other 50 percent. In this global economy, growth cannot occur if other nations close their markets to our exports. Doing so denies their own consumers access to U.S. products and violates their international treaty responsibilities. But, most importantly, they jeopardize the continued employment of thousands of Americans in my congressional district and around the Nation whose jobs depend upon a fair and open market.

EVEN PRESIDENT CLINTON PRAISES 104TH CONGRESS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. SOLOMON. Mr. Speaker, the 104th Congress has truly been the most significant Congress in over 40 years. When the people of this great Nation voted on November 8, 1994 to finally change Government as we know it, the 104th Congress responded. Mr. Speaker, not only has there been news pieces, editorials, and commentaries supporting the superb accomplishments of this Republican controlled Congress throughout this country, but our own President, Democrat Bill Clinton states, and I quote, "You guys did such a great job. It's amazing how much you've got done in the last few weeks. You should really be proud." And proud we are, Mr. Speaker.

Mr. Speaker, let me briefly mention some of the major accomplishments. Welfare as we have known it is no longer a guarantee of assistance, workers who change jobs will be assured of continued health coverage, mothers will no longer be forced out of hospitals after they bring new life into this world as they were in the past, we have relieved small businesses of excessive tax burdens while increasing the minimum wage to enable millions of American workers to bring home more pay. Mr. Speaker, this Congress promised to get tough on crime and we did just that. For example, crimes committed against our elderly and children are no longer tolerated; environmental protection acts like the Safe Drinking Water Act, along with legislation to overhaul pesticide regulations. I could go on and on, Mr. Speaker.

The 104th Congress has done such a great job, 7 items of our Contract of America have been signed into law by President Clinton. And this is nothing new, Mr. Speaker. The President has been campaigning on our issues and beliefs all year now. You see, Mr. Speaker, President Clinton figures if you can't beat 'em, you might as well join 'em.

At this time I commend to you an article that appeared in the Albany Times-Union about the achievements of this Congress.

104TH CONGRESS IS HISTORY

(By Elaine S. Povich)

WASHINGTON.—The Senate approved an important aviation safety and spending bill Thursday, breaking a Democratic-led filibuster over a labor issue, and wrapped up business of the watershed 104th Congress for the fall campaigns.

The Congress, the first in 40 years to be controlled by Republicans, ended as it began: with partisan wrangling. The immediate battle was over a Federal Aviation Administration bill that Democrats, led by Sen. Edward M. Kennedy, D–Mass., said contained a special provision making it more difficult for Federal Express employees to unionize. After the filibuster was broken with a 66–31 vote (six more than the number needed), the bill passed easily, 92–2.

"This is special-interest legislation that never would have been passed by a Democratic House and a Democratic Senate," Kennedy maintained. "We look forward today to the next vote for working families, which is Nov. 5 (Election Day)."

But the provision for Federal Express, which would require its employees to organize nationally rather than locally, was supported both by Democrats and Republicans. Sen. Ernest Hollings, D-S.C., the provision's main champion, said Kennedy was trying to give the bill the "bum's rush."

The urgency of many senators to get home to campaign, along with the fact that the bill contained millions for airport construction projects, contributed to the lopsided vote.

The White House had notified the senators that President Clinton opposed the Federal Express provision. Thursday, however, aides indicated that Clinton would sign the bill, which the House approved last week.

"Because of this legislation, criminal-background checks can now be conducted on airport personnel, new explosives-detection technology can be deployed, baggage will be checked in more thoroughly, passenger profiling will be instituted, and the families who lose a loved one in an accident will be able to get the help they need." Clinton said in a statement.

The bill includes several anti-terrorism provisions for airports, including stepped-up security. Some of the requirements include background checks on airport-security personnel and provisions aimed at dealing more humanely with families of air-crash victims.

The bill also streamlines the FAA, beefing up the regulatory aspects of the agency and phasing out the air-travel promotional functions.

Also on the Senate's last-minute agenda was a major federal parks bill that passed on a voice vote after days of wrangling over boundary lines in 100 individual federal parks.

Legislation to increase penalties for misuse of the so-called "date-rape drug" cleared the Senate and was virtually certain to win final congressional approval.

The Senate acted by voice vote to control use of Rohypnol. The bill, sponsored by Rep. Gerald Solomon (R-Queensbury), must return to the House, where a slightly different version was approved last week, 421–1.

Rohypnol is a tranquilizer that has no taste, order or color when dissolved in a drink and is 10 to 20 times more powerful than Valium. In "roone rape," victims who are slipped the drug become dizzy and disoriented and have trouble moving their arms and legs. Ultimately, they pass out and have little or no memory.

After clearing up the last-minute items, Senate Majority Leader Trent Lott, R-Mass., and Minority Leader Tom Daschle, D-S.D., made the traditional telephone call to Clinton to announce that this session of Congress had concluded its business.

"We've got good news for you," Lott told Clinton. They discussed bills Congress had passed over the past few weeks.

"You guys did such a great job," Clinton said. "It's amazing how much you've got done in the last few weeks. You should really be proud."

KEY LEGISLATION

Some of the major bills passed by the 104th Congress:

Welfare: The longstanding federal guarantee of assistance to every person who qualifies will end, to be replaced by state programs financed partially by federal grants. Eligibility for welfare generally will be limited to five years. Food stamps, aid to legal immigrants will be scaled back considerably.

Health: Workers who change jobs will be assured continued health coverage without a waiting period for pre-existing conditions. Insurers will have to pay for at least 48 hours' hospital care for newborns and their mothers and provide higher benefits for mental-health care.

Taxes: No across-the-board tax reduction, although targeted cuts were approved for adoption expenses, long-term health care, helping small businesses bear the cost of raising the minimum wage and helping the self-employed buy health insurance.

Minimum wage: The $4.25-an-hour federal minimum wage will rise in two steps to $5.15.

Speed limit: The 55 mph federal speed limit was repealed.

Crime: More money for police on the street. Limitation of appeals in death-penalty cases. Tougher penalties for crimes against the elderly and children. Interstate stalking was made a federal crime.

Environment: A new standard restricts cancer-causing pesticides in fresh and processed foods and also targets residues that raise the risk of birth defects. A new Safe Drinking Water Act zeros in on pollutants posing the greatest risk to health.

Telecommunications: A major overhaul allows local telephone companies to enter the long-distance business; big gas and electric companies will be able to offer telecommunications services. A "V-chip" eventually will screen TV programs for violence and adult-oriented content.

Gay marriages: States will be allowed to refuse to recognize same-sex marriages. No federal spousal benefits will be available in such marriages.

HONORING HELEN MILLER

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mrs. MEEK of Florida. Mr. Speaker, the people of Dade County recently lost one of our hardest-working and most-loved citizens. Helen L. Miller, most recently vice-mayor of the city of Opa-Locka, passed away on Tuesday, October 2, 1996.

Mrs. Miller dedicated her life to the service of our community. She served in almost every position of leadership in the city government. The improvements she made in the lives of the citizens of Opa Locka made her one of the most prominent and respected members of the community.

Mr. Speaker, I would like to share with my colleagues an article from the Miami Herald detailing the remarkable life and many accomplishments of Helen Miller. Her life is an inspiration and example to everyone in public service.

[From the Miami Herald, Oct. 3, 1996]

HELEN MILLER, WHO "PUT OPA-LOCKA ON MAP," DIES

(By Marika Lynch)

Opa-locka legend Helen Miller, Florida's first black female mayor and the city's current vice mayor, died of an apparent heart attack early Wednesday at Parkway Regional Medical Center. She was 71.

Mayor to some, and "momms" to others, Miller was one month short of her political retirement after 13 years on the Opa-locka dais. But in her many roles on state and local boards, including a stint in 1995 as president of the Dade league of Cities, Miller's influence spread beyond the North Dade city.

"She put Opa-locka on the map," said state Rep. Willie Logan, another former mayor, who credited his political success to Miller. "Wherever she went, she carried the Opa-locka banner and brought resources back to the city."

Shortly after taking office in 1981, Miller pushed to bring paved streets, lights and parks to the city's long-ignored black neighborhoods. She helped bring an arts-and-cultural center to the Triangle, one of the city's roughest areas.

Most recently, Miller persuaded the Tri-county commuter Rail Authority to stop its train in Opa-locka.

Those were just her material accomplishments, Mayor Robert Ingram said.

"But her spirituality had a greater value," Ingram said. "Her aura, her ability to stand in adversity. People would hate her, but she did not return that hate. She was very helpful across cultures, and that is how she could keep getting elected."

Even in the early 1980s, when naysayers burned a cross on the City Hall lawn and insulted her at city meetings, Miller stood determined, Ingram said.

"She seemed to have some kind of mystique that just put everybody at ease and by example, got everybody working together," said Russ Marchner, executive director of the Dade League of Cities. "It made her particularly valuable in making appearances before the county commission and state committees."

In honor of Miller's longtime service, the city threw a retirement party Aug. 31. More than 200 people gathered in the rain to pay tribute. Her retirement gift: two round-trip tickets to Hawaii—a trip she was planning to take with her family.

Miller, the daughter of a tailor and a homemaker, was born in Pottstown, Pa. After her parents, James and Frances Moss, separated when she was a year old, Miller was reared by her great-aunt and uncle in Nassau.

She lived in New York briefly and married Walker Miller, a New Yorker in 1947. The couple moved to Opa-locka in 1950. Miller worked as a nurse's aide for a short time and owned Miller and Sons Grocery in Liberty City with her husband. Walker Miller died in 1989. The store, now under renovation, is being run by her children.

"She was active as a community-oriented person, a church person, and she just was a good mom," said daughter Regina Miller. "She was always there for us."

Miller is survived by daughters Regina, Gail and Alvina Miller, and Cotez Jacobs; and son Alvin Miller, who is vying to fill his mother's commission seat in the fall elections.

Funeral services are set for Oct. 12, with the time and place to be named. In lieu of flowers, please send donations to the Helen Miller Scholarship Fund, P.O. Box 1036, Opa-locka, Fla. 33054.

PATENT HOLDER COMPENSATION

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. FROST. Mr. Speaker, I am pleased that the provision of the bill that I had introduced and that the House passed last year—H.R. 632—has finally also been passed and returned to the House by the other body. At long last, small investors will be guaranteed fair, reasonable, and entire compensation when they are required to defend their patents rights when appropriated by the Government.

When the bill was pending in the other body, we received some questions whether the legislation was intended actually to provide full coverage of costs as it states, or whether some cap on costs might appropriately be added by the Congress as has been done in some other contexts.

The short answer is that the legislation means just what it says. It intends that all costs are to be reimbursed, with the only limitation being reasonableness, and the determination of reasonableness by a court is to be realistic, not miserly. If the patent holder's actual costs are within the realm of reason under the circumstance, they are to be fully compensated.

A patent holder whose invention is taken by the Government can obtain compensation only by bringing a case in the Court of Federal Claims under Section 1498 (a) of Title 28, United States Code. A case brought under that Section differs substantially not only from the usual cases brought in Federal courts, but also from other eminent domain cases. There is no procedure for an offer by the Government to be submitted to a patent holder for its taking of his patent rights. There is no administrative or other simple procedure for resolution of differences and settlement. There is no prominent single-issue such as valuation as in real estate condemnation cases, but instead a series of issues of unusual complexity. The patent holder must initiate a lawsuit, and must marshall professional assistance capable of establishing the validity of the patent, the infringement of the patent, and the proper valuation of the damages stemming from the infringement. Such lawsuits are exceedingly difficult and time-consuming to prepare and present to the court. They require extensive review, research, analysis, and presentation by capable professionals in the fields of law, engineering, science, accounting, and licensing. The time of such professionals is not inexpensive. Yet a patent holder has no choice but to engage such competent assistance, and to incur such costs, if he is to defend his patent right against the Government's taking.

It is our intent and our expectation that the court bear in mind these unique characteristics of Section 1498(a) lawsuits in the course of judging the reasonableness of the patent owner's costs during the investigation, preparation, liability, and accounting phases of such a case. It is also our intent and expectation that the court base its determination on a realistic view not only of the kinds of costs that it is reasonable to incur in such cases, but also of the reasonableness of the amounts of those costs. With respect to the kinds of costs that it would be reasonable to incur, apart from the costs of professional assistance, we have in mind such court costs as may be taxed under Section 1920 of 28 United States Code, as well as reasonable out-of-pocket expenses charged to the patent owner by expert witnesses and attorneys for such items as computerized research, communications, travel, hotels, and meals. With regard to the reasonableness of the amounts to be reimbursed, we note that suits under section 1498(a) are not elective ones such as prompted the Congress in the past to impose arbitrary limits on attorney's fees as in 28 United States Code, Section 2412(d)(2)(A), and on expert witnesses fees as in 28 United States Code, Section 1821(b). Thus, the touchstone for the court is simply a realistic appraisal of what is reasonable under the circumstances. Certainly, when a small patent holder's economic survival may be threatened by the cost of responding to an unwelcome governmental taking, the concerned patent holder cannot be limited to bargain-basement professional assistance if he is to receive "just" compensation as required by the Constitution. In such a situation, as well as in less dire circumstances, the intended test of reasonableness of professional fees actually incurred by the patent holder is whether they are within the range commonly charged by competent professionals in the same locality, in cases of similar complexity and similar importance to the patent holder.

In short, we intend that the Court of Federal Claims at last be empowered to do complete justice in such cases, and we believe that complete justice requires realism and practicality in the assessment of the reasonableness of the patent holder's costs.

TRIBUTE TO TEHAMA COUNTY SUPERVISOR BILL FLOURNOY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. FAZIO of California. Mr. Speaker, it is with a great deal of sadness that I rise today to announce the passing of Bill Flournoy of Tehama County, CA, who died on September 5, 1996, at the age of 75.

Bill was a member of the Red Bluff Elks Lodge No. 1250, a member of the Tehama County Cattlemen's Association and the California Cattlemen's Association, a member of the Woolgrowers Association, a member of the Tehama County Fair Board, and a member of the Flood Control Board.

Bill's 24 years of service as a Tehama County Supervisor was the longest tenure of any supervisor in recent years. He served his community with distinction in a variety of ways for many years. I extend my sympathy to his surviving family members while expressing my appreciation and the appreciation of every citizen of Tehama County for his life of service.

CONGRATULATING HARVARD STREET NEIGHBORHOOD HEALTH CENTER

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise on this occasion to compliment, encourage, and bring national attention to a successful grassroots health care initiative that started in my district at Harvard Street Neighborhood Health Center and has been implemented throughout the great Commonwealth of Massachusetts. This unique health care program is called Men of Color Health Care Initiative.

This initiative, among other things, is an outgrowth of the fact that the population the program serves tends not to seek out or utilize the medical services available to them. The need for this type of program becomes even more urgent, considering the fact that this population, when compared to the general public, reflects a disproportionate level of medical needs, including cardiovascular disease, strokes, diabetes, and cancer. Harvard Street Neighborhood Health Center and the other Men of Color health care programs do aggressive outreach and case management, and offer medical services in all major areas. They are to be commended for their hard work and commitment to the community.

I also commend Brigham and Woman's Hospital, the Massachusetts Department of Public Health, and the numerous businesses and individuals whose hard work and financial contribution make this initiative possible.

CONGRESSIONAL BIOMEDICAL RESEARCH CAUCUS CELEBRATES 50 BRIEFING SESSIONS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. GEKAS. Mr. Speaker, I am pleased to inform my colleagues that since the beginning of the Congressional Biomedical Research Caucus in 1990, until the last briefing of this Congress on September 25, there have been 50 briefing sessions for Members of Congress and their staffs on the latest cutting edge developments in biomedical research.

Over the 6-year period, the Biomedical Research Caucus has developed a working relationship with the five scientific societies: American Society for Cell Biology, American Society for Biochemistry and Molecular Biology, Biophysical Society, Genetics Society of America, American Association of Anatomists and the Association of Anatomy, Cell Biology and Neurobiology Chairpersons, which compose the Joint Steering Committee for Public Policy [JSC]. JSC under the leadership of Dr. Marc Kirschner, chairman of Cell Biology at Harvard Medical School and with the scientific resources of the member societies established a committee, chaired by Nobel Prize winner Dr. Harold Varmus, the current Director of the National Institutes of Health, to develop a biomedical research briefing program for the Congress. I am proud of the quality of the programs and the new opportunities in health care that are presented at the caucus briefings. Since Dr. Varmus assumed his duties at the NIH, we have been fortunate to have Dr. Michael Bishop, University of California, San Francisco, his former colleague and co-prize winner of the Nobel award advise us on appropriate topics and speakers for the caucus briefings. This past year in 1996, Dr. Bishop suggested the caucus learn about issues involving: genetic testing, antibiotic resistance, mad cow disease, and us, how vision wires our brains and the potential for learning, the latest in new drug therapy that may prevent the HIV virus from becoming full blown AIDS and allow individuals to live productive lives, and how H Pylori is involved in ulcers and stomach cancer. We look forward to his suggestions for next year.

This December, 1996, the American Society for Cell Biology at its annual meeting in San Francisco will give its Public Policy Award to Dr. Marc Kirschner, the first research scientist to receive the award. Previous recipients of the Public Policy award have been the Senator from Iowa [Mr. HARKIN] and the gentleman from Illinois [Mr. PORTER] for their contributions to the field of biomedical research. I think it is fitting that scientific societies begin to recognize and reward the service and contributions that their members make to the public arena on behalf of biomedical research. Dr. Kirschner has served the Congress well in beginning the briefing series and bringing all his colleagues, specifically Dr. Varmus and Dr. Bishop to our attention. Once again, Dr. Kirschner has served the Congress well in securing a replacement for his leadership of the JSC societies, Dr. Eric Linder, Director of the Whitehead Institute Genome Center at MIT. For the last year Dr. Lander, a member of the Genetics Society of America, has succeeded Dr. Kirschner, as chair of the efforts of the five societies of the Joint Steering Committee, which continue to provide us excellent advice and guidance on the latest developments in biomedical research. Over the years the caucus briefing series has developed a reputation for excellence and an audience among the Congress from the Congressional Research Service analysts to professional staff of the health and related Committees of the Congress. Two years ago the caucus hosted a briefing presentation by NASA, which was beginning its biology research on the Space Lab and in attendance was astronaut Shannon Lucid, the current American with the longest flight in space and her replacement in space John Blaha. We are able to bring these issues to the Congress by using the noon hour for briefing meetings because of the contribution of the Federation of American Societies for Experimental Biology, which cooperates with the Joint Steering Committee in this service.

We look forward to working with Dr. Lander, who was recently featured in a New York Times profile of a scientist at work, "Love Of Numbers Leads To Chromosome 17". Dr. Lander is an amiable adviser who brings the unique perspective of a mathematician to the work of genetics and biology. I commend the attached article about Dr. Lander for your reading and inspiration:

[From the New York Times, Sept. 10, 1996]

LOVE OF NUMBERS LEADS TO CHROMOSOME 17

(By Philip J. Hilts)

CAMBRIDGE, MASS.—In the career of Dr. Eric Steven Lander, as in the new branch of biology known as genomics, the life of numbers and the numbers in life have come together.

Dr. Lander, director of the Whitehead Institute/M.I.T. Genome Center here, is a leader in constructing a complete catalogue of the human DNA code or genome. But he did not arrive at this position in the traditional way—for example with a degree in biology. Only when past 30 did this curly haired and energetic figure first crack a book in biology.

Rather, he grew up in the thrall of numbers. As a high school mathematics whiz, he was on the United States high school team that came in a close second to the Soviet team in the world mathematics Olympiad in 1974. He later trained as a pure mathematician at Princeton University. Only then did he fall in love with biology, as he spent hours talking with his brother, Arthur, a neurologist.

Biology itself has also been undergoing change in recent years. The old style of academic biology is now admitting a brash new branch of inquiry, one that is information-heavy, computer-driven and closely allied to business. And for Dr. Lander, that has been perfect. When he emerged from his personal transformation, there he was, at the leading edge of molecular biology.

He established his credentials in biology by tackling subjects that could only be approached by someone with a strong background in mathematics, like how to analyze statistically whether a disease may be caused by one or many genes, and how to ferret out the different contributing genes.

In August, a team led by Dr. Lander found a gene that contributes to type 2 diabetes, a disease caused by many genes, each with many variants. Dr. Lander's strategy began with the calculation that elusive genes are easier to identify in isolated populations, where people are descended from only a few founders and have not accumulated the many genetic variations of more cosmopolitan groups. He searched for the diabetes gene among a group of people in the Bothnia region of western Finland where few outsiders have migrated in the last 1,000 years.

When biologists began to consider the task of making a complete catalogue of the entire three billion letters in the human body's DNA code, Dr. Lander's work made him a natural candidate to lead one of the several teams of DNA sequencers.

Craig Venter, head of the Institute for Genetics Research, a private concern in Rockville, Md., a competitor of Dr. Lander in the race to sequence genomes, said: "In sequencing whole genomes the breakthrough has been mathematics, applied math and new algorithms. These are the kind of things Eric is good at."

At the Whitehead Institute/M.I.T. Genome Center, Dr. Lander's group has produced the first genetic maps of the human and mouse genomes, a necessary step toward working out the complete DNA sequence. His laboratory is one of several that are financed by the National Center for Human Genome Research in Bethesda, Md. The consortium of laboratories had planned to complete the full DNA sequence of the human genome by the year 2005 at a cost of $3 billion, but is already two years ahead of schedule and below budget. The project has already identified many genes of medical interest and prompted investments by several companies.

Dr. Lander, 39, was born and raised in Brooklyn in a family of lawyers. As student at Stuyvesant High School in Manhattan, he was sent one summer to participate in an elite mathematics program, where the students decided that 17 was the most interesting of all numbers. They formed a 17 club and made up a T-shirt emblazoned with amazing facts about the number 17. Dr. Lander can still quote examples: "Many multisided figures are stable when set down any one of their sides, for example, a pyramid. But did you know that a 17-sided figure is the only one that is stable on one side only?"

Recently, the number 17 has sneaked back into his life. The Whitehead genome center has chosen human chromosome No. 17 as the one it will sequence as its contribution to the Human Genome Project.

"Someone suggested I had picked chromosome 17 because of my fascination with that number," Dr. Lander said. "That's not really true, but I am thinking of taking the old T-shirt out of the closest. I still have it."

As Dr. Lander followed his instincts, his career took some sharp turns, from pure mathematics at Princeton and Oxford, to managerial economics at the Harvard Business School. Then, while teaching mathematically oriented business classes by day, at night he crossed the Charles River to hang out in biology laboratories.

He had begun to see that beneath the surface of the two very different disciplines of mathematics and biology there lay some links of possible importance. Biology, however chaotic it might appear, had regions that he felt would yield to the firepower of mathematical methods. His first few papers exploring mathematical approaches to biology were sufficiently remarkable that he won a MacArthur Fellowship, the so-called "genius" award. "That grant was crucial for me," he said. "I was struggling to establish myself at the interface of math and molecular biology. Why should anyone take me seriously? The MacArthur gave me that essential credibility."

The $250,000 grant helped finance travel to the far-flung and isolated human populations where he knew gene-hunting would be easier.

Dr. Lander soon started to make an impact in molecular biology, creating the mathematical tools to tease out a major gene in asthma, and a "modifer" gene that can suppress colon cancer. But eventually he tired of hunting down genes in the genetic jungle, one by one. "That time is over," he said. He is now laying plans for the next era in biology, in which he foresees that the entire set of human genes and their functions will be available on one CD-ROM disk, so there will be no more Stanley-and-Livingston searching.

"Now, suddenly, biology is finite," he said.

"The genome project is wholly analogous to the creation of the periodic table in chemistry," Dr. Lander said. Just as Mendeleev's arrangement of the chemical elements in the periodic table made coherent a previously unrelated mass of data, so Dr. Lander believes that the tens of thousands of genes in present-day organisms will all turn out to be made from combinations of a much smaller number of simpler genetic modules or elements, the primordial genes, so to speak. He theorizes that these modules helped carry on life in the most primitive cells living on the planet three billion years ago. The basic functions of the life carried out by the first genes must all have been formed very early in evolution, Dr. Lander surmises. Most present-day genes are variations on these few original themes, he said.

"The point is that the 100,000 human genes shouldn't be thought of as 100,000 completely different genes," Dr. Lander said. "They should be thought of as maybe a couple hundred families that carry on essentially all of life."

Making such a periodic table for families of genes will define a new direction for biology, in Dr. Lander's view. The completed table would mark the end of structural genomics, the analysis of the structure of genes. "When you get the last base of the genome, driven in like the golden spike in the transcontinental railroad, we'll maybe have a big ceremony," he said. "But when it's done, it's done."

Then comes what Dr. Lander calls functional genomics, or making practical use of the table. For example, Dr. Lander says, biologists may learn to read human DNA so effectively that laboratories will quickly be able to tell patients all the important variations they have in their entire gene set, or genome. Further, it should be possible to tell which of those genes are turned off or on at a given moment, thus getting a picture of whether the cells of the body are up to snuff.

"So here's the manifesto for the era of functional genomics," Dr. Lander said.

"One. At the DNA level we want the ability to re-sequence an entire genome—anybody's genome—in a regular medical setting, to find all the variations. Because you and I differ in one-tenth of 1 percent of our bases, and that accounts for our differences.

"Most genes will have two, three or four major variants, If you have 100,000 genes, that means there will only be about 300,000 major variants. It's a finite number. We can then take that list, and then correlate all the different variations with health outcomes. You could take the Framingham Heart Study and find the rate of each disease associated with each of the 300,000 variants of genes."

That would allow each person to get a full list of what disease they are most at risk for, based on their inheritance.

With a mix of hope and skepticism, he said: "In principle, that would allow us to have personalized health care and personal health care strategies. In practice, of course, whether we do that will depend on what we as a society want to pay for, and how much we can protect our privacy, and so on."

"Two," he said, holding up fingers to signal the next item on his manifesto. "We want to be able to monitor gene expression." Finding out which of an individual's genes are active at any time would help indicate a body's response to drugs, dieting, exercise and other factors.

"All this is not so crazy as it sounds," Dr. Lander said. "Less crazy, in fact, than the genome project itself. There are already genetic 'chips' that can make these things possible."

He was referring to one of his favorite new technologies, which has put human genes on microchips. Genes in a blood sample can be matched against the standard ones on the chip to see if there are any important abnormalities.

So far, one company making "gene chips," Affymetric Inc. of Santa Clara, Calif., has succeeded in putting all the genes of H.I.V., the virus that causes AIDS, on a chip for such comparison. The company has plans to put 30 to 40 human genes on one chip, and "in principle at least," said Robert Lipschutz of Affymetrix, "we should be able to put all human genes on a chip."

Dr. Lander has a piece of that company, as well as a major financial interest in Millennium, a company that intends to make use of the data from the genome project to design diagnostics and treatments of disease.

If there is a danger sighted ahead in the "new biology," some critics suggest, it is that businesses may be too close to science, and may even sometimes be in the driver's seat. Scientific judgments may too often yield under pressure from business needs.

Dr. Lander, an avid businessman, takes these problems more seriously than most people in science, said Dr. Francis Collins, director of the Federal genome project. Dr. Collins credits Dr. Lander with leading the way to help solve at least one of the problems—that of hoarding data to gain business advantages.

The Whitehead genome center, at Dr. Lander's direction, puts out on the Internet all the data it produces on DNA markers and sequences, which are freely available to anyone who wants to copy the material.

At first the M.I.T. laboratory's data were posted every few months, and soon they will be disseminated almost daily, Dr. Lander said. "This work is paid for with public money and it's got to be made public as fast as we can," he said. "That means breaking with tradition and getting it out there long before it can be published in scientific journals."

The effect he says, is highly stimulating for biologists. "We get 50,000 to 100,000 hits on our database per week. People need this data."

The Federal genome project office has begun to follow his lead, and those receiving grants must now make their data available at least every six months.

The task over the next few years for those leading molecular biology will be to get biologists away from their traditional tools—pipettes, gels and flasks—and into analyzing gene function with computers.

"In the next one to three years, we have to figure out how to get humans out of the loop," he said. "Then we can really get to work thinking about biology and what's going on in life."

REMARKS OF KIKA DE LA GARZA AT THE CONGRESSIONAL HISPANIC CAUCUS INSTITUTE'S 19TH ANNUAL GALA

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. RICHARDSON. Mr. Speaker, on Monday, September 30, 1996, the gentleman from Texas, Mr. DE LA GARZA, addressed the House for the last time. I would like to include for the RECORD Mr. DE LA GARZA's remarks at the Congressional Hispanic Caucus Institute's 19th Annual Gala.

PARTIAL TRANSCRIPT OF CONGRESSMAN KIKA DE LA GARZA'S REMARKS AT THE CONGRESSIONAL HISPANIC CAUCUS INSTITUTE'S 19TH ANNUAL GALA, WEDNESDAY, SEPTEMBER 25, 1996

This is a great night for me, of course for the tribute, but more important for who we are, and what we do, and what we celebrate here, beyond me. The odyssey began a thousand years ago, in a little corner of Europe called the Iberian peninsula. And then, some 500 years ago, it crossed a vast ocean to a new world. Those galleons were manned by Spaniards, Hispanics. And then they came and explored the coast of the Carolinas, Newfoundland, what we now know as North and South America and began settlements. So the odyssey continued—Spanish, Mexican and Texan, and Confederate and U.S. and we never moved from the same ranch.

. . . people out of the United States, how not to educate children because their parents might be illegal or . . . that to me was a sad occasion that a child, you know, the Master said, "Suffer the children to come unto me." He didn't say if they were Palestinians or Nazaranians, he said, "the children, come unto me." And here we're saying, "No, you're not going to teach this child. You're going to throw him out on the street. We don't care if he's educated because his parents are illegal or because he's illegal. That's not right. That's not what America is all about. (Applause) Thank you. (Applause)

Some of us have been more fortunate than others. I have been more fortunate. But I come to you saying that, to those who receive much, have more to repay, and this is something that we have to look at, and that's been my thrust all along. That we have a . . . When they said life, liberty, and the pursuit of happiness, that's what it means, having a youngster be educated, have a youngster the ability to help themself. If no one else will help them, at least he'll help himself. And I had, throughout my life, the best educators, teachers, since my very first nun, Sister Mary Teresita, and my very first scout master, and following that my first high school coach. We followed them, and we were able to achieve. And my friends, I stand here tonight as part of that odyssey that began long time ago, thank to those who have touched my life along the way. Family, my wife, my kids. I regret that my kids could not be here. One, Mike, is out in the middle of the Mediterranean, the task force with the Enterprise, Lieutenant Commander Mike de la Garza. We're very proud of him. Our daughter Angela works for Jay Morwin (??) in Austin with the Gulf of Mexico initiative. And our heart surgeon George, we're very proud of him. He's there at home and he's the one that we see more often. But that's the family, that's the evolution, but we're family, all of us Hispanics. That's what our life has been about. Family. Unity. Any primo can find a place . . . we don't have any homeless among the Hispanic community. There's always a relative to go and take them in. (Applause) There are many people in Texas who got me where I am tonight. (Applause)

(Break in recording)

. . . When my wife and I go there and they can't hug me much more above my waist, but they come and hug me and all of them are so happy that we're there. I'm . . . That's the only school named after someone that's not dead. So they're glad to see me, "Yes, that's Kika de la Garza, yes, oh boy." (Laughter) But they're learning and that's the future. That's who we're working for. Those of you who are in the corporate world, those of you who help us with the interns and the fellows. I just got a call today from a former fellow of the Hispanic Institute who is a dean at Cornell University. (Applause) And that, my friends, is what it's all about. That we include la familia . . . Unfortunately we're having hard times in this country, and there's no perfect country. We're probably the closest one to perfection, with all our faults, of all the countries in the world. And what we have from Mexico all the way to Chile and Argentina and through the Caribbean, that's the extended family. That's la familia. But because of an accident of history, many of us became American citizens and let me tell you that when we became American citizens we transferred the loyalty. We transferred all of our interest and we have pledged allegiance to the flag of the United States of America. But I respect the Mexican flag because that was part of my family history in the beginning. And that's something that (Applause) . . . that some people would not understand, but we served. I served in the navy. I served in the army. And this is something that . . . "We can't spend our money on the youngsters because he's illegal." There is an illegal dead marine whose family has the Congressional Medal of Honor at home. That, my friends, . . . (Applause) . . . And we served. We have some Congressional Medal of Honor winners here. I saw the winner, Mr. Rojo. Where are you? Will you take a bow? (Applause) . . . And from Mission, Texas, we had Sergeant Lopez and we're going, October the 12th, we're going to commission the U.S.S. Freddy Gonzalez, a new cruiser, and Freddy died in Vietnam. And got the Congressional Medal of Honor, which his mother has, and my uncle Bobby, my mother's youngest brother, died in World War II. And for those that may doubt, let me tell you, I grew up in el barrio en el escuela Católica. We all lived around the Catholic school. Let me tell you. Joaquin Castro, buried somewhere in the Pacific ocean, only the good Lord knows where he is at, Roberto Gonzalez, killed after 65 missions as an aerial gunner, came and died in an accident, his plane fell in Utah. Around the corner, Ricardo Alaniz, Cayo we called him, died in the Battle of the Bulge. Next to him Daniel Garcia, somewhere in the bowels of the Pacific ocean, only the good Lord knows where he's at. My uncle Bobby that lived with us for some time after my grandmother died. Around the corner Merced Salinas, 28 years in the army waiting for thirty, dead in Vietnam. And Panchito Bentania, 18 years old, dead in Vietnam. My friend, this is our family, this is our neighborhood—el barrio y la escuela Católica—that's our contribution: everyone served. (Applause) And so I truthfully tell you we don't want any handouts, we just want to be treated as every other American should be treated. And hopefully we will get the same respect and treatment as everyone else. And we'll work. Because Lyndon Johnson came to my district once after he'd left the Presidency for something they had for me and he was asked by the media "What has been your philosophy of life? What have you tried to do in politics as president?" He said, "Very simple—a job for every person able to work, a decent home for his family, and a good school for his children. Beyond that, they can take care of themselves." And that's what I have tried to do my friends.

We are la familia. We are la familia. We have been able to garner a coalition to stop legislation—not to pass—but we can garner our coalition to stop almost any bit of legislation if we can get that coalition going. And we have passed some good legislation. So let me say that as we celebrate Hispanic month, as we look around us at la familia—who the Hispanics are—whatever color, whatever shade of face or hair or how much hair, we know that we have worked together, we know that we have the love that every family has for their children and want to see their children achieve and prosper and succeed in life. We want to see that every child becomes your child—that every child becomes my child—and that together we gather that family and we work to see that the doctor, lawyer, or engineer. It was so great the other night to see in the baseball, in the arts, in education, those that were recognized as having been leaders and having achieved beyond the norm the greatness of these individuals. In my area you know, our brethren and our brothers in the Black College Fund have a saying that a mind is such a terrible thing to waste. My friends, this is true. I grew up—Don Baltisario Guzman could play 5 musical instruments, could write poetry. He was photographer at funerals and weddings if there wasn't anybody to delivery the speech he would be there. This man who was a genius never went to school. Can you imagine had he had a formal education what he could have achieved beyond what he did? And this is what we're talking about. That everyone be able to fulfill their good-given ability and this is . . . Don Baltisario was to me was one of my heroes. There was a scientist, Ben Villalone, and he tamed the wild jalapeño. No one had been able to do that. He's a research scientist at Weslaco and head of that Texas A&M experiment station in Doctor José Amador who is here with us tonight and we're very proud of him, that he's here with us.

And so, let me just put it all together, my friends, that as we achieve, we shouldn't disregard . . . there's a saying "No see me olvida de donde vine ni quien me puso donde estoy.—I don't want to forget where I came from nor who placed me where I'm at." And this is it. I brought them with me tonight. (Applause) I brought them with me tonight. The Freddy Gonzalez, and the Cayo Alaniz, the migrant who worked in the fields, the sailors in those galleons that came across the vast ocean to begin what we celebrate tonight. The mothers who worked in the fields and reared the children, the teachers who worked for free in the neighborhood, the priests, the nuns, the preachers, all of those that came to people of low economic resources. I bring them all with me tonight and any tributes that you give me, really belongs to them. They're here. (Applause)

They are here, my friends, and I hope that you can visualize that they're here, my friends from the migrants, my friends the campesinos, my friends who worked and toiled, my friends who are able to say "I never went to school but all my kids have graduated from college." That's what it's all about. (Applause) And so let me say, you're saying what is this guy doing? (Laughter) I'm waiting for the President to come. (Laughter) (Applause) Maybe I can tell the submarine story.

So let me just end with this, my friends. A long time ago, when the explorers were going to the North (Laughter) they stopped in the evening near a big mountain. And one of the soldiers said "I wonder if anybody will ever know we came this way." And his commander said "Well, I'm going to take care of that for me." So he got his saber and he carved his name on the side of the rock and put the date and below it put "Pasó por aquí." So my friends I contributed my little grain of sand to the vast ocean of what is the legislative field, but I wanted you to know that hopefully someday somehow the world and our friends and especially my Hispanic family will know that someone named Eligio de le Garza, otherwise known as Kika pasó por aquí. Thank you. (Applause)

TRIBUTE TO JOSEPH COCCIA, JR.

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. MARTINI. Mr. Speaker, I rise today to pay tribute to Joseph Coccia, Jr., the recipient of the 1996 Italian Tribune News Columbus Day Community Service Award. Mr. Coccia will receive the award from the executive director of the annual celebration.

As we all know, Mr. Speaker, Christopher Columbus crossed the Atlantic Ocean in search of a New World. Columbus' exploration represented a service to the world far greater than he ever knew. He discovered a New World which would eventually evolve into the world's greatest democracy.

Each year, the Italian Tribune News rewards a deserving individual with the Columbus Day Community Service Award, in recognition of Columbus's service to humanity.

This year, Joseph Coccia, Jr., will be honored with this award. Mr. Coccia was born in Newark, NJ, to Italian immigrant parents, in the midst of the Great Depression. He was educated in the public school system until he entered the Army in 1951 and served his country in the Korean war.

After returning from Korea with an honorable discharge in 1953, he married his childhood sweetheart, Elda Soriano. Together, the Coccias have five wonderful children.

In 1961, Mr. Coccia opened his own real estate agency and developed it into a successful and prosperous enterprise. Mr. Coccia was so grateful for this success, he felt compelled to share his prosperity with the community by donating both time and money to various local charities and organizations.

For example, Mr. Coccia is an energetic supporter of local law enforcement. He was the nucleus of a successful fundraiser to purchase 144 bulletproof vests for the Kearny Police Department. In 1979, in recognition of his generosity, he was awarded a Silver Honorary Membership in PBA Local 21. He was the first civilian in 70 years to receive this award.

Mr. Coccia is also a charter member and past president of the Kearny, NJ, Chapter of UNICO National, as well as past national president of UNICO. As the national president, he pioneered programs designed to assist the mentally disabled and was the recipient of the Dr. Anthony Vastola Medal—the highest honor awarded by UNICO. Mr. Coccia was also honored by the former Consul General of Italy for his invaluable assistance following catastrophic earthquakes in Italy during the late 1970's.

Today, Mr. Coccia serves as secretary for the New Jersey Cavaliere Association, trustee for the Catholic Youth Ministries, a member of the Board of Governors at West Hudson Hospital, president of the West Hudson/South Bergen Chamber of Commerce and member of the Marconi Fraternal Association.

Joseph Coccia is truly deserving of this distinguished award, Mr. Speaker. I ask my colleagues to rise in recognition of the vast array of contributions that Mr. Coccia provides to our community, in the Eighth Congressional District of New Jersey.

H.R. 3752, THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. YOUNG of Alaska. Mr. Speaker, in a rollcall on September 26, 1996, the American Land Sovereignty Protection Act of 1996, which would reestablish the Congress as the ultimate decisionmaker in managing public lands and maintain sovereign control of lands in the United States, failed—by a 246 to 178 vote—to receive the two-thirds majority necessary to suspend the rules and pass the bill. The bill simply requires congressional approval of international land designations in the United States, primarily UNESCO World Heritage Sites and Biosphere Reserves. These designations, as presently handled, are an open invitation to the international community to interfere in U.S. domestic land-use decisions.

I am amazed that a single Member of Congress would oppose legislation requiring congressional oversight of international land designations within the borders of the United States. What is unreasonable about Congress insisting that no land be designated for inclusion in international land use programs without the clear and direct approval of Congress? What is unreasonable about having local citizens and public officials participate in decisions on designating land near their homes for inclusion in an international land program?

Many, many Americans from all sections of our country have called my office to say that they are concerned about the lack of congressional oversight over UNESCO international land designations in the United States and to express their support for H.R. 3752. I want to say to them that this fight has not ended. I plan to introduce this bill again in the 105th Congress.

I would like to include the following recent articles about the debate over H.R. 3752. I urge my colleagues to read these commentaries.

CONGRESS FAILS TO VETO U.N. ROLE IN NATIONAL PARKS

(By Cliff Kincaid)

In a sign of mounting anti-United Nations sentiment, Rep. Don Young (R-Alaska) got about 60% of House members—246 to 178 (see rollcall next week)—to vote in favor of his "American Land Sovereignty Protection Act" (H.R. 3753) on September 26, but because the bill didn't get the two-thirds approval needed under suspension of the rules procedures, it ultimately failed. Thirty-three Democrats voted for the popular piece of legislation, 15 Republicans voted against it.

The bill would have required congressional approval before federal officials seek special U.N. status for U.S. parks and public lands. It was brought to the House floor just two weeks after Rep. Young had convened an informative September 12 hearing of his House Resources. Committee to highlight how the United Nations has been brought in to "protect" literally tens of millions of acres of federal land. The hearing focused on how President Clinton complied with a U.N. recommendation to kill a gold mine project outside Yellowstone National Park.

Citizens and local officials from Montana, New Mexico, Wyoming, Colorado and even New York testified that the United Nations has been involved in labeling public lands in their communities as World Heritage Sites and Biosphere Reserves without their knowledge or consent. They said the U.N. involvement including proposals for "buffer zones" around these areas, threatens private property rights, property values and economic development.

In the United States there are now 20 World Heritage Sites, designated under the terms of a 1972 treaty, and 47 Biosphere Reserves, designated under a 1970 U.N.-sponsored "Man and the Biosphere" program that has been implemented without the benefit of a treaty. The programs are run out of the U.N Educational, Scientific and Cultural Organization (UNESCO) in Paris.

According to Rep. Young, these U.N.-designated areas comprise more than 51 million acres—68% of all National Parks, Preserves and Monuments, including the Statute of Liberty and Independence Hall.

Unwilling to take the side of the United Nations against Congress, not one major environmentalist group accepted an invitation to testify and no Democrats on the committee showed up at the hearing to oppose the bill. The Clinton Administration did, however, send Assistant Interior Secretary George Frampton to testify against the Young bill. Frampton was clearly perturbed by Young's effort to promote his legislation by asking his congressional colleagues, "Is Boutros Boutros-Ghali zoning land in your district?"

Ironically, Frampton's own dealings with the United Nations in the Yellowstone matter were a major factor in prompting the hearings and the proposed legislation.

CLINTON'S YELLOWSTONE DEAL

Circumventing the lawful process of completing an Environmental Impact Statement to determine what threat, if any, was posed by a proposed gold mine, Frampton last year invited a foreign U.N. delegation to make a brief visit to Yellowstone, which is both a World Heritage Site and a Biosphere Reserve, to call for a "buffer zone" around the park and to declare it "in danger" from the mining project. The leader of the delegation was a German, Bernd Von Droste, who has called for global energy taxes to enable the United Nations to better "protect" these areas.

After the U.N intervention, the mining company, Crown Butte Mines Inc., agreed to White House demands to cancel the project in return for a vague presidential promise of some federal land somewhere else. "This President believed the U.N. has more value than the Congress," Rep. Young angrily declared, vowing to push his sovereignty bill and subject Clinton's Yellowstone deal to congressional scrutiny.

But the administration's Frampton dismissed these concerns. "People are nervous the U.N. is coming," he sniffed. He insisted the U.N. designations simply promote environmental cooperation and actually serve to attract tourists. When told, however, that the United Nations had complained that Yellowstone was too crowded by tourists, he just replied, "I was not aware of that." Indeed, environmental groups not only wanted the gold mine stopped, but have suggested greatly restricting tourism within the park.

Myron Ebell of Frontiers of Freedom, a group started by former Sen. Malcolm Wallop (R.-Wyo.), said Frampton was part of a "cabal" of federal agencies and environmental groups that regard the United Nations as a "weapon" in their campaign to deindustrialize America. Paul C. Jones, executive director of the Colorado-based Minerals Exploration Coalition, said the involvement of the United Nations in Yellowstone was "unprecedented" and amounted to an international "land grab." The House support for the Young legislation is only one indication that opposition is building.

Rep. Tim Hutchinson (R.-Ark.) testified that citizens in his own state, including a group called "Take Back Arkansas," had thwarted the designation of the Ozark National Forest as a Biosphere Reserve because they didn't want their "prized national treasures" subjected to international agreements that might conflict with U.S. law. In a case involving Mount Mitchell State Park in North Carolina, citizen action forced park authorities to actually take the words "United Nations" off a wooden sign leading into the park.

For her part, Nina Sibal of UNESCO testified that passage of Young's legislation was "a sovereign decision" of the United States. Her French UNESCO associate, Pierre Lasserre, however, did venture the opinion that the name of the "Man and the Biosphere" program should be changed because it sounds "sexist."

U.N.-SPONSORED ALIENS LAND IN YELLOWSTONE

(By Gayle M.B. Hanson)

The Clinton administration allowed an obscure treaty to establish U.N. authority over Yellowstone National Park, the Statue of Liberty and other American sites. House Democrats backed the power grab.

Okay, so maybe there were only a handful of individuals involved, and maybe they didn't actually arrive in the dead of night protected by whirring black helicopters and hell-bent on clandestine maneuvers. But the fact that four members of the United Nations Educational, Scientific and Cultural Organization's, or UNESCO's, World Heritage Committee traveled from halfway around the globe to the Idaho-Montana-Wyoming border area in summer 1995 to investigate a "dangerous" situation unfolding at Yellowstone National Park has some people still scratching their heads in disbelief.

The aforementioned (dare we say it?) aliens were invited to poke around on their fact-finding mission at Yellowstone by Assistant Secretary of the Interior for Fish and Wildlife and Parks George Frampton Jr. Frampton, at the behest of the U.S. Park Service and a cavalcade of environmental groups including the Sierra Club, the National Audubon Society and the Wilderness Society, an organization Frampton once led, officially sought the intervention of UNESCO's World Heritage Committee to remedy what they called "extremely serious threats" by a proposed gold mine near the park.

The initial correspondence from the environmental groups to the World Heritage Centre in March 1995 requested that Yellowstone be put on the List of the World Heritage in Danger due to the mine that was planned on its perimeter. The World Heritage Centre followed up with a letter to Frampton in June requesting a detailed analysis of the site to determine whether it should be included for consideration as endangered at their July meeting in Paris. On June 27, Frampton responded on behalf of the Clinton administration in a lengthy letter in which he pleaded for intervention by the U.N. group and urged that international investigators immediately be sent to Yellowstone.

"[Interior] Secretary Babbit and I are informed of the nongovernmental conservation group concerns as transmitted to the Centre," Frampton wrote to Bernd von Droste, the World Heritage Centre director. "We believe that a potential danger to the values of the park and surrounding waters and fisheries exists and the Committee should be informed that the property as inscribed in the World Heritage List is in danger."

In short, invoking a madcap treaty, the Clinton administration accepted U.N. sovereignty in these matters and called upon a U.N. agency to save Yellowstone. Several months later four individuals from the Centre flew to the rescue. "I was there the entire time they visited," says Paul C. Jones, executive director of the Minerals Exploration Coalition, a mining-advocacy group. "We were in the midst of a very long, very serious, congressionally mandated process to produce an environmental-impact statement on the mine proposed for the park. We were strictly following the rules as spelled out by the National Environmental Protection Act. When suddenly, with the appearance of the U.N., what had been an ordinary process became a political debate. And it was apparent that these people had made up their minds before they even got there."

During their visit to the proposed site for New World Mine, north of Cooke City, Mont., the four visitors had the opportunity to interact with many of the more common local species including environmentalists, park-service representatives and mining-industry honchos. In fact, each member of the visiting U.N. team traveled in an overland vehicle (read Jeep) with their own locally supplied good-guy environmentalist and evil mine representative. This allowed for a continuing dialogue to be maintained wherein each side could bark loudly at the other.

The visitors also took time out from their research to discuss the future of the park with the many reporters who had gathered from around the globe. Adul Wichiencharoen of Thailand, who heads the World Heritage Committee, went so far as to tell a reporter from Montana's Billings Gazette that the park might be improved by the addition of several million additional acres of land. "Certainly the forest areas around Yellowstone belong to the same ecosystem," he said. "All of these lands must have protection so their integrity is not threatened."

The end result was that the visitors returned to the World Heritage Centre, presented their findings in Berlin that November and the world body voted to place Yellowstone on its lists of endangered sites. The resulting international bad press effectively derailed the permit process and in late August the mine owners agreed to a land swap with the U.S. government, ridding them of their parcel of $65 million worth of property in a location yet to be determined.

Where was Yogi Bear when he was needed? It isn't certain. But the circus of events that took place in the mountains was enough to send House Resources Committee Chairman Don Young of Alaska to urge passage of the American Land Sovereignty Protection Act of 1996 faster than you could say Boutros Boutros-Ghali.

Young's proposal simply provided that Congress be allowed to assert its authority over what American landmarks make the World Heritage List. The World Heritage List is a product of the UNESCO Convention Concerning the Protection of the World Cultural and National Heritage, a treaty taking precedence at law over the U.S. Constitution. Since it was adopted in 1972 (the United States was its initiator and first signatory), the convention has been used to project the authority of a U.N. agency over an ever-growing list of officially designated cultural and natural sites. Commemorative photos are taken. Plaques are installed at qualifying locations. National sovereignty is eroded.

At present 496 cultural and natural sites throughout the world are included on the list. They cover a diverse compendium, including such buildings as Independence Hall, the Statue of Liberty and the Leaning Tower of Pisa, and such areas of regional and national interest as the Florida Everglades and Mount Everest.

"Land designations under the World Heritage and Biosphere Reserve programs have been created with virtually no congressional over-sight and no congressional hearings. The public and local governments are rarely consulted," says Young.

Instead, in the case of the World Heritage List, sites generally are recommended for this internationalization by the National Park Service. Twenty such sites are within the confines of the U.S. borders; two additional sites, Yellowstone and the Everglades, are on the list of endangered heritage sites. Hundreds of additional sites around the globe are pending inclusion on the list. If neither the first McDonald's nor Yankee Stadium has yet to be included, it could be an oversight.

Certainly the UNESCO folks are looking to improve their holdings. "An analysis of the World Heritage List has shown that the industrialized world, religious Christian movements, historical cities, historical periods and 'elitist' architecture are over-represented," according to World Heritage Centre documents. Well, so much for getting McDonald's on the list.

Now the World Heritage Centre is willing to admit that for the moment it is a dog that barks but has no bite. It can't yet force the United States to do anything about its national parks or turn over the Statue of Liberty. But these people are nothing if not ambitious. Although UNESCO admits that it has no enforcement teeth (which begs the question of why there should be such a list in the first place), the Clinton administration first strongly asserted its desire that Yellowstone be put on the endangered list and then opposed passage of Young's bill, which would have taken nomination of sites to the World Heritage List out from under the relatively opaque operations of the Interior Department and placed them in the hands of Congress.

"If Congress wishes to micromanage these international programs, it could assume that responsibility," claimed Rep. George Miller of California, the senior Democratic member of the House Resources Committee. "However, it is very ironic that this Congress is willing to spend its waning days fixing programs that are not broken. . . ."

Critics slap their heads, roll their eyes and wonder if a treaty really has ceded American sovereignty over the Statue of Liberty and Independence Hall. They note with suspicion the administration's loathing of the proposed Young bill, going so far as to promise a presidential veto had it passed. They ask why we have Clinton protecting a list that supposedly doesn't matter—from a bill that supposedly doesn't matter.

Some who testified in favor of the bill argue strongly that congressional oversight is constitutional necessity. "If these international programs are seen as harmless because they are merely symbolic, Congress is entitled to think competing concerns also deserve 'symbolic' recognition," testified Jeremy A. Rabkin, an expert in constitutional law from Cornell University. "[The bill] seems to me a modest but useful statement that global enthusiasms should not be allowed to run roughshod over our traditional constitutional principles."

But if the American Land Sovereignty Protection Act of 1996 didn't stand a chance this time around, and the bill, while it received a majority of votes, did not receive the two-thirds vote necessary for it to pass under the rules of suspension, it still is not a fight that's finished. Young has vowed to keep the pressure on when the 105th Congress convenes.

"While I'm pleased that a strong majority of the House supported this legislation, I'm amazed that a single member of Congress would oppose having congressional oversight of international land designations within the borders of the United States," Young says. Clinton administration claims of U.N. authority over Yellowstone and the Statue of Liberty are meanwhile continuing to give conservatives a bad case of dyspepsia.

PRIVATE PROPERTY CONGRESSIONAL VOTE INDEX

HON. WES COOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. COOLEY. Mr. Speaker, today I bring to my colleague's attention the 1995–96 Private Property Rights Congressional Vote Index created and published by the League of Private Property Voters in Battle Ground, WA.

This index, first published in 1990, was developed in response to actions of Federal agencies that result in the taking of private property without just compensation. The current index is sponsored by several hundred grassroots-wise use and private property rights groups. Among the Oregon cosponsors are Oregon Cattlemens Association, Oregon Farm Bureau, Oregon Lands Coalition, Oregonians for Food and Shelter, and Oregonians in Action.

I urge my colleagues to read and study this index to learn more about the concerns of private property rights advocates.

UNITED STATES HOUSE OF REPRESENTATIVES

The votes listed below show how the House supported (S) or opposed (O) the League of Private Property Voters position. A description of each vote is listed below along with the scorecard.

You will gain the greatest benefit by first looking up your Representative to see what his private property score was on the right side of the scorecard. Then read each vote description. The league private property position listed near the top of the scorecard shows how we believe your Representative should have voted on each issue. Check to see whether you Representative supported (S) or opposed (O) the League private property position.

U.S. HOUSE VOTES

HOUSE VOTE #1: WEAKENING UNFUNDED MANDATE REFORMS

H.R. 5 requires a Congressional Budget Office cost analysis and specifics on how a bill or regulation would be financed on any measure imposing costs of more than $50 million on state and local governments. Representative James Moran (D–VA) offered a substitute amendment to severely weaken H.R. 5 by removing a provision in the bill blocking the consideration of legislation that does not provide money for meeting a federal mandate. The Moran substitute was rejected February 1, 1995 on a 152–278 vote. Private property rights supporters voted NO.

HOUSE VOTE #2: REGULATORY MORATORIUM

H.R. 450 would temporarily prohibit federal agencies from implementing new federal regulations. The freeze would be in effect until December 31, 1995, or when the regulatory revisions in the "Contract With America" were enacted, whichever is sooner, and would retroactively cover regulations proposed or put into effect since November 20, 1994. The bill would exempt routine regulations and those that address an "imminent threat to health or safety." H.R. 450 passed 276–146 on February 24, 1995. The President's position was a no vote. Private property advocates voted YES.

HOUSE VOTE #3: STRENGTHENING RISK ASSESSMENT AND COST/BENEFIT ANALYSIS FOR NEW REGULATION ACT

H.R. 1022 requires that any new regulations affecting the environment, health and safety that would likely cost the economy more than $25 million annually must first undergo an assessment of risk and the relative costs and benefits. Representatives Joe Barton (R–TX), Mike Crapo (R–ID) and Billy Tauzin (D–LA) offered an amendment to strengthen H.R. 1022 by establishing a process whereby citizens could petition federal agencies to review EXISTING regulations. The Barton-Crapo-Tauzin Amendment was rejected on a 206–220 vote on February 28, 1995. Private property rights advocates voted YES.

HOUSE VOTE #4: PRIVATE PROPERTY RIGHTS—30 PERCENT THRESHOLD

H.R. 925 was a private property rights bill that would provide for landowners to be compensated for the loss of the use of their land caused by federal regulations. The Goss Amendment (Porter Goss (R–FL)) would have weakened H.R. 925 in two ways. First it would have raised the threshold to 30% from 10% before the bill would kick in and require compensation to the landowner. Second, the Goss Amendment would have required that the 30% apply to all the landowners property, not just the portion affected by the regulation as stated in H.R. 925. The Goss Amendment was defeated 210–211 on March 2, 1995 (the House eventually settled on a 20% threshold). The property rights position was a NO.

HOUSE VOTE #5: PRIVATE PROPERTY RIGHTS

H.R. 925 would require federal agencies to compensate private property owners for federal actions taken under the Endangered Species Act, the Wetlands provisions of the Clean Water Law and the 1985 Farm Bill, and certain laws affecting Western water rights that reduce the value of any section of their properties by 20 percent or more. If a regulation took 50% or more of the property value, the landowner would be able to force the government to buy out his property. H.R. 925 passed 277–148 on March 3, 1995. The President's position was a no vote. Private property advocates voted YES.

HOUSE VOTE #6: EMERGENCY HARVEST OF DEAD AND DYING TREES ON FEDERAL LANDS

During the last five years a net of 21 billion board feet of dead and dying timber has accumulated on Forest Service lands nationwide. Unfortunately, existing federal barriers have prevented these trees from being harvested before they deteriorate and lose commercial value. They merely rot and provide no employment for rural timber economies and increase the cost of forest products used to build houses. H.R. 1158, the Emergency Supplemental Appropriations and Rescissions bill, contained a common sense provision by Representatives Charles Taylor (R–NC) and Don Young (R–AK) which established expedited procedures for removing these dead and dying trees while still retaining important environmental safeguards. An amendment by Rep. Sidney Yates (D–IL) to strike the Taylor-Young provisions and thus retain existing barriers to harvesting these trees was defeated on March 15, 1995 by a 150–275 vote. Private property rights supporters voted NO.

HOUSE VOTE #7: WETLANDS DEFINITION AND COMPENSATION

H.R. 961 is a bill to revise the Clean Water Act and regulation of wetlands. The Boehlert Amendment (Sherwood Boehlert (R–NY)) would have gutted H.R. 961. It would have broadened the definition of wetlands to cover more land and eliminated the provisions of the bill that would require federal compensation for private landowners affected by wetlands regulation. This amendment was supported by 39 moderate Republicans and opposed by 51 conservative Democrats. The Boehlert Amendment was defeated 185–242 on May 16, 1995. The private property vote was a NO.

HOUSE VOTE #8: MORE FUNDING FOR CONVERTING PRIVATE PROPERTY INTO FEDERAL PROPERTY

H.R. 1977, the FY 1996 Interior Appropriations bill, contained $51 million for federal agencies to acquire only the highest priority lands for national parks, national forests and wildlife refuges. Representative George Miller (D–CA) offered an amendment to increase this amount by $183 million which is offset by a corresponding cut in fossil fuel research and development funding. The Miller Amendment was defeated 170–253 on July 13, 1995. Private property rights supporters voted NO.

HOUSE VOTE #9: FUNDING FOR NATIONAL TRUST FOR HISTORIC PRESERVATION

An amendment to the Fiscal year 1996 Interior Appropriations bill (H.R. 1977) by Rep. Tim Hutchinson (R–AR) would have eliminated the $3.5 million provided in the bill for the National Trust for Historic Preservation. The House Appropriations Committee had already decided to defund the trust over 2 years but the Hutchinson Amendment would have cut the funds immediately. The Hutchinson Amendment was defeated 129–281 on July 13, 1995. The private property position was YES.

HOUSE VOTE #10: EAST MOJAVE NATIONAL PRESERVE MANAGEMENT

Congress passed the California Desert Act as one of the last things it did in the 103rd Congress in 1994. In 1995, Representative Jerry Lewis (R–CA) inserted a provision in the FY 1996 Interior Appropriations bill (H.R. 1977) that kept management of the East Mojave National Preserve in the hands of the Bureau of Land Management instead of turning it over to the National Park Service as planned in the California Desert Act. Rep. Vic Fazio (D–CA) offered an amendment to turn the area over to the National Park Service and transfer $600,000 given to the BLM to manage the area to the Park Service. The Fazio Amendment was defeated by a vote of 174–227 on July 13, 1995. The private property rights provision was a NO vote.

HOUSE VOTE #11: NO MORE ROADS IN FOREST SERVICE ROADLESS AREAS

Rep. Joseph Kennedy (D–RI) offered an amendment to the FY 1996 Interior Appropriations bill to stop the Forest Service from constructing roads or preparing timber sales in roadless areas of 3,000 acres or more. These areas have not been designated by Congress as Wilderness and should not be managed as such unless Congress determines otherwise. The Kennedy Amendment was defeated by a vote of 155–255 on July 18, 1995. Private property rights advocates voted NO.

HOUSE VOTE #12: CONTROLLING EXCESSES OF THE ENVIRONMENTAL PROTECTION AGENCY (EPA)

H.R. 2099, the bill funding Veterans Administration, Department of Housing and Urban Development and Independent Agencies contained 17 anti-regulatory provisions (called riders) to reign in excesses by the EPA. Of greatest interest to private landowners were riders dealing with the Clean Water Act's onerous wetlands program. Representatives Sherwood Boehlert (R–NY) and Louis Stokes (D–OH) offered an amendment to strike the 17 anti-regulatory riders from H.R. 2099. The House, which had approved the Boehlert-Stokes Amendment three days earlier, rejected it on July 31, 1995 on a 210–210 tie vote. A yes vote supported the Clinton Administration's position. Private property rights supporters voted NO.

HOUSE VOTE #13: POLITICAL ADVOCACY RESTRICTIONS

The Skaggs Amendment (David Skaggs (D–C)) aimed to strike from the Labor-HHS Appropriations bill (H.R. 2127) language opposed by liberals that prohibits any Federal grant from going to any group that has spent over 5% of its annual non-governmental income in any of the previous five years on political advocacy, including lobbying. The Skaggs Amendment was defeated 187 to 232. The private property position was a NO.

HOUSE VOTE #14: NATIONAL PARK SYSTEM OVERHAUL

H.R. 260 offered by Rep. James Hansen (R–UT) would direct the Interior Secretary to prepare a review of National Park Service operations within two years of enactment and make recommendations to Congress on improvements such as closing parks or changing management practices. There are well recognized financial and other problems in the National Parks. The agency is billions of dollars behind in deferred maintenance and land acquisition. The Hansen bill only asked the Park Service to make recommendations for changes. It did not make any immediate changes. However, in the new highly partisan House the proposal was defeated 180 to 231 on September 19, 1995. A no vote was in support of the President's position. Private property advocates voted YES.

HOUSE VOTE #15: MINING PATENTS

The House added an amendment to the FY 1996 Interior Appropriations bill (H.R. 1977) extending the moratorium on mining patents for another year. The Senate rejected this amendment and substituted an amendment which ended the moratorium and raised the price charged for a patent to fair market value. The conference committee concurred with the Senate. Representative Sidney Yates (D–IL) offered a motion on the House floor to recommit the FY 1996 Interior Appropriations bill (H.R. 1977) to the House-Senate conference committee with instructions to include a one year ban on expending money for processing or granting mining patents. The Yates motion passed 277–147 on September 29, 1995. A vote for the motion was a vote to deny many mining claimants their property rights. A no vote was the vote to protect property rights (See vote #6 in the Senate).

HOUSE SCOREBOARD

[House key: S: Supported private property position; O: Opposed private property position; X: House Speaker excused himself from voting; ?: Did not vote; I: Ineligible to vote at the time]

Private property position	N	Y	Y	N	Y	N	N	N	Y	N	N	N	N	Y	N	Percent support	
Congressman (votes)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	When voting	All votes
ALABAMA																	
Bachus S (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	0	S	87	87
Bevill T (D)	S	S	S	S	S	S	S	S	0	0	S	0	0	0	0	60	60
Browder G (D)	S	S	S	S	S	S	S	S	0	0	S	S	0	0	0	67	67
Callahan S (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Cramer R (D)	S	S	S	S	S	S	S	S	0	0	S	S	0	0	0	67	67
Everett T (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Hillard E (D)	0	0	0	0	S	0	S	0	0	0	S	0	0	0	0	20	20
ALASKA																	
Young D (R)	S	S	S	S	S	S	S	S	0	S	S	?	?	S	S	92	80
ARIZONA																	
Hayworth J (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Kolbe J (R)	S	S	0	0	S	S	0	S	0	S	S	S	S	S	S	73	73
Pastor E (D)	0	0	0	0	0	0	0	0	?	0	0	0	0	0	S	7	7
Salmon M (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Shadegg J (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Stump B (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
ARKANSAS																	
Dickey J (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Hutchinson T (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	0	S	93	93
Lincoln B (D)	S	S	0	0	S	S	S	0	0	S	S	S	0	0	0	53	53
Thornton R (D)	0	0	0	S	S	S	0	0	0	0	S	0	0	0	0	27	27
CALIFORNIA																	
Baker B (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100

HOUSE SCOREBOARD—Continued

[House key: S: Supported private property position; O: Opposed private property position; X: House Speaker excused himself from voting; ?: Did not vote; I: Ineligible to vote at the time]

Private property position Congressman (votes)	N 1	Y 2	Y 3	N 4	Y 5	N 6	N 7	N 8	Y 9	N 10	N 11	N 12	N 13	Y 14	N 15	Percent support	
																When voting	All votes
Becerra X (D)	?	?	0	0	0	0	0	0	?	0	0	?	0	0	0	0	0
Beilenson A (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Berman H (D)	0	0	0	0	0	0	?	0	0	0	0	0	0	0	0	0	0
Bilbray B (R)	S	S	S	0	S	S	S	S	S	S	S	S	S	0	S	87	87
Bono S (R)	S	S	S	S	S	S	S	?	?	?	S	S	S	?	S	100	73
Brown G (D)	0	0	0	?	?	0	0	0	0	0	0	0	0	0	0	0	0
Calvert K (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Condit G (D)	S	S	S	S	S	0	S	S	S	S	0	S	S	0	S	80	80
Cox C (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Cunningham R (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	0	93	93
Dellums R (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dixon J (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dooley C (D)	S	S	S	0	S	S	S	S	0	0	S	S	?	0	0	64	60
Doolittle J (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Dornan R (R)	S	S	S	S	?	S	S	S	S	S	S	S	S	S	S	100	93
Dreier D (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Eshoo A (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Farr S (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fazio V (D)	0	S	0	0	S	?	S	0	0	0	S	0	0	0	0	29	27
Filner B (D)	0	0	0	0	0	0	0	0	0	0	0	0	?	0	0	0	0
Gallegly E (R)	S	S	S	S	S	S	S	S	0	?	S	S	S	S	S	93	87
Harman J (D)	S	S	0	0	S	0	0	0	0	0	0	0	0	0	0	20	20
Herger W (R)	S	S	S	S	S	?	S	S	S	S	S	S	S	S	S	100	93
Horn S (R)	S	S	S	?	S	S	S	S	0	0	0	0	0	S	0	57	53
Hunter D (R)	?	S	?	S	S	S	S	S	S	S	S	S	S	S	S	100	87
Kim J (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Lantos T (D)	0	0	0	0	S	0	0	0	0	0	0	0	0	?	0	7	7
Lewis J (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Lofgren Z (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Martinez M (D)	S	0	0	?	S	S	S	0	?	?	0	0	0	0	0	33	27
Matsui R (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
McKeon H (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Miller G (D)	0	0	?	0	0	0	0	0	0	0	0	0	0	S	0	7	7
Mineta N (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	S	0	7	7
Moorhead C (R)	S	?	0	S	S	S	S	S	S	S	S	S	S	S	S	93	87
Packard R (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Pelosi N (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	S	0	7	7
Pombo R (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Radanovich G (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Riggs F (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Rohrabacher D (R)	S	S	S	S	S	S	S	S	S	S	0	S	S	S	0	87	87
Roybal-Allard L (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Royce E (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	0	93	93
Seastrand A (R)	S	S	S	S	S	?	S	S	S	S	S	S	S	S	S	100	93
Stark P (D)	0	0	0	0	0	0	0	0	0	0	?	?	0	S	0	8	7
Thomas B (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Torres E (D)	0	0	0	0	0	0	0	0	?	0	0	0	0	0	0	0	0
Tucker W (D)	0	0	0	0	0	S	0	0	0	0	0	?	0	?	?	8	7
Waters M (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Waxman H (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Woolsey L (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COLORADO																	
Allard W (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Hefley J (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
McInnis S (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	0	S	93	93
Schaefer D (R)	S	S	S	S	S	?	S	S	0	S	S	S	S	S	S	93	87
Schroeder P (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Skaggs D (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CONNECTICUT																	
DeLauro R (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Franks G (R)	S	S	S	S	S	S	S	S	S	0	S	0	S	S	0	80	80
Gejdenson S (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	?	0	0	0
Johnson N (R)	S	S	0	0	0	S	0	S	0	S	0	0	S	S	0	47	47
Kennelly B (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Shays C (R)	S	S	0	0	0	0	0	0	S	0	0	0	0	0	0	20	20
DELAWARE																	
Castle M (R)	S	S	0	0	0	S	0	S	0	S	0	0	S	S	0	47	47
FLORIDA																	
Bilirakis M (R)	S	S	S	0	S	S	S	S	S	S	0	S	S	0	0	73	73
Brown C (D)	0	0	0	0	0	S	0	0	0	0	0	0	0	?	0	7	7
Canady C (R)	S	S	S	S	S	S	S	S	S	S	S	S	0	S	0	87	87
Deutsch P (D)	S	?	0	0	0	0	0	0	0	0	0	0	0	0	0	7	7
Diaz-Balart L (R)	S	S	0	S	S	S	0	S	0	S	S	0	S	0	0	60	60
Foley M (R)	S	S	0	0	S	S	S	S	0	S	S	S	S	0	0	67	67
Fowler T (R)	S	S	0	0	S	S	S	S	0	S	S	S	S	?	0	71	67
Gibbons S (D)	0	?	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Goss P (R)	S	S	0	0	0	S	0	S	0	S	S	0	S	0	0	47	47
Hastings A (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Johnston H (D)	0	0	0	0	?	0	0	0	0	0	0	0	0	S	0	7	7
McCollum B (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	0	0	87	87
Meek C (D)	0	?	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mica J (R)	S	S	S	S	S	S	S	0	0	S	S	S	S	S	S	87	87
Miller D (R)	S	S	0	0	0	S	S	S	0	S	0	S	S	S	0	60	60
Peterson P (D)	0	S	S	0	S	S	0	0	0	0	S	0	0	0	0	33	33
Ros-Lehtinen I (R)	S	S	0	0	S	S	0	S	0	S	S	0	S	0	0	53	53
Scarborough J (R)	?	S	S	S	S	S	S	S	?	?	S	0	S	0	0	75	60
Shaw E (R)	S	S	0	0	S	S	S	S	0	S	0	0	S	S	0	60	60
Stearns C (R)	S	S	S	S	S	S	S	S	S	S	?	S	S	S	S	100	93
Thurman K (D)	0	S	S	0	S	S	0	0	0	0	S	?	?	0	0	38	33
Weldon D (R)	S	S	S	S	S	S	S	0	S	S	S	S	S	S	S	93	93
Young C (R)	S	S	S	0	S	S	0	S	S	S	S	0	S	0	0	67	67
GEORGIA																	
Barr B (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Bishop S (D)	0	0	S	0	S	S	S	0	0	0	S	0	0	0	0	33	33
Chambliss S (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Collins M (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Deal N (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	0	0	80	80
Gingrich N (R)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	NA	NA
Kingston J (R)	S	S	0	S	S	S	S	S	0	S	S	S	S	0	0	73	73

HOUSE SCOREBOARD—Continued

[House key: S: Supported private property position; O: Opposed private property position; X: House Speaker excused himself from voting; ?: Did not vote; I: Ineligible to vote at the time]

Private property position	N	Y	Y	N	Y	N	N	N	Y	N	N	N	N	Y	N	Percent support	
Congressman (votes)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	When voting	All votes
Lewis J (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Linder J (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	0	93	93
McKinney C (D)	0	0	0	0	?	0	0	0	0	0	0	0	0	0	0	0	0
Norwood C (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
HAWAII																	
Abercrombie N (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	S	0	7	7
Mink P (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IDAHO																	
Chenoweth H (R)	S	S	S	S	S	S	S	S	S	S	S	S	?	?	S	100	87
Crapo M (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
ILLINOIS																	
Collins C (D)	0	0	0	0	?	0	?	0	0	0	0	0	0	0	?	0	0
Costello J (D)	0	?	S	0	S	S	S	S	0	?	0	0	0	0	0	38	33
Crane P (R)	S	S	S	S	S	S	S	S	S	S	?	S	S	S	S	100	93
Durbin R (D)	0	0	0	0	S	0	0	S	0	0	0	0	0	0	0	13	13
Evans L (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ewing T (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	0	93	93
Fawell H (R)	S	S	0	S	S	S	0	S	S	S	0	0	S	S	0	67	67
Flanagan M (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Gutierrez L (D)	0	0	?	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hastert D (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Hyde H (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
LaHood R (R)	S	S	S	S	S	S	S	S	0	S	S	S	0	0	S	80	80
Lipinski W (D)	0	S	?	0	0	0	?	S	S	?	S	0	0	0	0	33	27
Manzullo D (R)	S	S	0	S	S	S	S	S	S	S	S	S	S	S	0	87	87
Porter J (R)	S	S	0	0	0	0	0	S	S	0	0	0	S	0	?	36	33
Poshard G (D)	S	S	S	0	S	S	S	S	0	0	0	S	0	0	0	53	53
Reynolds M (D)	0	0	0	0	S	0	0	?	?	?	?	?	?	?	?	14	7
Rush B (D)	0	?	?	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weller J (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	0	93	93
Yates S (D)	0	0	0	?	0	0	0	0	0	?	0	?	0	0	0	0	0
INDIANA																	
Burton D (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Buyer S (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	?	93	87
Hamilton L (D)	S	S	0	0	S	S	S	0	0	0	S	0	0	0	0	40	40
Hostettler J (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Jacobs A (D)	S	S	0	0	S	0	0	0	0	0	S	0	0	0	0	27	27
McIntosh D (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Myers J (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Roemer T (D)	S	S	0	0	S	S	S	S	0	0	S	S	0	0	0	53	53
Souder M (R)	S	S	S	S	S	S	S	S	0	S	0	S	S	0	0	80	80
Visclosky P (D)	0	0	0	0	0	0	0	0	S	S	0	0	0	0	0	13	13
IOWA																	
Ganske G (R)	S	S	0	S	S	S	S	S	0	S	S	S	S	S	0	80	80
Latham T (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	0	93	93
Leach J (R)	S	S	0	0	S	S	S	0	0	S	0	0	0	0	0	40	40
Lightfoot J (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Nussle J (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
KANSAS																	
Brownback S (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	0	S	93	93
Meyers J (R)	S	S	0	0	S	0	0	0	0	0	0	?	S	S	0	36	33
Roberts P (R)	S	S	0	S	S	S	S	S	S	S	S	S	S	S	S	93	93
Tiahrt P (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
KENTUCKY																	
Baesler S (D)	S	S	S	?	S	S	S	0	0	0	S	S	0	0	0	57	53
Bunning J (R)	S	S	0	S	S	S	S	S	S	S	S	S	S	S	S	93	93
Lewis R (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Rogers H (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Ward M (D)	0	0	?	0	0	0	0	0	?	?	S	0	0	0	0	8	7
Whitfield E (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	0	S	87	87
LOUISIANA																	
Baker R (R)	S	S	S	S	S	0	S	S	?	?	S	S	S	S	S	92	80
Fields C (D)	0	0	0	0	0	S	0	0	0	0	S	0	0	?	?	15	13
Hayes J (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Jefferson W (D)	0	0	0	0	0	0	0	0	0	S	S	0	0	?	0	14	13
Livingston R (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
McCrery J (R)	S	S	S	S	S	S	S	S	?	?	S	S	S	S	S	100	80
Tauzin W (R)	S	S	S	S	S	S	S	?	?	?	S	S	S	S	S	100	80
MAINE																	
Baldacci J (D)	S	0	0	0	S	0	0	0	?	?	0	0	0	0	0	15	13
Longley J (R)	S	S	S	S	S	S	S	0	0	S	S	0	S	S	0	73	73
MARYLAND																	
Bartlett R (R)	S	S	0	S	S	S	S	S	S	S	S	S	S	S	0	87	87
Cardin B (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ehrlich R (R)	S	S	S	S	S	S	S	S	0	S	S	0	S	S	0	80	80
Gilchrest W (R)	S	S	0	0	0	0	0	S	0	0	S	0	0	S	0	33	33
Hoyer S (D)	0	0	0	?	0	S	0	0	0	0	0	0	0	0	0	7	7
Mfume K (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Morella C (R)	S	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	7
Wynn A (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MASSACHUSETTS																	
Blute P (R)	S	S	0	0	0	0	S	S	0	S	S	S	S	0	0	53	53
Frank B (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	?	0	0	0
Kennedy J (D)	S	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	7
Markey E (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Meehan M (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13	13
Moakley J (D)	0	0	0	?	?	0	0	?	?	?	?	?	?	?	0	0	0
Neal R (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Olver J (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Studds G (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Torkildsen P (R)	S	S	0	0	0	0	0	0	0	0	0	0	0	S	0	20	20
MICHIGAN																	
Barcia J (D)	S	S	S	0	S	S	S	0	0	S	S	0	0	0	0	53	53

HOUSE SCOREBOARD—Continued

[House key: S: Supported private property position; O: Opposed private property position; X: House Speaker excused himself from voting; ?: Did not vote; I: Ineligible to vote at the time]

Private property position Congressman (votes)	N 1	Y 2	Y 3	N 4	Y 5	N 6	N 7	N 8	Y 9	N 10	N 11	N 12	N 13	Y 14	N 15	Percent support	
																When voting	All votes
Bonior D (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	S	0	7	7
Camp D (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Chrysler D (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	0	S	93	93
Collins B (D)	0	0	0	0	0	?	0	?	?	?	?	0	0	?	0	0	0
Conyers J (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dingell J (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ehlers V (R)	S	?	0	0	0	0	0	S	0	S	S	0	S	0	0	36	33
Hoekstra P (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	0	93	93
Kildee D (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Knollenberg J (R)	S	S	0	S	S	S	S	S	0	S	S	S	S	S	S	87	87
Levin S (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rivers L (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Smith N (R)	S	S	0	S	S	S	S	S	S	S	S	S	S	S	0	87	87
Stupak B (D)	0	0	0	0	S	S	0	0	0	S	S	0	0	0	0	27	27
Upton F (R)	S	S	S	0	S	S	0	S	S	S	S	0	S	0	0	67	67
MINNESOTA																	
Gutknecht G (R)	S	S	S	S	S	S	S	S	S	S	0	S	S	S	S	93	93
Luther W (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Minge D (D)	S	S	0	0	0	0	S	0	0	S	0	S	0	0	0	33	33
Oberstar J (D)	0	0	0	0	0	S	0	0	0	0	S	0	0	?	0	14	13
Peterson C (D)	S	S	0	S	S	S	S	S	0	S	S	S	S	S	0	80	80
Ramstad J (R)	S	S	0	0	0	S	0	0	S	0	0	0	S	0	0	33	33
Sabo M (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	S	0	7	7
Vento B (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	S	0	7	7
MISSISSIPPI																	
Montgomery G (D)	S	S	S	S	S	S	S	?	0	S	S	S	S	0	0	79	79
Parker M (R)	S	S	S	S	S	S	S	S	?	?	S	S	S	?	S	100	80
Taylor G (D)	0	S	0	0	S	S	0	S	S	S	S	0	S	0	0	53	53
Thompson B (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Wicker R (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
MISSOURI																	
Clay W (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Danner P (D)	S	S	0	S	S	S	S	S	S	S	S	S	0	0	0	73	73
Emerson B (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Gephardt R (D)	0	0	0	0	0	?	?	0	0	0	0	0	0	0	0	0	0
Hancock M (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
McCarthy K (D)	S	?	0	0	0	S	0	0	0	0	0	0	0	0	0	14	13
Skelton I (D)	S	S	S	S	S	S	S	S	0	0	S	S	0	0	0	67	67
Talent J (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	0	S	93	93
Volkmer H (D)	0	0	0	S	S	S	S	0	?	?	0	S	?	?	0	45	33
MONTANA																	
Williams P (D)	0	0	0	0	0	P	0	0	0	?	0	0	?	0	0	0	0
NEBRASKA																	
Barrett B (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Bereuter D (R)	S	S	0	0	S	S	S	0	0	0	S	0	?	0	0	43	40
Christensen J (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
NEVADA																	
Ensign J (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Vucanovich B (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
NEW HAMPSHIRE																	
Bass C (R)	S	S	S	0	S	S	0	0	0	S	S	0	S	0	S	60	60
Zeliff B (R)	S	S	S	S	S	S	S	0	S	S	S	S	S	0	S	87	87
NEW JERSEY																	
Andrews R (D)	S	?	0	0	0	S	0	0	0	0	S	0	?	0	0	23	30
Franks B (R)	S	S	S	0	0	S	0	0	0	S	0	0	S	S	0	47	47
Frelinghuysen R (R)	S	S	0	S	0	S	0	S	0	S	S	S	S	0	0	60	60
LoBiondo F (R)	S	S	S	S	S	S	0	0	0	0	0	0	S	0	0	47	47
Martini B (R)	S	S	0	0	0	S	0	0	0	0	0	0	S	0	0	27	27
Menendez R (D)	S	0	0	0	0	S	0	0	0	0	0	0	0	0	0	13	13
Pallone F (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Payne D (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Roukema M (R)	S	S	0	0	0	0	0	0	0	S	S	0	S	S	0	40	40
Saxton H (R)	S	S	0	S	S	S	0	0	S	S	0	0	S	S	S	67	67
Smith C (R)	S	S	S	0	S	S	0	0	0	S	S	0	S	0	0	53	53
Torricelli R (D)	0	0	0	?	0	0	0	0	0	0	0	0	0	0	0	0	0
Zimmer D (R)	S	S	0	0	0	S	0	0	0	0	0	0	S	0	0	27	27
NEW MEXICO																	
Richardson B (D)	0	0	0	0	0	0	0	0	?	?	?	0	0	0	0	0	0
Schiff S (R)	S	S	0	?	0	S	S	S	0	S	S	0	S	S	S	71	67
Skeen J (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
NEW YORK																	
Ackerman G (D)	0	0	0	0	0	0	0	0	0	?	0	0	0	0	0	0	0
Boehlert S (R)	S	0	0	0	0	0	0	0	0	0	0	0	0	S	0	13	13
Engel E (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Flake F (D)	0	0	0	0	0	0	0	0	0	0	0	?	0	0	0	0	0
Forbes M (R)	S	S	S	0	S	S	0	0	0	0	0	0	S	0	0	40	40
Frisa D (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	0	0	80	80
Gilman B (R)	S	S	0	0	S	0	0	0	0	0	S	0	S	S	0	40	40
Hinchey M (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Houghton A (R)	S	S	S	S	S	S	S	S	0	S	S	0	0	S	0	73	73
Kelly S (R)	S	S	0	0	S	S	0	0	0	0	0	0	S	0	0	33	33
King P (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	0	87	87
LaFalce J (D)	0	0	0	0	0	0	S	S	0	?	0	0	0	0	0	14	13
Lazio R (R)	S	S	0	0	0	0	0	0	0	0	0	0	S	0	0	20	20
Lowey N (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Maloney C (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manton D (D)	0	0	0	0	0	0	0	0	0	0	0	0	?	0	0	0	0
McHugh J (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	0	?	86	80
McNulty M (D)	S	S	0	S	S	S	0	S	S	0	0	0	0	S	0	53	53
Molinari S (R)	S	S	0	S	S	S	S	S	0	S	S	S	S	0	0	73	73
Nadler J (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Owens M (D)	0	0	0	?	0	0	0	0	0	0	0	0	0	0	0	0	0
Paxon B (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Quinn J (R)	S	S	S	0	0	S	S	S	0	S	S	0	S	0	0	60	60

HOUSE SCOREBOARD—Continued

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Private property position Congressman (votes)	N 1	Y 2	Y 3	N 4	Y 5	N 6	N 7	N 8	Y 9	N 10	N 11	N 12	N 13	Y 14	N 15	Percent support When voting	Percent support All votes
Rangel C (D)	0	0	0	0	?	?	0	0	0	0	0	0	0	S	0	8	7
Schumer C (D)	S	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	7
Serrano J (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Slaughter L (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solomon G (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	0	0	87	87
Towns E (D)	0	0	0	0	0	0	0	0	0	0	0	0	?	0	0	0	0
Velazquez N (D)	0	0	0	0	0	0	0	0	?	0	0	0	0	0	0	0	0
Walsh J (R)	S	S	0	0	S	S	S	S	0	S	S	S	S	0	S	73	73
NORTH CAROLINA																	
Ballenger C (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Burr R (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	0	S	93	93
Clayton E (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Coble H (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	0	0	87	87
Funderburk D (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	0	0	87	87
Hefner W (D)	0	S	S	0	S	S	S	?	?	?	S	0	0	0	0	50	40
Heineman F (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Jones W (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	0	93	93
Myrick S (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Rose C (D)	S	S	S	0	S	0	S	0	0	?	0	0	0	S	0	43	40
Taylor C (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Watt M (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NORTH DAKOTA																	
Pomeroy E (D)	0	S	0	0	S	S	S	S	0	0	S	0	0	0	0	40	40
OHIO																	
Boehner J (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Brown S (D)	0	0	0	0	S	0	0	0	0	0	0	0	0	0	0	7	7
Chabot S (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	0	93	93
Cremeans F (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Gillmor P (R)	S	S	S	S	S	S	S	S	0	S	S	0	S	S	S	87	87
Hall T (D)	S	0	0	0	S	0	0	S	0	0	0	?	0	0	0	21	20
Hobson D (R)	S	S	S	0	S	S	S	S	0	S	S	S	S	0	0	73	73
Hoke M (R)	S	S	S	S	S	S	S	S	0	S	S	?	S	S	S	93	87
Kaptur M (D)	?	S	0	0	0	0	0	S	0	0	S	0	0	?	0	23	20
Kasich J (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	0	93	93
LaTourette S (R)	S	S	S	S	S	S	S	S	0	S	0	0	0	0	0	60	60
Ney B (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	0	93	93
Oxley M (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	0	93	93
Portman R (R)	S	S	0	0	S	S	S	S	S	0	S	S	S	0	0	67	67
Pryce D (R)	S	S	S	0	S	S	S	S	0	?	S	S	S	?	0	77	67
Regula R (R)	S	S	0	0	S	S	S	S	0	0	S	0	S	S	0	60	60
Sawyer T (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stokes L (D)	0	0	0	0	0	0	0	S	0	0	0	0	0	0	0	7	7
Traficant J (D)	0	S	0	S	S	S	S	S	0	S	S	S	0	0	0	60	60
OKLAHOMA																	
Brewster B (D)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Coburn T (R)	S	S	S	S	S	S	S	S	S	S	?	S	S	0	S	93	87
Istook E (R)	S	S	S	S	S	S	S	S	S	S	?	S	S	S	S	100	93
Largent S (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Lucas F (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Watts J (R)	S	S	S	S	S	S	S	S	?	?	S	S	S	S	S	100	87
OREGON																	
Bunn J (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Cooley W (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
DeFazio P (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	7
Furse E (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Wyden R (D)	0	0	0	0	0	0	0	0	0	0	S	0	0	0	0	7	7
PENNSYLVANIA																	
Borski R (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Clinger W (R)	S	S	0	0	S	S	S	S	0	S	S	S	S	0	S	73	73
Coyne W (D)	0	0	0	0	0	0	0	S	0	0	0	0	0	0	0	7	7
Doyle M (D)	0	0	0	0	S	S	0	S	0	0	S	0	0	0	0	27	27
English P (R)	S	S	0	0	S	S	S	S	0	S	S	0	S	0	S	67	67
Fattah C (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Foglietta T (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fox J (R)	S	S	0	S	S	0	0	0	0	S	0	0	S	0	0	40	40
Gekas G (R)	S	S	0	S	S	S	S	S	S	S	S	S	S	S	S	93	93
Goodling B (R)	S	S	S	S	S	S	S	S	S	S	?	S	S	S	0	93	87
Greenwood J (R)	S	S	0	0	0	0	0	?	?	?	S	0	S	0	0	33	27
Holden T (D)	0	0	0	S	S	S	S	S	0	0	S	0	?	0	0	43	40
Kanjorski P (D)	0	0	0	0	0	0	0	S	0	0	0	0	0	0	0	7	7
Klink R (D)	0	0	0	0	0	S	?	S	0	0	S	0	0	0	0	21	20
Mascara F (D)	0	0	0	0	S	S	0	S	0	0	0	0	0	0	0	20	20
McDade J (R)	S	S	S	S	S	S	S	S	0	0	S	S	0	S	0	86	80
McHale P (D)	S	0	0	0	S	S	0	0	0	0	0	0	0	0	0	20	20
Murtha J (D)	0	0	0	S	0	S	S	S	0	0	S	0	0	0	0	33	33
Shuster B (R)	S	S	S	S	S	S	S	S	S	?	S	S	S	S	S	100	93
Walker R (R)	S	S	0	S	S	S	S	S	S	S	S	S	S	S	?	93	87
Weldon C (R)	S	S	0	0	S	0	0	0	0	S	0	0	S	0	0	33	33
RHODE ISLAND																	
Kennedy P (D)	0	0	0	0	0	0	0	0	0	0	?	0	0	0	0	0	0
Reed J (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SOUTH CAROLINA																	
Clyburn J (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Graham L (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	0	87	87
Inglis B (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	0	93	93
Sanford M (R)	S	S	S	0	0	0	0	0	0	0	0	0	S	0	0	33	33
Spence F (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	0	S	87	87
Spratt J (D)	S	0	0	0	S	S	0	0	0	0	0	0	0	0	0	20	20
SOUTH DAKOTA																	
Johnson T (D)	S	S	0	0	S	S	S	0	0	0	S	0	0	0	0	40	40
TENNESSEE																	
Bryant E (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	?	S	100	93
Clement B (D)	S	S	S	0	0	S	S	0	0	0	S	0	0	0	0	40	40
Duncan J (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	0	93	93

HOUSE SCOREBOARD—Continued

[House key: S: Supported private property position; O: Opposed private property position; X: House Speaker excused himself from voting; ?: Did not vote; I: Ineligible to vote at the time]

Private property position Congressman (votes)	N 1	Y 2	Y 3	N 4	Y 5	N 6	N 7	N 8	Y 9	N 10	N 11	N 12	N 13	Y 14	N 15	Percent support	
																When voting	All votes
Ford H (D)	0	0	0	0	0	0	0	S	0	?	0	?	0	?	0	8	7
Gordon B (D)	S	S	S	0	S	S	S	S	0	0	S	0	0	0	0	53	53
Hilleary V (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	0	S	93	93
Quillen J (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Tanner J (D)	0	S	S	S	S	S	S	0	0	S	S	0	S	0	0	60	60
Wamp Z (R)	S	S	0	S	S	S	S	S	S	S	S	S	S	0	S	87	87
TEXAS																	
Archer B (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Armey D (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Barton J (R)	S	?	S	S	S	S	S	S	S	S	S	S	S	S	S	100	93
Bentsen K (D)	0	0	0	0	S	S	0	S	0	0	0	0	0	0	0	20	20
Bonilla H (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Bryant J (D)	0	0	0	?	?	0	?	0	0	0	0	0	0	0	0	0	0
Chapman J (D)	S	S	S	S	S	S	S	S	0	0	S	S	0	0	0	67	67
Coleman R (D)	0	0	0	0	0	0	0	?	0	0	S	0	0	0	0	7	7
Combest L (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
de la Garza E (D)	0	S	0	S	S	0	S	0	0	S	S	S	0	0	0	47	47
DeLay T (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Doggett L (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Edwards C (D)	S	S	S	S	S	S	S	S	0	S	0	S	0	0	0	67	67
Fields J (R)	S	S	S	S	S	S	S	?	?	?	S	S	S	S	S	100	80
Frost M (D)	0	0	0	S	S	0	0	S	0	0	S	0	0	0	?	29	27
Geren P (D)	S	S	S	S	S	0	S	S	0	S	0	S	S	0	0	67	67
Gonzalez H (D)	0	?	?	?	?	0	0	S	0	0	S	0	0	0	0	18	13
Green G (D)	0	0	0	0	S	0	0	?	?	?	0	?	0	0	0	9	7
Hall R (D)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Jackson-Lee S (D)	0	0	0	0	0	0	0	S	0	0	0	0	0	0	0	7	7
Johnson E (D)	0	0	0	0	0	0	0	S	0	0	0	0	0	0	0	7	7
Johnson S (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Laughlin G (R)	S	S	S	?	S	S	S	S	0	S	S	S	S	S	S	93	87
Ortiz S (D)	0	?	S	S	S	S	S	S	0	S	S	S	S	0	S	79	73
Smith L (R)	S	S	S	S	S	S	S	S	?	?	S	S	S	S	S	100	87
Stenholm C (D)	S	S	S	S	S	S	S	S	0	S	S	S	S	0	0	80	80
Stockman S (R)	S	S	S	S	S	S	S	S	S	S	?	S	S	S	S	100	93
Tejeda F (D)	0	S	S	S	S	S	S	S	0	S	S	S	S	0	?	79	73
Thornberry W (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Wilson D (D)	S	S	S	S	S	S	S	S	0	S	S	0	0	S	S	80	80
UTAH																	
Hansen J (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Orton B (D)	S	S	S	S	S	S	S	S	0	S	S	0	0	0	S	73	73
Waldholtz E (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
VERMONT																	
Sanders B (I)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VIRGINIA																	
Bateman H (R)	S	S	0	S	S	S	S	S	0	S	S	S	?	S	S	86	80
Bliley T (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Boucher R (D)	0	0	0	0	0	0	0	S	0	S	0	0	0	0	0	13	13
Davis T (R)	S	S	0	0	S	S	0	S	0	S	S	S	S	0	0	60	60
Goodlatte R (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	0	0	87	87
Moran J (D)	0	0	0	0	0	0	0	0	0	?	0	0	0	0	0	0	0
Payne L (D)	S	S	0	S	S	S	S	0	0	S	0	S	0	0	0	53	53
Pickett O (D)	S	S	?	S	S	S	S	S	0	S	S	S	S	S	0	86	80
Scott R (D)	0	0	0	0	S	0	0	0	0	0	0	0	0	0	0	7	7
Sisisky N (D)	S	S	S	S	S	S	S	S	0	S	?	S	S	?	0	85	73
Wolf F (R)	S	S	0	0	S	S	0	S	0	S	S	0	S	0	0	53	53
WASHINGTON																	
Dicks N (D)	0	0	S	0	0	S	0	0	0	0	S	0	0	0	0	20	20
Dunn J (R)	S	S	S	S	S	S	S	S	0	S	S	S	S	S	S	93	93
Hastings R (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
McDermott J (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	S	0	7	7
Metcalf J (R)	S	S	S	S	S	S	0	S	S	S	S	S	S	S	S	93	93
Nethercutt G (R)	S	S	0	0	S	S	S	S	0	S	S	S	S	S	S	80	80
Smith L (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Tate R (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
White R (R)	S	S	S	S	S	S	S	S	S	S	S	0	S	0	0	80	80
WEST VIRGINIA																	
Mollohan A (D)	0	0	S	0	S	S	0	S	0	S	S	S	0	0	S	53	53
Rahall N (D)	0	0	0	0	0	0	0	S	0	0	S	S	0	0	0	20	20
Wise B (D)	0	0	0	0	0	0	0	S	0	0	S	0	0	0	0	13	13
WISCONSIN																	
Barrett T (D)	0	0	0	0	0	0	0	0	0	0	0	0	0	?	0	0	0
Gunderson S (R)	S	S	0	S	S	S	S	S	0	S	S	S	S	S	0	80	80
Kleczka G (D)	S	0	S	0	0	0	?	0	0	0	0	0	0	0	0	14	13
Klug S (R)	S	S	0	0	0	S	0	0	S	S	0	0	S	S	0	47	47
Neumann M (R)	S	S	S	S	S	S	S	S	S	?	S	S	S	?	S	100	87
Obey D (D)	0	0	0	0	S	S	0	0	0	0	S	0	0	S	0	27	27
Petri T (R)	S	S	0	S	S	S	S	S	S	S	0	S	S	0	S	80	80
Roth T (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Sensenbrenner F (R)	S	S	0	S	S	S	S	S									

HOUSE OF REPRESENTATIVES—*Monday, October 21, 1996*

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

Mr. WILSON submitted the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 8, 1996.

Hon. GEORGE W. BUSH,
Governor of The State of Texas, State Capitol, Austin, Texas.

Re Letter of resignation, Texas Congressional District No. 2.

DEAR GOVERNOR BUSH: It has been my honor, and privilege, to serve my constituents in Texas for almost 40 years; four in the United States Navy; twelve in the Texas Legislature and the remainder in the U.S. House of Representatives. I have tried to give the very best I had to offer for my constituents, the State of Texas and my Country. If there were an opportunity to turn the clock back and start over, I would follow the same course. At this point of anyone's career, if he/she can look back and say, "It was good.", the ultimate fulfillment has been achieved. I can truthfully say, it was good.

The book has closed on the 104th Congress. With that closure, I respectfully take my leave effective at the expiration of October 8, 1996.

Thank you for your kind understanding of my resignation and for the many courtesies you have extended to me.

Sincerely,

CHARLES WILSON.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED AFTER SINE DIE ADJOURNMENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore [Mrs. MORELLA]:

On October 9, 1996:

H.R. 632. An act to enhance fairness in compensating owners of patents used by the United States.

H.R. 1087. An act for the relief of Nguyen Quy An.

H.R. 1281. An act to express the sense of the Congress that United States Government agencies in possession of records about individuals who are alleged to have committed Nazi war crimes should make these records public.

H.R. 1776. An act to establish United States commemorative coin programs, and for other purposes.

H.R. 1874. An act to modify the boundaries of the Talladega National Forest, Alabama.

H.R. 3155. An act to amend the Wild and Scenic Rivers Act by designating the Wekiva River, Seminole Creek, and Rock Springs Run in the State of Florida for study and potential addition to the National Wild and Scenic Rivers System.

H.R. 3249. An act to authorize appropriations for a mining institute or institutes to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes.

H.R. 3378. An act to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors.

H.R. 3568. An act to designate 51.7 miles of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System.

H.R. 3632. An act to amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition.

H.R. 3864. An act to amend laws authorizing auditing, reporting, and other functions by the General Accounting Office.

H.R. 3910. An act to provide emergency drought relief to the city of Corpus Christi, Texas, and the Canadian River Municipal Water Authority, Texas, and for other purposes.

H.R. 4036. An act making certain provisions with respect to internationally recognized human rights, refugees, and foreign relations.

H.R. 4083. An act to extend certain programs under the Energy Policy and Conservation Act through September 30, 1997.

H.R. 4137. An act to combat drug-facilitated crimes of violence, including sexual assaults.

H.R. 4194. An act to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes.

H.J. Res. 193. Joint resolution granting the consent of Congress to the Emergency Management Assistance Compact.

H.J. Res. 194. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

On October 11, 1996:

H.R. 3219. An act to provide Federal assistance for Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes.

H.R. 3452. An act to make certain laws applicable to the Executive Office of the President, and for other purposes.

NOTICE

Effective January 1, 1997, the subscription price of the Congressional Record will be $295 per year, or $150 for 6 months. Individual issues may be purchased for $2.50 per copy. The cost for the microfiche edition will be $141 per year; single copies will remain $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

MICHAEL F. DiMARIO, *Public Printer.*

H.R. 4283. An act to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

SENATE ENROLLED BILLS SIGNED AFTER SINE DIE ADJOURNMENT

The SPEAKER pro tempore (Mrs. MORELLA) announced her signature to enrolled bills of the Senate of the following titles:

S. 342. An act to establish the Cache La Poudre River Corridor.

S. 1004. An act to authorize appropriations for the United States Coast Guard, and for other purposes.

S. 1194. An act to promote the research, identification, assessment, and exploration of marine mineral resources, and for other purposes.

S. 1649. An act to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes.

S. 1887. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2078. An act to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire.

S. 2183. An act to make technical corrections to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

S. 2197. An act to extend the authorized period of stay within the United States for certain nurses.

S. 2198. An act to provide for the Advisory Commission on Intergovernmental Relations to continue in existence, and for other purposes.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On October 4, 1996:

H.R. 3539. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

H.R. 3723. An act to amend title 18, United States Code, to protect proprietary economic information, and for other purposes.

On October 10, 1996:

H.R. 632. An act to enhance fairness in compensating owners of patents used by the United States.

H.R. 1087. An act for the relief of Nguyen Quy An.

H.R. 1281. An act to express the sense of Congress that United States Government agencies in possession of records about individuals who are alleged to have committed Nazi war crimes should make these records public.

H.R. 1776. An act to establish United States commemorative coin programs, and for other purposes.

H.R. 1874. An act to modify the boundaries of the Talladega National Forest, Alabama.

H.R. 3155. An act to amend the Wild and Scenic Rivers Act by designating the Wekiva River, Seminole Creek, and Rock Springs Run in the State of Florida for study and potential addition to the National Wild and Scenic Rivers System.

H.R. 3249. An act to authorize appropriations for a mining institute or institutes to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes.

H.R. 3378. An act to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors.

H.R. 3568. An act to designate 51.7 miles of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System.

H.R. 3632. An act to amend title XIX of the Social Security Act to repeal the requirements for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition.

H.R. 3854. An act to amend laws authorizing auditing, reporting, and other functions by the General Accounting Office.

H.R. 3910. An act to provide emergency drought relief to the city of Corpus Christi, Texas, and the Canadian River Municipal Water Authority, Texas, and for other purposes.

H.R. 4036. An act making certain provisions with respect to internationally recognized human rights, refugees, and foreign relations.

H.R. 4083. An act to extend certain programs under the Energy Policy and Conservation Act through September 30, 1997.

H.R. 4137. An act to combat drug-facilitated crimes of violence, including sexual assaults.

H.R. 4194. An act to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes.

H.J. Res. 193. Joint resolution granting the consent of Congress to the Emergency Management Assistance Compact.

H.J. Res. 194. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

On October 18, 1996:

H.R. 3219. An act to provide Federal assistance for Indian Tribes in a manner that recognizes the right of tribal self-governance, and for other purposes.

H.R. 3452. An act to make certain laws applicable to the Executive Office of the President, and for other purposes.

H.R. 4283. An act to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on September 28, 1996 the following report was filed on October 11, 1996:]

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2041. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes, with an amendment (Rept. 104–867 Pt. 1). Ordered to be printed.

SUBSEQUENT ACTION ON BILLS INITIALLY REFERRED UNDER TIME LIMITATIONS

Under clause 5 of rule X, the following actions were taken by the Speaker:

[The following action occurred on October 11, 1996]

H.R. 2041. Referral to the Committee on International Relations extended for a period ending not later than October 11, 1996. Referral to the Committee on the Judiciary extended for a period ending not later than October 31, 1996.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following action occurred on October 11, 1996]

H.R. 2041. The Committee on International Relations discharged from further consideration.

SENATE—*Monday, October 21, 1996*

FOLLOWING UP ON THE HALPERIN NOMINATION

• Mr. McCAIN. Mr. President, in 1993, the Senate Armed Services Committee conducted an extensive review of the nomination of Morton Halperin to be Assistant Secretary of Defense for Democracy and Peacekeeping. The committee held an open hearing on November 19, 1993, where Mr. Halperin appeared to answer questions regarding his qualifications, background, and activities. Subsequently, however, his nomination was withdrawn by the President.

At that hearing, Mr. Halperin directly refuted certain information provided to the committee by Mr. Frank McNamara regarding Mr. Halperin's nomination. Inasmuch as Mr. McNamara was not present at the hearing and did not have an opportunity to testify before the committee, he was unable to defend his position regarding the nomination.

Mr. President, I therefore ask that the following statement of Mr. McNamara, fully setting forth his views on Mr. Halperin's nomination, be inserted in the RECORD at this point for the information of Senators.

The statement follows:

STATEMENT OF FRANCIS J. MCNAMARA ON THE NOMINATION OF MORTON H. HALPERIN TO BE ASSISTANT SECRETARY OF DEFENSE FOR DEMOCRACY AND PEACEKEEPING

The following is offered in opposition to the confirmation of Morton H. Halperin as Assistant Secretary of Defense for Democracy and Peacekeeping.

For some 25 years, as an employee of the Department of Defense and the National Security Council as well as in various private sector posts, he has violated security regulations and/or consistently attacked and strongly opposed generally accepted security practices, in addition to demonstrating extremely poor judgment about what constitutes sensitive security information.

On July 5, 1996, upon entering the employ of the Defense Department, Mr. Halperin signed an affidavit which said:

"I agree to return all classified material upon termination of employment in the Office of the Secretary of Defense."

On September 19, 1969, terminating his employment with the National Security Council, Mr. Halperin signed another affidavit:

"I do not now have in my possession or custody or control any document or other things containing or incorporating information affecting the national defense, or other security information material classified Top secret, Secret or Classified to which I obtained access [during my employment]."

Did Halperin live up to his word?

Defending a presidential authority vital to the national security against a lawsuit brought by Halperin, the Carter Administration on May 24, 1978 filed a brief with the Court of Appeals for the D.C. Circuit in which it said that Halperin took classified documents with him when he left the Defense Department and so that—

"Dr. Halperin managed to cart off boxes of highly classified material without the National Security Council's permission or knowledge when he left the NSC."

In addition to this double violation of his word and security regulations, Halperin was deceptive in other ways as well, according to the 1978 court brief. When Halperin was with the NSC, Henry Kissinger, the President's national security adviser, "specifically instructed" Halperin not to talk to journalists, but "contrary to those instructions Dr. Halperin talked repeatedly with journalists."

Also: Halperin told Kissinger in a September 1969 telephone conversation, "I haven't talked to the press . . . since May," but the record revealed he "received a number of calls from, conversed with and met with a variety of journalists."

A wiretap had been placed on Halperin's home phone because he was the prime suspect in the leak of the secret US bombing of Cambodia to New York Times reporter William Beecher. That tap revealed the following about Halperin's conversations on his home phone: "revelations on the North Vietnamese position . . . differing internal recommendations of the Secretaries of State and Defense and the Attorney General as to Cambodia . . . his plan to meet with representatives of a German news magazine about the National Security Council . . . and a planned meeting with a representative of the Soviet Union's *Pravda*."

Press accounts of Halperin's suit predating the brief had reported affidavits revealing John Erlichman saying that Kissinger had described Halperin "as being singularly untrustworthy. Defects in his philosophy and character were generally described (by Kissinger)." [Washington Post, March 12, 1976]; and that two weeks after Halperin left the National Security Council, FBI Director Hoover reported to the White House that he has been heard saying on his telephone that "he was to meet with the foreign editor of Pravda" [W.P. 3/21/76].

Also reported by the same newspaper: a Kissinger affidavit said Halperin's FBI security file revealed he had failed to "report a visit to Greece, Yugoslavia and the Soviet Union" on a passport application; that in 1965 he had received the Communist magazine, "World Marxist Review/Problems of Peace and Socialism", and that Halperin recalled Kissinger had cut off his access to "more sensitive information regarding national security matters" because of high-level Administration figures' suspicions about his political views. (3/28/76)

Not only the Carter Administration brief, but various news accounts reported that Kissinger had hired Halperin for his NSC position over the objections of FBI Director Hoover, the Chairman of the Joint Chiefs of Staff, Senator Goldwater, White House aide Haldeman, and the security officer of the NSC. Kissinger himself said in Salzburg, Austria, in June 1974 that he had hired Halperin for the NSC "over the strong objections of all my associates."

A J. Edgar Hoover file memo revealed that Kissinger had called him May 9, 1969, the day the Times story appeared, to complain that the Beecher story was "extraordinarily damaging and uses secret information." The Carter Administration brief noted that the District Court in Washington had said "There was justifiably grave concern in 1969 over the leaking of confidential foreign policy information." President Nixon later deposed that Prince Sihanouk of Cambodia had agreed to the bombing as long as it was secret, but for internal political reasons could no longer do so once it became known. A halt to the bombing was thus forced, with the result that the enemy was guaranteed a safe haven from which he could attack American troops and then escape to safety. The President deposed that the leak was "directly responsible for the deaths of thousands of Americans."

A September 1969 memo from FBI Director Hoover to Attorney General John Mitchell said Kissinger wanted all the wiretaps he had requested in trying to identify the source of the leak discontinued except for those on Halperin.

William C. Sullivan, Assistant FBI Director for Intelligence, said in a July 8, 1969 memo to Director Hoover:

"As we know, Halperin cannot be trusted. We have learned enough already from the early coverage of him to conclude this."

Another reason for rejecting Halperin's nomination is that he has revealed a sick, unhealthy animus and hostility toward the U.S. Intelligence Community and the individual agencies composing it, despite their vital relationship to the security of the Nation.

Appearing on the Ben Wattenberg PBS–TV program, "In Search of the Real America," on June 15, 1978, he contradicted Wattenberg when Wattenberg said the CIA was a defender of American freedoms.

"No," Halperin replied, "they've been a subverter of everybody else's freedom."

He has also accused CIA officers of "promoting fascism around the world."

What does he think of the Federal Bureau of Investigation?

"Causing violence in American cities has been an on-going FBI program," a pamphlet he published on the Bureau said.

To Halperin it is "an open question" whether the CIA and other agencies in the Intelligence Community would turn to assassinating American citizens.

Halperin has adopted unbelievably ridiculous positions—as when he told Wattenberg that he would oppose CIA use of covert action, even if it were to stop Libyan leader Quadaffi from sneaking nuclear weapons into New York harbor!

In 1974, referring to the early '70s period of the Vietnam War, he actually wrote questioning "the need for the kind of reconnaissance which involved an intrusion into North Vietnamese air space"!

He knows as little about the law as he does about war. In September of 1976, he attacked the Department of Justice for acting on the belief that when a foreign power is involved, there is a national security exemption to the Fourth Amendment. He wrote:

"No court in the United States has ever seriously considered the possibility that it exists." ("First Principles," 9/76)

100% wrong! It is difficult to conceive of a more erroneous statement. Not only had a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

number of District Courts "seriously considered" its existence at the time, but some Appeals Courts had as well, and most of the decisions had upheld the concept.[1]

The Carter Administration court brief noted "poor judgment" on Halperin's part and "disquieting" points in his conduct. It is my view that he has continued to exhibit these traits on a considerable number of occasions, particularly those treated at some length in the attached "Partial Record"—the cases of Philip Agee, the CIA Defector; David Truong, the Communist Vietnamese espionage agent, and the leak of the so-called "Pentagon Papers."

For these and other reasons, I believe his confirmation would constitute a security risk to the United States not only because of his actions and views concerning what constitutes sensitive security information, but also because it would deal a blow to the morale of the Nation's military/security/intelligence services with related adverse performance of functions vital to the national security.

FURTHER STATEMENT OF FRANCIS J. MCNAMARA RE MORTON HALPERIN

Concerned about the nomination of Morton Halperin to serve as an assistant secretary of defense, friends who knew I had closely studied the assault on the Intelligence Community that had marked the decade of the mid-seventies to the mid-eighties and had testified and written about it and also about Halperin's role in it,[2] suggested that I assist the effort of the Center for Security Policy, directed by Frank Gaffney, Jr., to defeat the nomination, and also that I prepare a personal statement opposing it.

I did both. Senator Thurmond distributed copies of my statement to members of the Armed Services Committee and also to all members of the Senate.

During the November 19, 1993 hearing by the committee on his nomination, in response to a question by Senator McCain, Halperin testified:

"Senator McCain, those comments appear to be identical with a set of allegations made in a document which Senator Thurmond distributed to members of the committee. That is a scurrilous, outrageous attack on me, full of false statements, innuendoes, and misleading assertions. I will give you just two examples. . . ."

He then branded what I had written about his association with a group named PEPIC "an outright lie and a scandalous attack," implied that what my statement said about a listing of CIA memoirs by former Agency employees fell into the same category, and asked for permission to insert in the hearing record "a detailed response" to my statement. Senator Levin, presiding at the time, granted his request.

Having recently undergone surgery, I did not attend the hearing. After I had obtained a hearing transcript and read his words, I wrote to the committee on December 15:

"I flatly deny and deeply resent Halperin's charges about my statement and request that I be granted an opportunity to appear before the committee to respond to them.

In reply, I was informed that committee rules barred my appearance because, during the hearing, nothing had been said on the record authorizing it.

When, on April 12, 1994 I received a copy of the printed hearing I learned that in his alleged "detailed response" to my statement submitted for the record since I had last seen a transcript, Halperin had added a few choice epithets describing it: "inaccurate . . . distorts facts . . . patently untrue . . . misrepresents . . . absurd . . . false . . . an outright lie" [again] (printed record, pages 181, 182).

In the almost 50 years I have been writing, lecturing, testifying and carrying out various administrative duties in the security and intelligence fields, particularly as they relate to Communism, no one has ever before accused me of lying and making false and misleading statements, except Radio Moscow and Izvestia. As a matter of fact, the Senate Internal Security subcommittee said some twenty years ago:

"Mr. McNamara commands a national reputation as a careful scholar and researcher in matters relating to communism, extremist activities in general, and internal security."

Despite this and similar other statements I could quote, the summary of major developments in the Halperin case presented June 23 on the Senate floor by the chairman of the Armed Services Committee appeared to support Halperin 100% and thus, like Halperin's words, cast doubt on my integrity and veracity. It was true, the Chairman said, that the Halperin nomination was controversial, but controversy, he emphasized, "should not stand as a judgment on the individual's qualifications or on the merits of the specific allegations that were brought to the attention of the committee. . . . the fact that an allegation has been made should not stand as a judgment that the allegation is valid. . . . If credible allegations are presented to the committee, we will pursue them."

These, of course, are not more than basic truths, but in the context in which they were spoken they had a definite pro-Halperin slant that belittled his critics and tended to disparage all charges made against him, including mine.

Halperin, the chairman continued, "has an impressive record . . . he has taught and lectured widely on a variety of subjects related to the national security" and his nomination "has received the support of a number of distinguished Americans, including a bipartisan array of former government officials." The issues raised about his nomination "were explored in detail" at his hearing, during which Halperin "demonstrated dignity, seriousness of purpose, and broad understanding of national security issues—and patience." He "directly addressed a variety of allegations concerning his fitness for office" and "I was impressed by the care and attention he gave to each question . . . none of the allegations of improprieties were substantiated in the course of the standard report on the nominee by the FBI, in other investigations by the executive branch, or in any evidence submitted to the Armed Services Committee. I would like to quote directly from his testimony because it deals with a number of charges that were reported in the news media and that I think he dealt with at the hearing."

The chairman then quoted eight paragraphs of Halperin's testimony in which Halperin summarized in his own words [very convenient] as many allegations about his record and said of each one, "That is false."

Whether or not Halperin summarized the eight accusations accurately and his "false" claim about them is true, the fact is that Halperin more than once testified falsely about my statement in his hearing. There is not a single false statement, misleading assertion, innuendo, outrageous lie or any other kind of lie in my statement. Under the general heading, "Halperin and Philip Agee," it stated:

"Following is at least part of the public record of Morton Halperin's actions relative to *CounterSpy*, the *Covert Action Information Bulletin* and Philip Agee:

It continued with the following description of the first of a series of actions noted, the one Halperin told Senator McCain was "an outright lie:"

"CounterSpy's publisher, the Organizing Committee for a Fifth Estate (OC–5), according to its 1975 annual report, 'had been instrumental in organizing several other organizations' that year, one of which was 'The Public Education Project on the Intelligence Community (PEPIC) . . . a year-long effort.'

"Morton Halperin, the report continued, was a member of PEPIC's speakers bureau, all of whose members 'will be donating their time, energy and fees to PEPIC to ensure its survival.'"

"The Senate Internal Security subcommittee, in its 1977 annual report, identified PEPIC as one of 'several fronts' set up by Agee's OC–5 to accomplish its objective of finding 'those individuals with research or organizing abilities to join the Counter-Spy Team'."

What is the public record basis for the above three paragraphs?

The Winter 1976 issue of CounterSpy, which identified itself as "The Quarterly Journal of the Organizing Committee for a Fifth Estate," published an item captioned "Fifth Estate Annual Report: 1975 . . . ." (pages 62, 63), the fifth subsection of which was entitled "Organizing." The second paragraph of this subsection read as the follows:

"The Organizing Committee has also been instrumental in organizing several other organizations during 1975. Most of these organizations are independent of the Fifth Estate and the Organizing Committee. Others are local research and action groups, which operate autonomously but may eventually join the national umbrella of the Fifth Estate."

This was followed by the names of the four groups the Fifth Estate had been "instrumental in organizing" in 1975, with a brief description of each one. The second organization listed was—

"The Public Education Project on the Intelligence Community (PEPIC) is a year-long effort, sponsored by the Youth Project, Inc. of Washington, D.C., designed to create informed public discussion on intelligence issues. . . . All speakers participating in this project will be donating their time, energy and fees to PEPIC to ensure its survival. Speakers include some of the foremost experts on the intelligence community:"

It then listed the names of the twenty members of PEPIC's speakers bureau, giving brief identifying date for each. The sixth read:

"Morton Halperin: Director, ACLU Project on National Security and Civil Liberties. Coeditor of 'The Abuses of the Intelligence Agencies." Former Assistant Deputy Director (sic) of Defense."

The Senate Internal Security Subcommittee issued a 55-page "Annual Report For The Fiscal Year Ending February 28, 1977" (Reported No. 95–20, 95th Congress, 1st Session), which contained a two-page section, "Organizing Committee For A Fifth Estate" (pages 43, 44) in which it identified Counter Spy as OC–5's "official publication." Under a subhead, "Objectives of OC–5," the Senate report said:

"As stated in its first annual report, dated January 1974, of the OC–5, its Counterspy campaign against the intelligence community of the United States was:

"Designed to locate, train and organize those citizens who have the courage and strength to dedicate their lives and their resources to changing the current direction of our government and nation. We are looking for those individuals with research or organizing abilities to join the Counter-Spy Team. Our hope is to weld counterspies into groups forming a nationwide alternative intelligence community—a Fifth Estate—serving as a force to focus a public effort towards altering the present course our government is now taking towards a technofascist society.'

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[1] Footnotes at end of articles.

The Senate subcommittee report then commented:

"In an effort to accomplish the above-stated objectives, OC–5 operates through several fronts, such as: . . . and (5) Public Education on the Intelligence Community (sic).

* * * * *

"In essence, the objectives of OC–5 are to discredit and render ineffective all American intelligence gathering operatiaons—domestic and foreign."

Thus, everything my statement said in the three paragraphs about Halperin and PEPIC is, as claimed, based on the public record. Yet, Halperin had the gall to grossly twist the facts in an effort to make it appear that I had lied in stating them.

When Senator McCain, questioning Halperin, referred to my statement's above-quoted facts about the Halperin-PEPIC-CounterSpy ties, Halperin claimed:

"The sentence after the one you read about the Organizing Committee says most of these organizations are independent of the Fifth Estate and the Organizing Committee, and then it goes on to list independent organizations who they happen to think are worthy of drawing to people's attention, and one of them is this Public Education Project.

"The attempt in that document to suggest that the Public Education Project was an instrument of the Organizing Committee and that I worked for that and donated my money to them and that is why they listed my publication is an outright lie and a scandalous attack.

"It happens that that organization, which was totally independent of the Fifth Estate, was project of the Youth Project, as is indicated in the document which the people who wrote this for Senator Thurmond had. It was an independent organization. They asked if they could list my name as somebody who was available to speak. Along with many other people I did. I did not in fact end up speaking for them. I did not donate any money for that purpose, and the assertion that I supplied money that went to the Fifth Estate is an outrageous lie."

Fact: Halperin's testimony that Fifth Estate's annual report listed PEPIC as an "independent" organization is false, as a mere reading of its words demonstrates. It did say that "most" of the groups it had organized in 1975 were independent, but it clearly did not specify which were and which were not.

The second paragraph of Halperin's just quoted testimony is all falsehood. I did not "attempt . . . to suggest" that PEPIC was an instrument of OC–5. I quoted a formal finding of a Senate subcommittee which stated that "OC–5 operates through several fronts" and specifically named PEPIC as one of them. I did not "suggest" that Halperin "worked for" and "donated" money to PEPIC. I accurately stated that the Fifth Estate annual report listed him as a member of PEPIC's speakers bureau (which he admits in the next paragraph) and also reported that all its members would be "donating their . . . fees to PEPIC." What reason was there to doubt the word of OC–5, PEPIC's creator, on this point?

Where were the words in which I told, as he testified, "an outright lie" in a "scandalous" attack?

Third paragraph: Halperin's claim that PEPIC was "totally independent" of the Fifth Estate and "an independent organization" is flatly contradicted by the report of the Senate subcommittee. Like most people, I choose to believe the Senate subcommittee on this point—and would do so whenever there were conflicting claims between it and Halperin. Obviously, the fact that PEPIC was "sponsored by" the Youth Project does not mean it was not, or could not be, a "front" for OC–5. I made no "assertion" that Halperin "supplied money . . . to the Fifth Estate."

Again, who told an "outrageous lie," Morton Halperin or I?

Halperin next offered what he claimed was "another example" of an "outright lie" in my "scandalous" attack on him:

"one of the charges is that Organizing Notes listed Mr. Agee's book under 'Memoirs by Former Government Employees.' There is in fact such a list. It lists the following books."

Halperin then named nine books and their authors, commenting that various of the authors are supporters and "strong supporters" of the agency, and added:

"and I am accused of supporting Agee because Agee's book was listed along with all those others in what was clearly a complete list of memoirs."

Again, Halperin is, at best, in careless errors and misstating the facts. The relevant part of my statement distributed by Senator Thurmond is as follows:

"In late 1978, Halperin's CPR published a Materials List to assist its members in their agit-prop work against American intelligence agencies. Agee's 'Inside the Company' was included in it under the category 'Memoirs by Former Employees' and his *Covert Action Information Bulletin* under 'Sources of Information.'"

Obviously, contrary to his claim, the part of my statement about which Halperin was testifying did not even mention "Organizing Notes." The so-called Campaign for Political Rights which Halperin chaired did, as he admits publish a 16-page Materials List dated "12/78." It had numerous sections and subsections—"General Organizing Information", "Litigation", "U.S. Government and Foreign Intelligence Agencies", "FBI", "Local and State Police Spying and Harassment", "Surveillance of Women","Surveillance of Black Americans", etc, etc.

The two-page "Central Intelligence Agency" section was subdivided as follows: "General", "Specific Countries or Regions", "CIA and Human Rights Violations Abroad," "The CIA and Labor," "CIA—Mind Control Testing," and, finally, "Memoirs by Former Employees," which listed the works cited by Halperin, including Agee's "Inside The Company: CIA Diary."

Completely false, however, is Halperin's testimony that the books in the "Memoirs" subsection "was clearly a complete list of memoirs." His Materials List itself contradicts him on this point because in other subsections it mentions at least three other works that qualify for the Memoirs category, all published by December 1978 and all omitted from it: "The CIA and the Cult of Intelligence" by Victor Marchetti and John Marks; "Decent Interval" by Frank Snepp, and John Stockwell's "In Search of Enemies."

In addition, there are other works that could be included: "The Real CIA" by Lyman Kirkpatrick; "Street Man" by E. C. "Mike" Ackerman; "The Counter-insurgency Era" by Douglas Blaufarb, and "The Game of Nations" by Miles Copeland.

Completely phony, therefore, is Halperin's implication that he is absolved of any blame for including promoting Agee's book because it is a memoir and thus has to be included in a "complete" list of such works. The truth is that the list was not comprehensive and any of the above-listed books could have substituted for Agee's, but Halperin's CPR chose to name Agee's book rather than any one of the others. Why?

Interestingly, Halperin changed his story in submitting his written "detailed response" to my statement to the committee: He wrote:

"It is true, as the piece [McNamara's statement] claims, that CPR published a Materials List which included Agee's "Inside the Company" and the "Covert Action Information Bulletin." The list also included books by . . . , all of whom present far different views of the CIA. CPR was simply providing a reference list of materials on intelligence organizations."

Now it is a mere "reference list." What happened to his testimony's "complete list of memoirs"? Could it be that he lied when he made that claim?

Was Halperin and his CPR "simply providing a reference list of materials on intelligence organizations", or promoting something, when it noted that its Materials List "differs from a bibliography in that all materials can be currently obtained from the organizations and individuals listed. Please request materials from the noted source" and then, immediately after the title of Agee's book, listed the following source:

"(Penguin Books or Center for National Security Studies.)"

So it turns out that Halperin's CNSS not only stocked and peddled Agee's book, but his CPR also publicized this fact through its Materials List!

To the above-quoted claim about a simple "reference list" in his written response submitted for the record to the Armed Services Committee, Halperin added:

"The piece goes on to say that 'Organizing Notes' 'promoted' 'Counterspy' and the 'Covert Action Information Bulletin.' As with the Materials List discussed above, the piece is misconstruing the presentation of reference information as endorsement."

But did I misconstrue the above presentation of mere "reference information" about Agee's book as endorsement by Halperin? Why else would Halperin stock and sell it, but not any other of the nine books on the list? And what about the following items in his CPR Materials List, not included in my original statement?

1. At the end of the Memoirs by Former Employees section we read:

"See . . . Newsletters—Counterspy, Covert Action Information Bulletin. . . .

2. In the Research section (p. 3) we also read:

"See . . . CIA—'Dirty Work' (article on 'How to Spot a Spook')" ['Dirty Work' was the short title for Agee's book, 'Dirty Work: The CIA in Western Europe'].

"Newsletters: 'Covert Action Information Bulletin' (How to Research and Expose CIA personnel)."

3. In the CIA "Specific Countries or Regions" section, we are again treated to:

"'Dirty Work: The CIA in Western Europe.' Philip Agee and Louis Wolf. Compilation of articles, a guide on 'spotting a spook,' and a listing of 700 alleged CIA agents in Western Europe. 1978. $24.95. $10.00 discount if purchased from 'Covert Action Information Bulletin' with a subscription order. (Lyle Stuart, Secaucus, NJ or CAIB.)"

4. In the Newsletters section, the CAIB is the second one recommended (p. 12). Its promotion takes this form:

"Covert Action Information Bulletin. Following in the footsteps of Counterspy, this periodical has included articles about CIT activities in Jamaica, research ideas, and CIA recruitment of foreign officers. Published bimonthly; $10.00 a year in U.S., $16.00 overseas. (CAIB)"

5. In this same section, the first-listed item is CAIB's predecessor and sister publication which, like it, relished exposing the identities and locations of CIA overseas personnel:

"Counterspy. Covered variety of issues including CIA in Jamaica, Chile, South America; CIA use of unions overseas and the League of Women Voter's Overseas Fund; Garden Plot (national emergency plan). Selected issues, $1.50 and xerox copies (cost) available. (Public Eye.)"

6. CounterSpy also turns up in two other sections of Halperin's CPR "Materials List", as the source for:

"'Jordan: A Case of CIA/Class Collaboration.' This booklet describes CIA involvement in Jordan. 1977; $1.00 (Counterspy, Box 647, Washington, DC 20044.)"

Under the SURVEILLANCE OF WOMEN subsection, we again find: "See . . . Newsletters . . . Counterspy"

Whatever you do, do not misconstrue any of the following above-quoted words and phrases as endorsement of CAIB or Counterspy, or as an indication that Halperin, boss of the CPR, was supporting Agee or his effort to expose CIA personnel:

"How to spot a spook—how to research and expose CIA personnel—a guide on 'spotting a spook'—a listing of 700 alleged CIA agents in Western Europe—CIA in Jamaica, Chile, South America—CIA involvement in Jordan."

Why shouldn't you believe any of the above could possibly be mistaken for support for Agee? Because, in his "detailed response" to "the piece", Morton Halperin told the SASC "I never supported nor condoned his [Agee's] activities" and Halperin is the very embodiment of candor, openness and truth!

HALPERIN AND BILLS TO PROTECT IDENTITIES OF U.S. INTELLIGENCE AGENTS

Testifying before the Senate Judiciary Committee in 1981 as director of the Center for National Security Studies (CNSS), Halperin stated:

"We do not condone the practice of naming names and we fully understand Congress' desire to do what it can to provide meaningful protection to those intelligence agents serving abroad, often in situations of danger."

It sounded great—as though he and his CNSS cronies were all for the national effort to end the damaging and dangerous exposures of covert U.S. intelligence personnel and would support legislation to accomplish that purpose.

Doubts about that existed, however, because of another statement Halperin, this time speaking for the ACLU, had made to the Senate Intelligence Committee a year earlier:

"I think a citizen has a right to impair and impede the functions of a Government agency, whether it is the Federal Trade Commission or the CIA. The fact that your intent is impair or impede does not make your activity a crime if it is otherwise legal."

Halperin placed no restrictions or limits on the devices used "to impair and impede," leaving open the possibility that even the technique of impairing by deliberate exposure of covert intelligence personnel was any citizens "right" in his view [a year later, the Supreme Court held that such exposures "are clearly not protected by the Constitution", i.e., they are not any citizens "right"].

Additionally, in testimony before the House Intelligence Committee in 1981, again representing the ACLU, Halperin had stated:

"I am not sure we would ever reach the point where we would support any legislation [to criminalize the deliberate exposure of agents]."

Just where did the slippery-worded Halperin really stand on the issue?

The only way to find out is to check his actual record, as revealed by his testimony pro or con various identities protection bills. Here it is:

1/30/80: House Intelligence Committee, "Proposals to Criminalize the Unauthorized Disclosure of the Identities of Undercover United States Intelligence Officers and Agents." Testified for the Center for National Security Studies, which he directed, in opposition to the proposals (p. 66, et sequitur).

3/27/80: House Intelligence Committee, "H.R. 6588, The National Intelligence Act of 1980." Testifying for the CNSS, Halperin opposed the intelligence identities protection provisions of the proposed act (pp. 138–142).

6/25/80: Senate Intelligence Committee, "Intelligence Identities Protection Legislation." Representing the ACLU, Halperin opposed the legislation (p. 88, et sequitur).

9/5/80: Senate Judiciary Committee, "Intelligence Identities Protection Act, S. 2216." This time, again representing the Center for National Security Studies (CNSS), he opposed the bill (p. 98, et sequitur).

4/8/81: House Intelligence Committee, "H.R. 4, The Intelligence Identities Protection Act." Back this time wearing his ACLU hat, he once more took a position against the proposed law (p. 73, et sequitur).

5/8/81: Senate Subcommittee on Security and Terrorism, "Intelligence Identities Protection Act of 1981—S. 391." Back in his CNSS of the ACLU cloak, he again took the "anti" position (p. 70, et sequitur).

My statement submitted to the Senate Armed Services Committee said; "Halperin campaigned hard against all bills introduced to criminalize exposures of the identities of U.S. intelligence personnel, though the Supreme Court had held (in its Agee passport decision) that such activities 'are clearly not protected by the Constitution'."

Halperin branded my charge "an outright lie" in his written "detailed response" to my statement submitted to the committee (hearing, p. 182).

But where was my lie? Can he produce evidence in any House or Senate hearing record that he ever supported any bill under consideration?

Of course not. And why did he make no attempt to refute my charge that the CPR, which he chaired, coordinated the mass signing of letters to the House and Senate which urged the weakening of bills under consideration?

As a member of AFIO, the Association of Former Intelligence Officers—whose members represent every intelligence agency of the U.S.—I was aware that in 1980 it had passed a resolution urging enactment of an identities protection bill and followed developments in this area closely. John Warner, former General Counsel of the CIA, was serving as legal adviser to AFIO in 1982 when Congress passed, and the President signed, the desired protection bill. Commenting on the March 18 Senate 90–6 vote for the bill, Warner wrote in Periscope, official AFIO newsletter:

"This vote is a significant achievement for those who support a strong and effective intelligence service. The American Civil Liberties Union (ACLU) and the Center for National Security Studies (CNSS) (read: Jerry Berman and Morton Halperin respectively) had great influence in proposing some weakening amendments which had been given approval by the House Intelligence Committee on HR–4 and the Senate Judiciary Committee on S–391. The bills as reported by these two committees were amended, however, after floor debate in the House and Senate, to the language supported by President Reagan, CIA, the Department of Justice—and AFIO. (Jerry Berman of ACLU was quoted in the Washington Post after the Senate vote, as admitting 'we [ACLU] took a bath.')

"While ACLU and CNSS apparently can influence some congressmen and certainly initially had their way in the House and Senate committees, the majority sentiment in both houses, when it came to a floor vote, demonstrated strong congressional support for CIA and the US intelligence effort."

Warner was thoroughly justified in pairing Berman and Halperin in his account. Berman, an ACLU attorney, served as counsel for its Project on National Security which Halperin directed. He also served as chief legislative counsel for the Center for National Security Studies which Halperin also directed and, over the years had worked hand-in-glove with Halperin on many issues involving intelligence and national security, opposition to enactment of an agents' identities protection bill being just one of them.

On June 24, 1982, I attended a hearing of the Senate Subcommittee on Security and Terrorism. Berman was there, too. When the session ended, we spoke briefly in the hall outside the hearing room. Referring to President Reagan's signing the identities protection bill into law at CIA headquarters the day before, Berman said to me:

"It's incredible how Mort [Halperin] and I kept Congress from doing anything about it for six years."

The "it", of course, was the deliberate exposure of covert U.S. intelligence personnel by Agee, "CounterSpy" and the "Covert Action Information Bulletin".

That statement, coming from his close working associate for a period of years on such matters—combined with the bill hearings record cited above—reveals Halperin's true position on the question of "naming names." According to Berman, they—he and Halperin—did not want Congress to do anything to stop the continuing exposure of American intelligence agents; they did not think they had a chance of succeeding in their efforts on the issue; yet, in an "incredible" development, they had prevented any effective Congressional action for six full years! [Their intense lobbying, buttonholing, testifying and related actions were known to all interested in the matter].

One thing is clear. Halperin lied when he accused me of lying about his opposition to intelligence agents identities protection bills.

He also lied to Senator Levin on the issue in his Armed Services Committee testimony, according to Herbert Romerstein, now retired, who headed the USIA's Office to Counter Soviet Disinformation and Active Measures and, before that, was a professional staff member of the House Intelligence Committee when Halperin testified before it on agent identity bills in 1980.

Responding to a question by the Senator about his role in the House Intelligence Committee's action on an identities protection bill "making it a crime to disclose the identity of covert intelligence agents," Halperin testified—

"That is right Senator. It was in two parts. There was a part relating to people like Philip Agee, who were former government officials, which we actively supported from the beginning, and there was a second provision which put the people who were naming names out of the business of naming names while protecting the right of legitimate journalists to report on intelligence matters."

Halperin "was not telling the truth," Romerstein wrote in "Human events" shortly after Halperin's appearance, "I was present during his testimony" and in it he said "any effort to cover individuals who have not had authorized access to classified information is inherently flawed . . . the Constitution does not permit the prosecution of those individuals."

The record bears out Romerstein's claim. Later in his testimony that same day, Halperin stated emphatically that once someone had gotten the name of an agent by some means other than official access "the cat is out of the bag . . . there is no way constitutionally to deal with the problem."

It has been Halperin's consistent position that, while an Agee could be punished for revealing agents' identities he had learned by authorized access to classified information, such conduct by others who have learned identities by other means is completely protected by the Constitution and cannot be criminalized.

How, then, could he have supported bills that took a contrary position, as the one eventually enacted did?

And how could he, without lying, tell the Senate Armed Services Committee in his written reply to my charges that he "worked hard . . . to formulate constitutional laws that imposed strict criminal penalties on those who would reveal undercover agents"?

MORTON HALPERIN: THE NON-CHAIR, NON-DIRECTOR, NON-ENTITY?

Halperin has held important-sounding titles in the anti-security, anti-intelligence drive of the '70s and '80s. The ACLU, having given "top priority" in 1970 to a nationwide driven aimed at "the dissolution of the Nation's vast surveillance network" (its collective description of the CIA, NSA, DIA, FBI, etc. and the security-intelligence elements of state and local police) that same year set up the Committee for Public Justice (CPJ) headed by the unrepentant "ex"-Communist, Lillian Hellman who, when she died in 1984, left part of her $4 million estate for the establishment of a fund for Communist writers. Halperin served on the executive council, newsletter committee and wrote for the newsletter of the CPJ which had the FBI and Department of Justice as its targets.

In early 1974, the ACLU Foundation, jointly with the Fund for Peace, organized the so-called Center for National Security Studies (CNSS) to serve as the research and documentation element of the drive. Halperin soon became CNSS director and held that post until he resigned in late 1992, remaining as Chair of its Advisory Committee. The next creation was the Project on National Security and Civil Liberties, sponsored by the ACLU Foundation and the CNSS (headed by Halperin). Halperin also became director of this litigating arm of the nationwide operation. In September 1975, "First Principles" was launched, published by the Project on National Security and Civil Liberties, which Halperin directed. Halperin became the chief editorial writer for this information-propaganda newsletter of the drive. Finally, when the Campaign to Stop Government Spying (CSGS) was organized as a united front agitprop force for the operation in 1977, Halperin emerged as its chairman. He retained his chairmanship of this anti-intelligence conglomerate when it changed its name the following year to the Campaign for Political Rights (CPR) and held the post until the CPR folded in 1984 or so.

The CPR initially billed itself as "a project of the Youth Project" of Washington, D.C. It later described itself as "a national coalition of over 80 religious, educational, environmental, civic, women's Native American, black, latino and labor organizations which have joined together to work for an end to covert operations abroad and an end to political surveillance and harassment in the United States."[3]

The CPR began publishing "Organizing Notes" ("ON"), its official monthly which, in time, began featuring an "Update" section, saying that the section was "a combined effort of *First Principles* [published by Halperin's CNSS] and *Organizing Notes* [published by Halperin's CPR]."

My statement noted that "CounterSpy" was on the Steering Committee of both the CSGS and the CPR, and that the "Covert Action Information Bulletin (CAIB)" was also on that of the CPR (not formed until 1978, the CAIB did not exist when the front was launched in 1977 under its CSGS title), and commented that "as chairperson of both . . . Halperin must have had some say about just which groups would be invited to join, and which would be selected for leadership positions in, his organization."

Halperin's reply to the Armed Services Committee: "The piece tries to link me to "CounterSpy" and OC5 through my chairmanship" [of CSGS–CPR]. "It lists a number of the member organizations of CPR and its steering committee . . . and asserts that I had control over that membership. On the contrary, the policy of CPR at that time was that any organization could join."

Another Halperin lie. I did not write that he "had control" over the CSGS–CPR membership, but only that he "must have had some say" about it. Did he attend any meeting at which the CPR's "open to all" policy was discussed or agreed upon. Did he say so much as a word about it—pro or con? The chairperson of a group having absolutely no say at all about so basic an issue? Come on!

My statement also noted that "Organizing Notes," the publication of the CPR which was chaired by Halperin "routinely promoted both Agee's "CAIB" and "CounterSpy" as containing worthwhile material of value to its readers," and commented that "as chairperson of the CPR he had to be responsible for its contents, just as he was for the contents of the CPR's 'Materials List'."

Halperin's response to the committee: "This is false; an editorial staff made decisions about its contents."

What kind of dim-witted "refutation" is this? Does the fact that the chairperson of an organization has an editorial or any other kind of staff free him of all responsibility for the work it does, no matter how atrocious its product? Please!

My statement also said: "Halperin's 'First Principles', like 'ON'," also routinely gave favorable notice to the contents of current issues of both "CounterSpy" and "Covert Action Information Bulletin."

Halperin's response: Not a word.

Strange. As director of both the ACLU's Project on National Security and its Center for National Security Studies, each at different times the publisher of "First Principles" (which, like his CPR, had an editorial staff), Halperin says elsewhere that he is "proud" of his work with the two organizations and expects to be "held accountable" for it. He does not offer in this case, however, the ridiculous "no responsibility" defense he offered in the case of the CPR's "Organizing Notes." At the same time, while refusing to accept responsibility for the CPR's organizational membership and leadership and its repeated plugs for Agee's publications, he apparently accepts responsibility for its Materials List compilation of CIA memoirs by presenting a false argument in its defense. Just where does he stand on this issue of his authority, responsibility and accountability?

He has a language problem here. Webster's Dictionary of the American Language defines "chairperson" as one who "heads a committee, board, etc." and variously defines "head" as "a dominant position, position of leadership or first importance . . . a foremost person; leader, ruler, chief, etc"; says that as an adjective says means "most important; principal; commanding, first" and, as a transitive verb, "to be chief of; command."

A director, it says, is a "supervisor, manager; a person who directs or controls"; that "direct" means "to manage the affairs of; guide; conduct; regulate control";

So, for example, I was deeply involved in the ACLU decision to file amicus briefs on behalf of. . . .

"So I did have a line responsibility for decisions about what cases to undertake or what amicus briefs to file." (pages 33, 34. Emphasis added).

If Helperin exercised this much authority in the ACLU itself where he was technically merely in charge of its Washington office, how much more power must he have wielded in its various projects, fronts, etc. in which he was technically the overall boss as director, chairman, etc.?

HALPERIN'S HOKUM ON AGEE'S SOURCES

Responding to my charge that Halperin had testified that "it is difficult to condemn" people who expose CIA personnel on the basis of information gleaned from State Department documents, he claims that my statement "completely misrepresents" his views and that "when the context for that fragment is provided" it is "clear that the quoted clause did not refer to someone like Philip Agee who learned identities as a result of access to classified information."

More Halperin hokum—as he makes clear in placing the "fragment" in context. His exact testimony read:

"I think where the CIA has not seen fit to provide appropriate cover for individuals, and it is easy . . . it determine the name simply by looking at State Department publications, that it is difficult to condemn people who do that." (emphasis added)

That is precisely one of the things Agee and his CounterSpy—CAIB crews were doing—"looking at State Department publications," specifically its unclassified Foreign Service List and Biographic Register, among others. The first contained the names of all U.S. Foreign Service officers and the second brief biographic sketches of all U.S. employees working in the field of foreign affairs, which obviously embraces many more than State Department personnel.

This practice was clearly what I was referring to in my words "information gleaned from State Department documents," and I placed his quote completely in its correct context, his claim to the opposite notwithstanding.

Because it was known that analyses of these publications were being used by the Agee crowd and others to help them uncover CIA personnel using diplomatic cover, the Department announced in early 1976 that it was halting publication of both. The Foreign Service List would not appear again, and the Biographic Register, last published in 1974, would be classified "for official use only" when again released, and contain more discreet background information.

It is amazing that Halperin would assert in 1993 that his words, as quoted completely in context by me "did not refer to someone like Philip Agee who learned identities as a result of access of classified information." (emphasis added)

Why? Because only an idiot would believe that, 10 years after he left the CIA after service in only three countries, Agee could be making continuing exposures of Agency personnel, fronts and covert operations in all parts of the world on the basis of the official access he had had while in the CIA. The CIA simply is not "built" to give any of its employees such knowledge. Consider, in addition, the following among other similar facts that could be cited to demonstrate how ridiculous Halperin's claim about Agee's sources is:

The Supreme Court, in its 1981 decision upholding the authority of the Secretary of State to deprive Agee of his passport, pointed out that when Agee released a list of alleged CIA agents at a 1974 London press conference, he said the list—

"was compiled by a small group of Mexican comrades whom I trained to follow the comings and goings of CIA people before I left Mexico City" [where he had been working on his first book].

The Court also noted, based on unchallenged judicial evidence, that Agee travels to target countries and—

"recruits collaborators and trains them in clandestine techniques designed to expose the 'cover' of CIA employees and sources."

In the introduction to his first book, "Inside The Company: CIA Diary," Agee thanked the Cuban Communist Party, other Cuban agencies and a number of individuals and groups in New York City, London, Paris and Mexico City for the help they had given him in collecting data and research materials for it.

As Jeff Stein wrote of "Inside The Company," in "The Village Voice":

"the book drained his [Agee's] mind of every agent, code name, and cover operation he could remember."

His "Covert Action Information Bulletin" stated truthfully in its issue of January, 1979:

"The naming of names in books and in publications like this Bulletin have nothing to do with people Philip Agee may have met while in the employ of the CIA. And, of course, Louis Wolf [a member of the Bulletin's editorial board] and most of the other journalists who are engaged in this struggle to expose the CIA were never in such government employ."

William Schaap, Ellen Ray, and Louis Wolf, all CAIB editors, testified before the House Intelligence Committee in January 1980. Speaking for the group, Schaap said:

"You might all be interested to know that Mr. Agee has not, to our knowledge, named any names in more than 3 years, and that applies as well to both "Dirty Work" and "Dirty Work 2," the two books which we sitting before you have coedited [with Agee]."

The late Rep. Larry McDonald stated in Congressional Record remarks on July 20, 1976:

"It is known that the names of alleged CIA personnel in London featured in the Spring '76 issue of "CounterSpy" were provided by the International Marxist Group, a British Trotskyist group associated with the FI [Fourth International, the Trotskyist equivalent of the Comintern], headed by IPS's [Institute for Policy Studies'] Tariq Ali."

McDonald also revealed in the June 16 Record that year that the names of the alleged CIA personnel in Africa named in the same "CounterSpy" issue had been provided by the Black Panthers and the left-wing Paris publication, "Liberacion."

Agee cites Julius Mader's "Who's Who in the CIA" as a source. Published in 1968, this was a joint production of the Communist East German and Czech intelligence services (Mader was an East German intelligence officer). Deliberately, only about half those listed in it were actually CIA personnel.

When Agee and William Schaap announced the publication of the "CAIB" at the Moscow-sponsored 11th World Festival of Youth and Friendship in Havana in July 1978, they also announced the formation of Counter-Watch, which was to be a worldwide network of agents dedicated to exposing CIA personnel everywhere. Agee said Counter-Watch would give him—

"a great opportunity to continue my work of recent years . . . so that the people are able to learn about the methods, or exactly how to identify the CIA personnel in different countries" (emphasis added).

[Schaap said Halperin's CNSS was represented in Havana for the occasion and that a Damu Smith was also there on behalf of Halperin's Campaign to Stop Government Spying (CSGS).]

Louis Wolf, the "CAIB" editor who co-edited "Dirty Work" with Agee, addressed over 500 delegates to the Havana Youth Festival, describing in detail how they should go about uncovering the identities of CIA personnel who were using military and diplomatic cover. The "CAIB" reprinted the text of his remarks for their educational value in its second (10/78) issue.

Agee himself, in addition to attending the Soviet-engineered festival contributed an article to the first issue of "CAIB" distributed gratis to the delegates. His article was no more than a somewhat altered version of the introduction to "Dirty Work." In it he said that "a continuing effort—and a novel form of international cooperation" could ultimately lead to the exposure "of almost all of those [CIA personnel] who have worked under diplomatic cover at any time in their careers." He spelled out the five-step method he had in mind for accomplishing this, which included the acquisition of lists of all Americans employed in official U.S. offices in each country, obtaining old Foreign Service Lists and Biographic Registers from libraries, getting copies of the Diplomatic and Consular Lists regularly published by all Foreign Ministries, etc.

Check the information obtained carefully, he said, then publish it and organize demonstrations: "Peaceful protest will do the job. And when it doesn't, those whom the CIA has most oppressed will find other ways of fighting back" a backhand watch to violence against CIA personnel.

From the viewpoint of Halperin's operations, however, the most interesting item was the opening sentence in the third of his five-step methods:

"Check the names as suggested in the various articles in 'Dirty Work,' especially John Marks 'How to Spot a Spook.'"

Who was John Marks?

The November 1974 Washington Monthly which originally published his "spook" article, noted that he was "an associate" of Halperin's CNSS, as did the Washington Post when it published his article, "The CIA's Corporate Shell Game" in 1976 (both of which were reprinted in Agee's "Dirty Work"). At the time Agee was preparing his above-mentioned "CAIB" article with its promotion of Marks' opus, Halperin's "First Principles" listed Marks as the "CIA Project Director" for the CNSS, which Halperin directed. Halperin's CNSS reprinted and sold Marks CIA corporate shell game article in pamphlet form. Marks was also a member of the Speakers Bureau of Halperin's CSGS, and his spook article was promoted by Halperin's CNSS and CPR (e.g., see previous Materials List section).

A former employee of the State Department's Bureau of Intelligence and Research, Marks first won notoriety when, under the name Terry Pollack, he wrote an article, "Slow Leak In The Pentagon," for Ramparts magazine in 1973. Subtitled "the informal art of leaking," it recounted how a federal employee with access to top-secret Pentagon documents had come across a highly sensitive paper of the Joint Chiefs of Staff and, through a Congressional aide, leaked it to the New York Times. A leakers A-B-C, it was believed to be autobiographical.

The evidence is thus overwhelming that Agee's "CounterSpy—CAIB" exposures of CIA personnel, contrary to Halperin's testimony, are not based on his access to classified information while in the employ of the CIA. To put it another way, there is a superabundance of information indicating that Morton Halperin, the claimed and alleged authority on intelligence and national security, is in reality a pathetic ignoramus about such matters.

And isn't it strange that Halperin, who has repeatedly testified that he is opposed to "naming names," that he has counseled others not to do so when asked for advice on the matter [who and when?] and, that he "detests" what Agee does, should have as director of his CIA studies-action program, a man known throughout the world for his pioneering article on the techniques for uncovering and exposing covert U.S. intelligence officers? And isn't it also strange, in view of his same testimony, that his CNSS and CSGS-CPR have given so much favorable mention to Marks' "spook" article?

[FBI agents searching the apartment of Halperin's friend and convicted spy [————], found three photocopies of State Department biographies on foreign service personnel with this typed notation on them: "Almost definite spook." Truong was a student of Halperin's CIA Project Director, John Marks, even adopting his language to designate suspected CIA officers.]

But is Halperin really that ill-informed and unintelligent?

There is evidence to the contrary. In the same testimony in which he said it is "difficult to condemn" exposers who had never had access to classified information but learned identities by various analytical techniques, he revealed thorough knowledge of the instruments used in their analyses: he referred to the State Department's halting publication of the Biographic Register, of Embassy telephone directories; pointed out that articles on identification methods had been widely distributed (a reference to his friend John Marks "How to Spot a Spook", which he had publicized), etc., and testified knowingly that "the people who want to publish the names of agents, the Covert Action Publishers, don't need the advice of Mr. Agee or any other former official; they could do it without that, and don't need access to classified information."

Clearly, Halperin knew that the exposures in Agee's "CounterSpy—CAIB" were not based on access to classified information.

Why, then, was he spreading the hokum that Agee's identities were "a result of access to classified information"? Only Halperin can answer that.

But it is clear what would have happened if the House and Senate believed the line he was peddling: Congress would have enacted identities "protection" legislation that was completely useless. Criminalizing only exposures based on authorized access to classified information, it would not touch Agee because it could not be retroactive and he is incapable of additional such exposures, having long ago exhausted his knowledge of that type.

Basically, the only real result would be to protect the Agee's "CounterSpy—CAIB" cabal from prosecution while it continued its dirty work of exposing covert U.S. intelligence officers, by analytic technique, thus endangering their lives as well as the national security.

NY "VAGUE ACCUSATION"

My statement opposing Halperin pointed out that "part of the public record of Morton Halperin's actions relative to 'Counterspy' . . . and Philip Agree" was the fact that he had been singled out for praise in "Counterspy's" winter '76 issue which extended "special thanks" to 21 people, his name and nine other among them being printed in bold type for emphasis.

It also noted that the magazine did not say what the special thanks to Halperin were for, but offered several possibilities based on the public record. Perhaps, I suggested, it was for many speeches he had made, turning over his fees, as pledged, to PEPIC; perhaps for his favorite review of Agee's book in "First Principles", but concluded logically "it could have been for any number of things he might have done for "Counterspy". All we can do is speculate—until Halperin reveals it with substantial evidence to support whatever claim he makes."

Halperin's response: "It is difficult to respond to an accusation as vague as this one. . . . I do not in fact know what motivated the editors of "Counterspy" to mention me."

Fact: I did not accuse Halperin of anything, vague or otherwise. I simply stated a fact he cannot dispute: "Counterspy's" publicly printed special thanks to him and called on him to say what they were for.

Do you believe that he does not know what they were for?

Following the murder of CIA station chief Richard Welch in Athens in December 1975, "Counterspy" was probably the most notorious and despised publication in the non-Communist world. As it continued its exposures, the initial denunciations of it—strong as they were originally—grew more intense in the press, on radio and TV, on the floor of Congress and in other public forums. And what did readers see immediately upon opening the issue that, in effect, marked the first anniversary of Welch's death?

On the contents page, under the names of "Counterspy's" editorial board members and the two "coordinators" of the issue, an item calling special attention to Halperin's name as one meriting the magazine's gratitude. Not only that, but just about opposite it was the title of an article beginning on page 26: "CIA Around the World/Who was Richard Welch/CIA Agents Named in Europe and Zaire." That was really rubbing it in.

If, as Halperin testified, he "detests" Agee and what he does, he must have cringed in shame. He surely was so mortified that he would never be able to forget the incident and what caused it, no matter how many years passed. His good name tarnished forever!

But he apparently has no recollection of the incident or what led to it!

Presuming he was really desirous of answering my "vague accusation," couldn't he have gotten in touch in some way with Julie Brooks and/or Harvey Kahn, coordinators of that "CounterSpy" issue—or Tim Butz, Eda Gordon, Winslow Peck, Dough Porter, or Margaret Van Houten—all editorial board members at the time and presumably knowledgeable about the reason for "CounterSpy's" gratitude.

Did he try? If so, and he reached one or several of them, what was he told? If he didn't try, why didn't he?

Finally, there is this: Halperin compiled for the committee a detailed list of honors and awards he has received, his employment record, organization memberships, published writings, the texts of speeches he had delivered, etc. going back years prior to 1976.

Strange, isn't it, that this is one thing apparently not recorded or recalled:

But, let's be fair to Morton. As he told the committee, my accusation was "vague," really vague, so vague as to be ephemeral, amorphous. Since it was based completely on "innuendo," expecting him to respond to it would be like asking him to bottle smoke or nail jello to a wall.

JUST HOW "ABSURD" WERE COUNTERSPY AND CAIB?

Admitting my charge that "CounterSpy" included on its "Resource List" two groups he directed, Halperin comments that he is "proud" of his work with the groups and claims it is "absurd" to imply that he was "in any way supporting" the magazine because of this.

No doubt he would make the same comment had I included another similar fact in my statement: that the initial issue of Agee's "CAIB" featured on its inside back cover an item entitled "Publications of Interest" and a subhead "Some Worthwhile Periodicals." Only four periodicals were listed under the subhead presumably because they were the only ones Agee and his crew knew of and believed would be useful to the delegates to the Soviet-sponsored Havana conference and to "CAIB's" other readers.

The first-listed was "First Principles," the organ of Halperin's CNSS, its address and subscription price followed by this parenthetical statement: "An excellent review of the abuses of the U.S. intelligence community, with a comprehensive bibliography in each issue."

Third listed was "Organizing Notes," the newsletter of Halperin's CPR. Noting that it was "available by request to the Campaign", the CAIB made this comment after giving its address:" (It is suggested that foreign requests include a contribution to cover airmail postage.) (A review of activities in the U.S. involving the surveillance practices of the CIA, FBI, and other intelligence agencies.)"

[The other two listed were the publications of the New York-based North American Congress on Latin America and a "counterspies" magazine published in London.]

What was the significance of this "CAIB" item?

Agee and his "CAIB" cronies had been in the business of naming names for at least five years (since the first issue of "CounterSpy" was published in 1973) when they launched their magazine in Havana in 1978. During those five years they had full opportunity to analyze reactions pro and con their operations and to draw conclusions about who their enemies, critics, opponents, etc., were and also who their supporters, allies, defenders, sympathizers and apologists were.

"First Principles" had been published since 1975, "Organizing Notes" since 1977. The "CAIB—CounterSpy" personnel had apparently read or subscribed to them because, as my original statement noted, "CounterSpy" had more than once given favorable notice to both. Sufficient time had elapsed for the CAIB people to assess the past performance of both publications and, presuming the continuance of their leadership, their likely future activity.

Perhaps it was absurd for Agee and his collaborators to bring Halperin's publications to the attention of all readers of "CAIB's" first issue, with its "Worthwhile" plug, in a mistaken belief about their basic orientation. If it was, I, for one, can easily understand how they made their mistake because Halperin fooled me, too, on this issue. Clearly, it was an "absurd" mistake for me to believe that anyone else would ever think that Halperin supported "CAIB" or "CounterSpy" in any way simply because of the complimentary notices those Agee magazines gave his publications.

THE REVOLUTIONARY MESSAGE IN THE HALPERIN-CPR "MATERIALS LIST"

Chaired by Halperin, the CPR was so thoroughgoing in its efforts to discredit U.S. intelligence agencies that it sought out every possible item that could be used against them, even peddling buttons proclaiming what it deemed appropriate messages. The last section of its list offered for $1.00 a 2″ diameter button proclaiming "I am Kathy Power."

What did this signify?

Katherine Ann Power ("Kathy" to her friends, allies and defenders), charged with murder, armed robbery, theft of government property and unlawful flight to avoid prosecution, turned herself in to authorities in September 1993 after 25 years as a fugitive from justice. On the FBI's Ten Most Wanted list for 14 of those years—longer than any other woman in history—she had been dropped from it in 1984 for lack of any clues to her whereabouts. How had she "made" the list?

"Kathy," sister revolutionary Susan Saxe, and three ex-convicts—all "anti-war" students at Brandeis University—broke into a National Guard armory in Newburyport, MA, on September 20, 1970 and stole blasting caps, 400 rounds of .30-caliber ammunition, radios and a pickup truck in preparation for their coming revolution against the U.S. Three days later, they robbed a Boston branch of the State Street Bank and Trust of $26,000 to help finance that revolution. As he approached the front door of the bank in response to a silent alarm, police officer Walter Schroeder, a 41-year old father of nine, was shot dead when one of the convicts, acting as a lookout, emptied his machine gun into the officer's back. Kathy drove the getaway car.

The three convicts were captured shortly thereafter. Power and Saxe, also wanted for the $6240 holdup of the Bell Savings and

Loan Association in Philadelphia on September 1, 1970, escaped. A thoroughly unrepentant Saxe, captured in 1975, pleaded guilty to all charges the following year.

"Kathy" Power continued to elude authorities for 18 more years—a tribute to the effectiveness of the terrorist underground in the U.S. Since her surrender, she has been offered $500,000 for her story. State judge Robert Banks, sentencing her to 8–12 years and 20 years probation for the robbery-murder, directed that she not profit a penny by her story or he would change her sentence to life imprisonment, declaring:

"I will not permit profit from the lifeblood of a Boston police officer." Schroeder's eldest child, Clare, now a police officer herself, in court at Power's sentencing, commented, "He gave his life to protect us from people like Katherine Power."

A federal judge later sentenced Power to five years for the armory robbery (to be served concurrently with the state sentence) and a $10,000 fine. Power's lawyers and the Massachusetts ACLU—true to typical ACLU performance—are appealing the no profit element of her robbery-murder sentence as violating her First Amendment right to free expression.

"Kathy's" crimes were eight years old when the CPR's Materials List supporting her message of defiance of the FBI and the U.S. system of justice was released in 1978. By that time, all her associates in her crimes had either confessed to, or been convicted of, them. There was little or no question about the guilt of the revolutionary fugitive who was still successfully evading the law and justice.

Yet that was when Halperin's CPR chose to defend and glorify her—"I am Kathy Power"—to hold her up as a model who merited the support and adulation of the American people.

FOOTNOTES

[1] District Courts: *U.S.* v. *Clay*, '70; *U.S.* v. *Smith*, '71; *U.S.* v. *O'Baugh*, '69; *U.S.* v. *Brown*, '73; *U.S.* v. *Stone*, '69; *U.S.* v. *Hoffman*, '71; Circuit Courts of Appeals: 9th (*Buck*); 5th (*Clay*, *Brown*) 3rd (*Butenko*).

[2] "The Nationwide Drive Against Law Enforcement Intelligence Activities," Hearing, Subcommittee on Internal Security, Committee on the Judiciary, United States Senate, 94th Congress, First Session, September 18, 1975. "Freedom of Information Act—Appendix" Hearings, Subcommittee on the Constitution, Committee on the Judiciary, United States Senate, Ninety-Seventh Congress, First Session, July–December, 1981, Volume 2, Serial No. J–97–50, pp. 383–430.

"FOIA: A Good Law that Must Be Changed," Human Events, October 29, 1983, pp. 10–13, particularly 13.

"Will 'Mr. Anti-Intelligence' Get Key ACLU Post?," Human Events, December 29, 1984, pp. 10–13, 16.

[3] CPR member organizations included, in addition to "CounterSpy" and "Covert Action Information Bulletin," the National Lawyers Guild, cited as a Communist front by House and Senate investigating committees, the National Alliance Against Racist and Political Repression and National Committee Against Repressive Legislation, both cited by the House Committee on Internal Security; Women Strike for Peace, by the House Committee; the National Emergency Civil Liberties Committee, also by both Senate and House committees, and a considerable number of violence-advocating groups such as the Black Panther Party and American Indian Movement, as well as a number of church-affiliated organizations.•

TRIBUTE TO THE SENATE STAFF OF THE 104TH CONGRESS

• Mr. DASCHLE. Mr. President, as the 104th Congress comes to a close, I want to recognize some of the people without whom the Senate simply could not operate—the loyal staff who served this institution with great dedication and pride.

The sacrifices staff make are largely unknown to most people outside the Senate. For instance, during the final weeks of this session, many of the staff of the House and Senate appropriations committees worked over 100 hours straight to finalize the omnibus appropriations bill. When I leave for home after a late night, I generally pass by the Official Reporters of Debates, who face several more hours in the office to finish up that day's CONGRESSIONAL RECORD.

Anyone who understands the Senate understands the crucial role staff plays. Today, I want to thank all Senate staff for their service to the Senate and to the Nation.

In particular, I want to mention some of the people who are responsible for the daily operations of the Senate. I begin by expressing my gratitude to the office of the Secretary of the Senate. We have a new Secretary of the Senate, Gary Sisco. Though he has been on board only a few days, I am confident that Gary will be as easy to work with and will demonstrate the same dependable professionalism of his predecessor, Kelly Johnston.

We also have a new Sergeant at Arms, Gregory Casey. We will miss former Sergeant at Arms Howard Greene's valuable knowledge of the Senate, but I am sure that Greg will approach the job with the same love for the Senate that Howard demonstrated. The Sergeant at Arms has been supported by the capable assistance of the former Deputy Sergeant at Arms, Joyce McCluney, and the current Deputy, Larry Harris. The Sergeant's office is also assisted by the work of Marie Angus and Patty McNally. I would like to give special thanks for the hard work and consummate professionalism of Jeri Thomson, the executive assistant for the minority, who has provided invaluable assistance to me and to my Democratic colleagues.

All Senators, I am sure, are grateful for the counsel and support they receive from the staff who work the Senate floor and Cloakrooms. That assistance has become even more valuable to me since I became Democratic leader.

Our Democratic floor staff works under the excellent leadership of Marty Paone, the Secretary for the Minority. Under great pressure, often with little time and with little margin for error, Marty has time and again provided wise counsel to me and to my Democratic colleagues. Despite the pressures, Marty always finds time to respond to questions from Senator and staff alike—everything from the routine question about timing of votes to the most complex analysis of parliamentary procedure. The rare combination of a sharp mind, even temperament, and indepth experience makes Marty one of the most valuable officers of the Senate, and I want to thank him and recognize him for that. Marty is assisted by the hard work of Maura Farley McGee and Sue Spatz.

Day-to-day management of the floor operation is in the capable and energetic hands of Lula Davis, the Assistant Secretary to the Minority. Lula's ability to juggle multiple tasks—from negotiations over bills that we seek to clear by unanimous consent, to advising Senators and staff on legislative strategy, to acting as informal fashion adviser to many of my colleagues—demonstrates her tireless dedication to making things work around here. Working on the Democratic floor staff with Marty and Lula during the 104th Congress have been Art Cameron and Kelly Riordan, both of whom we have since lost to the Treasury Department and law school, respectively, and Gary Myrick and Paul Brown, who have moved from the Cloakroom and the Democratic Policy Committee, respectively. They were all assisted by the hard work of Brad Austin, who leaves shortly for a professional adventure in Malawi.

Our Democratic Cloakroom staff, Lenny Oursler, Paul Cloutier, Christina Krasow, and Brian Griffin, also provide invaluable assistance in many aspects of our Senate life. Among other things, they field countless queries about what the Senate is doing and when votes will occur, including that age-old question, "Will there be any more rollcall votes tonight?" They help us stay on schedule and where we are supposed to be, all while keeping track of the flurry of legislation that moves through here and keeping most of us entertained. I salute them for their hard work and good humor and thank them for their assistance.

It is no exaggeration to say that our ability to navigate the complexities of Senate rules and procedures would be impossible without the assistance of our Parliamentarians. Senate Parliamentarian Bob Dove, with the outstanding assistance of Senior Assistant Parliamentarian Alan Frumin, Assistant Parliamentarian Kevin Kayes, and Parliamentary Assistant Sally Goffinet, provides an unparalleled level of expertise and understanding of Senate procedure.

Our growing C–SPAN audience has no doubt become familiar with the commanding voice of Legislative Clerk Scott Bates and his assistant David Tinsley; Bill Clerk Kathie Alvarez has also become a notable presence. Kathie is assisted in her duties as bill clerk by Danielle Fling and Mary Anne Clarkson. Our legislative and bill clerks deserve the thanks and respect of all Senators for their keen attention to detail and their patient professionalism.

Journal Clerk William Lackey and his assistants Patrick Keating and

Mark Lacovara; Enrolling Clerk Tom Lundregan and his assistant Charlene McDevitt; Executive Clerk David Marcos and his assistant Michelle Haynes; Daily Digest Editor Thomas Pellikaan, Assistant Editor Linda Sebold, and Staff Assistant Kimberly Longsworth, all have my gratitude for their long hours and hard work.

I also would like to thank and commend again our official Reporters of Debates for their hard work: Chief Reporter Ronald Kavulick and Assistant Chief Reporter—and Congressional Record Coordinator—Scott Sanborn; Morning Business Editor Ken Dean and Assistant Editor Lee Brown; Expert Transcriber Supervisor Eileen Connor and her assistants, Donald Corrigan and Eileen Milton; and the Official Reporters of Debates: Jerald Linnell, Raleigh Milton, Joel Brietner, Mary Jane McCarthy, Paul Nelson, Katie-Jane Teel, and Patrick Renzi.

I also want to thank our Senate Doorkeepers, directed by Arthur Curran and Donn Larson, for the friendly, and helpful attitude they bring to their jobs, often in the face of long and uncertain hours. Without their assistance and that of all of our Senate support staff, our work simply could not get done.

Finally, Mr. President, I want to thank my own staff and the staff of the Democratic Leadership Committees, whom I share with Senators REID, ROCKEFELLER, and KERRY. These bright, talented people are dedicated to the effort to serve the people of South Dakota and the Nation, as well as every Democratic senator and their staffs. They do a tremendous job, and I owe each of them a debt of gratitude.•

TRIBUTE TO SENATOR JOHNSTON

• Mr. PELL. Mr. President, I salute my old friend and colleague the senior Senator from Louisiana [Mr. JOHNSTON] as he reaches the end of his distinguished Senate career.

It has been my special good fortune to know BENNETT JOHNSTON as a friend, quite apart from our collegial work here in the Senate. I have enjoyed his hospitality on many occasions and have appreciated his good sportsmanship on the tennis court. As I said when he announced his intention to retire last year, he can always be called a straight shooter, in the best sense of the word.

He will, of course, best be remembered for his landmark work as chairman of the Energy and Natural Resources Committee, particularly as that committee grappled with the new challenges posed by nuclear energy. I salute him for that, and I know that he has charted new ground where others will surely follow.

One of the most difficult aspects of leaving this body is the loss of daily contact with colleagues whose friendship has enriched the experience of Senate service. BENNETT JOHNSTON has truly been one such colleague, and I wish all the best for him and his lovely wife, Mary, in all that lies ahead.•

TRIBUTE TO SENATOR HEFLIN

• Mr. PELL. Mr. President, sometimes there are those among us whose Senatorial persona overshadows the full measure of past achievement.

Such a man is the retiring senior Senator from Alabama [Mr. HEFLIN]. Those who witness his wisdom and dignity of bearing on the floor of the Senate have no difficulty in envisioning him as the chief justice of the Alabama Supreme Court. But they may not perceive the U.S. Marine of World War II who was wounded twice in combat and awarded the Silver Star.

My own special insight into the exceptional character of Judge HEFLIN came when we shared the discomfort of a field trip into the Brazilian rain forest. As always his qualities of wit and wisdom shown through.

Here in the Senate, his unshakable demeanor and integrity have endeared him to all and served as a model for the sort of decorum and comity which should pervade our proceedings. It was inevitable that we should award him with the thankless task of chairing the Select Committee on Ethics.

I thank Judge HEFLIN for all he has done to enrich the life of the Senate, and I wish him well as he returns to Alabama.•

TRIBUTE TO SENATOR EXON

• Mr. PELL. Mr. President, I would like to take this opportunity to express my best wishes to Senator JAMES EXON, who is retiring from the Senate after 18 years of dedicated service to his constituents in Nebraska. He is a true friend and a respected and trusted colleague.

As a member of the Senate Armed Services Committee, Senator EXON has provided invaluable leadership in ensuring the integrity of our national defense. I have had the honor of working with him on the problem of U.S. nuclear weapons testing.

At the end of the cold war, Senator EXON utilized his common sense and Midwestern values to grapple with the difficult task of defense downsizing. Senator EXON was not afraid to take on this, and other, difficult issues—deficit reduction and restricting foreign takeovers of businesses that are vital to our national security.

JIM EXON has earned the respect and gratitude of his colleagues, constituents, and citizens of our Nation. I know that I shall miss my colleague from Nebraska and I wish him well in his future endeavors.•

TRIBUTE TO SENATOR COHEN

• Mr. PELL. Mr. President, I would like to pay tribute to Senator WILLIAM COHEN who is returning to his homestate of Maine after serving with distinction in the Senate for 18 years. I'm glad to have the opportunity to honor my friend who has made such an outstanding contribution to our region and the country

I have often lamented the rise in partisanship that has permeated this Chamber over the past several years. I continue to believe that our Nation is best served by leaders who have respect for different views and the ability to compromise and negotiate meaningful policy. Senator COHEN is not only a man who I believe shares this view, but has practiced it and made bipartisan consensus his trademark.

Senator COHEN has been a leader in foregoing bipartisan solutions to some of our Nation's most vexing problems. To ensure the public's trust in Congress, Senator COHEN worked tirelessly with Senator LEVIN to help enact a lobby disclosure and gift ban. When America was embroiled in the Iran-Contra affair, Senator COHEN joined Senator Mitchell in examining and investigating allegations of misconduct by the executive branch. Senator COHEN has always sought a dialog to consider as many views as possible and supported legislation that holds all Senators to the highest standard.

My colleague from New England, the senior Senator from Maine, is also the author of eight books. Senator COHEN is still a young man and while he will be greatly missed in the Senate, I wish him well in what I am sure will be a bright future.•

TRIBUTE TO SENATOR BROWN

• Mr. PELL. Mr. President, I salute the senior Senator from Colorado [Mr. BROWN] on the occasion of his retirement from the Senate. During this term here he has contributed a great deal, especially in his work on the Committee on Foreign Relations.

During the first years of his term, he served as the ranking Republican member of the Subcommittee on International Relations, where I especially appreciated his bipartisan support in helping to forge the State Department authorization bill.

Subsequently, in the 104th Congress, he assumed the chairmanship of the Subcommittee on Near Eastern and South Asian Affairs, and conducted a remarkable number of hearings on matters relating to the area. I was especially pleased that he shared my strong and long-standing interest in the India subcontinent.

While we frequently found ourselves on different sides of the issues, I always appreciated the great good humor that HANK BROWN brought to his work on the committee, along with his unflagging energy. I thank him for that, and wish him well in all that lies ahead for him and his family. He is a fine man and one for whom I have high regard.•

SOME PARTING THOUGHTS

• Mr. PELL. Mr. President, as I approach the end of my sixth term in the Senate, I look back at the 36 years with wonder and awe at what we have passed through, but with some concern for the future of our institutions in the century ahead.

My concern is rooted in apprehension that human nature may not be keeping pace with the means now at our disposal to influence opinion and effect change.

A long range, telescopic view of our place in history puts this concern in perspective, particularly as we approach the end of the second millennium. The thousand years that began with a tradition of chivalry in dank Medieval castles, ends with a distinctly unchivalrous, albeit more comfortable, world community tied together by the instant miracle of electronic communication and jet flight, but overshadowed by the still lingering threat of mass destruction.

Considering these extremes, I am led to reflect that the rules of human behavior in the conduct of public affairs have not developed as rapidly as the provisions for human comfort, or the means of communication—or indeed, of mass destruction.

Sometimes, it almost seems, to paraphrase a common humorous expression, as though we should "stop the world" and let the human spirit catch up with technological progress. So now I ask myself what guidance can we give to those who follow that would help them, short of stopping the world, to reconcile the realities of the day with the realm of the spirit?

When I came to the Senate in 1961, it was, in retrospect, a time of almost unlimited possibilities. Most of us were imbued with a rather exuberant mindset conditioned by recent events. We had lived through the economic crises of the 1930's and we had survived the cataclysm of World War II, and in both cases it had been the dominant role of a strong central government which had saved the day. So it was not surprising that we brought with us a great sense of confidence in the role of government.

We extended that faith in progressive government into many other areas, and I believe we did many good things in its name in the years that followed. I am very proud of the fact that I was able to play a modest part in these endeavors, particularly in the field of education.

But hovering over us for the three decades that followed was the numbing specter of the cold war that tested our endurance and our nerve. It was in the peripheral engagements of the cold war, first Korea and then, most conclusively, in Vietnam, that the basic tenets of our commitment were put to the test. And in the latter event, they were found wanting in the minds and hearts of many of us.

In retrospect, it may well have been the widespread disillusionment with foreign policy in the Vietnam era which sowed the seeds of a broader cynicism which seems to be abroad in the land today. And with it came an end to that sense of unlimited possibilities that many of us brought to public life.

Many other factors have contributed to that current of cynicism, but primary among them, in my view, is the impact of the electronic media, particularly in its treatment of politics and public affairs. At its worst, it glorifies sensationalism, thrives on superficiality and raises false expectations, often by holding people in public life accountable to standards which are frequently unrealistic or simply not relevant.

Unfortunately, the rise of the electronic media has coincided with the coming of age of a new generation of Americans which is both blessed and challenged by the absence of the unifying force of a clear national adversary.

I am reminded, in this connection, of Shakespeare's reference to "the cankers of a calm world and a long peace," referring to the age of Henry IV, when a temporary absence of conflict had an adverse effect on the quality of recruits pressed into military service. In our time, the sudden ending of the cold war removed what had been a unifying national threat, leaving in its wake a vacuum of purpose which I fear has been filled in part by the cankers of the electronic media.

The result has been a climate which exploits the natural confrontational atmosphere of the democratic process by accentuating extremes without elaborating on the less exciting details. It is a climate which encourages pandering to the lowest levels of public and private greed, a prime example of which is the almost universal defamation of the taxing power which makes it virtually impossible to conduct a rational public debate over revenue policy.

The times call for a renewed sense of moral responsibility in public service, and for service performed with courage of conviction. To be sure, this is not a new idea. One of my favorite political quotations in this regard is an excerpt from a speech by Edmund Burke to the Electors of Bristol in 1774:

> Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

It must be noted that Mr. Burke was thrown out of office not long after making this speech, demonstrating a courage of conviction on his part and on the part of the electors as well. But he stands as a model, nonetheless, of the sort of selfless dedication to principle which must be brought to bear in the current climate.

Beyond individual virtue, I believe we must strive in a corporate sense for a qualitative change in public dialog. If I could have one wish for the future of our country in the new millennium, it would be that we not abandon the traditional norms of behavior that are the underpinning of our democratic system.

Comity and civility, transcending differences of party and ideology, have always been crucial elements in making Government an effective and constructive instrument of public will. But in times such as these, when there is fundamental disagreement about the role of Government, it is all the more essential that we preserve the spirit of civil discourse.

It has been distressing of late to hear the complaints of those who would abandon public service because they find the atmosphere mean spirited. They seem to suggest that the basic rules of civilized behavior have been stifled.

They make a good point, although I hasten to say that this was not a consideration in my own decision to retire at the end of my present term. After more than 35 years, I have some to expect a certain amount of rancor in the legislative process. But I certainly agree that it seems to have gotten out of bounds.

I say this with all respect for my colleagues in the Senate. They are wonderfully talented men and women, dedicated to serving their constituents and to improving the quality of our national life. I do not expect to have the good fortune again to work with such a fine, well-motivated and able group. But even this exceptional group sometimes yields to the virus of discontent which has infected the body politic.

In 1995, before retiring from the Senate to become president of the University of Oklahoma, my good friend David Boren sent a letter to his colleagues lamenting the fact that "we have become so partisan and so personal in our attacks upon each other that we can no longer effectively work together in the natural interest." It was a thoughtful warning that has meaning far beyond the U.S. Senate and applies to our whole national political dialog.

The fact is that the democratic process depends on respectful disagreement. As soon as we confuse civil debate with reckless disparagement, we have crippled the process. A breakdown of civility reinforces extremism and discourages the hard process of negotiating across party lines to reach a broad-based consensus.

The Founding Fathers who prescribed the ground rules for debate in

Congress certainly had all these considerations in mind. We address each other in the third person with what seems like elaborate courtesy. The purpose, of course, is to remind us constantly that whatever the depth of our disagreements, we are all common instruments of the democratic process.

Some of that spirit, I believe, needs to be infused into the continuing national debate that takes place outside the Halls of Congress. It should be absorbed by our political parties and it should be respected by the media, particularly in this era of electronic information. The democratic process is not well served by spin doctors and sound bites.

Nor is it well served by blustering assertions of no compromise, such as those we heard in the wake of the 1994 congressional elections. David Boren had the temerity—and wisdom—to suggest that instead of holding weekly meetings to plot how to outsmart each other, the party caucuses in the Senate should hold two meetings a month to explore bipartisan solutions on pending issues. Again, it's another good idea which could apply to the national dialog.

I would only add my own prescription for comity, which can be summarized in three simple rules:

First, never respond to an adversary in ad hominem terms. In my six campaigns for the Senate, I have never resorted to negative advertising. The electorate seems to have liked that approach, since they have given me an average margin of victory of 64 percent.

Second, always let the other fellow have your way. I have always found that winning an ally is far more important than getting exclusive credit. In politics, the best way to convince someone is to lead him or her to discover what you already know.

Third, sometimes, half a loaf can feed an army. The democratic process is meant to be slow and deliberate, and change is hard to achieve. Very often, achievement of half of an objective is just as significant as achievement of 100 percent. And it may make it easier to achieve the rest later.

In Government, as in all endeavors, it is the end result that counts—whether that result is half a loaf or more. Hopefully, an increase in comity and civility, together with renewed emphasis on moral responsibility, will result in a qualitative improvement in end results.

In that regard, I have been guided throughout my Senate career by a simple motto and statement of purpose. It is a mantra of just seven words:

TRANSLATE IDEAS INTO ACTION AND HELP PEOPLE

There have been some days, to be sure, when neither of these objectives has been achieved, but week after week and year after year, I have found those words to be useful guideposts for a legislative career. They help one sort the wheat from the chaff.

And they also are a constant reminder that our role is to produce results in the form of sound legislation, and not engage in endless and repetitive debate that leads nowhere. This is an especially hard prescription for the U.S. Senate, comprised as it is of 100 coequal Members, each representing a sovereign State. Everyone has a right to speak at length.

But there are some limits. And a principal one is the Senate's rule that debate can be curtailed by invoking cloture, if three-fifths of the Members, or 60 Senators, vote to do so. It has been my general policy to vote for cloture, regardless of party or issue, except when there were very compelling circumstances to the contrary. Over my Senate career I have cost more than 350 votes for cloture, which may be something of a record.

It should be noted that circumstances have changed greatly since the Senate imposed the cloture rule back in 1917. In those days, there were genuine filibusters with marathon speeches that often kept the Senate in continuous session for days, including all night sessions with cots set up in the lobbies. Nowadays, such displays of endurance virtually never occur, but at the very threat of extended debate, the 60-vote requirement is invoked to see if the minority has enough votes to prevail against it—and if they do, the pending bill is often pulled down and set aside.

The 60-vote margin, which originally was set even higher at two-thirds of those present, was designed to protect the minority's right to make itself heard, while still providing a vehicle for curbing debate. Only a super majority can impose limits. But as time and practice have evolved, the other side of the coin has revealed itself—namely that a willful minority of 40 or more Senators can use the cloture rule to block legislative progress. Recent majority leaders of both parties have expressed frustration with the deadlocks that can result.

The ultimate solution, of course, might be to outlaw all super majorities, except for those specifically allowed by the Constitution—such as veto overrides, treaty approvals and impeachment verdicts. Since the Constitution carefully provides for these specific exceptions, it might be assumed that the Framers intended that all other business should be transacted by a simple majority.

I must hasten to say that while I find the logic of such an ultimate solution to be intriguing, I do not subscribe to it. As a Senator from the smallest State, I have always been sensitive to the fact that circumstances could arise in which I would need the special protection of minority rights which is accorded by the cloture rule.

One possible solution which certainly bears future consideration is a compromise recently proposed by Senator TOM HARKIN. Under his plan, the existing cloture rule would be modified by providing that if the three-fifth is not obtained on the first try, the margin be reduced progressively on subsequent cloture votes on the same bill over a period of time until only a simple majority would be required to shut off debate. Such a plan would protect the minority but would do so within reasonable limits of time, after which the majority could conduct the business of the Senate.

With reasonable reforms in the cloture rule, and with a new spirit of comity and civility along with a renewed sense of responsible public service, I do believe the Senate, and our institutions of government in general, can rise to the challenges of the new century. And in doing so, they hopefully will address more satisfactorily than we have done so far some of the truly compelling issues of our times—such as economic disparity and racial and social inequality.

Over the years, I have thought time and again of the historical comparison between Sparta and Athens. Sparta is known historically for its ability to wage war, and little more. Athens, however, is known for its immense contributions to culture and civilization.

In all that I have done over the past 36 years in the U.S. Senate, I have had that comparison uppermost in mind. I believe deeply that when the full history of our Nation is recorded, it is critical that we be known as an Athens, and not a Sparta.

My efforts in foreign relations have been guided accordingly. I believe that instead of our ability to wage war, we should be known for our ability to bring peace. Having been the first and only nation to use a nuclear weapon, we should be known as the nation that brought an end to the spread of nuclear weapons. We should be known as the nation that went the extra mile to bring peace among warring nations. We should be known as the nation that made both land and sea safe for all.

In particular, I believe that we should seize every opportunity to engage in multilateral efforts to preserve world peace. We should redouble our support for the United Nations, and not diminish it as some propose. We should not lose sight of the UN's solid record of brokering peace—actions that have consistently served U.S. interests and spared us the costly alternatives that might have otherwise resulted.

In education, I want us to be known as the nation that continually expanded educational opportunities—that brought every child into the educational mainstream, and that brought the dream of a college education within the reach of every student who has the drive, talent, and desire. We should always remember that public support for education is the best possible investment we can make in our Nation's future. It should be accorded the highest priority.

In the arts and humanities, I want us to be known for our contributions, and for the encouragement we give to young and old alike to pursue their God-given talents. I want us to be recognized as a nation that opened the arts to everyone, and brought the humanities into every home. And here too, I believe government has a proper role in strengthening and preserving our national cultural heritage.

Pursuing these objectives is not an endeavor that ends with the retirement of one person. It is a lifetime pursuit of a nation, and not an individual. It is always a work of art in progress, and always one subject to temporary lapses and setbacks. My hope, however, is that it is our ongoing mission to become, like Athens, a nation that is known for its civility and its civilization.•

IN HONOR OF ALPHA DELTA KAPPA

• Mr. PELL. Mr. President. This month we celebrate the fine work of Alpha Delta Kappa Sorority. I would like to ask may colleagues to join me in paying tribute to this outstanding international organization of women educators.

Founded in 1947, Alpha Delta Kappa today has nearly 60,000 members in 2,000 chapters located in towns and cities in every State and around the world in Australia, Canada, Jamaica, Mexico, and Puerto Rico. I am proud to say that we have eight strong chapters in Rhode Island. All the sorority members have been selected to join the honorary society by peers who have recognized their contributions in establishing high teaching standards and in promoting excellence and dedication. As a champion of teachers throughout my life, I am delighted to see these essential women receive the praise they deserve.

Let no one think that the Alpha Delta Kappa members rest on their laurels. They make a major contribution to the lives of others through the sponsorship of educational scholarships and altruistic projects. In the past 2 years alone, members have given at the grassroots level over $3.9 million in monetary gifts, over $1.1 million in scholarships, and have provided over 1.3 million hours of volunteer service. I am particularly pleased that seven young women from foreign countries are each awarded $10,000 scholarships to study for 1 year in colleges and universities throughout the United States.

Through is altruistic projects, members of Alpha Delta Kappa have contributed nearly $1 million to St. Jude Children's Research Hospital, and, since 1991, $100,000 to the Pediatric AIDS Foundation. This is a remarkable contribution.

In 1997, Alpha Delta Kappa will celebrate its golden anniversary. This, however, is the month we take time to pay tribute to the outstanding contributions of its many members to the betterment of education in our Nation and other parts of the world. Congratulations.•

IMPORTANT WORK ON BEHALF OF WORKING PEOPLE DONE BY LABOR COMMITTEE DURING MY TENURE

• Mr. PELL. Mr. President, upon joining the U.S. Senate in January 1961, I became a member of the Senate Labor and Public Welfare Committee—now called the Labor and Human Resources Committee.

From the beginning of my careerlong tenure on the committee until today, I have had the distinct honor of serving with and learning from some giants of the Senate and have had the pleasure of working on many important pieces of legislation.

When I first joined the committee on January 1961—which, according to the Official Congressional Directory for the 87th Congress, met on the second and forth Thursdays of each month—membership of the committee included Ralph Yarborough of Texas, the great Jennings Randolph of West Virginia, Barry Goldwater, Everett Dirksen and my old, dear friend Jacob Javits. The following year, John Tower joined the committee.

In 1963, our current ranking member TED KENNEDY first came to the committee. Few can question the wonderful work Senator KENNEDY has done for America from his post on the committee.

In the years following, many outstanding members of this body joined the committee and shared their skills and insights with us. Along with those I have already referred to, I have had the pleasure of working with many whose names are well known to this day: Robert F. Kennedy, Walter Mondale, Tom Eagleton, Alan Cranston, Richard Schweicker, my partner for many years on Education matters Robert Stafford, ORRIN HATCH, Howard Metzenbaum, STROM THURMOND and our current Chair, the most gracious NANCY KASSEBAUM. I do not believe our committee has ever been led by a more evenhanded Chair.

I think it is a tribute to the committee and the importance of its jurisdiction that some of the greatest Senators of our time decided to sit on the committee.

During my tenure on the Labor Committee, the committee has worked on many important issues in the areas of health, education, and labor including many directly affecting the working men and women of this country.

A brief review of the achievements of the Senate Labor and Human Resources Committee shows that during the past 36 years, we have worked to create and improve laws of great import to the working people of this Nation.

The Occupational Safety and Health Act of 1970 established broad minimum standards for the conditions under which American workers work.

The Equal Employment Opportunity Act of 1972 gave the Equal Employment and Opportunity Commission much needed teeth to curb workplace discrimination.

In 1974, unemployment compensation was extended to 12 million previously uncovered Americans.

After 5 years of committee hearings and study, the Employee Retirement Income Security Act [ERISA] was enacted that guaranteed that pension plan participants would receive their promised benefits even if the pension fund was terminated.

The Age Discrimination in Employment Act prohibited workplace discrimination for workers between 40 and 67 years of age.

When I joined the committee in 1961, the Federal minimum wage was $1. That minimum was increased over the years and thanks to the efforts of many on this committee, minimum wage workers in the United States will be receiving a much needed raise to $5.15 over the next 2 years.

Many job retraining programs have been established to help workers who have lost their jobs through no fault of their own. During the 104th Congress, the committee spent a great deal of time trying to unify the Federal programs into one single program better suited for the demands of today's workplace. Unfortunately, those efforts ended in failure.

In 1988, legislation passed by this committee to require advance notification to workers of plant closings and large scale layoffs became law.

In 1986, certain protections of the Fair Labor Standards Act were extended to disabled individuals.

The above is but a thumbnail outline of the important work in the area of labor and employment done by the Labor Committee during the past 36 years. I am pleased to have been involved in such important work with a fine group of colleagues—both well-known and unsung.•

CODETERMINATION

• Mr. PELL. Mr. President, for many years, I have been interested in the efforts of many countries in Europe to involve their workers in all levels of company decisionmaking. Employees serve on the board of directors which addresses long-term management of the company, the Supervisory or Administrative Board that deals with the daily operations of the company, and Works Councils which are localized with many councils existing within the same plant. This practice is often referred to as codetermination.

While European-style codetermination would not be a perfect fit here in the United States, the concept of worker involvement remains valid. After years of bitter, and even violent interaction and with the ever increasing demands of a high-tech workplace in a global economy, a more collaborative process has developed that brings workers and employers together on an ongoing basis. Companies ranging from Texas Instruments and IBM to Harley-Davidson motorcycles have instituted ongoing employer-employee work councils in which employees and employers cooperatively determine the direction of their company.

There is, I believe, little disagreement about the value of these councils. There is, however, considerable debate about the legality of these groups. We are told by some that this disagreement produces a chilling effect that hinders the continued and future development of employer-employee work councils.

I have worked for some time to find a balance. During the 103d Congress, I introduced legislation, S. 2499, which, among other features, established a formal election process for employee representatives to labor-management groups.

During the 104th Congress, improved labor-management relations were highjacked by partisan politics and corporate greed in the form the TEAM Act which attempted to rewrite Federal labor law to give employers control of labor-management teams.

I did not reintroduce that legislation but continued to explore other ways to accomplish change. I seriously considered offering an amendment to the TEAM Act to give employees the right to select their own council representatives; ensure that council agendas were open to both employees and employers and finally, prohibit the unilateral cancellation of a council.

The TEAM Act, and similar ideas are certainly not the answer. I am concerned, however, that past labor-management relations will not continue to serve us well either. As a nation, we now find ourselves involved in a global economy competing with other countries, not other companies. In addition, more and more of our trade is high technology. The era of workers spending all day inserting tab A into slot B is coming to an end. Workers must be better educated and well trained in high technology.

With that education, high-tech training and on the job experience, today's workers have valuable insights and ideas that should be welcomed by their employers. It should be our job to allow the exchange of thoughts and ideas to take place but without employees endangering their employment in the process.

I sincerely hope that in the future, Congress will, without partisan and special interest bias, work to make it easier for employees and their employers to cooperatively determine the future of their company.•

METRIC CONVERSION

• Mr. PELL. Mr. President, As my colleagues have heard me say many times before, The United States is the only industrialized country in the world that has not converted to the metric system of measurement. I ask my colleagues to imagine what we are missing by being so out of step with the rest of the world.

The answer is basic: The United States stands to gain untold millions—possibly billions—in export trade we are currently losing because our nonmetric products literally do not fit into international markets. The U.S. Department of Commerce estimates that U.S. exports could be increased by up to 20 percent by offering metric-sized goods to international markets. In a booklet published by the Small Business Administration [SBA] for small businesses considering converting to the metric system, the SBA cites three examples of the trade problems caused by the production of nonmetric goods.

Saudi Arabia rejected a shipment of American-made appliances because the power cords were 6 feet long rather than the 2 meter length required by Saudi law.

A Middle Eastern company was forced to rewire all electronic equipment imported from the United States because standard American wire sizes are different from international standards.

Countries around the world have great difficulty finding American lumber companies that will produce lumber in metric lengths for use in the construction.

In that regard, I strongly believe that the Federal Government should lead by example and conduct its business, including all procurement, in the metric system. By doing business and thereby promoting the metric system, our Government would send a very important and badly needed signal to American businesses and our trade partners around the world that as a nation we are back on track with the conversion process that has already taken place in the rest of the modern world.

During the closing weeks of this Congress, I had the pleasure of working with Senator GLENN and Senator HOLLINGS in an effort to moderate antimetric legislation that came before the Senate. Senator HOLLINGS and I have worked together on this issue for some time—particularly in the all important area of trade. I am confident he will continue this fight in the years to come.

Senator JOHN GLENN—a pioneer in space exploration—is a man of science, a man of the future. During floor debate on unfunded mandates legislation a the beginning of the 104th Congress he gave a most eloquent defense of the metric system. The metric system is an integral part of both science and our future. I hope Senator GLENN will take my place and bring his knowledge and experience to the fight.•

RECOGNITION OF OUTSTANDING ACHIEVEMENT AND DISTINGUISHED SERVICE BY WILLIAM DANTE BUCCI

• Mr. SANTORUM. Mr. President, I have been made aware of plans to honor Mr. William Dante Bucci next month and I would like to take the opportunity to share with my colleagues the outstanding achievement and distinguished service he has displayed.

Not only has Mr. Bucci displayed a high level of professional achievement and concern for his community, but he has also celebrated his family's heritage. Mr. Bucci was born in Philadelphia, PA, and has been a member of the Order Sons of Italy in America, Grand Lodge of Pennsylvania, since 1 year of age. In fact, Bill is the longest continuously active member of the Ivy Ridge Lodge 251.

William Bucci is a 1974 cum laude graduate of Roman Catholic High School of Philadelphia, where he earned the Thomas E. Cahill Merit Award for outstanding achievement as a senior. Bill then earned a congressional appointment to the U.S. Naval Academy receiving a bachelor of science degree in 1982.

Following his graduation from the Naval Academy and his naval service, Bill then demonstrated a high level of achievement in the world of business. After being Market Executive of the Year with the Xerox Corp. in Philadelphia, Bill was named a full partner and first vice president at age 29 in the brokerage firm Smith, Barney, Harris Upham & Co., Inc. William is a three-time winner of Smith, Barney's Broker of the Year Award and is a life member of their President's Club. In 1992, William joined Shearson Lehman Bros. as a senior vice president. Following the purchase of Shearson Lehman Bros. by Smith, Barney, Bill was recruited by Prudential Securities Inc. in Bala Cynwyd, PA, where he is now a senior vice president.

William Bucci's commitment to serving his community is well known to those that have had the opportunity to interact with him. Bill has served as junior varsity basketball coach for the Cardinals of Dougherty High School in the Philadelphia Catholic League. In addition, he was a head coach for 10 years in the Philadelphia Archdiocese

CYO program. Not surprisingly, Bill has been recognized by his coaching peers as the league's all-star coach on three different occasions.

William Bucci's connection to the Order Sons of Italy in America is well cemented. He is the grandson of Francesco Bucci, past president of the Giulio Caesar Lodge 612 O.S.I.A., and Giuseppe Mercurio, a founder and charter member of the Ivy Ridge Lodge 251, O.S.I.A. His list of credentials in the Order Sons of Italy in America is truly impressive. For instance, Bill has served or currently does serve in the following capacities: third vice president for the Commonwealth of Pennsylvania; a trustee, O.S.I.A. Charitable and Education Trust; member, Pennsylvania State Finance Committee; served as chairman for the Purple Aster Awards Ball souvenir program book for 1995; member, national membership committee; member, national fund raiser committee; ex-officio delegate to the national convention; three-term past president, Ivy Lodge 251, of which he has served as vice president and as trustee.

Mr. President, I am extremely pleased to say that William Dante Bucci is a constituent of mine. Mr. Bucci has been, and will continue to be, a community leader and standard bearer for Italian Americans.•

THE OMNIBUS APPROPRIATIONS BILL

• Mr. SANTORUM. Mr. President, I rise today to call attention to provisions in the recently approved omnibus appropriations bill dealing with electronic benefits transfer [EBT].

In the waning hours of the negotiations on the omnibus appropriations bill, legislative language was inserted—sections 664 and 665—providing for the delivery of EBT services by the Federal Government. In effect, the provision nullified an August 13, 1996, D.C. Circuit Court of Appeals decision involving the procurement process in an EBT initiative under the direction of the U.S. Department of the Treasury.

While I supported passage of the omnibus appropriations bill, I have very serious concerns with the impact of the EBT language and, as a result of these provisions becoming law, remain concerned with the direction of EBT. The financial ramifications and impact associated with providing benefits through EBT are enormous. The fact these provisions were added to the bill and became law with virtually no congressional oversight is extremely troublesome. I am uncomfortable with Congress overturning court decisions and ultimately directing multimillion dollar contracts without review. These provisions on EBT have not been reviewed in detail by the committees of jurisdiction nor have they been subject to hearings.

Mr. President, throughout my service in Congress, I have focused considerable legislative effort in the area of social policy, and I'm very pleased to have played a role in the development and direction of the landmark welfare policies that became law earlier this year. The efficiencies associated with delivering social service benefits through EBT have been an integral part of welfare reform discussions over the past 5 years. And with the enactment of the landmark welfare reform law, the need to develop a comprehensive EBT policy becomes all the more important.

If Congress is to better manage the delivery of Federal services and benefits, we must start with EBT. Throughout the remainder of this year and into the next Congress, I intend to address this issue, not only with the Secretary of the Treasury, but also with the leadership of the committees of jurisdiction. It is imperative that Congress develop a comprehensive EBT policy with comment and direction from the Banking, Agriculture, Finance, and Governmental Affairs Committees, all who have major interests in this area.

Mr. President, with the recent passage of the omnibus appropriations bill, I wanted to take a moment of Senate business to express my very serious concerns with the language on EBT and the impact that this will have on the future delivery of social service benefits. I appreciate the attention of my colleagues today and encourage your interest and involvement.•

HONORING THE LAWRENCES ON THEIR 50TH WEDDING ANNIVERSARY

• Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Sherlie and Beulah Lawrence of Maplewood, MO, who, on November 9, 1996, will celebrate their 50th wedding anniversary. My wife, Janet, and I took forward to the day we can celebrate a similar milestone. Sherlie and Beulah's commitment to the principles and values of their marriage deserves to be saluted and recognized.•

HONORING THE MUNSONS ON THEIR 50TH WEDDING ANNIVERSARY

• Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Ed and Marty Munson of Marshfield, MO, who, on November 11, 1996, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Ed and Marty's commitment to the principles and values of their marriage deserves to be saluted and recognized.•

PRESIDENTIAL AWARD

• Mr. HATFIELD. Mr. President, on Wednesday, September 25, 1996, one of my favorite Oregon institutions was honored by the President of the United States. Saturday Academy of Oregon received the Presidential Award for Excellence in Science, Mathematics, and Engineering Mentoring. The award was presented to Kathryn Gail Whitney, executive director of the academy since 1983, in a ceremony in the Indian Treaty Room of the Old Executive Office Building. I am pleased to add my congratulations to this deserving organization.

This award includes a $10,000 grant and a Presidential commemorative certificate. It is given to individuals and institutions which have encouraged minorities, women, and persons with disabilities to earn degrees in science, mathematics, and engineering; 10 individuals and 6 institutions were honored this year, the first year in which these awards were presented.

Saturday Academy is a private, nonprofit precollege educational program established in 1983, and based at the Oregon Graduate Institute of Science & Technology in the Portland, OR, metropolitan area. Four other Saturday Academy centers are located in Oregon. The academy enlists accomplished professionals from industry, higher education, and community agencies to create hands-on classes and apprenticeships for motivated 6th- through 12th-grade students. While the program focuses on science, math, and technology, instruction includes arts and humanities as well.

The academy began in 1983 with three classes: Materials science, electronics, and large computer systems. Even while growing rapidly, Saturday Academy has worked for inclusiveness. This is an important goal in science and math education—we need strategies to encourage greater participation of women and minorities. Saturday Academy has worked diligently to increase the enrollment of young women—it now has an even enrollment of both sexes.

Gail Whitney's arrival as executive director when the program was only months old, brought a change in recruitment strategy. Academy press releases began to stress the search for motivated students rather than gifted ones. The change has been significant. Experience shows that students who may not fit a school system's gifted criteria are designing electrical components or operating a business. A child who is quiet or reserved in the larger classroom may thrive in the hands-on environment of eight peers.

In 1983, the academy's roster listed 9 classes and 71 students. The following February, the figures increased to 19 classes and 200 students. The 10th anniversary year of the program, 1993, found 40 classes per term being offered. During the 1995-96 school year there were 7,692 participants for a total of 214,000 instructional hours; 800 professionals were involved as instructors or mentors.

Mr. President, Gail Whitney and the founders of Saturday Academy represent one of the best models I have seen for cooperative private-public efforts to enhance science and math education. Meaningful reform in science and math education has been at the top of my priority list for many of my years in Congress. I am thrilled to see this deserving recognition for one of Oregon's finest efforts.•

REFLECTIONS ON U.S. AGRICULTURAL POLICY

• Mr. HEFLIN. Mr. President, I have had the opportunity to serve on the Committee on Agriculture since 1981. The agricultural community in Alabama and the Nation, while small in number, is a considerable part of our economy. In fact in Alabama, agriculture and forestry are the largest sectors of the economy.

Therefore, I felt compelled to serve on this committee. It has been extremely difficult for most of the newspaper reporters in Alabama to cover the action of this committee. I felt at times that my press secretary needed to give them a map to find the Senate Agriculture Committee hearing room. The issues are complicated and few reporters have an understanding of the basics of farm policy. As a general rule, this accounts for the sparsity of news stories about agriculture in Alabama and Washington newspapers.

In addition to farm programs, the committee had jurisdiction over a great number of rural development programs, rural electrification, and rural water programs that are an extremely important aspect that can improve the daily lives of the millions of people that live in rural areas of this Nation.

The agricultural community is considerably better off today than when I came to the Senate in 1979. During my years on the Agriculture Committee, we have been able to craft foreign policy which provides market stability and allows U.S. farmers to aggressively pursue international markets. At the same time, these farm programs have dramatically reduced the cost to the U.S. Treasury. And the most important part that is so often overlooked, American farms provide a stable supply of food for American families at a lower cost than any part of the world. Legislation passed by the Committee is often called farm bills. It would be more appropriately entitled Food Safety and Consumer Protection Legislation.

FARM BILLS

In 1981, I had my first experience with the Congress' major farm authorization bill. With this bill, Members who strongly supported agriculture sought to expand foreign markets for U.S. exports and to protect them from selective embargoes. But Alabama's chief priority was the preservation of the peanut program. That year, the USDA and a number of Senators pushed for its elimination. But Alabama's farmers had just suffered 2 years of droughts, and they were already in a difficult situation. The program's proponents managed to push the program through the Agriculture Committee by a vote of 12 to 4. However, it was defeated on the floor of the Senate, and supporters had to work in the back rooms to devise the Heflin-Warner compromise. This effort succeeded. On the Senate floor, Senator NUNN credited me with the compromise:

> * * * I think the Senator from Alabama has worked longer and harder on the peanut program than anyone I know in this body. He has spent literally hundreds of hours working diligently to protect the program that is of vital interest to the State of Alabama and also the State of Georgia as well as other states.
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> * * * I have been following his lead on this issue as well as many other farm issues, and I thank him for an exceptional job all the way through.

However, it was just that—a compromise—and I was not entirely please with the outcome. For instance, although the 1981 farm bill established farm-based poundage quotas, increased loan supports, and a cost-of-production price escalator, it technically eliminated the peanut allotment program.

During the farm bill debate, Alabama's delegation was also very concerned with improving soybean production and exports. Over the previous few years, the U.S. share of the world soybean export market had dropped from 90 percent to 70 percent. Despite this drop, U.S. soybean production had tripled, but only because planting had tripled. Crop yields had not improved, and export policies were lagging. In fact, if the situation did not change, the United States would only create a domestic surplus of soybeans. So I introduced a bill to create the Research Soybean Institute, which would examine ways to improve production, exporting, and marketing. The institute would also address problems such as the cyst nematode parasite—and other issues like it. These provisions became a part of the 1981 farm bill.

With Senator Melcher's help, we passed another amendment to the farm bill which required that imported meats be held to the same inspection standards as domestic meats. Specifically, we sought to prohibit horse and kangaroo meats from being sold as "beef." Clearly, this language had a dual purpose, to protect the interests of the cattle ranchers, and to ensure that consumers who bought hamburgers actually ate beef.

When the farm bill debate came to an end, I objected strongly to the administration's substitute bill. Although it retained the peanut compromise, the kangaroo and horse meat language, and the soybean institute, this bill has gone too far. This was the first attack on the farmer during my career; he had become a victim of the USDA's fiscal austerity in the Republican administration's sometimes too broad attempts to cut domestic spending in the wrong places. I objected chiefly to the commodity provisions, especially loan levels and target price figures, but I voted for the bill anyway because I thought it was more important to have a 4-year bill than none at all.

But implementation of this farm bill proved nearly as difficult, especially for peanuts. The USDA tried to enact regulations to cut the peanut poundage quotas. Its cuts would only hurt the small quota holders who could not afford the overhead of production. Supporters contracted the USDA, and cited the provisions in the peanut language which required a fair and equitable system for quota reduction. Targeting the small farmer like this was—* * * a misinterpretation of both the spirit and intent of the Congress if not an outright violation of the letter of the law itself. The USDA agreed to back off until it had received clarification of congressional intent.

The years following this farm bill also saw difficulties for the cotton program. In 1984, the administration sought a freeze in target prices, which it won. I blocked the bill when it came to the Senate floor, and I set conditions on this freeze. Specifically, I succeeded in setting the inventory carryover trigger for the paid diversion of cotton at 2.7 rather than 4 million bales in 1985, increasing the rate from $0.25 to $0.30 per pound if this inventory reached 4.1 million bales, and $0.35 if it reached 4.7 million bales. I also secured assurances for an extra $500 million in CCC export credit loan guarantees for 1984, including $100 million specifically for cotton, and $2 billion in 1985. Other successes which came out of this bill included changes to the FmHA disaster loan programs, including increased funding and increased loan ceilings, eligibility expansion to counties adjacent to declared disaster areas, extension of application deadlines to 8 months, extension of repayments limits by 8 years, and scheduling of interest rates to their original level or the current prevailing rate, whichever was lower. Sometimes it's like dealing with a mule—you have to use a 2 by 4 to get its attention.

When the next farm bill around in 1985, we introduced the Southern Agriculture Act of 1985 preemptively to save the peanut and cotton programs. Specifically, it would increase peanut poundage quotas to the existing level for the national, edible market. I also sought to allow for double cropping, conservation tillage, and other ideas endemic to the South. But these programs represented only one small part of overall farm policy; the export-import programs were certainly as great. I had hoped that the United States might also be able to increase its share of foreign markets.

The House Agriculture Committee adopted my Southern Agriculture Act that year without changes, making it, for a time, part of the farm bill. House Chairman KIKA DE LA GARZA of Texas gave me considerable support. Incorporation of the peanut program was eminently logical because it was the only program which had actually made the Government money over the previous 2 years. The Senate Agriculture Committee also adopted much of my measure, but I knew that it would be difficult to pass it through the full Senate. The Senate committee also incorporated language proposed by Senator Dole which I cosponsored to create a National Commission on Agriculture Policy into the farm bill.

When the Senate committee passed its version of the bill, I was certainly pleased that it included the Southern Agriculture Act, but I was disappointed with its export provisions. As I saw it, the problem with U.S. farm exports had been that the agriculture secretaries had not used the tools Congress created for them to implement an aggressive export promotional program.

In fact, when the conference committee reported its version of the bill, I was struck that it deceived and betrayed soybean farmers. The conferees had dropped our amendment to prevent the U.S. Government from providing loans or grants to foreign soybean producers. The committee had also changed another of our amendments to establish a marketing loan without lowering soybean loan rates. I intended the measure, which had passed the Senate, to authorize the Agriculture Secretary to implement a plan to increase competitiveness of American soybeans in foreign markets. The conference version, however, effectively legislated lower soybean prices for the farmer since it lowered the loan rates. American taxpayer dollars were being used to enhance the competitive capability of major soybean competitor countries such as Brazil and Argentina.

In fact, I voted against the 1985 farm bill coming out of conference. I believe that it effectively legislated lower commodity prices. The credit provisions were also unforgiving. FmHA loan availability decreased, and foreclosures were therefore likely to increase, I believed.

However, I was pleased that the bill maintained the peanut program, included better research titles, and addressed conservation. Specifically, the bill included the Conservation Reserve Program, and the swamp-buster and sod-buster provisions, which would allow for better long-term farming.

In hindsight, though, one of the most important provisions, if not the most important, was the establishment and implementation of the cotton marketing loan. It is generally understood that U.S. agricultural commodities must be competitive in the world market if the sector is to be economically viable.

Some 95 percent of cotton entering world trade does so with the benefit of a subsidy of one kind or another. The net effect is a world price which is often below the cost of production in most, if not all, exporting countries. In shaping cotton policy to address this kind of global competition, we had to decide whether to fashion a program which would enable U.S. cotton to compete aggressively or, instead, assume the role of residual supplier.

Until implementation of the marketing loan in 1985, U.S. cotton was generally relegated to the role of residual supplier. In 1985, however, we made a decision to meet subsidized competition head on. The establishment of the marketing loan has served to accomplish several fundamental marketing objectives: First, permits U.S. commodities to meet price competition, second, avoids excessive stock accumulations, third, allows producers to market commodities over a period of time, rather than dumping the entire crop on the market at harvest time and fourth, serves as a safety net under producer income.

I am proud of the cotton marketing loan and believe it has become the cornerstone of the U.S. cotton program. The indisputable success in the industry supports this assertion as the marketing loan has spurred domestic mill consumption and aided exports. For instance, the marketing loan is responsible for: reversing a 26-year decline in offtake of U.S. cotton; reversing a 43-year decline in U.S. mill cotton consumption; and reversing a 70-year decline in cotton's share of U.S. mill fiber consumption.

When the Senate considered its version of the 1986 tax reform bill, I strongly supported an amendment to restore provisions which allowed farmers to average their incomes over several years. It made up for revenue losses, which were estimated at $66 million, by repealing a tax break on wealthy, foreign real estate investors in the United States. Since there had been an increasing amount of foreign investor speculation in U.S. property, particularly in farmland, I thought it was appropriate to compensate for the revenue losses through this source. Another amendment the Senate adopted would refund unused investment tax credits to farmers. Specifically, the language provided for farmers to apply the credits against previous years' taxes at $0.50 per dollar. It also established yearly limits for the refund. The authors of this tax reform bill sought to eliminate credits for the future. However, since farmers were heavily capitalized with the high level of mechanization of modern farming, Congress needed to make tax reform a little fairer for agriculture by permitting farmers to trade in some of their unused tax credits for cash.

In 1986, critics of the cotton program maintained that it involved million dollar payments to large corporations. But this was an unfair characterization of the program. These large payments resulted from the Secretary's discretion; they were not mandated by the program itself. In fact, the program had ameliorated price reductions from domestic surpluses and improved sales overseas due to U.S. cotton prices that were on par with world prices for the first time in nearly 2 years. Competitive prices should provide the commodity with a turnaround.

In 1987, I introduced the farmers recovery tax bill to restore the income averaging price, investment tax credits, and capital gains, all of which had been repealed in the 1986 tax reform bill. As in the case of the amendments which I supported in 1986, these provisions applied exclusively to farmers. Before the passage of that bill, it had appeared that our tax policy was the only policy that provided some equity or incentive to the agriculture and timber sectors, but to compound the economic woes of rural America, the Tax Reform Act of 1986 repealed provisions of the tax laws that were beneficial to these areas of our economy.

When the 1990 farm bill came before the Congress, President Bush's administration sought to cut the cotton and peanut programs, but it failed. We also won a marketing loan for soybeans, specifically to increase America's international competitiveness in this market. Last, the bill included provisions we designed to provide funding for rural firefighting and to double the amount the Government could spend on the development of rural water and sewer systems.

As in 1985, I introduced the Southern Agriculture Act to reauthorize the cotton and peanut programs. The administration had proposed a 10-percent cut in these programs, but this bill would maintain the 1985 bill's statutes. What could the farmer buy that cost 90 percent of what it did in 1985? Certainly, farm machinery and fertilizer prices had not decreased.

With regard to the peanut program, Secretary Yeutter's proposed cuts would be devastating. If it had been adopted by Congress, it would not only destroy the peanut farmers, it would also cause a serious recession in the peanut-producing areas of Alabama and other States. At the end of July, the Senate defeated an amendment to implement his cuts.

One of the biggest problems about forging the peanut compromise in 1990 was the fact that division existed among the country's peanut farmers. Georgia's farmers had split from the rest, and I assumed the role of peacemaker between Georgia's peanut-growers and the rest, including farmers from Alabama. Notably, my compromise was the first supported by all the grower groups and major peanut product manufacturers.

The soybean loan included in the bill would serve to combat cheaper foreign competition. The loan was something I had fought for since the 1985 farm bill. In 1986, I objected to the Reagan administration's decision to pursue the World Bank's loan to Argentina. Argentina was America's second greatest competitor in soybeans, and it was able to undercut U.S. prices and flood the world markets by directly subsidizing those firms that process and export soybeans. The World Bank loan would further subsidize competition to the United States—an unfair practice. In 1987, I attached language to the agricultural trade bill to prohibit U.S. subsidies for foreign farmers competing with U.S. farmers. One issue that had brought more complaints and more attention from Alabama farmers is the Government subsidies that enhanced the competitiveness of agricultural producers in countries such as Brazil and Argentina. Sadly enough, many of these subsidies were provided not by the governments of these countries, but rather by the U.S. Government.

At the end of 1987, I attached a soybean marketing program to the Senate budget reconciliation bill. This amendment would revive language that I had attached to the 1985 farm bill, but the conferees had effectively killed the provision by leaving it to the Secretary's discretion. He did not exercise that discretion. The soybean program involved CCC loans from 1988 through 1990, and I modeled it after my 1985 cotton program. I hoped that it would be an innovative approach that would provide enough flexibility to the Secretary of Agriculture to meet our world competitors on a level playing field. Although it passed the Senate shortly later, I had to reintroduce it in 1988. With a marketing loan, U.S. soybeans will be available on the world market at the same price as that made possible by foreign government subsidies for our foreign competitors. At that time, U.S. soybean acreage had dropped to a quarter of its 1979 level. Of course, the loan ultimately became a part of the 1990 farm bill.

With other provisions I included in the final bill, I sought to increase the farmer's flexibility to plant second crops on program plots. This practice is known as double-cropping.

With the Southern Agriculture Act, we also sought to create a Southern Institute for Agriculture Resource Policy to conduct scientific studies on improved farming techniques.

The committee also approved a proposal to provide Federal matching funds for rural firefighters. The money would go to State forestry agencies and volunteers, and it was included in the final version of the bill. My language also proposed a Southern Forest Regeneration Center.

The final bill included my provisions to expand the Talladega National Forest into Cherokee County and extend an Alabama trail closer to the Appalachian Trail.

The final bill also included our language to create the star schools program. Through the use of state-of-the-art telecommunications equipment, the Star Schools-Medlink program that was passed in the 1990 farm bill allows small rural schools or hospitals to be linked with the highest quality educational programs and technology developments of other areas. Using this technology in a medical situation, a doctor at a clinic in a rural area could send moving images of a brain scan to a specialist at a hospital hundreds of miles away.

The final bill also included language to provide Federal assistance for rural development, including water and sewers, and a loan program to aid small, rural businesses. There is no one answer that every community can use to achieve economic vitality. However, there are common threads. First of all, the leadership for rural development must be taken to local community organizations—rural electric cooperatives, counties, economic development district, and other local entities. I was especially proud of these provisions as they were included in the final version of the bill.

With Senator PRYOR's help, we included language in the 1990 farm bill to authorize $15 million for research on poultry diseases and to require that foreign poultry meet domestic inspection standards. However, President Bush failed to meet this requirement, arguing that it was an impediment to free trade. In fact, he even imposed a 1990 hiring freeze on inspectors.

In 1991, peanut farmers faced another problem when the ITC ruled that 300 million pounds of foreign peanuts be allowed into the American market—a total equaling 10 percent of the domestic market. I contacted the President to protest this ruling, in some large part because it violated language that I included in the 1990 farm bill to require that imports meet the same quality as the domestic product. Chinese peanuts, known to be infected with the striped virus, would be among the imports. Further, allowing such a high number into the country would cost the government $84 million, according to the USDA. Although he reduced the number to 100 million, the President decided to allow the peanuts into the country. In 1993, we contacted the trade representative to urge inclusion of a provision in NAFTA requiring that the stringent domestic inspection standards be imposed on imports.

Although farm bills had always been the result of compromise, and therefore were somewhat less than I had wanted, supporters had succeeded in maintaining the commodity programs at an acceptable level until this year. The 1996 farm bill debate posed a serious threat to the continuation of farm programs, and southern farmers would be especially affected by various proposals.

From the beginning of last year, the Republicans had pushed for elimination of the commodity programs and the price supports. Given the successes of these programs, like the cotton program, I cannot understand the prejudice with which they approached the cuts.

To pass programs that I believe are worthwhile, I have frequently involved myself in the strategy which has worked so well for Senators over the years. To demonstrate this point, when I saw that the cotton program was in serious trouble, I offered by support for other programs to gain backing for cotton. As I told the American Sheep Industry Association in June 1994, there isn't much wool in Alabama, but there isn't much cotton in Idaho or Montana. But if those of us in agriculture didn't work together, we cannot survive the plans to dismantle the fundamentals of farming in this country.

As it came up for review, supporters tried to impress upon Members the importance of the cotton program. The cotton program was designed to meet market conditions in the United States and abroad. In 1995, the year that the Republicans tried to eliminate it, the cotton program proved itself effective. Although there was a bumper cotton crop, the market price remained above the target price. Additionally, we stressed that wheat and feed grains account for 50 percent of all farm program costs, and the cotton program cost only 10 percent of the total Federal farm outlays.

Agriculture had already taken its fair share of cuts. The agriculture budget had dropped from $26 billion in 1985 to just under $10 billion in 1995. However, reductions in the peanut program had never resulted in Americans paying less for their groceries. The cost is always absorbed by someone in the chain between the producer and the supermarket, and economic studies and history do not suggest that cuts would reduce the price now.

With agriculture very much in mind, I voted against the Republican budget resolution. This resolution would have cut $8 billion from farming over 5 years. Naturally, I had other concerns when I decided to oppose the bill including Medicare and Social Security, as well as the idea of promising to cut the deficit and taxes.

After the Senate agriculture committee completed its mark-up on the budget resolution, preliminary estimates for the cuts in the commodity programs totaled $13.3 billion over 7 years. Chairman LUGAR's intention was to do his best to eliminate the commodity programs, and he had stated his strong opposition for some time.

Along with others, I continued the fight for the preservation of the cotton and peanut programs. Noting that cotton had enjoyed a record year, I promised to introduce a bill to extend that program as written, with just a few changes.

The average peanut farmer has only 98 acres, whereas the 7 largest corporations that use peanuts to manufacture their products had more than $140 billion in total sales during 1994. It is no coincidence that some Members of Congress who oppose the program just happen to have some of those same corporations in their states. It is these same corporations that stand to be the big winners if the peanut program were eliminated, not the real consumers. The GAO had issued a study which showed that the consumer absorbed a cost of $300–$500 million, but the program's opponents misrepresented this study in the last round, arguing that this cost was passed onto the retail consumer. As a matter of fact, in testimony before the House Agriculture Subcommittee on Specialty Crops and its Chairman, CHARLIE ROSE, the GAO testified that the consumer they referenced was the first purchaser of peanuts, or the manufacturer. They further testified in substance that there was no evidence to support the conclusion that any reduction in the loan rate would be passed along to the retail consumer.

Critics who sought to eliminate the peanut program during the 1995 farm bill debated used this GAO report as one justification for ending the peanut program. Armed with the earlier GAO testimony, representatives from the peanut product manufacturers association were asked if any reduction in the loan rate would be passed to the consumer. They responded by stating that loan rate reductions would not be passed along to the consumer, instead, savings would be used to develop new products.

The peanut program has served to balance the playing field between small farmers and multinational corporations. It is bad policy to eliminate the peanut program only to increase corporate profits at the expense of rural economies and the true consumer who will notice absolutely no difference in the price they pay at the grocery store.

In September, I introduced the Southern Agriculture Act of 1995 to revise and extend the loan and other programs for cotton, peanuts, and oilseeds. Under this bill, the cotton program would have been extended as written. The 1994 crop had been a record crop in production, exports, and total offtake. Many of our competitors had experienced insect infestations causing higher world market prices. As a matter of fact, cotton prices had climbed to their highest levels at any time since the Civil War, topping $1 a pound. Therefore, I saw no reason to alter a program that was functioning effectively. The peanut program would be slightly changed, with a freeze imposed on the support prices at the 1995 crop level. In an effort to address the claims of the peanut program's critics, the National Peanut Growers Group adopted a series of program changes to eliminate all taxpayer costs and open the program to new products. I included many of the NPPA no-net-cost reforms into my peanut title, including eliminating the undermarketings provisions. However, from a strategy perspective, I knew that the farm bill debate would require a great deal of give and take and felt that under no circumstances should we begin negotiating from our bottom line. Since they did not receive price supports, my bill would have extended the marketing loans for soybeans and oilseeds. In addition to extending the marketing loan, we increased the loan rate from $4.92 a bushel to $5.25 a bushel. The lower loan rate had ceased to be an effective safety net for oilseed producers. Our title on oilseeds was heralded by the American Soybean Association as the best proposal put forward for oilseed producers. In the end, a modified version of my proposal was adopted and signed into law.

The reason why I introduced this bill was simply that I utterly opposed Chairman LUGAR's farm bill. Among other things, his bill would have destroyed the peanut program. However, I believed that 14 of 18 Senators on the committee favored a peanut bill without a cut in the price support. Because he had such a strong opposition, the chairman employed delay tactics to push the bill back to the reconciliation deadline when the members of the Budget Committee could write the farm bill. These Senators were much less sympathetic to the needs of the southern peanut farmer.

At that time, certain Senators tried to put an additional assessment on peanut producers. They were trying to force the farmer to pay for the entire adminstrative cost of the program. However, the Senators who pushed for this assessment were from wheat States; notably, they did not try to impose the same condition on wheat farmers. However, we secured language which stated that the existing budget deficit assessment paid by producers would be targeted to offsetting program costs and no other assessments would then be necessary.

With regard to the ongoing farm bill negotiations, the Agriculture chairman continued to refuse meetings, despite the strong bipartisan support for the peanut program. He knew that he would not get his way, but that was no reason to keep us from meeting to come up with a budget bill that saved money but did not destroy the peanut program. In the end of committee action that year, the farm provisions included a peanut compromise, but I was never consulted. I was shut out of all discussions about it; the Republicans told me it would be their bill. I could not explain to farmers why these Senators voted for a 7-year program for wheat, corn, rice, sugar, and other commodities, but decided to kill the peanut program after 5 years.

Simply stated, this bill would force a disproportionate share of agricultural budget cuts on the South. It would have its most profound negative effects on new and old farmers there. Most of the growth in cotton production had occurred in the South, but the new cotton program would shut out new farmers from its provisions. This bill required that farmers demonstrate participation in 3 of the previous 5 years in order to continue participation in the cotton program. Many of the new cotton acres in this program were the result of the successful boll weevil eradication program. Land once infested with boll weevils had recently been eradicated, however, the majority of these new acres had not been in the program long enough to qualify under these new rules. Eligibility for participation in the cotton program would be reduced nationally by 30 percent, and in Alabama, 38 percent of cotton farmers would be excluded. Furthermore, Buck Johnson, director of the Federal Farm Service agency of Georgia, estimated that the Senate's version of the reconciliation bill would put 30 percent of older farmers in the South out of business.

In response to being closed out from the historically bipartisan task of writing farm legislation, and seeing the unacceptable changes to the peanut program, Representative CHARLIE ROSE and I introduced a no-net-cost peanut program bill in an effort to preserve a viable program for peanut farmers. It would achieve savings by eliminating the standing 1.35-million-ton floor for the national poundage quota; in fact, the Heflin-Rose peanuts program would have saved $43 million more than the Republican plan contained in the reconciliation bill. Under our no-net-cost bill, the Agriculture Secretary would set this national poundage quota, thereby eliminating undermarketings and limiting disaster transfer payments. By contrast, the Republican plan would reduce the support price and freeze it for 7 years. The USDA estimated that the Republican plan would immediately reduce peanut farmers' income by 30 percent. Not only did it cost more, the Republican plan slashed a peanut farmer's income by $68 per ton. A study by Auburn University on the impact of potential policy changes in the peanut program found that a reduction in the support price to $610 per ton, and a reduction in the national poundage quota to 1.1 million tons, would result in a negative impact of $219 million and a loss of almost 3,000 jobs in Alabama, Georgia, and Florida. The economic impact and job losses are not limited solely to peanut producers. Under this analysis, the wholesale and retail trade, service industries, real estate and financial sectors are especially hard hit. In fact, nationwide, the study indicated total job losses of 5,440 and a negative economic impact of $375 million.

The cotton program in the Republican proposal, too, made no sense. Under its provisions, cotton farmers would no longer be paid for the cotton they produced. Instead, they would sign a production flexibility contract which would subsidize a farmer, whether or not he produces a crop. These decoupled payments would apply to cotton, rice, wheat, corn, and feed grain producers, and they would actually encourage a wheat or corn grower to plant cotton if the world price were high enough to justify the switch. The Republican bill provided for 7 years of narcotic welfare payments designed to bring about the corporate takeover of agrarian America. This Republican proposal would have undermined everything accomplished with respect to farm legislation; it would have eliminated the farmer safety net and disrupted the delicate balance of supply-price stability taken for granted by consumers.

I commend the President for vetoing this bill. It would have created a welfare state. the Republicans claimed that they could lower interest rates by balancing the budget, but ironically, their farm bill raised interest rates solely on CCC borrowers. They also claimed that they wanted farm programs to be more market oriented, but it removed the 8-month-loan extension for cotton. Further, their failure to pass legislation left farmers with no clear direction for the upcoming planting season, and, therefore, banks would not give farmers loans for this year's crops.

At the end of last year, Representative ROSE and I introduced another no-net-cost peanut program that would be funded by an assessment on imported peanuts and revenue from NAFTA and GATT. This bill would have maintained the $678-per-pound-quota rate. It would also assure that revenue from NAFTA and GATT would pay for the program rather than reducing farm income. Last, the bill would require that imported peanuts meet the same high quality standards as domestic peanuts, ensuring that they were not grown with chemicals and pesticides banned in the United States.

Clearly, the Congress had failed rural America by not passing a farm bill. By including, historically, stand-alone-farm legislation in the broad Republican proposal to balance the budget, farmers and rural America became hostage to a myriad of issues culminating with a Presidential veto. As a result, farmers were left without congressional direction for the upcoming planting season and were anxiously awaiting a new farm law. This necessity had become most pressing at the beginning of this year. Without a farm bill, the Agriculture Secretary would be forced to implement the 1949 Agriculture Act. That law provided a formula based on parity with the standard of living in 1949. The difference in the value of the dollar and the standard of living between 1949 and 1996 would create an explosion in the price of food.

But fearful of efforts to resurrect the freedom-to-farm bill, I pointed out that its provisions to guarantee payments to farmers whether they produced a crop or not was fundamentally flawed. In times of high market prices, the program would provide a bonus check, and it would not be sufficient in times of low market prices. It is unconscionable to make these kinds of payments in times of high market prices, especially when we are reducing school lunches and other essential programs.

Ultimately, the Senate passed a modified version of the farm provisions that had been contained in the Republican reconciliation bill. I voted for it, because we were able to make marginal improvements in the bill and, therefore, I felt that the good outweighed the bad. Most importantly, the Senate version of this bill reinstated permanent law. By doing so, the inclusion of permanent law ensures that Congress must again address farm laws rather than simply allowing them to expire. Republican lawmakers had intended the decoupled, fixed-but-declining payments to farmers to be the price paid for eliminating farm programs. Congressional Democrats, on the other hand, believed that a stable and abundant food supply to be in the national interest and, therefore, refused to turn our back on American farmers. The inclusion of permanent law was an enormous victory for Democrats thus ensuring our commitment to farming families and the role they play in our society.

Additionally, I was able to beat, soundly, efforts by a freshman Senator to kill the peanut program and to keep a 5-percent penalty for the use of the loan program out of the bill. Opponents of the peanut program had conspired to include this last provision to penalize producers who put their peanuts into the loan. The provision was removed from consideration due to my strong objections.

During conference, the committee fought off a number of detrimental peanut provisions. I successfully fought off a House provision to lower the loan rate another 5 percent if a producer put his peanuts under loan. If this language had passed the rate would have dropped to $579.50 per ton; we worked to maintain it at $610. I also fought off another House provision to allow unlimited cross-county sale of peanuts. Instead, the committee adopted a compromise to allow 40 percent transfers after 5 years. Under the House-passed version, producers would have to pay an additional assessment to cover program costs if any at the end of the year. Further, the shellers' assessment had been exempted by House Republicans from offsetting program costs even though they benefit from the program. However, we were able to arrange this so the shellers' assessment will also go to offsetting the costs, which will protect the producers from having an unlimited possibility for increased assessments. As far as the pool compliance language is concerned, the House bill would exempt the profits from additional peanuts from going to cover peanut program losses. This was changed to the Senate version that would permit additional gains from buyback and redemption to be used to offset program costs. This change would also reduce the possibility of the need for increased assessments on producers.

Problems with the overall farm bill included: It did not provide a safety net for farmers and it made payments regardless of price, but it did give farmers something to work with as they prepare for planting season; the peanut language would cut farmers' income; but cotton came out fairly well, specifically preserving the marketing loan, and back payments would come soon, which would help weather-damaged cotton farmers.

Administration: In the early 1980's, the greatest problem facing farmers was the 20-percent or higher interest rates. Most farmers who borrowed money to finance their crops in 1980 borrowed the money when interest rates were already high, then they lost money because of the drought. I arranged meetings with Reagan's Agriculture Secretary Block to impress this point upon him.

During 1982, I fought the Reagan administration's plan to subject agriculture to FTC control in the Commerce Committee. American farmers were having a tough enough time making ends meet without having to deal with yet another layer of bureaucrats in Washington, DC, meddling in their affairs.

I strongly supported the recent reorganization of the USDA. During 1994, the Agriculture Committee considered a bill to facilitate the reorganization. The bill would reform the administrative functions, and reassign sub-Cabinet officers by mission, reduce the number of agencies from 43 to 29, and it would consolidate country offices in favor of one-stop shopping centers. Through this effort, the USDA hoped to reduce staff and cut costs. Although much of this reorganization could, and did, take place on the regulatory level, the committee wanted to be certain to work out any legislation that might become necessary. Given concerns about the deficit, the time had clearly come to reduce the size and cost of the USDA in favor of a more efficient department. In the final days of the 103d Congress, a USDA reorganization bill was passed creating a more streamlined and efficient Department of Agriculture.

Disaster aid/crop insurance: I have always done my best to pay attention to the needs of farmers in times of natural disasters in Alabama. In 1979, we had a drought and Hurricane Frederick. In 1980, we had an even worse drought. In 1982, interest rates forced me to request Agriculture Secretary Block to initiate the Economic Emergency Loan Program. The same year, I urged Block to change a FmHA regulation requiring the rescheduling of loan at the cripplingly high rates of the day. I testified before the Forestry Subcommittee to warn of the impact of these rates. In 1982, I also fought to save the NWS agriculture program during Commerce Committee action. The farm weather forecasting service saved American farmers more than $750 million each year in the production costs of the major agricultural commodities of cotton, corn, soybeans, livestock, wheat, and rice, but it only cost $1.2 million. The committee approved a bill I cosponsored to combat these high interest rates on farms. The bill would extend the economic emergency loan program for a year and create an individual evaluation program to reschedule existing FmHA loans at their original interest rates, rather than the high rates of 1982. I also called a farm crisis meeting in Montgomery to discuss interest rates and other problems facing the State's farmers. In 1983, the FmHA ran out of money to pay for its operating loans in 17 States, including Alabama. I urged the USDA to reallocate the money, threatening legislative action, the USDA complied. Spring freezes also plagued farmers in 1983. Near the year's end, I sponsored a measure to disregard payment-in-kind acreage in eligibility determination for natural disaster emergency loans. The existing program required that a farmer suffer a 30-percent loss to be eligible. However, payment-in-kind acreage would not count in these estimates, so they were frequently inaccurate. In 1984, the Senate passed a bill I cosponsored to establish a 15-member special task force on agricultural credit to ensure its availability at reasonable interest rates. I noted a survey of bankers, many of whom believed that farmers would default on their loans. Further, 100,000 farmers would be forced out of business that year, and the statistics indicated that half of family farmers would disappear in less than a generation. In 1985, I emphasized the farm credit crisis in the country, with a farm debt the size of the Federal deficit; the FmHA had not acted to combat the problem—it had $630 million available for Federal loan guarantees but used only $25 million. That same year, I met with Willie Nelson to advise him on how to distribute the proceeds from FarmAid. We had another drought in 1986, which spurred me to begin hearings to investigate drought cycles in the South and possible ways to handle them.

In 1987, I introduced a bill to save the farm credit system. It would have authorized bonds and the restructuring of the system, including a cooling-off period before mergers went into effect. It would protect important farmers' stockholdings in the system and establish an assistance board to financial institutions providing farm loans. I introduced another amendment to protect advanced payment for prepayment accounts held by Federal land banks, part of the farm credit system. The amendment would simply have required that money deposited into these advanced payment accounts would immediately, prior to the capital depletion or insolvency of a Federal land bank, be applied as payment against the borrower's loan.

Alabama suffered another drought in 1988. I introduced a drought assistance bill to mandate emergency aid from the Secretary of Agriculture. The bill also included a private water project. It would have created water cooperatives financed by loans or bonds to transport water for irrigation. When conferees finished their report, I criticized their changes to the feed and livestock provisions, but I was pleased that the House had not weakened the peanut provisions.

In 1989, I pushed the Air Force to track hurricanes in the gulf and Pacific coast States; Hurricane Frederick in 1979, for example, had caused relatively little property damage and loss of life because of advanced warnings. The Air Force agreed to retain the WC–130 program.

In August of that year, the Senate approved the Rural Partnership Act of 1989. The bill strengthened Federal support of State and regional economic programs, or rural electric cooperatives, and of land grant university research and extension programs. It was only a modest beginning, but it might be a great help to rural communities.

That same month, the Senate also approved a disaster relief bill. Alabama had another drought in 1990. And we had an unusually rainy spring in 1991. With Senator COCHRAN, I introduced legislation that year to force the President to provide emergency funding. The USDA had made money available through FmHA loans, but the President had not delivered it according to his authority provided by a 1991 supplemental appropriations bill. In the fall of that year, I supported the passage of a bill to provide aid through FEMA. This bill included language practically identical to language I introduced during the 1990 farm bill debate to make 65-percent payments to farmers who had suffered 35 percent or more in losses. After continued contacts with the President, he finally released the disaster money in 1992.

Winter storms and flooding, as well as a number of tornadoes, plagued the State in 1994. Tropical storm Alberto also caused a great deal of flooding that year. I also pushed the disaster assistance amendment to include funding for flood victims in Alabama, Georgia, and Florida in the fiscal 1995 agriculture appropriations. I also pushed a bill I sponsored to authorize funding for flood relief through the Agriculture Committee. The Senate passed this measure unanimously. In fact, the vote on flood relief compelled me to miss my chance to act as the President's personal representative on the 50th anniversary of the liberation of Guam; I had served as Marine lieutenant and I was one of the first on the beaches. In 1995, I asked the USDA to extend the Federal crop insurance deadline; there were a number of farmers who had not applied. The USDA established this deadline under the previous year's crop insurance bill, but it would not help any farmers who had not applied; they would no longer be eligible for disaster payments. With the passage of Federal crop insurance reform late in 1994, the program signaled a break from the routine of passing disaster bills. With this new program and approach, I knew there would be a period of adjustment. I believed that it was a reasonable request given that Congress had only months before passed the crop insurance reform and USDA had not fully implemented the program while expecting farmers to educate themselves and embrace the reforms in a very short period of time. The least that could be done was extend the crop insurance sign up deadline and allow farmers adequate time to inform themselves of these significant changes regarding disaster assistance.

Hurricanes Erin and Opal passed through Alabama in 1995. I cosponsored a Cochran bill to authorize the Agriculture Secretary to provide supplemental crop disaster assistance in addition to benefits provided by the Crop Insurance Reform Act of 1994. Cotton producers had been plagued by a severe drought and worm infestations during the 1995 crop. This was particularly disappointing due to the fact that 1994 was a record year for the U.S. cotton crop. Expectations were high for 1995 and nationwide plantings were up by as much as 20 percent in some States. While the drought contributed a great deal to the 1995 cotton disaster, the insect infestations were particularly devastating. The insect situation was so bad that the EPA authorized the temporary use of the insecticide Pirate to fight the tobacco budworm and beet army worm.

The final blow to cotton farmers was Hurricane Opal. After already experiencing terrible growing conditions in 1995, just prior to harvesting what cotton that was left, Opal took care of the cotton that the drought and insects had not.

Hurricane Opal was a devastating storm, not only for its timing regarding cotton farmers, but for all Alabamians in southeast Alabama. Opal caught a great deal of structural damage and produced a large amount of debris. Fortunately, we were able to successfully petition the USDA for assistance under the Emergency Conservation Program [ECP]. Under the ECP, Alabamians received approximately $5 million in assistance for debris removal and structural repair.

In an effort to address the problem of annual disaster assistance bills, and provide a model for crop insurance reform, in 1993 I began meeting with grower groups to hear their ideas on an effective system of crop insurance. In this endeavor, the National Cotton Council was particularly helpful.

The message from farmers was that the cost of production was continuing to rise, cotton prices were declining or flat at best, and disaster assistance was triggered only by production or yield losses.

As a result of these roundtable meetings, I introduced the Farmers' Risk Management Act of 1994. This legislation called on the Federal Crop Insurance Corporation to offer producers the option of a cost-of-production system which would be based upon each individual producer's actual cost of production. This bill would have also allowed a producer to choose between using his actual yields and his farm program yields in determining his crop insurance yields.

Many of the ideas put forth in this legislation were rolled into the Federal Crop Insurance Reform Act of 1994. As a matter of fact, the Heflin proposal on a cost-of-production system was used to design an income-protection pilot program that is being implemented this year.

This new approach will cover farmers when gross income falls below established limits. This pilot program creates a system that would guard against yield losses and low harvest prices.

The implementation of this pilot program could not have come at a more important time. This first year's experience with the catastrophic coverage under the new crop insurance reforms has proven to be inadequate. More importantly, though, after the 1996 farm bill and its uncertain future effects on American farmers, we find ourselves faced with the possible phase-out of farm programs. It is, therefore, absolutely essential that we have a reliable crop insurance plan that will provide some type of safety net for producers. The significance of this new approach is that it addresses fluctuations in price, where the current crop insurance program only takes into account losses from reduced yields.

I am proud of these efforts made on behalf of trying to forge a new and more effective direction in regard to crop insurance. It is my hope that this pilot program will grown and be implemented on a national level.

In 1984, Senator HOLLINGS and I introduced a bill to create a national storm-scale operational and research meteorology [STORM] program to update the country's extreme weather prediction systems. With this bill, we sought to emphasize the transition from the old radar systems to the implementation of the new NEXRAD system. This bill passed the Senate, but it died in the House. Senator HOLLINGS and I reintroduced this bill in 1986 after NASA lost a weather satellite. Our resolution would also have urged the administration to launch another GOES satellite and increase weather reconnaissance flights in the interim. The Commerce Committee passed this resolution in June.

In 1990, the battle to preserve Huntsville's weather station began; the NWS had proposed dropping the weather station serving northern Alabama in the implementation of its NEXRAD system. That year, I met with the Deputy Director of the NWS to urge him to consider Huntsville's proposal to donate a weather radar system. I continued this fight in 1994, making certain to be continually in contact with the NWS and the NOAA to advocate maintenance of the Huntsville facility. In 1994, I also contacted the Vice President to solicit his help in the continuation of the Huntsville National Weather Service Radar. I told him that I believed eliminating the station under NEXRAD would leave northern Alabama and southern Tennessee in a vulnerable position. That same year, I extracted promises from the Director of the NWS, Dr. Elbert Friday, to push back closing of this doppler radar station. I also introduced the Weather Service Modernization Review Act of 1994 to require a study on the potential impact of closing weather stations. The Vice President ordered the study by the National Research Council. This study revealed that the Huntsville area would, in fact, suffer from the lack of its own NEXRAD station. In 1995, I cited this study, and contacted the committee chairmen who oversaw the NOAA and the NWS: GRAMM, PRESSLER, and HOLLINGS. The Commerce Committee approved an amendment to the Weather Service authorization to make it more difficult to close 32 weather stations, including the Huntsville station. I also contacted the Secretary of Commerce to advocate a new station in the Huntsville area; he promised to install a center in northern Alabama. After his death this year, the NWS announced that it would honor its commitment to install that center.

After a number of tornadoes in northeast Alabama in 1994, the USDA and I jointly announced that the NWS' All Hazard Weather Radio Network would put up a station to provide early warnings in the area. I had toured this area, including Goshen and its United Methodist Church—which had been destroyed by the storm—with Vice President GORE, where I solicited his support to deal with such problems in the future. However, I was concerned about the performance of early warning systems in the State after more tornadoes hit Arab and Joppa the next year.

In 1995, I supported a Cochran amendment to the Commerce, Justice, State appropriations bill to restore funding for the agricultural weather service centers at Stoneville, MS, and in Auburn. Weather is the single most important external element in the production equation. But this year, as the deadline for these centers' cutoff approached, I met with NWS officials to discuss forecasts in the future. With Representative BROWDER, I pushed for continuation of these ag forecasts by transferring the NWS over to the USDA. Despite Senator COCHRAN'S support, who realized the importance of specialized ag weather forecasts, the Republican agenda of the 104th Congress called for downsizing the Federal Government and this vital service fell prey to privatization.

RESEARCH

An action I am most proud of in the field of research is the passage of a bill that I authorized making it a Federal crime to vandalize, destroy or make unauthorized use of animal research facilities, including data, equipment and the animals themselves. The Animal Research Facilities Protection Act, which was signed into law as the Animal Enterprise Act would impose severe penalties on individuals or groups who interfered with medical and other research facilities where animals are use.

Unfortunately, some groups are so opposed to the use of animals in this essential research that they set fire to research facilities or break into laboratories to steal animals and destroy equipment, records and research data. The real price of these types of crimes are paid by all those who are waiting for cures and treatments for their afflictions. Research into Alzheimer's disease, cancer, AIDS, substance addiction and mental health were at stake here.

Public interest in animal welfare should be encouraged. Research utilizing laboratory animals has led to many of medical history's most significant breakthroughs. These animals are used only when necessary and should be housed, handled and treated humanely. Those who disagree with the responsible use of animals in research do not have the right to take the law into their own hands.

While a few States have already enacted laws increasing penalties for crimes against research facilities, I felt it was necessary to establish protections on the Federal level.

TUSKEGEE

In 1862, the U.S. Congress passed the first Morrill Act which provided for the establishment of land-grant institutions in the Southern and border States. These institutions were designed to educate citizens in the field of agriculture, home economics, the mechanic arts and other practical skills. Since the Southern States were uncooperative in funding historically African-American institutions under this law, Congress passed a second Morrill Act in 1890, creating the 1890 land-grant institutions.

Alabama has two 1890 land-grant institutions, the Tuskegee Institute and Alabama A&M. Tuskegee was created by an act of the Alabama Legislature and granted land by the U.S. Congress.

Although the 1890 institutions were chartered more than 100 years ago, a stream of "hard" money for research was not created until fiscal year 1967. The Tuskegee Institute was not officially a land-grant college, but in 1980, I was able to have the Tuskegee Institute added to the permanent list of 1890 institutions and ensure there would be a continuous stream of Federal research funds. Further, Congress created the Chappie James Center at Tuskegee with the 1890 reauthorization of the Higher Education Act of 1965, and it ensured funding for each of these institutions with the 1981 farm bill.

AUBURN

I have worked closely with Alabama's 1862 land-grant institution, Auburn University, over the years and the 104th Congress was no exception. I was especially successful in completing, or continuing, funding for several very important research initiatives through the college of agriculture and the Alabama Agriculture Experiment Station in cooperation with the Department of Agriculture.

Funding for the completion of the new poultry science facility at Auburn was achieved in the fiscal year 1997 agriculture appropriations bill. This $12 million facility will provide a state of the art facility for essential research into one of the most important agriculture sectors in Alabama, the poultry industry.

I was also successful in securing funds for continued water quality research conducted at the Alabama Agriculture Experiment Station. The research involves a team effort by scientists at Auburn and other land-grant universities, the CSREES, the TVA, State and private agencies, and most importantly, the producers. New technology is implemented immediately, which enhances the development and growth of agricultural industries. The water quality research also addresses problems that confront rural development and the sustainability of agricultural enterprises. Most importantly, though, this research is responsible for developing and implementing water and crop management practices that both enhance agriculture production and protect and preserve an important natural resource—water.

One specific example of this is the irrigation project being conducted at the experiment substation in Bell Mina, AL. Increased demand for irrigation water in the southwestern United States is causing increased stress on many streams where farmers are pumping directly from the stream. As a possible method to decrease this demand during periods of low stream flow and to make more water available for irrigation, a study was initiated to evaluate the feasibility of pumping during high stream flows to off-stream storage sites. These sites could be on-farm or farmer-shared reservoirs. The irrigation reservoir at Bell Mina has been completed and the early results appear promising.

The National Soil Dynamics Laboratory at Auburn conducts research designed to solve soil management problems. Developing effective methods of managing soil to maintain its quality, and to improve the quality and productivity of degraded soil, requires a multidisciplinary program. One component of this research being conducted at the soil laboratory is the agronomic portion. House appropriators eliminated funding for this component in their agriculture appropriations bill. Fortunately, I was able to have this funding restored in the Senate bill. The agronomic portion of the multidisciplinary program at the soil lab is vital because it is the very portion that facilitates the technology transfer from the lab to the field.

TVA

I fought for continuation of TVA's National Fertilizer and Environmental Research Center after the Clinton administration had targeted it for elimination. The administration argued that this research should be conducted privately. But I contacted the VP and the Budget Director, and it was simply a matter of explaining that NFERC was an up-and-running research center that was already accomplishing many of the environmental goals set by the administration. Once this was laid out for them, they saw that it made no sense to kill a working program in order to create new programs with similar goals.

I also introduced a bill to transfer aquaculture from the Interior Department to the USDA. This was a long-overdue streaming measure that will greatly improve the overall efficiency and timeliness of aquaculture research. Specifically, it saved the Southeastern Fish Cultural Laboratory in Marion by moving it from Interior to the USDA. It was adopted in the most recent farm bill. The U.S. aquaculture industry has grown more than 15 percent annually since 1980. As a result, aquaculture has emerged as a solid alternative for farmers and allowed them to diversity. In fact, aquaculture is of vital importance to the economy of west Alabama. Over 20 percent of the area's population is employed directly in the production or the processing of catfish.

RURAL ELECTRIC

While commodity programs seem to dominate agriculture policy, rural development policy is an area that I have paid special attention to. This is particularly true with regard to rural electrification.

Most recently I authored the Rural Electrification Loan Restructuring Act of 1993 which was signed into law on November 1, 1993, as Public Law 103–129.

This legislation eliminated the authority of the REA Administrator to make 2 percent loans, established criteria for a REA electric distribution borrower can qualify for a 5 percent loan, and authorized the Administrator to make loans at the municipal cost of capital. This legislation also addressed high density cooperatives, rural development eligibility, and private capital requirements among other things.

In the 1996 farm bill, I was instrumental in securing additional loan restructuring authority for the Secretary of Agriculture regarding rural electric loans. We are currently working with the USDA to promulgate regulations that will provide the Secretary with sufficient flexibility to carry out the intention of Congress.

As part of the Republican plan to balance the budget, Republicans proposed selling off the Power Marketing Administrations, which provide electricity to regional distribution cooperatives. The primary concern with this proposal was that PMA "purchasers" would have to increase the price at which they made electric power available in order to recover their purchasing costs. I believed strongly that this would ultimately translate into higher utility costs for end-users of rural electric cooperatives.

With this issue being debated in the Energy Committee, when a seat on the committee became available, I returned to the Energy Committee and assisted in preventing this proposal from being made a part of the Republican reconciliation bill.

TRADE

In 1981, I applauded the President's decision to lift the Soviet grain embargo. I did believe that the United States needed to take action against the Soviets for invading Afghanistan. However, it is most regrettable that the farmers of the United States have had to bear the cost of this foreign policy instrument alone. For that reason, in 1982, I urged the President to develop a long-term, Soviet grain agreement. I advocated ending grain embargoes and working to expand export markets, including multiple year extensions of trade agreements. A 1-year extension has the effect of a defacto embargo because it keeps the specter of an embargo looming over the whole grain growing and exporting industry. The mere threat of an embargo keeps grain prices depressed and plays havoc with the entire farm economy. In 1983, after the downing of the Korean jetliner attack, I feared that the President would impose another embargo on the Soviets, so I introduced a bill to create a state undersecretary for agricultural affairs. It seemed that increasingly our agricultural policy is being set by officials of the State Department as they respond to international events. In 1984, the Senate passed a bill I cosponsored to require congressional approval of trade embargoes. It would require that both Houses approve an embargo within 60 days and review it every 6 months. There was no doubt that past embargoes, and the threat of new embargoes, significantly contributed to the erosion of U.S. export dominance and the resulting decline in farm income.

In 1983, when the President was preparing to visit Japan, I sponsored a sense-of-the-Senate resolution to urge that United States negotiators should insist that Japan dismantle all of its barriers on imported beef. This resolution passed. I urged the passage of a similar resolution in 1984. In 1988, the beef agreement with Japan expired, and negotiations stalled.

Then an unusual series of events occurred. The Japanese Ambassador asked me in my capacity as chairman of the Subcommittee on Courts of the Judicial Committee to pass a courts bill allowing the use of Japanese language interpreters in Federal court cases. We succeeded in getting the necessary legislation approved. The Ambassador thanked me and then asked me if there was anything he could do for me. I replied I would like to meet with the Japanese Minister of Agriculture, trade representatives, and two members of the Diet. I was able to bring representatives of the National Cattlemen's Association to the meeting. We had a very frank discussion and reported the progress to the U.S. trade representatives. Fortunately, a few days later a very favorable trade arrangement was worked out and American beef was allowed to be exported to Japan in far greater numbers than before. The arrangement further eliminated the quotas after 3 years, at which time the Japanese could impose tariffs if beef passed trigger levels.

I have been concerned about poultry exports for some time. In 1983, I wrote to the trade representative to urge him to address Brazil's increase in poultry exports. From 1976 to 1980, the U.S. share dropped from 20 percent to almost nothing. Since Brock did not act, several other Senators and I contacted the President directly, noting that the U.S. share of the world poultry market had fallen from 97 percent to 13 percent over 20 years. To address these concerns, I attached a poultry export marketing program to the Agriculture Committee's payment-in-kind bill. This bill was designed to open new markets and recapture old ones.

In 1984, I joined several other Senators to urge the President to negotiate with the Canadian Prime Minister to address hog trade. Legislation was before the Congress to impose duties, we informed the CPM, and their exports to the United States had risen 10 times. In 1985, I pressed this point again. Disputes with Brazil over poultry, China over cotton, and Australia over beef, combined with this trade imbalance had clearly demonstrated that the United States needed to put an end to the use of unfair subsidized competition and to recoup its fair share of world export trade. I was pleased that the Commerce Department acted to impose duties on Canadian pork. I also wrote to the Trade Representative in 1994 to urge him to seek Canadian compliance with the terms of NAFTA. I also joined Representative ROSE to urge an ITC investigation of dumping of Canadian peanut paste in the United States.

When the United States began to consider food aid to the Soviet Union in 1990, I encouraged the USDA to aid that country by developing food distribution practices rather than simply granting money. The precedent for such aid was the food for progress program created in the 1985 farm bill and successfully implemented in the Uruguay round. But as the situation became more severe in the Soviet Union, I urged the Agriculture Secretary to provide emergency, ready-to-cook provisions. People were in desperate need of immediate help, and raw commodities like grain would not be as helpful. I did, however, remind the Secretary that the aid would need to be provided as a credit, not a grant. I also urged the Agriculture Secretary not to abandon United States textile bags in this Food for Peace Program; that decision would have resulted in the loss of American jobs in favor of Chinese slave labor. I also advocated sending peanut butter and other peanut products to Russia, which was looking for a cheap meat substitute.

This year, I urged the President to resolve the trade dispute with the Russians when they announced that they would no longer import United States poultry. The Russians had refused to recognize the United States system of poultry inspection. Along with several of my colleagues, we urged President Clinton to carry this issue to the highest levels of the Russian Government. While in Russia, Vice President GORE and Secretary Glickman raised this issue and soon afterward, an agreement was reached. The poultry industry is extremely important to the economy of Alabama. It accounts for 54 percent of all farm income in the State and 75 percent of farm exports.

In conjunction with other Senators from poultry producing States, in the 104th Congress we also had to fight barriers to interstate free trade. The current regulation regarding the labeling of "fresh" poultry states that poultry preserved above zero degrees fahrenheit shall be labeled fresh, and poultry below zero degrees, the point at which animal flesh freezes, shall be labeled frozen.

The USDA, on behalf of California poultry producers, promulgated regulations to raise the benchmark for fresh to 26 degrees based on the premise of consumer claims that the current regulations for poultry labeling was misleading.

We were able to demonstrate, however, that this was actually an effort by the California poultry industry to erect a barrier to shipments of poultry from historic poultry producing regions, specifically the Southeast. I obtained a copy of a report by the California Poultry Working Group, an industry panel designed to study and make recommendations on the California poultry industry, that stated in its findings that the single, most significant barrier to industry growth was the high cost of poultry production in California. On the other hand, poultry producers in the Southeast are able to produce broilers and ship them to other parts of the country at a profit.

With Senator COCHRAN's leadership, we were able to block the implementation of this new regulation in the fiscal year 1996 agriculture appropriations bill. During negotiations on the fiscal year 1997 agriculture appropriations bill a compromise was agreed to. Ironically, the compromise was essentially the same proposal that I put forward a year earlier. Nevertheless, it was a deal that Southeast poultry producers could live with.

CONCLUSION

In addition to rewriting farm policy, the 104th Congress made substantial progress in other areas under the agricultural policy umbrella. Earlier this year, the Congress passed and the President signed H.R. 2029, the Farm Credit System Reform Act of 1996. This important legislation brought a degree of regulatory reform to the Farm Credit System Banks while also addressing needed charges in Farmer Mac and resolving the FAC debt issue.

Of major significance, Congress finally broke the logjam that had lasted for nearly 2 decades and passed legislation to rewrite Federal pesticide laws, bringing about much needed reform of the outdated Delaney clause.

The Food Quality Protection Act, H.R. 1627, received unanimous support once all the pieces of the puzzle were put into place. Traditionally, the battleground between industry and environmental supporters, the urgency to resolve pesticide legislation was created by court rulings that would have ordered the EPA to begin canceling the use of some common chemicals.

The bill as signed into law will revise pesticide registration under the Federal Insecticide, Fungicide, and Rodenticide Act of 1947, speeding up some EPA registration procedures. The bill also recognizes separate registration procedures for minor use chemicals, and under legislation I coauthored, antimicrobials, or common household and industrial chemical cleansers.

Most importantly, this legislation reformed the notorious Delaney clause of the 1958 Federal Food, Drug, and Cosmetic Act, which barred processed food from containing even minute amounts of cancer-causing chemicals. The hard-fought compromise of the Delaney reform will impose a safety standard to ensure that pesticide residues on both raw and processed food pose no reasonable risk of harm. This standard essentially means that there will likely be no more than a one-in-a-million chance that a residue would cause cancer. The old standard was completely outdated, given modern technology, that prevented some chemicals from being used that actually reduced the natural level of carcinogens in many commodities. This is an important reform and I am glad that we were able to achieve this victory this year.

While there were some victories over the last 2 years, there were also some defeats and close calls. I have long been a supporter of private property rights legislation. As a matter of fact, the only private property bill to pass the Senate in the 103d Congress was the Heflin-Dole private property bill. I am sorry to say that the effort to pass private property rights legislation failed in this Congress. I also regret that attempts to move regulatory reform legislation were not successful.

As I close out my career in the U.S. Senate, I reflect back on all that has been accomplished. With regard to agriculture, I am extremely pleased and proud of the progress made on behalf of rural America and family farms.

Over the last 18 years, I am proud to say that I have been a part of working to ensure that electricity and water and sewer systems were extended to areas where they once were not. We have strengthened the family farm by providing adequate capital to farms and agribusiness. We have passed farm bills that have stabilized the family farm, made the American farmer the envy of the world and at the same time, protected the environment and reduced the deficit. Through the work on the Agriculture Committee we have extended technological advancements into rural America through telemedicine and distance learning initiatives. Foreign markets for U.S. agricultural products have been opened wide and agricultural research has led to more efficient farming with breakthroughs such as no-till agriculture and precision farming employing satellite imagery.

While a great deal has been accomplished, I am still concerned about what the future may hold. As the American society continues to become more urban, fewer and fewer have an appreciation for issues affecting rural America. Furthermore, I believe that most take for granted that only 3 percent of the American population, in addition to feeding the world, provide this country with the highest quality, most abundant and affordable food supply of any nation in the world.

The 1996 farm bill, which is a major departure from traditional farm programs, leaves an uneasy feeling for the future. Although it was ostensibly designed to bring certainty to farming, I believe the 1996 farm bill created many potential problems that we may not even be aware of for some years to come. Specifically, I believe decoupling payments from market prices was a mistake. Only time will tell, but I hope that there will be Members of Congress who are sympathetic to the needs of rural America should the Freedom to Farm proposal fail.

I am also concerned about the state of the cotton industry. I have been contacted recently by sectors of the industry raising concerns about the growing volume of cotton imports into this country. This is something that I plan to monitor in the near future. Also, I am curious to see the effectiveness of the bioengineered Bt cotton seed. Bt cotton was engineered to be resistant to insects. To date, reports indicate a great deal of success with this new cotton. I will be curious to review results after the current harvest is complete,.

Farming families and rural communities are the backbone of this great Nation. I am proud to have served on their behalf on the Agriculture Committee for 18 years. As I return to Alabama and the many farmers in northern Alabama, I will continue to meet with, and monitor, the state of U.S. agriculture and the proud farmers who produce our food and fiber. It is my sincere hope that those who remain in Congress, and those to come, will give the proper consideration to rural issues as they come before this body.

Mr. President, back on August 20, 1996, the Alabama Peanut Producers held a dinner in my honor. I was very thankful and humbled by their outpouring of affection and humor that evening.

One of the most memorable and humorous speeches was one given by Texas Congressman CHARLIE STENHOLM, a long-time friend and colleague. I have had the pleasure of working with him over the years on many agricultural issues, particularly those relating to the peanut program. Should the Democrats regain the House majority this fall, CHARLIE will probably be the Agriculture Committee's new chairman.

I ask that a copy of Congressman STENHOLM's remarks be printed in the RECORD. It gives an entertaining and humorous inside account of some of our behind-the-scenes battles on these important issues over the years.

The material follows:

NOTES FOR SPEECH AT SENATOR HOWELL HEFLIN EVENT, AUGUST 20, 1996

Senator Heflin was elected to the United States Senate in 1978, and begin serving on the Senate Agriculture Committee just as the committee began work on the 1981 farm bill. Everyone knew the '81 bill would be a challenge, the Republicans had just taken the White House and the Senate. Senator Richard Lugar became the Chairman of the Senate Committee on Agriculture. The Indiana Senator was not known for his support of the peanut program.

Those present at the time and involved in the development of the farm bill remember that then Freshman Senator Howell Heflin took a particular interest in the peanut program. One producer representative, Larry Meyers, has commented that in his 24 years in Washington, Senator Heflin was the only Senator who, when asked to support the program, made Larry sit at the Senator's desk while he went through the entire bill, discussing even the proper placement of commas and semicolons, to ensure the bill reflected truly what was best for peanut growers.

That kind of detail and preparation has made Senator Heflin a formidable foe on the Senate floor for those who sought to end the program. A couple of interesting stories came out of that 1985 farm bill period. Early in the farm bill process, another new Senator and now Governor of California Pete Wilson tried to offer a difficult to understand amendment affecting a small crop in California. It was just before lunch, members were anxious to adjourn the meeting and there was little interest in the amendment. When Senator Wilson finished offering his amendment, there was an awkward silence when no one seconded the amendment. Suddenly, just before the Chairman was about to rule the amendment out of order and adjourn the committee for lunch, Senator Heflin suddenly spoke of the amendment's outstanding merit and seconded the motion. With that, the Committee quickly approved the measure and adjourned for lunch.

Senator Wilson quickly left his seat and came around the table to say thank you to Senator Heflin, who he admitted he really did not know since they were both new to the committee.

Senator Heflin replied to Senator Wilson with a smile and a wink, "Senator, we don't grow your California crops in Alabama, but we do grow peanuts!"

Senator Wilson got the message, and later voted in support of the peanut program.

At another point about this time, then Secretary of Agriculture came before the Senate agriculture committee to promote a new program called "P, I, K" or Payment In Kind. After the Secretary finished testifying in favor the PIK program, Senator Heflin questioned the Secretary with a long inquiry wherein Senator Heflin clearly referred to the program as "P, I, P" or as the "PIP" program several times.

In responding to the Senator, Secretary Block first tried to correct Senator Heflin, "It's the P, I, K program, Senator, PIK!" Senator Heflin paused for a dramatic moment and replied, "Oh, I thought you said P, I, P, the Pig in a Poke program." The room roared with laughter, and everyone understood Heflin's attitude about the proposed new program.

On a more serious note, there can be little doubt, that, over the years, Senator Howell Heflin has been "Mr. Peanut" in the Senate, and the real reason the program has enjoyed such strong support over the years in the Senate.

It was not always that way. During the debate on the 1981 farm bill when the Senator was still new in the Senate, then Committee Chairman Richard Lugar offered in the Senate a motion that effectively killed the peanut program. In a dramatic, difficult vote, the Senate approved Senator Lugar's motion. There was then a pause in the deliberations when Senator Heflin and Senator Warner of Virginia got all the peanut representatives and farmers that were in Washington for the Farm Bill debate into a room to discuss what to do next. Everyone agreed the peanut acreage allotment program was dead, but if another type of program could be designed in a matter of minutes that would keep peanut farmers in business without allotments, perhaps the Senate could be persuaded to accept some type of new program.

Mr. Ross Wilson, a strong admirer of Senator Heflin and the manager of the Southwest Peanut Grower's association sat down with the peanut leadership present, and wrote out in longhand on a yellow pad what is essentially the poundage quota program we have today. Senator Heflin and Senator Warner then took that yellow pad to the Senate floor and passed a new peanut program.

It was a dramatic moment. It meant hundreds, if not thousands of small farmers could stay in business, and it came about because Senator Heflin was willing to stand up with farmers.

And as a result, you can say Senator Howell Heflin is, "The Father of the Modern Peanut Program."

In the ensuing years, during farm bill debates and even during appropriations considerations, the peanut program has been attacked several times. But each time, we had a peanut leader in the Senate: Senator Howell Heflin would stand and defend the program strongly as he did this year, and each time, those attacking the program suffered defeat and the peanut program continues.

We owe him a great deal of appreciation.

Yes, although it can be said Senator Heflin saved the peanut program repeatedly over the years, but in addition, there are several provisions of the peanut program we can look to and know that they developed directly by the Senator: The support price escalator based on the cost of production we enjoyed since 1985 until this year; the three marketing associations being written clearly into the law; and dozens of smaller provisions that have made the program work more efficiently and at lower cost to the government.

In addition, and perhaps most significant, and something I have personally witnessed, has been Senator Heflin's work in Conference.

After the House and Senate pass a bill, there are almost always differences that must be resolved in what we call a "Conference"; a meeting of members to iron out the differences and come up with language both Houses will approve.

This is where Senator Howell Heflin has been of most value to this industry, particularly this year when we had to make the most of a bad situation.

Charlie Rose and I always knew, if we lost an important provision, Senator Heflin would put it back in, or if we could get a new provision, Senator Heflin could keep it in when the bill came to conference.

This year it was particularly true when you can credit Senator Heflin with killing the 5-percent penalty for loan peanuts which would have hurt every peanut farmer in this country.

It was fun to watch: When the debate got heated, if you saw Senator Heflin lean back in this chair, slowly push the plastic back on his cigar and begin to chew, you knew he was thinking and was about to close in for the kill—this year on the Republican Leadership that was seeking to decimate the program.

I know you are not fully happy with the program the way it turned out in the end, but we got one. And the challenge can be summed up with the remark that Senator Richard Lugar was heard to make after the farm bill conference: "In looking at this language, I can see that once again, Senator Howell Heflin has prevailed over those of us who sought to end the peanut program."

Senator Heflin, that is a fitting tribute. Congratulations, and thank you.•

TRIBUTE TO THE HONORABLE KIKA DE LA GARZA

• Mr. HEFLIN. Mr. President, I rise today to pay tribute to the Honorable KIKA DE LA GARZA.

There is nobody in the U.S. Congress more deserving of a tribute than the distinguished and longtime chairman of the House Agriculture Committee and defender of rural America and family farms.

KIKA DE LA GARZA began his elected public service with six terms in the Texas House of Representatives and was first elected to the U.S. House of Representatives in 1964. KIKA was immediately appointed to the Agriculture Committee and has served as the committee chairman since 1981. As a matter of fact, KIKA was the first Hispanic American to head-up a standing committee of the House of Representatives. KIKA DE LA GARZA is very proud of his Hispanic heritage, and with good reason. KIKA can trace his ancestry back to one of the ruling families of Spain and to one of the earliest settlers of Texas. Don Martin de Leon and his wife, Dona de la Garza, petitioned the Spanish Governor in San Antonio for the right to establish a permanent settlement in Texas long before Moses Austin had received permission. KIKA is also proud of his Alabama ancestry, as he often reminds me that he can trace some of his forebears to Etowah County, AL.

During his tenure as committee chairman, KIKA DE LA GARZA has successfully guided the passage of three omnibus farm bills. He is also responsible for a major overhaul of the agricultural lending system, Federal crop insurance reform, reorganization of the USDA, and reforms in pesticide laws. Chairman DE LA GARZA has also brought special attention to rural development and the needs of rural families. He has fought tirelessly for rural development programs such as rural waste and water systems. Through this strong commitment and leadership on behalf of rural America, his efforts were recognized with the establishment of an empowerment zone in south Texas, one of only three in rural America.

I recall working closely with KIKA DE LA GARZA over the years. We have worked many long hours together to restructure the Farm Credit System and provide disaster assistance when our Nation's producers have suffered from drought and other natural disasters. However, what comes to mind when I think of KIKA DE LA GARZA is his invaluable leadership in defense of the peanut program. It may come as a surprise to some, but the peanut program is vitally important to Alabama and I have personally fought hard to preserve this program. Had it not been for Chairman DE LA GARZA, though, we would not have been able to maintain this program that is also an integral part of Texas agriculutre. Many were the occasions that I came to KIKA and I told him that I needed his help and without fail, we were able to hold off efforts to eliminate the peanut program. For this, I am deeply grateful to KIKA.

As KIKA DE LA GARZA leaves Congress and returns to Texas, we are truly witnessing the end of an era. KIKA DE LA GARZA has outlasted Bob Poage, Herman Talmadge and Jamie Whitten to become the dean of American Agriculture. Rural America has had no stronger advocate than KIKA DE LA GARZA, he has indeed been the champion of the small farmer.

When KIKA and his wife, Lucille, return to Texas, they will return home to Mission. Mission, TX, is known for producing famous Texans, among them include Tom Landry and Lloyd Bentsen. However, none have contributed more to improving the lives and living conditions of all Americans. Congress will indeed be a different place next year and it will sorely miss the wisdom and leadership of KIKA DE LA GARZA.

From the beginning, man has been at work in agriculture. In Genesis Chapter 3, Verse 23, Moses writes, "Therefore the Lord God sent him forth from the Garden of Eden, to till the Ground from whence he was taken". Although there are tremendous challenges that lie ahead, the Sun shall rise tomorrow, and we can bear fruit for our neighbors and friends and those who are without nourishment. As we strive to feed a growing population, protect our environment, and keep farmers and ranchers strong, I am confident that with God's guidance, those who rely upon him will succeed. We have all been blessed to have had the wisdom and leadership of KIKA DE LA GARZA. As Americans we are all better for his service to this great country. As KIKA and his wife, Lucille return home, as Mike and I are returning home, we wish them both the very best for many years to come. It has been my honor to have served with KIKA DE LA GARZA.•

THANKS TO STAFF

• Mr. HEFLIN. Mr. President, on the last day the Senate was in session, October 4, I stood on the floor and briefly thanked my staff members for all their hard work over the years. At that time, I had a list of their names, hometowns, and date of joining our staff inserted into the CONGRESSIONAL RECORD. I also said that later, I would make additional comments about each of those.

As I said, it is easy to take staff for granted. Much of what they do is carried out in such a way that we might not be aware always of what they are doing. But they put in long hours just like we do. They are dedicated not only to us, but to the States we serve. My staff has helped thousands of Alabamians and other citizens with problems, questions, projects, and other general concerns.

I have been fortunate to have many long-time staff members who have been with me for many years, some since my first year in the Senate. Others have not been here as long, but have still made valuable contributions. Most have come from Alabama or had some connection to the State, such as being an alumnus of a university there, but others have come from the Washington area or other parts of the east coast.

I am proud of my staff, both here in Washington and in the four State offices. They have done an outstanding job for the Senate, for the State of Alabama, and for the Nation and I thank all of them and wish them well as they retire or move on to new career opportunities. I would now like to say a few words about each of those who are still serving with us during these final weeks of my term.

STEVE RABY

Heading up my Washington staff is Steve Raby, my administrative assistant. Over the years, Steve has been a tireless worker and voice for the State of Alabama and the Nation. He has superb judgment and unsurpassable ability to motivate workers under his supervision. He first joined my staff in January 1984 as a legislative assistant focusing on agriculture and rural development policy. In 1987, he became my administrative assistant, responsible for legislative and political matters affecting Alabama. Steve was born in Huntsville, AL, and received his bachelors and masters degrees from Auburn University. I have accused him numerous times of filling my staff with Auburn graduates so he could have more support in the Auburn-Alabama football rivalry. Prior to joining my staff, Steve worked as a research assistant at the Federal Reserve Bank in Atlanta analyzing economic indicators of regional economy. Steve is married to the former Denise Cole. They have two sons—Nathan and Keenan. I predict a great future for him in anything he undertakes, including politics.

WINSTON LETT

As ranking Democrat on the Judiciary Subcommittee on Administrative Oversight and the Courts, I have faced a myriad of interesting and challenging issues. Since 1990, Winston Lett has served as Democratic chief counsel and staff director of this prestigious subcommittee and has worked with me on multitudes of legislation. Born in Opelika, AL, Winston graduated from Auburn University and received his law degree from the University of Alabama. It is safe to say that Winston is a favorite son of his hometown: The Opelika and Auburn Chambers of Commerce proclaimed "Winston Lett Day" in 1989. Aside from this distinction, Winston was assistant attorney general in Alabama from 1973 to 1977 before transferring to Washington as administrative assistant to the late Representative Bill Nichols of Alabama until 1988. In 1989, Winston was administrative assistant to Representative GLEN BROWDER before joining my staff a year later. Winston has been a calm, steady voice amid many turbulent judiciary matters and I deeply appreciate his outstanding work. He is an excellent lawyer and has an exceptional ability to get along with people.

DENISE ADDISON

Denise Addison was born here in Washington, the fifth child of Elmer and Louise Meadows. She graduated from Saint Patrick's Academy in 1975 and has been a fixture on Capitol Hill for 21 years now. She has worked for an astounding number of Members of Congress, beginning with Senator John V. Tunney of California. Since then, she has also worked for Congressman Robert N.C. Nix of Pennsylvania; Senator Charles H. Percy of Illinois; Senator Robert Kasten of Wisconsin; and Senator Mark Andrews of North Dakota. She came to my office in 1988, and has been an integral part of the success of our correspondence, computer, filing, and office management operations. She married Alvin Addison in 1985, and together they have three children, Alvin, Jr., Dominique, and Jasmine.

SONCERIA ANN BISHOP BERRY

Every office has that one person who knows how to fix, find, and take care of just about anything. In my office, that person is Sonceria Ann Bishop Berry. Ann joined my Tuscumbia office in April 1979 and moved to Washington the following month as a secretary. She eventually served as assistant office manager before being promoted to office manager in 1992. A native of Birmingham, AL, Ann received her bachelors degree from the University of North Alabama. She is married to Reginald A. Berry and they have one daughter, Elizabeth Ruth. Ann was one of my youngest staff members when she arrived in Washington. I have seen her grow up into a fine young woman. I am proud to have her as a member of my staff. She is one of a kind.

MARY CATHERINE BROOKS

Mary Catherine Brooks, or "Cappie" as she is known, joined my staff in March 1989 as assistant to my administrative assistant, Steve Raby. A native of Birmingham, AL, Cappie attended the University of Alabama and the Katherine Gibbs School in Boston, MA. During her years of service on my staff, Cappie has tackled many special projects. One of the most notable was the 1994 National Prayer Breakfast honoring President Bill Clinton. As chairman of the Senate Prayer Breakfast, I was responsible for organizing a guest list of several thousand dignitaries from over 100 different countries. I relied heavily on Cappie, who managed the event masterfully. President Clinton and Vice President AL GORE both thanked Cappie personally for her outstanding work. Cappie's next special project is of a more personal nature: Her Spring 1997 wedding to Bill

Stiers. She is most attractive as well as efficient.

TIM BROWN

Tim Brown has been my loyal and dedicated traveling companion over the years. He has been with me to each and every county in Alabama at one time or another. He has served as my State director, heading up all four of my Alabama offices, since 1995. Prior to that, he was the field representative responsible for 23 counties based out of Montgomery. He came to my Montgomery office in 1985 after working on my campaign the previous 2 years. He earned a bachelor of arts degree from Auburn University in 1971 and his law degree from Jones Law School in 1976. From 1972 to 1983, he worked for his family's business—Brown and Sons, Inc., a trucking and textiles company. Tim is from Enterprise, home of the famous boll weevil statue. His father, the late M.N. "Jug" Brown was mayor of Enterprise for 18 years. He is married to Cathy, an employee of Alabama Power Co. His political instincts are sharp, and he has been my eyes and ears in Alabama. He has been instrumental to the effectiveness of our State operations and no one could have done a better job of keeping me up-to-speed on local and State issues.

BEAU GREENWOOD

Beau Greenwood has been my agriculture legislative assistant since February 1995. As we faced the formidable task of rewriting the farm bill in the 104th Congress, I relied heavily on Beau. He worked with me to ensure that southern agriculture was treated equitably. We faced a tremendous battle with the peanut program, but fortunately were successful in defending this vital program. This long, grueling process came to a successful conclusion thanks in no small part to Beau's efforts. Prior to serving on my staff, he worked for Representative CHARLIE ROSE of North Carolina from 1992 to 1995. A native of Corpus Christi, Beau is the son of Allen Greenwood of Corpus Christi and Sherri Moore Greenwood of Little Rock, AR. Beau attended Texas A&M University and received his undergraduate degree from George Washington University. He studies each issue carefully and is a master of details.

JOYCE D. HACKWORTH

Joyce Hackworth has been with me since the beginning of my Senate career, building on her legacy of working with Democratic Senators from Alabama. Born and raised in Montgomery, AL, she attended Troy State University before going to work for Senator John Sparkman in January 1971. In fact, Joyce moved to Birmingham to open Senator Sparkman's first State office. She remained with him until he retired in 1979. I was elected to Senator Sparkman's seat that year and brought Joyce over to my staff. She has been the office manager in my Birmingham office since January 1979, and says she plans to retire along with me. Her retirement date, effective January 2, 1997, will mark 26 continuous years as a U.S. Senate staffer. Eighteen of those years have been spent on my staff handling everything from casework to the wide range of constituent requests that come into a Senate office on a daily basis. I appreciate her excellent work and colorful personality.

HENDERSON THAD HUGULEY

Thad Huguley, who has been with my Washington staff since 1992, hails from Lanett, AL. While a student at the University of Alabama, he served as vice president of the Student Government Association, was inducted into numerous campus leadership and scholastic honor societies, and worked as a part-time field reporter for the CBS affiliate in Tuscaloosa. He began working for me as a legislative correspondent. As a legislative assistant since late 1993, Thad has been responsible for telecommunications, commerce, environmental, banking, housing, transportation, and labor issues. He seems to have delved into virtually every possible issue area at one time or another. He is a jack-of-all-trades who was always able to master complex issues quickly. He has been a tremendous asset to my office and has been instrumental in helping set and accomplish our legislative agenda. He completed his master of arts in American history at American University in May 1996.

LEA ALDRIDGE HURT

Lea Hurt has been writing media releases, producing television and radio feeds and juggling reporter queries in my press office since July 1991. Before joining my staff, she was a familiar face on my hometown television station, WOWL–15 NBC, in Florence, AL, where she anchored the evening news. After moving to Annapolis in 1990 to be with her new husband Jay, Lea worked as an assignment editor at Sun World Satellite News until I hired her a year later to be my assistant press secretary. Now, as communications director, Lea handles a wide range of issues. A native of Decatur, AL, Lea is the daughter of Linda and Walter Brooks. She attended Calhoun Community College in Decatur, where she was SGA president, before graduating from the University of North Alabama with a degree in English. Lea and I work together every week to produce my weekly column. I figured recently that we have put out around 280 columns on topics ranging from the balanced budget amendment to constituent services. I have appreciated her hard work, pleasant personality, and dedication. She always presents an attractive appearance. I wish her every future success.

BRENDA JARVIS

Brenda Jarvis knows Montgomery—everything from the city streets to the State legislature. It is her hometown as well as where she now lives with her husband Jake and two children, Heather and Ricki Marie. Brenda joined my staff as a field representative in 1990, working with constituents, State agencies, the State legislature, local governments and chambers of commerce. Prior to that, she served as a member of Governor George Wallace's staff from 1971 to 1979 as an administrative assistant working with legislation, extraditions, the Department of Corrections, the Board of Pardon and Parole, the Department of Public Safety, court matters as well as appointments to boards, agencies and courts. From 1983 to 1987, Governor Wallace appointed her to be assistant director of the State Commission on Aging responsible for the State administration of the Older Americans Act. With her extensive career background, Brenda has been an invaluable help to me in many matters over the years. I have enjoyed working with her.

MARY JANET JOHNSON

Jan Johnson was one of the original "Howell's Angels" in my 1978 campaign for U.S. Senate. She and other volunteers worked many long hours for my election and, thanks to these efforts, we were successful. When I took office, Jan joined my staff working out of my Tuscumbia office as a field representative and State aide, continuing her legacy of long hours and hard work. In her 18 years on my Senate staff, Jan has traveled the State of Alabama like few others have. She knows the "where" and the "who" and can tell you the always-fascinating history that goes with it. Jan was born in Franklin County to Oscar and Nelda Lois Jackson. She has a son, Jacob Johnson, and a daughter, Mary Elizabeth Johnson Cahoon. I have depended on her greatly over the years and have appreciated her hard work.

JEANNE JONES

Since September 1982, Jeanne Jones has been a case worker and secretary in my Mobile office. For many years, Jeanne was the right-hand for Bob Morrissette, my dear friend and field representative in Mobile who passed away only recently. The daughter of Mr. and Mrs. James C. Lloyd, Jeanne was born in Birmingham, AL. She graduated from Shades Valley High School and attended Jacksonville State University and the University of South Alabama. Jeanne moved to Juneau to work for the State of Alaska for 2 years before returning to Alabama to live in Mobile in 1971. She has three children: Jeri, Jana and Jill; one son-in-law, Dirk, and two grandchildren, Taylor and Shelby. For 14 years, Jeanne has helped thousands of people in south Alabama with countless issues. I appreciate her dedicated work and tireless efforts on my behalf.

BETTY STREETER LANIER

Betty Lanier has been serving on my staff for more than 10 years now as a secretary and staff assistant. Most recently, she has worked extensively with the legislative director, serving as his right hand in terms of managing his heavy load of casework, correspondence, and legislative schedule. Previously, Betty worked for Illinois Senator PAUL SIMON and for a short time for Congressman Claude Pepper's House of Representatives Subcommittee on Health and Long-term Care. She also worked for several offices within the Department of Justice, including the Federal Bureau of Investigation, which brought her to Washington. From the small Bullock County town of Midway, AL, Betty is endowed with a variety of talents. She is a member of the Congressional Chorus, and has performed with the group at inaugurations, annual lightings of the Capitol Christmas tree, and Kennedy Center Arts Festivals. In addition, she has taken several Shakespearean acting classes. A post and avid reader, she has done an outstanding job and brought a real cultural and artistic flair to the office.

ALAN LEETH

Alan Leeth has been a legislative assistant and counsel in my office since December 1995, responsible for banking, budget, tax issues and Indian affairs. In the year that he has been with me, he has helped me develop and plan legislative initiatives, monitor developments within committees and on the Senate floor. Alan is from Opelika, AL, and is the son of Roy and Carol Leeth. He graduated from the University of Alabama at Birmingham and received his law degree from my law school alma mater, the University of Alabama, where he met his wife Tracy. Alan has been a tremendous asset to my staff and I am sure I will continue to hear great things from him in the future.

WILLIAM MANSEL LONG, JR.

William Mansel Long, Jr. began working in my Washington office in 1979 as a legislative assistant. Since that time, he has moved up the ranks and currently serves as legislative director. Mansel has proven himself to be a close friend, loyal employee, and trusted advisor. I have known him and his family for many years; he is also a native of Tuscumbia. He served in the Army for 2 years, earning a Good Conduct Medal. He received a bachelor of arts degree from Tennessee State University, and has taken graduate courses at Alabama A&M University, District of Columbia Teachers College, The American University, Catholic University, Trinity College, and George Washington University. Before joining my staff, Mansel was a social studies teacher, special education teacher, and a consultant for International Business Services. He has received numerous honors and awards, and received a Doctor of Humane Letters degree from Faulkner University in 1984. "Dr. Long," as the staff affectionately calls him, has been an outstanding public servant and I could not imagine having served in the Senate without his assistance and leadership.

JUDY LOVELL

Judy Lovell has been my correspondence manager since 1990. In those 6 years, she has helped me develop and maintain an office mail management plan to deal with the thousands of letters we receive every week. Judy takes care of the mail in a full circle approach. She directs the incoming mail to the appropriate person and then oversees the final return mailing process, scrutinizing everything from grammar to content. Aside from her outstanding work, Judy is also known for her excellent bean dip, which we have been fortunate enough to frequently sample over the years. Before joining my staff, Judy worked for Senator Howard Cannon of Nevada from 1981 to 1983, and Senator John Danforth of Missouri from 1983 to 1990. She and her husband John live in Bowie, MD, and have four children: John, Tim, Terry, and Tracy; and one grandchild, Katy.

KRISTI MASHON

Kristi Mashon has taken on the herculean task of archiving documents from my career as a Senator and as chief justice of the Alabama Supreme Court. She has been working with me on this project since June 1995. Kristi previously served as archivist for Senator George Mitchell of Maine and is also currently working for Senator PATRICK LEAHY of Vermont. A native of Austin, TX, Kristi is the daughter of Les and Barbara King. She graduated from the University of Texas in 1988 and completed her graduate education at the University of Maryland in 1995. Kristi and her husband Mike have one daughter, Madeleine, who recently celebrated her second birthday. I have appreciated Kristi's thorough work and attention to detail. I am confident that my documents and memorabilia are in good hands.

KIMBERLY MCDONALD

Kim has been with my staff since November 1991. She started out as a legislative correspondent, researching and formulating responses to constituent mail. In 1995, she was promoted to caseworker where she acts as a liaison between constituents and Federal, State or local government agencies. Her areas of responsibility include Aging, Foreign Affairs, Government Affairs, Health, Immigration, Labor, Postal Affairs and Social Security. As you can imagine, with such a wide range of issues, Kim stays busy. She has worked with me to help countless Alabamians who thought they had no where to turn. It was only about a year ago that our staff celebrated Kim's marriage to Curtis F.M. McDonald, our last "office" wedding. I have enjoyed working with Kim and am sure that she will continue to achieve great things.

TOM MCMAHON

Tom McMahon has been my press secretary since February 1989. As my chief spokesperson, Tom has to be conversant on a wide variety of issues. In this area he has proven himself as a true "renaissance man," able to knowledgeably discuss everything from bankruptcy reform to crop insurance. Tom came to Washington in 1987 as press secretary to the late Representative Bill Nichols of Alabama. Prior to that, he worked in university relations at his alma mater, Auburn University. In fact, Tom leads the "Auburn gang" in my office as a former president of the Metro Washington Auburn Club. He graduated from Auburn in 1984 with a degree in communications. Before graduation, he was station manager at Auburn's WEGL-FM radio and worked as an anchor and reporter at WAUD-AM radio, also in Auburn. He and his wife Diane, a native of Scottsboro, AL, now live in the Washington area. I have appreciated the outstanding work Tom has done over the years and am sure we will continue to hear great things from him in the future.

JACQUELINE A. NATTER

Jackie joined my staff as a legislative correspondent in November 1994, after serving an internship at the State Department's Bureau for Political-Military Affairs. While she was studying international relations and English at Georgetown University, from which she graduated in 1994, Jackie completed an internship in my office and worked as a research assistant for the National War College. As a self-described "military brat," her interest in military affairs started at a very young age, and has continued through her academic and professional work. Currently serving as a legislative assistant handling national defense, space, and veterans issues, Jackie also coordinates my military services academy nominations. She is the middle daughter of Rear Admiral Jack and Nancy Natter of Birmingham and is looking forward to returning to Alabama at some point in the future. She has been a valuable addition to my staff and I know she will make tangible contributions to the fields of national defense and foreign policy in the future.

BARRY PHELPS

A native of the Birmingham, AL area, Barry Phelps moved to Washington in 1989 after completing his master of public administration and bachelor of arts degrees at the University of Alabama. He came to work for my office in the fall of 1990 as a legislative correspondent and 1 year later became my speechwriter. Since that time, he has simultaneously handled legislative issues relating to foreign policy, international trade, and general governmental affairs. In addition to being an excellent "wordsmith," Barry has also been instrumental to my work as chairman of the Senate delegation to the North Atlantic Assembly, traveling either with me or as my representative to NAA meetings in Berlin, Germany; Copenhagen, Denmark; Oslo, Norway; and Turin, Italy. In the fall of 1993, he began the graduate liberal arts program at Georgetown University, attending classes in the evenings and on weekends. He completed his master of arts degree there in April 1996, concentrating his studies in the area of international affairs. We were not surprised to learn that Barry was ranked first in his graduating class and had the honor of serving as commencement marshall.

ROBERT SCHULTZ

Bob Schultz has been an outstanding recent addition to my staff in Washington. A Pennsylvania native and graduate of Dickinson College in Carlisle, Rob was brought on board earlier this year to handle the important task of compiling and summarizing my 18-year Senate legislative record. He completed a similar project for former Senator Don Riegle of Michigan in 1993 and 1994. Since he has been here, he has compiled my record in certain policy areas, such as defense and foreign policy, agriculture, court reform and judiciary, civil rights, and space exploration and NASA. Rob has done an incredible job under severe time constraints, and we could not have succeeded without him.

BARBARA SHERRILL

I noted in my retirement announcement that Tuscumbia, AL, is the best little town in America to go home to. Barbara Sherrill, a secretary and caseworker in my Tuscumbia office, figured that out years ago. A native of Waukegan, IL, Barbara worked in Washington, DC, for the Air Force at the Pentagon. Her husband, Estes, is a native of Tuscumbia, so in 1971 after he retired as an Air Force pilot, their family moved back to that area. Barbara joined my staff in 1985, working with my chief of staff, the late Bill Gardiner. Her assistance has been invaluable to me as well as to the many constituents who call or drop by the Tuscumbia office seeking help. She has said that her greatest reward is hearing constituents say that the help they received from our office has made a difference in their lives. Barbara has three children—Beth, Martha, and Andy—and three grandchildren—Benjamin, Elizabeth, and Rachel.

SAMANTHA SMITH

Two positions in a Senate office that are usually considered "gatekeepers" to the member are receptionist and personal scheduler. By that definition, Samantha Smith is the ultimate "gatekeeper," serving on my staff since August 1993—first as a receptionist and then as scheduler. Born in Florence, AL, she is the middle daughter of Judge and Mrs. Larry Mack Smith. Samantha graduated from Hollins College in Virginia in 1992 with a degree in French. She spent a total of 2 years in France both as a student and as a teacher before joining my staff. Her ability to juggle the hectic schedule requests that come into my office has been a tremendous asset to me. I appreciate the fine job she has done.

MARY K. SPEIS

Mary Speis has been with my staff ever since the beginning of my tenure in 1979. Her career on Capitol Hill, however, goes all the way back to 1965, when she served as an assistant to former Illinois Congressman Barratt O'Hara. A native of Washington, DC, her Alabama ties came about thanks to her sister, Jackie, who worked for Alabama Congressman TOM BEVILL before moving to Athens, Greece to be with her husband, a native of that beautiful country. Mary has often visited her sister in Greece during the summer recess periods. A graduate of the University of Maryland with a fine arts degree, she landed a job with former Alabama Senator James B. Allen working with the legislative assistants. In 1978, after the death of Senator Allen, she worked for his wife, Marion, who succeeded him in the Senate. In 1979, she came to my office to serve as an aid to the legislative assistants. In 1985, she began working as my personal assistant and has become very special to me and the rest of the staff.

YOLANDA ANGELINE TURNER

Yolanda Turner came on board our "Senate ship" in August 1992 as a staff assistant working with the office manager and correspondence management staff. The daughter of Mrs. Velda A. Ragland and Mr. Glenn A. Turner, she is from Suitland, MD. Her mother and sister, Monique A. Turner, work for Senator BILL BRADLEY, just down the hall from Yolanda. Their work in the Senate is truly a "family affair." Before joining our office, she was a clerk typist for the resource management staff at the U.S. Department of Agriculture. We were all excited earlier this year by the birth of Yolanda's daughter, Breanna Akira Turner.

STANLEY VINES

If you want to know about voting statistics and election demographics in the State of Alabama, Stanley Vines is the man to see. With over 20 years of involvement in Alabama politics, he has gathered a wealth of information about voting trends. Stanley's political bloodline runs deep—his father's family has been active in politics in the Bessemer area for over a century. He began political work in 1976 and since that time, has set up phone banks and helped runs numerous campaigns for Alabama candidates. Stanley began serving as field representative in my Birmingham office in 1982, after a 41-year career with American Cast Iron Pipe Co. In the years since, he has helped me better present the people of Alabama by keeping me abreast of the issues and events going on in that area. Born in Watson, AL, Stanley graduated from Birmingham's Phillips High School and attended Jefferson State Junior College. Stanley and his wife, Ethel Catherine Vines, have two sons, Thomas and James.

HEIDI WAGNER

Heidi Wagner has served as a front-office receptionist in my personal office and most recently as clerk and staff assistant for the Subcommittee on Administrative Oversight and the Courts minority staff. A Mobile, AL native, she graduated from the University of South Alabama and is working on a masters degree at American University here in Washington. She is the portrait of cool under pressure, since she is always able to handle even the most demanding tasks and situations with grace, professionalism, and good humor. She is sort of a word "connoisseur," constantly challenging staff with the presentation of new words and definitions to enhance their vocabulary. Her "Word of the Day" feature appearing on computer screens each morning was often a welcome way to begin the day.

SALLY WALBURN

The first voice you hear when you call into my Washington office is that of Sally Walburn. Her cheery "Senator HEFLIN's office, this is Sally. May I help you?" has opened up hundreds of conversations with Alabamians. Sally has been my receptionist since June 1996. A native of Tuscaloosa, AL, she is the youngest child of Dr. and Mrs. James Walburn. Sally graduated from Ole Miss in May 1996 with a degree in English. Although her time on my staff has been brief, she has demonstrated her outstanding abilities in dealing with constituents on the "front line." I wish her every future success.

JAMES G. WHIDDON III

Jim Whiddon is currently serving as my counsel on the Subcommittee on Administrative Oversight and the Courts and as legislative assistant for energy and natural resources issues. He has done an outstanding job on these and other issues that have come his way since joining the staff in 1993. He has been especially helpful on bankruptcy reform and the constitutional amendment to ban flag burning. Before moving to Washington, he worked in Atlanta. Jim, a native of Montgomery, attended the University of Alabama, where he earned his bachelor of science degree at Samford University in Birmingham, where he obtained his juris doctor degree from the Cumberland School of Law. He served as a law clerk to the Honorable Rodney R. Steele, Chief Judge of the U.S. Bankruptcy Court for the Middle District of Alabama.

JANETTA WHITT-MITCHELL

Janetta Whitt-Mitchell is a native of Mobile, AL. She graduated from

Tuskegee University and is a longtime community activist and energetic advocate for the improvement of social conditions. Through her work as my Mobile field representative and other leadership activities, she had helped communities address needs related to health care, employment, human rights, education, law enforcement, economics, and drug abuse. She is a member of the New South Coalition and an associate of the National Organization for Women. She is also first vice president of Mobile's Human Rights Commission and serves on the board of directors of the National Coalition of 100 Black Women's Mobile County Chapter. The daughter of Mr. Charles and Mrs. Mary Lee Whitt, she is married to Dr. Joseph Colvis Mitchell. Janetta has been an invaluable member of my State staff and I truly appreciate her hard work and advocacy on so many issues and projects.•

TRIBUTE TO THORTON STEARNS

• Mr. KERRY. Mr. President, I am pleased to offer congratulations to Thorton Stearns, a graduate of the Massachusetts Institute of Technology and longtime resident of Winchester, MA, who is the first recipient of the Eugene Joseph McCarthy Philanthropist of the Year Award, presented by Winchester Hospital.

For more than 15 years, Mr. Stearns has generously supported the hospital's philanthropic efforts. He has embodied the spirit of philanthropy of Mr. Eugene McCarthy. Mr. McCarthy was a quiet, private, but generous man who upon his passing left Winchester Hospital and numerous other charities a $1 million bequest.

Thorton Stearns, known affectionately to the staff of Winchester Hospital as "Thorny," has served the hospital as a corporator. He has acknowledged that his philanthropy has a component of self-interest, having said, "I have used the hospital and I might need its services again; therefore, it is important that I support the hospital financially."

Now chairman of the Vacuum Barrier Corp., which he founded in 1958, Thorton Stearns continues to be an active member of the Winchester community. I am pleased to recognize his efforts on behalf of Winchester Hospital and wish to congratulate him on being chosen as the first recipient of its Philanthropist of the Year Award.•

THE SCHOOL OF NURSING AT THE UNIVERSITY OF MARYLAND BALTIMORE

• Mr. SARBANES. Mr. President, I rise to offer my congratulations to the School of Nursing at the University of Maryland Baltimore campus and its dean, Dr. Barbara Heller, as ground breaking begins for a new, state-of-the-art facility designed to provide an exceptional environment for students to obtain a high-technology, interactive nursing education.

The 150,000-square-foot building will combine cutting edge technology with the existing topnotch, challenging curriculum. Since its establishment in 1889, the school of nursing in Baltimore has proven to be a nationally recognized leader in the nursing profession, providing high quality, specialized training for nurses across the country. The school ranks consistently among the top 10 schools of nursing in the United States and was recently listed as sixth in the Nation by U.S. News & World Report.

The school is a leading supplier of professional nurses for Maryland, with close to 82 percent of its graduates practicing in the State. With the increased demand for well-prepared nurses in health care delivery, I am confident that the school's graduates will provide this exceptional care to Maryland residents, as well as to all of our Nation's citizens.

As the first school in the world with a nursing informatics program, as well as the Nation's first program in nursing health policy, the School of Nursing at the University of Maryland Baltimore campus is a leader in providing the innovative knowledge and skills required to practice in an ever-changing profession. The school currently offers concentrations in a variety of fields including oncology, additions, neonatal intensive care, primary care, gerontology, informatics, and community-based care.

Mr. President, I was privileged to attend the ground breaking ceremony for this exceptional facility on September 27. I urge my colleagues today to join me once again in recognizing the school of nursing for its dedication to innovative educational programs of the highest caliber, its focus on community service, and its commitment to clinical research. The gifted students who will receive their education in this new facility will prove critical in ensuring that the people of Maryland and across the Nation will receive quality care in our changing health care environment.•

MARTIN LUTHER KING, JR. MEMORIAL

• Mr. SARBANES. Mr. President, I am very pleased that the Senate earlier this month passed legislation, as part of the omnibus parks bill, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Dr. Martin Luther King, Jr., in the District of Columbia.

I first introduced this legislation in the U.S. Senate in 1985 and have reintroduced it in each succeeding Congress. While we have been able to move this legislation through the Senate in two previous Congresses, until now it has failed to pass the House of Representatives. Fortunately, the bill has now also passed in the House of Representatives, thanks to the good work of Congresswoman MORELLA and Congressman DIXON.

Since 1955, when in Montgomery, AL, Dr. King became a national hero and an acknowledged leader in the civil rights struggle, until his tragic death in Memphis, TN, in 1968, Martin Luther King, Jr., made an extraordinary contribution to the evolving history of our Nation.

His courageous stands and unyielding belief in the tenet of nonviolence reawakened our Nation to the injustice and discrimination which continued to exist 100 years after the Emancipation Proclamation and the enactment of the guarantees of the 14th and 15th amendments to the Constitution.

Mr. President, Martin Luther King, Jr., dedicated his life to achieving equal treatment and enfranchisement for all Americans through nonviolent means, and a memorial in the Nation's Capital honoring Dr. King's tremendous contributions is long overdue. I want to again extend my thanks to all those who have worked so hard to bring this effort to fruition. Without their tireless efforts over the years, this important legislation would not have been enacted.•

HAROLD JINKS

Mr. BUMPERS. Mr. President, Arkansas lost one of its treasures last week. Harold Jinks of Piggott, AR, whom Arkansans affectionately refer to as "Mr. Democrat," passed away at the age of 90.

If the term "yellow-dog Democrat" were in the dictionary, Harold Jinks would be listed as the definition. Though Harold Jinks studied to be a farmer in school, it was the study and practice of politics that sustained him throughout his life.

A friend to many Presidents and to every major Democratic officeholder in Arkansas, Harold Jinks brought enthusiasm into every room he entered. He admonished young people about their duty to vote and be involved in politics. To Harold, being a mere spectator in politics was a sin. You had a duty to be a player.

Active in his community and his church, Harold worked for many years at USDA and was at one time a special assistant to the regional director of the U.S. Postal Service.

Harold was southwest regional director for the Democratic National Convention in 1957 and attended most conventions thereafter either as a delegate or strong advocate for the national ticket. He chaired the Arkansas Committee on Seniors for Carter-Mondale.

In retirement, if you could call it that with Harold, he authored books and founded the Senior Democrats of Arkansas and served as chairman of the Arkansas Joint Legislative Committee of the National Retired Teachers Association and AARP. He also found time to organize the Washington-based Buy American Action Coalition to promote the buying of American products.

He was a walking whirlwind of activity, and always at work promoting a cause or a candidate. A virtual encyclopedia, he enjoyed the history of politics as much as he did the campaigns.

Mr. President, Harold Jinks taught us all the importance of being involved in our Government. He chided us when he thought we were dragging our feet and applauded us when we were conscientious. He was loved by those of us in Arkansas who shared his passion for politics, and he will be missed by all who had the good fortune to know him and be touched by him and his infectious enthusiasm for the political process.

Betty and I extend our deepest sympathy to Harold's lovely and devoted wife, Wilma. We owe her our gratitude as well for sharing Harold with us.

TRIBUTE TO LT. GEN. RONALD R. BLANCK

• Mr. THURMOND. Mr. President, reaching the top of one's profession is perhaps the most rewarding experience any person can achieve in their career, and today, I pay tribute to a good friend, Lt. Gen. Ronald R. Blanck, who has reached the pinnacle of the Army's Medical Corps with his promotion to the position of Surgeon General of the Army.

When one thinks of military medicine, the image that comes to the minds of most people is that of an Army medic rushing to the aid of a fallen comrade. While there is probably no sight more comforting to a wounded soldier than a medic, Army medicine goes far beyond the soldiers who brave fire on battlefields in order to save lives. Included in the Army Medical Corps are doctors, nurses, and specialists of all kinds who serve in a sophisticated system of clinics, hospitals, and research facilities. No matter where they are stationed, soldiers have access to excellent care thanks to the efforts of the selfless men and women of the Medical Corps and the leadership provided by the Surgeon General of the Army.

As he packs his bags and leaves the Capital area for his new job at Fort Sam Houston, TX, General Blanck assumes this post with the praises of his patients, as well as his peers in both the Army and in the medical fields of the other services. Throughout his career as a doctor and Army officer, the new surgeon general has established a respected, and well-deserved, record for professionalism, leadership and, most importantly, compassionate care. Beginning with his initial assignment as a battalion surgeon in Vietnam to his tenure as the commander of Walter Reed Army Medical Center, General Blanck has repeatedly sought innovative and more efficient manners in which to treat patients, demonstrated an ability to find solutions to complex tasks, and been an advocate for research into treatment that will benefit soldiers. Without question, General Blanck brings an impressive set of credentials to the Army's top medical post.

Mr. President, as General Blanck assumes the responsibilities of being the principal medical advisor to the Chief of Staff of the Army, I am certain that he will approach his job with enthusiasm, seriousness, and with a commitment to excellence. I wish him continued success in his duties and commend him for the service he has rendered the Army and the Nation.•

TRIBUTE TO THE LATE MABEL LEE BURROUGHS

• Mr. THURMOND. Mr. President, I today pay tribute to Mrs. Mabel Lee Burroughs, who recently passed away after leading a very long and rewarding life.

The region of South Carolina that stretches from just north of Charleston up to the North Carolina line, and only a few hundreds west—literally not much further than a stone's throw from the edge of the sand dunes—is known as the Grand Strand. This area has always been famous for having some of America's most beautiful beaches, and for years it has been one of the favored vacation destinations of people from around the world.

Much of the popularity of the Grand Strand can be attributed to the work and vision of the Burroughs family. The late James Burroughs, Mabel's husband, was a successful community and business leader who, along with a number of other individuals, became interested in the commercial potential of the Grand Strand as a resort area. In the years following World War II, these development pioneers were responsible for converting Myrtle Beach from a quiet and little known stretch of sunkissed sand to an area that offers unlimited recreational opportunities for tourists and South Carolina residents. This tradition of entrepreneurial spirit and business success is being carried on by Egerton Burroughs, the son of Mabel and James, who is the developer of the successful and popular family attraction, Broadway on the Beach.

Without question, the late Mrs. Burroughs played an important role in her husband's business successes, and certainly served as a trusted adviser in his dealings. For almost 20 years she served as an account associate with the family-owned firm, Myrtle Beach Farms, as well as being an original trustee and secretary treasurer of the Burroughs Foundation, a philanthropic organization.

Mrs. Burroughs was more than a loyal wife, dedicated mother, and successful businesswoman, she was also a public spirited citizen who gave much of herself to the people of Myrtle Beach. Born in Loris, SC, which is just a short distance from the beach and is in the heart of my State's tobacco country, Mabel Burroughs learned at an early age the importance of community and working together. Throughout her life, Mrs. Burroughs was active in a number of causes that sought to make our State a better place, and she approached these endeavors with enthusiasm and commitment. Additionally, she was a devoted Christian who gave freely of her time and was strongly involved in her church and parish.

Mr. President, with the death of Mabel Lee Burroughs, South Carolina has lost one of its most well known, well liked, and well respected daughters and business leaders. I join the entire Burroughs family in mourning this passing and extend my deepest sympathy to Mrs. Burroughs' sister, Ruby Lee Hughes; two sons, Egerton and Howard; and her two grandchildren.•

REPORT CONCERNING THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1996

• Mr. HELMS. I wish to bring to my colleagues' attention a report submitted by the Secretary of State on "The Settlement of Outstanding United States Claims to Confiscated Property in Cuba" as mandated by Public Law 104-114, the Cuban Liberty and Democratic Solidarity [LIBERTAD] Act, and I ask that it be printed in the RECORD.

The report follows:

DEPARTMENT OF STATE,
Washington, DC, September 27, 1996.

Hon. JESSE HELMS,
Chairman, Foreign Relations Committee, U.S. Senate.

DEAR MR. CHAIRMAN: In accordance with the provisions of the Cuban Liberty and Democratic Solidarity Act of 1996, we are filing with the Senate Foreign Relations Committee the report entitled the Settlement of Outstanding United States Claims to Confiscated Property in Cuba, required by Section 207 of the Act.

Copies of this document are also being filed with the House International Relations Committee, the Senate Appropriations Committee and the House Appropriations Committee.

Please do not hesitate to contact us if you have any questions on this issue or on any other matter.

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

Enclosure: Section 207 report.

SETTLEMENT OF OUTSTANDING UNITED STATES CLAIMS TO CONFISCATED PROPERTY IN CUBA

(Report to Congress Under Section 207 of the Cuban Liberty and Democratic Solidarity Act of 1996)

Section 207 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 requires the Secretary of State to "provide a report to the appropriate congressional committees containing an assessment of the property dispute question in Cuba." Pursuant to section 207(a), included in this report are the following areas of review:

An estimate of the number and amount of claims to property confiscated by the Cuban government that are held by United States nationals in addition to those claims certified under section 507 of the International Claims Settlement Act of 1949, 22 U.S.C. 1643f;

An assessment of the significance of promptly resolving confiscated property claims to the revitalization of the Cuban economy;

A review and evaluation of technical and other assistance that the United States could provide to help either a transition government in Cuba or a democratically elected government in Cuba establish mechanisms to resolve property questions;

An assessment of the role and types of support the United States could provide to help resolve claims to property confiscated by the Cuban government that are held by United States nationals who did not receive or qualify for certification under section 507 of the International Claims Settlement Act of 1949; and

An assessment of any areas requiring legislative review or action regarding the resolution of property claims in Cuba prior to a change of government in Cuba.

ESTIMATE OF CLAIMS

Under the Cuban Claims Program, established by Title V of the International Claims Settlement Act of 1949, as amended in 1964, 8,816 claims were filed with the Foreign Claims Settlement Commission (FCSC). In 1972, the FCSC completed its Cuban claims program and certified 5,911 claims against the Cuban Government. The value of these claims was originally $1.8 billion, but is now estimated with interest to be approximately $6 billion.

No systematic accounting has ever been done for claims of U.S. nationals in addition to those claims cetified under the FCSC's Cuban Claims Program. Virtually all such claims are held by individuals and companies that were not U.S. nationals or entities at the time of the loss. Based on the approximately 1.5 million Cuban-Americans in the United States and the U.S. government's previous experience with claims resolution, we would estimate that there may be from 75,000 to 200,000 such claims. It is more difficult still to estimate the value of these claims, but it could run easily into the tens of billions of dollars.

SIGNIFICANCE OF PROMPT RESOLUTION TO THE CUBAN ECONOMY

The prompt resolution of confiscated property claims is essential to the revitalization of the Cuban economy under a transition or democratic government. Cuba's recovery from decades of economic mismanagement will require the creation of a climate friendly to investment, and a clear commitment to property rights is indispensable for creating such a climate. Progress in resolving uncompensated claims will serve as a signal to new investors, foreign and domestic, that transition and democratic governments understand and respect the importance of private property.

It will also be particularly critical to clear up questions concerning title to commercial properties that play, or could play, major roles in Cuba's economy. Delays in doing so will almost certainly delay investment necessary to continue, restore and/or upgrade operations at commercial facilities. Delays of this kind would constitute serious setbacks to a new government's efforts to increase employment and restore the country's fiscal health.

Beyond building confidence in Cuba among potential new investors, the process of claims resolution, if carried out creatively and effectively, may itself generate investment in Cuba by the holders of claims. Negotiating a resolution of certified claims will be an important step. Holders of certified U.S. claims in Cuba include some of the United States' largest and most successful corporations, many of which may be interested in renewing their involvement in Cuba under the right conditions. Resolution of non-certified claims will also be important to attracting new investment.

While prompt resolution of property claims is essential, it will not be easy. Experience in other countries making the transition from Marxist to market economies has shown that resolution of most expropriation claims can take several years, even when governments move expeditiously to set up the proper mechanisms to do so. While they are engaged in these efforts, these new governments have also been faced with a myriad of other political and economic challenges. The United States' goal in these transitions has been—as it will be in Cuba—to help the new governments maintain stability, overcome these many challenges and firmly establish democratic governments and market economies. Within this broader context, and balancing objectives when necessary, prompt resolution of property claims is a priority for the U.S. government, both in order to protect the interests of U.S. claimants and to stimulate investment in a new Cuba.

ASSISTANCE AND SUPPORT FOR RESOLVING PROPERTY CLAIMS

Consistent with long-standing practice and international law, the United States would expect to assist U.S. nationals with claims against the Government of Cuba. One aspect of such assistance may be the negotiation of a lump-sum settlement of certified claims, as forseen by the FCSC's Cuban Claims Program under Title V of the International Claims Settlement Act. The timing of any such negotiation cannot be predicted now.

Resolution of non-certified property claims and disputes in Cuba could be facilitated by technical and other assistance from the U.S. government. Programs of this kind could assist officials of a transition or democratic Cuban government in the development of policy alternatives, formulation of legal and administrative mechanisms, public education campaigns and institution-building. Such assistance may enhance the government's ability to resolve claims and thereby improve claimants' prospects of obtaining compensation or restitution for confiscated property. Assistance in this area could include help in interpreting and evaluating the experience of other countries in resolving property issues, assessing the potential impact of various alternatives, and training officials in consensus-building processes in Cuba. In one instance, a U.S. technical adviser worked with a government's ministry of finance to develop a compensation program based on indemnification bonds.

American assistance would reflect the lessons learned from major property disputes with respect to governments in transition to democracy. Elements of a successful claims resolution strategy include:

Rapid establishment of a legal framework for property ownership.

An administrative process for claims resolution that is centralized, transparent and simple.

A credible and fair system for payment of compensation to legitimate prior owners where restitution is not provided.

Effective enforcement of both restitution and the payment of compensation from national treasury reserves.

U.S. assistance and support for resolving property claims might therefore include the following elements:

U.S. technical advisers could assist in the drafting of legislation and supporting regulations which are essential to creating a functioning compensation program. Some elements of a program might include establishing legal bases for arbitration mechanisms, creating financial instruments and other reforms to underpin compensation schemes, and suggesting property titling or registration reforms related to providing secure and transferable ownership rights of both claimants and individuals in Cuba.

U.S. experts could review for a democratic or transitional government in Cuba the institutional support required for resolving property disputes. This could include an assessment of the best institutional practices developed elsewhere, and development of the information and administrative systems necessary for effective implementation. Key to getting such a program started could be various sorts of training, advice regarding information systems, hardware and software, property surveying and registration systems, and assessing operational, management and staffing costs for administration.

U.S. advisers could help in the development of a plan for educating the Cuban public about the nature and basis of such a system. Such a program could require a significant commitment of effort and resources by a future Cuban government and the U.S. government. This effort could focus on gauging public opinion and identifying concerns and issues of potential stake holders in the reconciliation process to ensure policy and legal solutions are responsive.

Intenational financial institutions could develop and carry out programs with similar goals and along these lines.

Various agencies of the U.S. government may be available to provide such assistance. For instance, the FCSC may be able to offer technical assistance to a transition or democratic government in Cuba, as well as to interested NGOs and independent organizations, in the efforts to resolve property disputes. Such assistance could include advice on structuring a claims adjudication or arbitration mechanism is Cuba, assistance in devising procedures for collecting, hearing and disposing of the claims, and advice on principles to follow in resolving claims involving property that has been substantially altered subsequent to being taken.

ASSISTING U.S. NATIONALS WITHOUT CERTIFIED CLAIMS

Assisting a democratic or transition government in its efforts to establish an efficient property resolution mechanism will directly support the efforts of non-certified claimants to obtain compensation in Cuba.

In addition, the U.S. government may provide various forms of support to U.S. nationals wishing to present claims to such a domestic Cuban body. Such support could include ensuring that interested persons obtain the necessary papers to file their claims; encouraging a transition or democratic government to resolve such claims promptly and effectively; monitoring the progress of claims settlement and, where necessary, offering creative solutions to difficult problems; and providing informal assistance to claimants seeking to understand the process and present a claim. In the case of Central and Eastern Europe, for instance, the U.S. government—principally through the special envoy for property claims in the region—has actively promoted the resolution of claims arising from both Nazi confiscations and Communist nationalizations.

LEGISLATIVE REVIEW

At this time, there are no areas requiring further legislative action regarding the resolution of property claims in Cuba prior to a change of government in Cuba. Once a transition or democratic government comes to power in Cuba, however, it will be important for the Administration and Congress to consult closely as conditions change in Cuba to assist in the resolution of property claims in Cuba in a manner that contributes both to the development of a strong bilateral relationship with a democratic Cuba and to Cuba's economic recovery.•

TRIBUTE TO THE NEW HAMPSHIRE SPECIAL OLYMPICS AS THEY HOLD THEIR FIFTH ANNUAL FALL GAMES

• Mr. SMITH. Mr. President, I today recognize the New Hampshire Special Olympics participants and volunteers as they hold their fifth annual fall games, their second largest event of the year. On October 26, more than 550 athletes, 200 coaches, and 300 New Hampshire volunteers will gather in Concord, NH to participate in the Special Olympics fall games. The games, which will be held on the beautiful campus of St. Paul's School, are certain to be met with enthusiasm and excitement by participants and volunteers alike. I would like to extend a special New Hampshire welcome to everyone who will partake in this special day.

Above all else, I would like to recognize the participants. All 550 athletes devoted countless hours and a tremendous amount of hard work and perseverance in preparation for this event. I truly admire their dedication and courage as they come forward to compete in these seven difficult sporting events. All of them are top-notch athletes and should be very proud of their efforts. May all the Olympians enjoy their day.

The New Hampshire Special Olympics fall games would not be possible without the help of so many volunteers who work behind the scenes. Volunteers are truly essential to the success of the fall Special Olympic games. I would like to extend a heartfelt thank you to all the New Hampshire volunteers who make this wonderful day possible.

I would also like to commend New Hampshire Special Olympic's executive director, Mike Quinn, and his capable staff. They have dedicated countless hours of their time to make the Special Olympics a success, and have allowed the residents of New Hampshire to come out and show their Granite State spirit.

Without the support and contributions of a number of sponsors, the New Hampshire Special Olympics would not be able to hold their fall games. Among these supporters are St. Paul's School, the National Guard, Derryfield School, Merrimack County Savings Bank, AMR/Chaulk, Ambulance Services, and many more. Once again, I extend my thanks to those who made a contribution to this phenomenal program.

May the fifth annual fall games be a success and continue to flourish in the future. I wish all the Olympians the very best as they compete in the New Hampshire fall games. We are all very proud of you.•

TRIBUTE TO NEW HAMPSHIRE ALLIANCE FOR THE MENTALLY ILL ON THE OCCASION OF THEIR 17TH ANNUAL CONFERENCE AND MEMBERSHIP MEETING

• Mr. SMITH. Mr. President, I today pay tribute to the Alliance for the Mentally Ill of New Hampshire on the occasion of their 17th Annual Conference and Membership Meeting. This educational conference is being held on October 26 at Rundlett School in Concord, NH. Those participating will have an excellent opportunity to attend workshops, view informative displays, and talk to alliance members. I congratulate all the alliance volunteers for hosting this important conference and extend a special welcome to those who will be in attendance.

The New Hampshire Alliance for the Mentally Ill strives to better the lives of those with mental illnesses or serious emotional disorders, promote the rights of the mentally ill, and educate the public about mental illness. Their goals are to highlight numerous services available to the mentally ill, especially focusing on youngsters and seniors.

I commend the New Hampshire Alliance for the Mentally Ill for their hard work and dedication to increasing the level of awareness of mental illness. Their conference will provide an excellent opportunity for those attending to learn more about the alliance and their objectives. Again, I would like to welcome all the participants who are attending this educational conference and congratulate those who have worked so hard to organize the conference.•

TRIBUTE TO NEW HAMPSHIRE'S NATURE CONSERVANCY CHAPTER FOR RECEIVING THE NATIONAL PROGRAM PROGRESS AWARD

• Mr. SMITH. Mr. President, I today pay tribute to New Hampshire's Nature Conservancy for receiving the National Program Progress Award. The New Hampshire chapter was presented with this award, one of the Nature Conservancy's highest honors, at the Nature Conservancy's National Annual Trustees Meeting on September 30.

The New Hampshire chapter has earned this award for their outstanding work in protecting Sheldrick Forest, a 227-acre old-growth forest located in Wilton, NH. The conservancy launched a multifaceted grassroots campaign to save the forest from development. Through its campaign the conservancy raised the property's purchasing price to $550,000. The New Hampshire chapter also purchased Sheldrick Forest, making it the conservancy's 17th preserve in the State. This was an outstanding accomplishment.

In addition to the conservancy's dedicated actions to save Sheldrick Forest its members were recognized for their efforts to protect the Great Bay estuary system, for supporting the Maquipucuna Cloud Forest Reserve in Ecuador, and for creating the Mount Teneriffe preserve in Milton, which is home to a federally listed endangered orchid species. The New Hampshire Nature Conservancy chapter has worked hard to preserve New Hampshire's beautiful environment. The conservancy's members should be proud of this distinguished award and their great success in preservation that it celebrates.

A national awards committee, drawn from among the Nature Conservancy's 50 State chapters, its 21 programs in Latin America, and its offices on the Pacific Rim and in Indonesia, selected the New Hampshire Chapter for the National Program Progress Award. The award recognizes a conservancy chapter that has made the greatest progress during the past year in building its overall program, and achieving the conservancy's mission of protecting land that harbors rare and endangered plants, animals, and ecosystems.

At the Nature Conservancy's National Annual Trustees Meeting last month, the group's president and CEO, John Sawhill, spoke about the dedication and inspiration of the New Hampshire chapter by saying, "I was amazed that so many people from all walks of life were involved in raising the money for this project and how the local community embraced our effort to save the forest * * * I believe Sheldrick Forest can serve as an inspiration to us all." The New Hampshire chapter sets an excellent example for environmental preservation in New Hampshire and for other parts of our country.

The New Hampshire chapter has certainly made our State very proud of their efforts. Congratulations to the New Hampshire Nature Conservancy on this distinguished award. May they continue to protect and preserve our beautiful New Hampshire's forests.•

THE CONTINUED IMPORTANCE OF HEALTH CARE REFORM AND MEDICAL RESEARCH

• Mr. HEFLIN. Mr. President, over the years, we have participated in many efforts to assist the people of Alabama and the Nation in the area of health care, particularly in insuring adequate funding for biomedical research programs. The various budget battles to ensure that cancer research is maintained at the highest effective level became an annual effort during my tenure as a U.S. Senator.

During the mid-1980's, it became necessary for me to author several amendments to various spending bills in order for important cancer research to be adequately conducted.

Cancer is a disease that knows no class, income levels, lifestyle, race, or sex. It can strike anyone at any time, as evidenced by studies estimating that almost 1 million Americans develop this deadly disease annually.

In Alabama, important research through grants from the National Institutes of Health [NIH] is being carried on at 13 universities, hospitals, and research institutes. Research particularly crucial to our efforts to conquer cancer is being done at the University of South Alabama in Mobile, the Southern Research Institute in Birmingham, and the University of Alabama at Birmingham. These institutions are well known for their important contributions to cancer research.

The cancer research community throughout America, and the world, knows that one of the true flagships of cancer research is the Cancer Core Center at UAB, which has been listed among the three top U.S. centers for cancer research. It is one of the first centers recognized by the National Cancer Institute, and has experienced remarkable growth. In addition, it has developed some of the most sophisticated resources for basic science and clinical care in the southeast, and it is now a regional, national, and international resource for patient care and research.

Through the National Institutes of Health, we have been successful in getting funds to establish grants for sickle cell centers at UAB, and the University of South Alabama. Sickle cells, or sickle cell anemia, is predominately an inherited, chronic blood disease where the red blood cells become crescent shaped and function abnormally. This is how it got its name. The pains from this disease are due to aggregations of sickle cells causing a temporary blockage of the small blood vessels. These cells are subject to early destruction in the circulation, causing a chronic anemia. Although it occurs primarily in people of African heritage, with one out of 400 African Americans affected, it also occurs in persons from Mediterranean and other countries. A clinical alert issued by health care professionals in January 1995 by the National Heart, Lung and Blood Institutes announced an effective treatment of an anticancer drug which showed a remarkable reduction with regard to the complications of this disease.

In addition, other biomedical research is being conducted at Alabama A&M University, and Tuskegee University Veterinary Medicine program. Both these historical black universities have received funds for biomedical, as well as agriculture research. This includes my sponsorship of the amendment to the farm bill, providing $50 million to legislation involving the 1890 land grant colleges, where Alabama A&M University and Tuskegee University were the top beneficiaries.

In the mid-1980's, the Marshall Space Flight Center and the University of Alabama at Birmingham [UAB] made a major contribution to our Nation's cancer research efforts by managing a program for protein crystal growth experiments on the space shuttle. For years, UAB has been a world leader in this type of research, with their knowledge having been crucial in the development of new drugs to treat critical illnesses. I feel considerable pride that I changed a working relationship between UAB and Marshall Space Flight Center. The restrictions on gravity, however, created difficulties in growing protein crystals large enough for detailed study. In space, where there is no gravity, it was discovered that these crystals can be grown many times larger than on Earth, thus giving researchers samples large enough for accurate atomic characterization.

During my years in the Senate, I have been an ardent believer of our space program. I feel this contribution by Marshall Space Flight Center, and UAB is indicative of the benefits society can reap from a successful space program. Likewise, I have helped in restoring funds for the National Heart, Lung and Blood Institute [NHLBI] of the National Institutes of Health. Discussions have been held with Dr. Claude Lenfant, Director of NHLBI, on many occasions regarding the research at UAB in the area of cardiology, led by Dr. Gerald Pohost. Both Dr. Lenfant and I have had the distinction of testifying before this Subcommittee on Appropriations for the Department of Labor, Health and Human Services and Education and Related Agencies of the Senate Appropriations Committee, regarding this research.

At UAB, the cardiology division is one of the leaders in the Nation in research and teaching in clinical diagnosis and treatment. With areas of special expertise in the treatment of sudden death, interventional cardiology, cardiac transplants, and magnetic resonance imaging, the division continues to set the course for the future in basic and clinical research, and for the treatment of all forms of cardiovascular disease.

Over the years, I have strongly supported appropriations for the National Institutes of Health. My testimony before the subcommittee focused primarily on the critical importance of funding for the National Cancer Institute, the Centers for Research Resources [NCRR], and the National Heart, Lung and Blood Institute. In my opinion, NCRR never received the attention it deserved.

I was convinced that the biomedical research technology program at the University of Alabama's center was outstanding. It involves a unique, high-field magnetic resource image. This device has the potential to study the biomedical basis of human diseases without biopsy. These magnetic resonance mehtods have the capacity to determine tissue viability, as well as to examine biochemical and metabolic processes underlying heart disease, transplantation, rejection, and other common cardiac maladies.

On several occasions, I visited the National Institutes of Health to discuss their programs and goals. I was most impressed with the competency and quality of their operations. NIH is responsible for placing the United States in a position of preeminence in biomedical research and biotechnology. During my tenure in the Senate, it was determined that we could not let this prime example of excellence deteriorate, especially when so many advances are being realized. Supporting the National Heart, Lung and Blood Institute has been one of my pet priorities. It provides leadership for our national programs dealing with diseases of the heart, blood vessels, blood and lungs, and the use and management of blood and blood resources.

In 1989, Congress provided $640 million for heart disease research, and by 1994, these estimates had grown to $737 million. These figures are for heart disease research, and I am proud to have been a leader with regard to providing Federal support in this area.

For the National Heart, Lung and Blood Institute, appropriations including grants and direct operations went from $10,725,000 in 1950, to an appropriation of $1.2 billion in 1994. Perhaps because of my own health, I have great faith in the work of the National Heart, Lung and Blood Institute. In fact, my own heart problems were solved with many techniques developed under advance research which took place at UAB in Birmingham, and elsewhere in the country. Drs. Pohost and

Roubin—my physicians in Birmingham—took excellent care of me, and showed me how much our country can benefit from clinical research supported by the Heart, Lung and Blood Institute.

In February 1993, when the administration forwarded its budget proposal for 1994, it was $16 million less than the previous year's budget. Immediately, I went to work with a group of my colleagues in the House and Senate to increase the budget of the NHLBI to a more reasonable level of $1.27 billion, which was $75 million more than the administration's request—an increase of $63 million over the 1993 budget. This set the stage for an annual increase. Also, this year, I urged Congress to establish a cardiovascular care consortium center to be headed by Dr. Pohost at UAB. The Conference Report on Labor, Health and Human Services and Education Appropriations included a $2.5 million for a project which the University Cardiovascular Care Consortium [UCCC] had proposed. It is called a best practices demonstration project, and we were able to convince the Health Care Financing Administration to endorse brief supportive language in the conference agreement to help ensure that this project recevies high priority.

Although we were not able to adopt the provisions of the consortium in the appropriations bill, I have joined several Senators in contacting officials of the Health Care Financing Administration, urging the officials to move forward with a best practices demonstration project on congestive heart failure that the Senate Committee on Appropriations referenced in its fiscal year 1997 report. Congestive heart failure is the leading cause of mortality among Medicare beneficiaries. It is also the most costly diagnosis for the Medicare Program. A successful effort to develop and implement improvements in the quality and cost effectiveness of heart failure diagnosis and treatment would improve patient outcomes, thus reducing Medicare expenditures.

The most contentious battles in my fight for improving health care and disease prevention for all Americans involved the Medicaid Program. Shortly after I took office in the U.S. Senate, officials of the Alabama Medicaid Agency contacted my office complaining that the Health Care Financing Administration in Washington was requiring the State of Alabama to return $10 million to the Federal Government. Apparently, the State had authorized distribution of durable medical equipment, which at that time was not allowable under the Federal Medicaid regulations. The Medicaid Program is administered at the State level within certain general Federal guidelines. I was advised that the State of Alabama could ill-afford to lose $10 million from its Medicaid budget. Therefore, my office successfully negotiated a settlement in favor of the State of Alabama with HCFA officials involving this dispute of Medicaid funds.

As with cancer research, funding for Medicaid was virtually an annual battle. When Congress considered the 1993 omnibus budget reconciliation bill, I urged an amendment which was adopted, thus giving relief to hospitals that treated a high disproportionate share of poor patients. This legislative action resulted in the State of Alabama receiving annually $93 million additional dollars in Medicaid funds. This was because of the transitional amendment to the Omnibus Budget Reconciliation Act.

During the summer of 1996, after the transitional period had passed, a glitch again appeared in the flow of Federal funds to Alabama, causing Federal officials to withhold about $94 million. I stayed in Washington during a recess period, endeavoring to work out a settlement of the issues between HCFA and the Alabama Medicaid Agency. We were able to negotiate a temporary settlement in this regard. The Alabama Medicaid Agency and my office negotiated with HCFA officials relative to a commitment by Alabama to comply with Federal requirements regarding patient's hospital payments, and to attempt to address HCFA's concerns with its hospital payment system. HCFA released the funds based on the State's commitment.

Problems occurred in the Medicaid Program because of the method by which Alabama finances its Medicaid Program through so-called intergovernmental transfers, a method of counting some funds from State and county hospitals as part of its Medicaid share. Alabama now receives about $2.089 billion annually in Medicaid funding. This means that Alabama's contribution should be over $800 million. However, the fact remains that Alabama's general fund has been appropriating only about $140 t0 $150 million each year for Medicaid.

This year, two different supplemental appropriations in the amount of $10 million brought it up to a level of $169 million. The difference between this amount and the $800 million match has caused chronic disputes between HCFA and the Alabama Medicaid Agency. Being able to avoid putting up Alabama's Medicaid share in real dollars has been a mixed blessing. It has certainly saved Alabama's general fund from going into serious deficit, due to the rapid increase in overall Medicaid expenditures caused in part by additional services mandated by Congress. In turn, this has enabled the State to keep taxes low, and to avoid having to shift funds from other needed services, including education.

In September 1996, I was delighted when HCFA agreed to a request by the State's congressional delegation to release $94 million in moneys that had been withheld from the Medicaid Program in Alabama. Sooner or later, Alabama is going to be required to find some additional money to put into Medicaid. Thus, finding a solution to our most recent Medicaid crisis will not be easy, and I do not believe the answer we found will last very long. Accordingly, we will need to start thinking about what we are going to do with this fix expires.

Looking to the future, Alabama's Representatives and Senators in Washington must examine all Medicaid reform proposals with great care. Such proposals offer States much greater flexibility in designing their Medicaid programs. This is clearly positive. If we do a good job, we can offer more cost-effective services to Medicaid recipients. But we must remember that the price of this flexibility may be that the Federal Government may at some point stop paying 70 percent of these health care costs. Alabama taxpayers will then have to pick up 100 percent of the additional cost, including, for example, the nursing home bills of our rapidly increasing number of elderly citizens. This is a big price to pay, and we had better be certain what we are doing.

In essence, the Federal Government should supply about 70 percent of Alabama's Medicaid funds and the State should supply about $700 million. However, in actuality, the Federal Government is supplying about 92 percent of the Medicaid fund, and the State is supplying about 8 percent. The settlement we just reached would not only release $94 million in 1996, but it would release about $94 million in each of the next 5 years.

There is a movement in Congress to block grant Medicaid programs. However, it seems that the Federal Government would not block grant the almost $2.1 billion that it is giving our State. It is likely that the Federal Government would only block grant $1.4 billion, which would represent the 70 to 30 percent ratio. This means the State would have to appropriate $170 million.

Therefore, if you add $1.4 billion in Federal shares, and $170 million in State shares, you will reach a total of $1.57 billion. This is $530 million short of what is currently being funded for Alabama's Medicaid. There are no easy answers. There is much work that remains to be done.

Additionally, in the area of public health education, I sponsored legislation to establish two health facilities at the University of Alabama at Birmingham to honor two of Alabama's legendary Senators; namely, the John J. Sparkman Center for International Public Health Education, and the Lister Hill Center for Health Policy. With $5 million in appropriations to the Lister Hill Center, and $4 million in funds appropriated to the John J.

Sparkman Center, both centers have been instrumental in developing research programs that address the needs in public health in the United States, as well as other developing countries.

Initiated in 1980, the John J. Sparkman Center for International Public Health Education [SCIPHE] was provided initial support when Congress authorized funding for the establishment of an endowment at UAB. The endowment assures long-term support SCIPHE programs and activities which should be conducted primarily onsite in developing countries rather than at UAB or other academic institutions. Thus, the primary mandate of SCIPHE is to promote and provide sustainable training strategies for public health professional in developing countries.

The Lister Hill Center [LHC] for Health Policy is also a congressionally endowed center, with a university-wide mission to facilitate the conduct of health policy research, in addition to disseminating the findings of that research beyond the usual academic channels. It also fosters research primarily through the work of its scholars in the areas of health care markets and managed care, maternal and child health, management in public health organizations, and clinical health services research. Scholars with national reputations in an area pertinent to health policy are invited monthly to give seminars. These seminar series are free of charge and are open to the UAB community.

I was asked by officials at UAB, Auburn Veterinary Medicine School, NIH and the National Association of Bio-Medical Research Association to pass legislation making it a Federal crime to damage or destroy medical research centers. One of the awards I am most proud of is the Outstanding Service to Science Award from the National Association of Bio-Medical Research for passing such legislation as well as other contributions I made to biomedical research.

I am proud to have played a small role in the promotion of health care and medical research during my tenure in the Senate. No one can argue that this type of reform and research are crucial to the future of our Nation and the well-being of our citizens. I am also proud that my home State is playing such an important role in this area.

While we cannot ignore the need for improving access to quality health care, we also cannot forget the importance of medical research, health education, and disease prevention.•

THE IMPORTANCE OF CONTINUED SPACE EXPLORATION AND RESEARCH

• Mr. HEFLIN. Mr. President, at the beginning of my first term, my appointment to the Commerce Subcommittee on Science, Technology and Space was beneficial, primarily because my home State of Alabama contains the Marshall Space Flight Center in Huntsville. Alabama is historically an economically disadvantaged State, and by creating a high-technology corridor through northern Alabama, we have been able to provide jobs at NASA and the defense and space-related activities in the area. Alabama is now near the top of the list in terms of the number of high-technology industries.

But in fairness, it should be understood that a Senator learns to have a dual purpose in what he does. It may sound cynical to say that I was working for my own State and my own electorate, but that was my job. I didn't have any particular expertise in the Space Program before arriving here, but learned about it because it was important to Alabama. My predecessor in the Senate, John Sparkman, had also taken an interest in space policy. He was a native of Huntsville. While serving on this subcommittee, an appreciation of the national, and in fact global, need to pursue the study and exploration of space and also an appreciation of the need to travel in space in order to expand the scope of humanity became more clear to me. Joe Moquin and Charles Grainger, who represented the Federal Affairs Division of the Huntsville Chamber of Commerce, as well as others, were helpful as I studied these exciting issues.

Recent advances at NASA highlight these needs powerfully. Our voyages to Mars, combined with a recent discovery on Earth, have allowed us to deduce that life may have existed on another planet. The Hubble space telescope has given us a better understanding of the universe. The space station, which is now called Alpha, will allow Americans to stay in space permanently and conduct manned scientific experiments.

Many have complained that the space program is too expensive and it yields little for the investment. But the space program provides a far greater return than its cost. Satellites have redefined the way we communicate, and they have reshaped our economy. However, even this immediately practical benefit is outweighed by other, more intangible gains. The knowledge we can gain in physics and technology has proved itself nearly unlimited. And there are unexpected benefits of the program, including what we can learn about our own planet, the advances we can make in the field of medical research, and the international diplomacy we will develop with the space station.

I want to take some time here to summarize my activities relative to the space program, particularly regarding the space station and Marshall Space Flight Center. On a personal level, I am proudest of being the first Senator to call for and push for the development of a space station and also to have been a strong supporter of the shuttle program. Marshall has been central in both of these projects, and members of the Alabama congressional delegation have done our best to see that this remains the case.

Maintaining the independence and viability of NASA has been one of my top priorities. The agency has suffered a number of public relations problems in recent years, beginning with the Challenger explosion, followed by the failure of the Mars orbiter, and highlighted by the initial embarrassment of the Hubble telescope. But even before these setbacks, the military space budget had grown larger than NASA's. Of course, I have advocated ABM defenses, including some space-based projects for the future, longer than any other Senator. But NASA's civilian, independent status is necessary for the space program. For this reason, it was necessary to oppose intrusions such as military control of the heavy lift launch vehicle, which was proposed after the shuttle disaster, and each year, to work as hard as possible to see that NASA received the money it needed to continue to serve as a viable agency and to accomplish its specific aims.

Of course, it is NASA, the Marshall Space Flight Center, and the universities and businesses in Alabama who deserve the real credit. They are the minds who develop this astounding technology and reshaped the State. As a Senator, my aim was to do everything possible to support them consistently.

In 1979, we worked to ensure that the Commerce Committee approved a $185 million supplemental authorization for Marshall to develop the space shuttle. In fact, the overall funding for the center had increased by $100 million since the previous year. We also worked to persuade the members of the Appropriations Committee to fund the shuttle, and they provided nearly our full request.

My subcommittee also approved $5 million for the gamma ray observatory project, to be developed at Marshall and launched by the space shuttle, and it authorized a fifth shuttle and a national oceanic satellite system. However, the full committee cut these three programs, so we set out to be certain that they would pass in later years.

In 1980, the Commerce Committee approved an authorization to build a fifth shuttle, but the conference committee dropped it in the final bill. However, the Congress did pass increases for NASA over the administration's request.

In the committee, my amendment to add $12 million to the NASA budget to begin development of the solar electric propulsion system—called SEPS—at the Marshall Center was attached. The program was a $300 million program, spread over 5 years. Although it was originally in the fiscal 1981 budget, OMB had eliminated it over NASA's objections. This reusable system offered the high energy to fly demanding and complex missions that would otherwise require several expensive and expendable stages. That year, both Houses passed authorizations for this program. Both Houses also passed authorizations for the gamma ray observatory and the national oceanic satellite system. That same year, at a subcommittee hearing in Huntsville, I urged NASA to increase laser research and development at the Marshall Center. My argument for the increase was that the Soviets were spending at least three to five times America's $5 million annual budget on laser development. The continued research and development of laser technology was only one of the goals for the United States in the 1980's, but the potential benefits of laser power in both military and civilian applications mandate an accelerated interest by the scientific and industrial communities.

This hearing was part of a series conducted largely to investigate the potential of lasers in defense. However, the applications of lasers seemed worthy of investigation for civilian purposes. Testimony revealed the possibility that lasers might be used to generate vast amounts of power. This power might be used in space propulsion systems. In fact, at these hearings, witnesses speculated that lasers might even ultimately be used to facilitate nuclear fusion.

That year, we also highlighted international pressures to increase overall funding for NASA. In the years since the Moon missions, America had seemed preeminent in space, but the reality was that we had begun to fall behind the Russians. Senators John Glenn and Jack Schmitt, both former astronauts, appeared on my television show, the "Heflin Report," to discuss the U.S. space program as compared to the Soviets. The United States had launched only 16 times in 1979 contrasted by the Russians' 87. In fact, the Russians had launched many more times over the previous 15 years.

In 1981, Columbia flew its first mission, showcasing the Marshall Space Center's work. This next giant step in America's ongoing adventure in space would not have been possible without the men and women in Huntsville who developed the shuttle's engines. Due to their successes, we were able to authorize increases to the shuttle program, although the Congress did not fully fund the program at the administration's request.

Despite this massive advance, however, critics continued to maintain that the space program was too costly, and supporters worked as best we could to clear up this misconception, such as citing studies conducted in the early 1970's which indicated that the program has brought $7 to $15 for each dollar spent. Commercial satellite launches had contributed to this return. NASA had also developed technology for the aircraft industry and the Landsat system, used to explore natural resources.

Notably, through our work in the committee that year, we also secured authorizations for NASA's missions to Jupiter and to Halley's Comet. Both of these NASA missions ultimately proved to be tremendously successful.

In 1982, we were finally able to include funds for a fifth space shuttle in the NASA authorization. This authorization represented an overall increase, and it included money for the National Oceanic and Atmospheric Administration Landsat satellite scanning, something we had been fighting to get for a long time.

But that year, for the first time, the military's space budget grew beyond NASA's. While I have long supported military initiatives in space, this was seen by some of us as a threat to NASA's independent, civilian status. Although there is a purpose to certain military missions in space, to usurp NASA's role is contrary to the U.S. mission in space as it was conceived. In the years to come, especially after the Challenger disaster, this threat would continue.

In 1983, the construction and deployment of a permanent, manned space station was again urged. A permanent presence in space is the next logical step in human advancement, and research in space has certain advantages not to be found on Earth. The microgravity atmosphere of space allows numerous scientific activities to occur. The growth of crystals and the electrophoresis process can take place far better in space than in the gravity atmosphere of Earth. Several kinds of metals will combine only under the conditions found in space. Medical research has also had many successes in space.

Dr. Charles Bugg, Dr. Larry DeLucas, and other scientists at the University of Alabama at Birmingham were conducting significant experiments in crystallography, but knew nothing about the crystallography activities at Marshall Space Flight Center until I got them together. Since then, they have developed a renowned partnership that will likely lead to treatments and cures for many diseases.

My strength on the subcommittee increased that year when I became its ranking member, and we crafted an authorization bill which provided money for space station design at Marshall. It also increased the funding to NASA generally. The bill provided more money than the President requested for Marshall's space telescope, its materials processing, teleoperator maneuvering system, and its space plasma lab programs. Finally, the bill also authorized the construction of a fifth space shuttle, which Reagan had not requested. Of course, this authorization bill was a particularly good one for the future of Marshall Center, but it also helped to bring about a more balanced NASA program.

Earlier in the year, I contacted the President to oppose the sale of the Nation's weather and land satellite system and to oppose commercialization of the National Weather Service because of my concern that such a transfer might hinder the system's efficiency. People in many parts of the country relied on the system for early warning in the case of tornados and other severe storms; farmers relied on the information to determine their crops, and the scientific community depended largely on the information. Under the proposal, the transfer seemed likely to be a single company. Since that company would require, as a condition of the sale, a noncompetitive, guaranteed Government contract for many years for the information derived from the satellites, the Government would be establishing a monopoly and creating disincentives for commercialization. The committee was able to secure provisions in the authorization bill to prevent the sale of NASA land and weather satellites, unless the sale were specifically approved by another law.

Some of us also opposed the cuts to the National Weather Service recommended by the National Oceanic and Atmospheric Administration. Specifically, the NOAA had suggested reducing the number of weather stations to one-tenth their existing number. Specialized forecasts would also be eliminated. But the projected savings were minimal; the cost to create a centralized station would outweigh the savings over many years.

There was another project undertaken that year, which applied peripherally to the space program. This was the University Research Capacity Restoration Act which Senator DANFORTH and I introduced to bring universities and industries together in the creation of research parks. We introduced the bill after holding two hearings in Birmingham on the measure.

University research is among the most valuable in the country, yet lack of funding has limited it to obsolete equipment. With this bill, we hoped to use the Government as a catalyst to create research parks that combine industry and university resources. We hoped that we might thereby increase the quality of research at such institutions as the University of Alabama at Birmingham [UAB], the University of South Alabama in Mobile, Auburn, Tuskegee, and Alabama A&M. Metallurgy and space-based materials processing were among the chief projects we had in mind.

In 1984, the President supported the development of a permanent space station in his State of the Union Address. I was absolutely delighted that he gave the station such strong support; without his help, this project might have died early on.

Energized by the President's support, I visited the Marshall Center in Huntsville, which would handle most of the materials processing for NASA's station numerous times, and each time was greatly encouraged. My committee was able to endure that the NASA authorization included funds for research and development of the manned space station. This authorization also created a National Commission on Space, a Mars mission, and a satellite to study the Earth's upper atmosphere. However, many of us were disappointed that the Congress approved the sale of Landsat satellites.

Other provisions of the authorization included language to create a National Commission on Space to establish a plan for the civilian space program. There was some concern over the Defense Department's intrusion on the space program, so we limited its membership on the board to a single nonvoting seat. The purpose of the commission was to study long-range goals and schedules for the program.

The commercialization of space also became a major initiative in these years. In 1984, Congress passed a law to encourage commercial space launches. It required licensing, to be provided by the Department of Transportation, and we set about to consider further ways of expanding private launches.

My bill to improve university research, the University Research Capacity Restoration Act, became law in 1984. The new law was designed to increase support for the NIH, the NSF, NASA, and the Defense, Energy, and Agriculture Departments by combining university and private industrial research efforts.

In 1985, when the Commerce Committee passed its NASA authorization, NASA's budget suffered cuts, but under this bill, Marshall Space Flight Center was not affected. It included strong support for four major Marshall programs: the space station, the materials processing program, the orbital maneuvering vehicle [OMV], and the aeronautical research and technology program.

Specifically, the bill funded the space station with a specific requirement that it embrace only peaceful ends. The committee had originally considered a lower level for the space station than the $200 million included in the bill, but we were able to bring that figure up. I worked especially hard to see that Marshall got a sizable portion of the space station work. Marshall was then designated to do 40 percent of the work, the most of any center. Robert Hager, project manager of Boeing, and I developed a close working relationship that proved very effective over the years.

This bill also fully funded the materials processing program at Marshall, a program with which several universities in my State were intimately involved. As a result of experiments conducted on the shuttle by McDonnell Douglas and Johnson and Johnson, we were hopeful that some major medical breakthroughs would materialize as a result of NASA-private sector materials processing research.

At one point, the OMV was deleted from the bill, but we were successful in persuading the committee to go forward with the development of this vehicle. Marshall's other chief project, the aeronautical research and technology program, also came out well. Again, this type of initiative was among NASA's chief money-making sources.

Further, the authorization bill provided for the delivery of the fourth shuttle—Atlantis—but Congress did not fund the fifth. We also authorized the Galileo mission to Jupiter, the Ulysses mission to the Sun, and the Hubble telescope, which has proved itself a tremendous success despite setbacks here and there.

My bill to remove tax code barriers to the commercialization of space was introduced that year along with the sponsorship of the subcommittee's chairman, Senator GORTON. The bill would have extended incentives for investment and research and development, and accelerated depreciation schedules. Many U.S. laws were written before the commercial uses of space were ever envisioned, but commercialization of space could be improved with the impetus of Government cooperation. To this end, we have maintained contact with officials from the Auburn University School of Engineering concerning corporations who might be interested in space-based materials processing. We have an opportunity to combine the expertise of Marshall Space Flight Center with university experts and transfer this potential to the private sector. This idea is one way to help make this possible and hopefully it will some day be enacted.

I also cosponsored a concurrent resolution to express the sense of the Congress that the Nation must improve university research, restating the ideas behind the University Research Capacity Restoration Act which had my cosponsorship in 1983. The 1983 bill increased support for the NIH, the NSF, NASA, and the Defense, Energy, and Agriculture Departments. This resolution did not fund these entities, but it restated the congressional commitment to do so. We depend on our preeminence in science to enable us to advance technology and maintain our economic and national security.

On January 28, 1986, the Challenger disaster brought a whole host of problems to the space program and to those of us who supported it. The public was horrified, and the military began to increase its intervention in space. Spacelab, a program to add modules to the space shuttle for experiments in orbit, died, and the space station suffered cuts; the Hubble telescope was also delayed until 1988. The Defense Department began building its own launch vehicles for satellites, and the military's space budget grew to two-thirds the total U.S. space budget. Further, President Reagan pocket-vetoed the NASA authorization which included money for the replacement of the Challenger shuttle, chiefly because of provisions creating a National Aeronautics and Space Council to advise the President on space and military issues. However, the Congress did appropriate money for the new shuttle in the omnibus appropriations bill.

Morale was at a terribly low level at Marshall Space Flight Center. Their spirit had been devastated by the Challenger explosion. I came out publicly at critical times praising the excellent work that had occurred at Marshall over the years and pointed out that while the explosion was horrible, the fault could be placed at many doors. Hopefully, my remarks boosted morale at Marshall. We worked behind the scenes to get Senator Robert Dole to visit Marshall and speak words of encouragement and support for the Huntsville-based space flight center. His words helped restore the morale and reputation of Marshall.

At the end of 1986, then-NASA Administrator Fletcher announced that work assignments on the space station had been finalized, and Marshall Space Flight Center was to maintain roughly 40 percent of the space station design and construction. It would also have responsibility for the living and working quarters of the spacecraft. The Marshall Center would provide technical direction for the propulsion system, conduct the adaptation of the planned international module, and develop and construct the environmental and pressure systems of the station, among other things.

That year, I contacted President Reagan and Energy Secretary Herrington to urge construction of the superconducting supercollider in Alabama. Researchers at UAH had developed a compound that loses all resistance to electricity at a higher temperature than had been previously possible. With the expertise demonstrated by this and other breakthroughs in this scientific area and the outstanding support provided by the University of Alabama at Huntsville and similar outstanding research at Auburn University, the State of Alabama has shown that it is a logical location for projects like the supercollider. Unfortunately, Alabama was not chosen, and the project ultimately was discontinued.

In 1987, I had to relinquish my seat on the science subcommittee in order to stay on the Agriculture Committee. Given the importance of the space program to my constituents, it was a great sacrifice, but farming was also so important to Alabama and therefore felt it wise to remain on that committee. In any case, I did my best to stay as involved with space issues as possible.

In the aftermath of the Challenger explosion, I testified before the subcommittee to oppose Air Force administration of the proposed heavy lift launch vehicle. The Defense Department had requested a supplemental appropriation of $250 million for the project. Assigning the project to the Air Force with only minimal NASA input would have been a backward way to approach the development of this vehicle. All the more so since the Air Force planned to start anew, without incorporating any of the lessons of the shuttle. NASA would benefit greatly from the vehicle's use, and its greater capacity would make up for lost time in the shuttle program in the deployment of the space station and other projects.

I successfully urged the inclusion of language in the supplemental appropriations bill to ensure that NASA played a more significant part in the development of the heavy launch vehicle. Marshall Space Center's expertise in propulsion and other aspects of design could serve as an excellent resource in the development of a heavy lift rocketship. And such a vehicle might one day facilitate a trip to Mars—and beyond.

Notably, disputes over military use of the space station made its passage difficult that year. Congress ultimately allowed some military research. And Alabama came out well through the debate. At the end of the year, NASA awarded Boeing, with facilities in the State, the contract to perform Marshall Space Flight Center's work on the station. The project had my full support, since, among other things, it would bring over 6,000 jobs to Alabama. It was a significant leap forward for the space program, and it only solidified my efforts to ensure that the space station received primary consideration.

Another boon for Alabama came that year when NASA selected Auburn University as host to its Center for the Commercial Development of Space Power. The new center would research the generation, storage, conditioning and distribution of electrical power in space. This was the kind of project desperately needed in my State. This center, and projects like it, could become the incubator for a new industry on the cutting edge of space technology. Until now the power requirements of our space ventures have been low, but future space projects will make much higher power demands. With these types of initiatives, we will begin the development of a cadre of engineers and physicists who will provide the crucial talent pool needed for the space power program for years to come. Hopefully, much of this work will be done in Alabama.

Meanwhile, my efforts to bring the supercollider to my State continued, especially through an amendment to the supplemental appropriations bill to decide location of the supercollider solely on technical merit. The Energy Department had just announced that it would consider donations of money and land. The Senate approved this amendment, but of course, it still did not work out as hoped.

In 1988, during the Presidential campaign, some of NASA's Democratic supporters were disappointed that our party's candidate did not show any particular support for the space program, nor the space station. I talked several times with Governor Dukakis asking for a revised stand on the issue. At a Huntsville campaign stop, he recited his full support for the space program and space station. We were able in Congress to pass funding at the full level of President Reagan's request.

That same year, I became a strong supporter of the Advanced Solid Rocket Motor project, which came about after the failings of the shuttle boosters and their O-rings became known, and talked to each of the Members of the Alabama Congressional Delegation asking for their full support of this ASRM Project for NASA and to support the appropriation process in Congress. Although there had been partisanship and divisiveness concerning the location of the rocket plant, the Alabama Congressional Delegation needed to pull together as a team and present a solid and united effort for this project and Alabama jobs.

In 1989, we protested the budget resolution's funding level for the space station. Knowing it would be a very tough budget year for the space station, we enlisted the support of Senators Sasser and DOMENICI of the Budget Committee. But when the Senate passed its VA-HUD appropriations for fiscal year 1990, the low funding level for NASA was criticized by me and others. While the bill provided for a 15-percent increase for the space program, that was only the bare minimum and it fell short of what was needed to maintain world leadership in space research, technology, and exploration. Most notably, the space station was funded at $200 million less than NASA's request. While fighting hard for full funding for the space station, I was nonetheless hopeful that the funding level would provide enough for the program to move forward without any serious program modifications, rescoping, or schedule delays.

During a speech I delivered on the Senate floor on the 20th anniversary of the Moon landing, my support for the station was again emphasized. We cannot just leave our advances at that. We need to return to the Moon and travel to Mars. The President agreed that the space station was the first step to these ends, and a space summit with Members of Congress was suggested.

After much debate on the advanced solid rocket motor plant, we finally secured funding through the conference through use of an unusual procedural tactic. The House had not included funding, but we made sure the Senate included money so that there could be an increase during conference. Congressmen Whitten and BEVILL were extremely helpful in this effort. Although some questioned this strategy, we adhered to the rules completely. This bargaining chip worked, and we pushed the funding through successfully.

In 1989, the benefits of the Space Grant College and Fellowship Act were realized in my home State. Under its provisions, NASA selected several Alabama Universities to comprise a consortium for the new National Space Grant College and Fellowship program; these schools included UAH, UAB, Alabama A&M, the University of Alabama, and Auburn.

As a side note, NASA selected two Alabama women to fly on shuttle missions that year. These women were Mae C. Jemison, M.D. and N. Jan Davis, Ph.D. Dr. Jemison was the first African American woman selected for space flight. Without question, Alabama played an important role in the development and implementation of the space shuttle program. I took some pride in knowing that two people from my home State could take advantage of those efforts and experience the accomplishments of their fellow Alabamians first-hand.

In 1990, NASA suffered cuts after the Hubble telescope debacle, and it saw the death of National Space Council's long-term proposals for lunar and Mars missions. The problems of the telescope had brought very hard times on the agency, and the Congress needed to combat an increasing negativity in the press and among the public.

To work out these problems, the President held the space summit suggested the year before at the White House. It brought together the President, the Vice President, NASA officials, and other Members of Congress, including myself. Elected officials must continue to hold these kinds of summits in the future, because talks regarding the space station need to be centralized and should focus on the goals of acquiring and maintaining full funding and placing the space station in orbit.

During that same year, the Augustine Advisory Committee on the Future of the U.S. Space Program issued its report. I was quite pleased with its recommendations, including its advocacy of a heavy lift launch vehicle. At the time, the Congress and the committee were still waiting for a redesign of the space station, which had been dubbed "Freedom." The HLLV seemed like it might be a good device for deployment of the station.

By that time, we had won the battle for the ASRM plant, which was to be located at Yellow Creek in Michigan, just across the border from Alabama. And that year, the Marshall Center awarded a $550 million contract to Lockheed for the design and construction of the Advanced Solid Rocket Motor. Lockheed arranged to subcontract the work to RUST International of Birmingham. It was going to be a great boon to Alabama as well as the space program; in the following years, we did our best to continue this project.

In 1991, President Bush's fiscal 1992 budget request for NASA received my support. It was a 13-percent overall increase to fund the space station, NASA's share of the Heavy Lift Launch Vehicle program, and to increase space science research. The budget allowed the propulsion element for the space shuttle program at Marshall Space Flight Center in Huntsville to continue without interruption. And completion of the Advanced Solid Rocket Motor plant in Yellow Creek was also included.

But, of course, the space station met opposition again. To push the project, I met with the Vice President, administration officials, and other Members of Congress to discuss the future of the space station after its redesign, and we all came out of this meeting with a feeling that we were going to join forces. Vice President Quayle assured us that the President had assigned a high priority to the station.

There was an attempt to cut the program in the Senate, but it was opposed on the floor. The Senate voted to keep the funding in the bill. The station's toughest battle that year was in the House of Representatives. Congressmen BUD CRAMER and TOM BEVILL did great work in restoring funding after the House appropriations subcommittee had cut funding for the program from its bill. Together, we sought to return NASA to a reasonable and balanced profile of programs and to make sure that America did not abandon the 100,000 scientists, engineers, and support staff associated with NASA and its contractors who work on the development of the space station programs. We also sought to save the more than 3,000 jobs in Huntsville.

We protected other local jobs as well. The ASRM plant received full funding. And other programs which were funded were the Marshall Center's Advanced X ray Astrophysics Facility, and the National Launch System/Space Transportation Main Engine program. The Earth Observing Systems program also faired well.

In October, the President signed a bill to facilitate the construction of Space Station Freedom. Soon afterward, there was a meeting with a group of astronauts to discuss the station's future and talked with the astronauts about Mission to Planet Earth, a program to study the Earth's atmosphere with satellites.

As the whole debate on funding went on, I spoke about how much Alabama's economy had grown since the space program began there in the 1950's. Its role in the State's future was crucial. The growth began with the Army's development of the Redstone and Jupiter missile systems in response to Sputnik, and continued when Milton Cummings and Joe Moquin established the Cummings Research Park. Last, the Army Missile Command, the Redstone Arsenal, the Marshall Space Flight Center, and the Strategic Defense Command had great potential to continue the expansion.

In 1992, another amendment to eliminate the space station came before the Senate. The Senators who supported this amendment had deliberately inflated the cost of the station, and they perpetuated the myths of the station's extravagance. Again, the Senate failed to approve the amendment.

That year, the Senate also approved a resolution to place two full-scale models of the space station at the Capitol from June 2 through 4, 1992. The fight to fund the space station continued to be impassioned each year. If my colleagues had an opportunity to see first-hand the incredible potential the space station offers, they would understand how important continued funding is to the program. The NASA exhibit included two modules, the habitation and laboratory units, each housed in a tractor-trailer. I toured the exhibit myself with NASA Administrator Goldin and a visiting boy scout troop from Alabama.

I used a floor speech commemorating the quincentenary of Columbus' voyage to the Americas to again illustrate the importance of the Space Program. When hearing some of my colleagues rail against the space station and other projects designed to propel us into the future, one cannot help but wonder what they would have said had they been around in 1492. Some of the most important human advances, like Columbus' voyage and many breakthroughs in medicine, had been accidental. We may not always know exactly what is out there, but we know we must continue to explore in order to discover. Because of believing this so strongly, I met with the crew of Endeavor to discuss the future of the Space Program. Among these astronauts was Kathryn Thornton of Alabama.

Another proposal which was shortsighted was the President's decision to eliminate the advanced solid rocket motor plant from his budget request. Its supporters could not understand the rationale behind cancellation, since this system would have been much more reliable than previous boosters. In a letter to Senator MIKULSKI, the chair of the appropriations subcommittee, I asserted that it would cost more to cancel the Advanced Solid Rocket Motor Program than to complete it. That fact, combined with its increased safety and efficiency, certainly justified the ASRM in my own mind, and, fortunately, she agreed.

But this was not enough. We had to use the same strategy we used in 1989. The House had voted to kill the ASRM plant at the request of the Director of OMB. So, I spent an entire day convincing the Senate Appropriations Committee to include some funding to the program. Representative Jamie Whitten of Mississippi, chairman of the House committee, used this as a starting point to provide full funding in the conference. We also convinced AL GORE to voice support for the ASRM in speeches as the Democratic Vice Presidential candidate.

The final appropriations bill, which went to the President, included a much higher level of funding than appeared in the first Senate appropriations bill for ASRM, $2.1 billion for the space station, and $167 million for Marshall's AXAF Program, which was also in danger of elimination entirely.

In 1992, my bill to endorse the U.S. Space Camp, the U.S. Space Academy, and Aviation Challenge programs was introduced. Our goal in Congress must be to support educational programs and to tear down any barriers that would prevent government agencies from working in conjunction with private enterprise dedicated to teaching our youth.

Shortly after taking the oath of office as President, Bill Clinton began a program of downsizing the Government. The enemies of NASA went to work at OMB, and in the original recommendations from OMB, the space station was to be canceled. Many of the enemies of the space station in Congress were urging President Clinton to cancel the space station.

Congress recessed around the holiday celebrations of the birthdays of Presidents Washington and Lincoln in February 1993. I had scheduled a return to Alabama to visit numerous places in the State with a series of town meetings. Upon learning that President Clinton was seriously considering canceling the space station, my entire recess schedule was put on hold in order to stay in Washington to do everything possible to see that the space station survived in the President's budget. We worked with representatives of Boeing, McDonell Douglas, and others involved to stop the cancellation. For more than a week, we rallied forces to support the space station. On several occasions, I personally discussed the merits of the program with our President and Vice President.

We got Texas Governor Ann Richards to become actively involved in our efforts. There were numerous people working night and day to do everything they could to save the space station, and I hesitate to list all of them because there were so many that might be left out. But, Chris Hansen of Boeing and Amy Bondurant, an attorney representing McDonnell Douglas, were extremely helpful in this effort. Jyles Machen, our loan from Marshall, served as a congressional fellow in my office for 2 years, and his expertise was invaluable to me on the space station and to all issues and projects relating to NASA.

Vice President ALBERT GORE had always been a supporter of the Space Program, and he was convinced to go all out to preserve it. Greg Simon, a highly intelligent and knowledgeable member of Vice President GORE's staff, was especially helpful in this battle. During this time, we kept in constant contact with the officials at Marshall Space Flight Center as well. The team that worked to save the station at that time all cooperated and performed exceptional work. When the President's budget was finally submitted, he called for the full funding that NASA requested for the space station.

In 1993, the ASRM program died after the House had voted it down for the fifth time, even though the new Vice President and other officials were strong supporters. The House votes during 1993 were so overwhelmingly negative that it became clear that the best to be hoped for was a reassignment to keep Yellow Creek employed in some other activity. My chief concern by this point was saving Alabama jobs. The plant was nearly completed, and it had several possible uses, so the NASA administrator came to my office to discuss its future.

Later that year, NASA and the Thiokol Corporation announced that company would transfer its rocket nozzle section from Utah to Yellow Creek. Eight hundred people would start work there. The transfer made a lot of sense, since Marshall would be the chief buyer, and of course we wanted to see the jobs there.

But there were other disappointments that year, including, most notably, the fact that Marshall was not chosen to be the lead center for the space station program. However, Boeing, also located in northern Alabama, would serve as a major contractor. Of course, Marshall would have been an excellent choice to host the project, especially because of the quality work the management and employees there had done on the program. They had done it without any of the large cost overruns that plagued other centers working on the space station project.

But in our Yellow Creek meeting with the NASA administrator, he assured Congressman CRAMER and me that any rumors Marshall would be close were "poppycock," and his assurances seemed pretty solid. The final appropriations bill included more than $2.1 billion for the space station. This funding level included vital elements such as the payload utilization operations conducted at Marshall Space Flight Center. And NASA had selected the Marshall Center to build the Space Station Furnace Facility, a project which would employ 160 people.

That year's appropriations bill had other advantages for Alabama, too. It included millions for the Centers for the Commercial Development of Space. These centers were comprised of a consortium of universities, including UAB, UAH, and Auburn. NASA had recently conducted a peer review of these centers and scored Alabama's three centers very well. By the recommendations of this same report, 6 of the 17 centers were scheduled for closure, but not ours.

In 1994, the dramatic and successful repair of the Hubble Telescope helped NASA to restore some of its own credibility with the public. Another tremendous benefit was the report issued by the Advisory Committee on the Redesign of the Space Station, an independent group of academic, scientific, and business leaders, headed by MIT President Charles Vest. This committee had reversed its initial, negative view on the space station printed in 1993. This time, Chairman Vest clearly stated that the program had progressed well beyond his expectations. It was not an endorsement to be taken lightly and it further emphasized the need for budgetary stability and a firm national commitment for the International Space Station.

However, NASA still had its vocal opponents. For instance, CBO published a report stating that NASA could save half of its money by halving its workload. We were able to point out many errors in the report. This sort of haphazard approach was reflected in the budget allocation handed to the VA-HUD subcommittee, which cut $700 million from NASA's budget. I was very concerned by the proposed cuts, and began working to ensure that the space station and other programs were protected.

1994 saw yet another Senate amendment to cut the space station. By that time, the program had already been assigned a district management structure with clear lines of responsibility and authority. One center had been designated as a host center to facilitate program administration, and one contractor was selected as the prime, with all others working as subs. Transition to the previous year's redesign and this new management structure was complete. The new management structure included a concept widely embraced within the private sector, a tenet of total quality management known as the integrated product team. These teams are a flexible management tool designed to bring together experts from several fields to work individual issues, solve problems, improve communications, and speed decision making. Essential design and review stages were almost completed.

Compared to the Freedom design, the International Space Station had nearly twice the power, almost double the pressurized volume, and twice the number of laboratory modules. The station was designed to orbit at a higher inclination, broadening the band of the Earth's surface and atmosphere visible to the station. The crew size has been increased from 4 to 6 fulltime crew members. The amount of extra-vehicular activity, or "spacewalks" required to construct the station has been drastically reduced, thereby reducing program risk. Furthermore, the international partners in the project had completed their essential design and review stages.

It made no sense to cut the program, and the Senate knew it. In the subsequent vote, 64 members voted for the space station, a remarkable victory. We did a not of preparatory work for the vote and all of our efforts paid off and everything turned out well. Those of us who were proponents of the space station contacted every Senator numerous times in advance of the vote. I was pleased to serve as chairman of the vote round-up group as on several occasions before and since. We tried to get as many votes as possible so we could put this continual fight for space station funding behind us. Our position was greatly strengthened by the House of Representatives, which also gave a strong show of support for the space station that year.

Senators MILKULSKI and GRAMM of the Appropriations Committee did outstanding work on the NASA budget, which reflected remarkable support for the Space Station and the space science programs. It increased NASA's funding over the President's request, and fully funded the space station.

That year, the Senate also passed an amendment to appropriate $40 million for the continuation of the commercial mid-deck augmentation module for the space shuttle—widely known as "Space Hab." The amendment became part of the emergency supplement bill to aid victims of the earthquake. The primary contractor for the project was McDonnell Douglas, headquartered in Huntsville, which would employ 150 people to finish the quasi commercial venture. The Space Hab program has been in serious danger due to budget cuts, but the appropriation allow it to continue. It was a crucial project in the commercialization of space.

We also continued our efforts to maintain Yellow Creek that year, pursuing the rocket-nozzle factory at the plant and other options. In a meeting with Navy Secretary Dalton, I proposed conversion of NASA's Yellow Creek facility into a site for Navy demilitarization of surplus strategic and tactical rocket motors. NASA's Advanced Rocket Motor Director had given me the idea in another meeting. The Navy would receive a flexible facility to enable the sound disposal of excess rocket motors; the transfer would create a means to investigate energy production and reusable chemicals, and jobs would be saved.

Last year, there were misguided efforts to cut the NASA budget significantly. The Republicans advocated huge cuts, and the President and NASA Administrator claimed they had to propose cuts, too. The Executive Branch told me that some of the funding reductions would occur after the construction of the space station was completed. Streamlining the shuttle program was another cost-savings plan.

In a meeting in May, the NASA Administrator announced that both the Senate and the House versions of the Republican budget proposals would cause severe cuts to the agency's personnel. To pay for the tax cut contained in the House of Representatives budget plan, he told me NASA would be forced to cut 45,000 civil service and contractor jobs at NASA by the year 2000. The House proposal was worse, and it required large cuts by this year. Of course, the President vetoed this budget, but the agency is still in trouble.

Most disturbing, however, was the House Republicans' announcement that they would close Huntsville's Marshall Space Flight Center by 1998 along with other NASA facilities in Maryland and Virginia. In a meeting with NASA Administrator Goldin, he assured me he would fight to maintain all three center the House had targeted: Marshall, Goddard, and Langley. We had already done a lot of work in the Senate, and Senator Shelby and I had contacted key leaders in the Senate and received their commitments to keep Marshall and the other centers open.

In September 1996, we fought against yet another Senate amendment to cut funding for the space station. Tens of thousands of pounds of equipment had already been constructed, and the shuttle had flown its first station related mission the year before. Although the Senate voted the amendment down, it is unfortunate that the biggest challenge the station program faces appears to be the Congress of the United States, specifically a small handful of members who continue to offer legislation aimed at terminating the station program. Since the inception of the program, votes have been held over 18 times on the station. We must continue to reject these attempts and continue our support of the Space Station program. We owe this to the future of the citizens of the United States and to all the people of Earth.

Unfortuantely, the Premiere Nozzle Center at Yellow Creek came to an end last year. Mississippi state officials seem to have made a deal with NASA to gain title to the property.

The Yellow Creek saga began when TVA terminated a 30-percent-complete nuclear reactor. Then came the rash cancellation of the ASRM plant, which was designed to prevent future space shuttle disasters like the Challenger incident in 1986. Last, we were faced with the sell-out of the nozzle center, a project which first was announced just 18 months beforehand.

In reviewing its history, it is hard to dismiss the theory that the use of Yellow Creek as a site for ASRM and as a Nozzle Center was being sabotaged from the beginning after the Revised Solid Rocket Motor was completed. Given its history, hopefully something productive can occur at Yellow Creek; otherwise it will stand as a monument to Government ineptitude an incompetence, as well as a destructive conspiracy.

In my last year as a Senator, NASA and the space station have, thankfully, enjoyed a banner year. Congress has approved a NASA budget of $14.37 billion, which includes $2.1 billion for the International Space Station. Space Lab received $102.3 million, which is 10 million over the original request. In April, NASA safely concluded the second longest shuttle mission. The space station was reconfigured within congressional budget limits and considerable improvements were made in management, engineering and budgeting the program. These changes led to a resounding endorsement from the Vest Committee.

It is rewarding to those of use who have worked long and hard in support of this important international scientific collaboration that the groundswell of public and congressional support is growing stronger. Credit for this success belongs to the team of personnel—scientists, engineers, contractors, universities and government agencies—who have worked tirelessly to make this program a viable path to the future.•

JUDICIARY COMMITTEE ACTIVITIES AND COURT REFORM

• Mr. HEFLIN. Mr. President, as the end of the 104th Congress was drawing to a close, I began making a series of speeches summarizing my activities and legislative efforts relating to some of the major policy issue areas facing our Nation. My purpose was to reflect upon and generally summarize my three terms in the Senate, pointing out progress, key accomplishments, disappointments, and suggestions for the future. So far, I have focused on the areas of civil rights and national defense and foreign policy. Here, I will devote some attention to my role as a member of the Senate Judiciary Committee.

Much of my statement on civil rights issues focused on activities within the Judiciary Committee, since these issues often arise in the context of court cases and nominations. I will reiterate some of that material here, but will focus more on court reform and the administration of justice, issues which were not discussed at length in that statement on civil rights.

While serving as chief justice of the Alabama Supreme Court, my primary goal was to modernize the State's system of justice. The backlog of cases when I came into office was staggering, so we set out immediately to pass reform of the judicial article, which is the part of the State constitution outlining the State judiciary. During my term, we were successful in getting the people to adopt a new article to the State's constitution in the form of a constitutional amendment which was known as the new judicial article and in getting the State legislature to pass a judicial article implementation bill, which some say became a model for the Nation. I was extremely proud of our efforts and of the many hundreds of people who came together to make it happen. I saw first-hand that State courts can be made more efficient and citizens' access to the courts increased.

Upon arriving in the Senate, I quickly saw that much of the reform we accomplished at the State level was needed at the Federal level. Much of my work on the Judiciary Committee has focused on bringing these reforms to the Federal court system. As a member, chairman, and ranking member of the subcommittee overseeing the courts and judicial administration, I have had the opportunity to seek many much-needed improvements in the administration of justice. Since judicial administration is so important to access to the judicial system, it is my firm belief that efficient administration is a necessary component of swift and sure justice for all those who seek it.

Since time and space will not permit me to be as comprehensive in summarizing these various issues as I would like, I ask unanimous consent that a summary listing of legislation I have introduced, cosponsored, or directly shaped in some way be included in the CONGRESSIONAL RECORD after my remarks. However, I would like to summarize some of the highlights in these areas.

One of the major efforts was in the area of bankruptcy reform. Passage of the Bankruptcy Reform Act of 1994 brought to a close nearly 5 years of work in this area. Over these several years, we were able to produce the first major substantive change in the Bankruptcy Code since 1984. We successfully streamlined and updated the code.

The need for a major reform of the code became apparent with the record increases in bankruptcy filings the courts had been experiencing. There was a need for changes in the code which recognized the changes in the economy and different types of financial arrangement faced by consumers and businesses.

Our act addressed virtually all aspects of bankruptcy, including provisions which made significant and important changes to the bankruptcy process in our Federal courts. Also included were provisions which streamlined the process for the individual consumer debtor through the encouragement of the use of chapter 13 repayment bankruptcy provisions. The commercial bankruptcy process and procedure was also addressed. I am particularly proud that a Bankruptcy Review Commission was set up to review and study the laws and process related to bankruptcy filings. Overall, these reforms have led to a more effective and workable process.

In the 96th Congress, I introduced a bill to divide the Fifth Circuit Court of Appeals into two courts. Its main purpose was to promote judicial efficiency. Individual judges in the fifth circuit were severely burdened by an excessively large caseload. Furthermore, the entire court had accrued the largest en blanc caseload in U.S. judicial history. The measure splitting the circuit and creating the 11th Circuit Court of Appeals was signed into law in October 1980.

In the 97th Congress, I was a cosponsor of the Omnibus Victims Protection Act of 1982, which provided additional protection and assistance to victims and witnesses in Federal cases. I was also proud to have been a moving force in the establishment of a State Justice institute in 1984 during the 98th Congress, and in the passage of an act amending title 18 of the United States Code to ban the production and use of advertisements for child pornography or solicitations for child pornography. This became law in November 1986, at the end of the 99th Congress.

I have always been firmly committed to measures which ensure the free and open exercise of religion. In 1988, during the 100th Congress, an act to impose criminal penalties and to provide a civil action for damage to religious property and for injury to persons in the free exercise of religious beliefs was passed by Congress and signed into law. Later, in the 103d Congress, my subcommittee held hearings on proposed Equal Employment Opportunity Commission [EEOC] guidelines which many felt would have adversely affected Federal workers' rights to express their religious beliefs in the workplace. Ultimately, we were successful in preventing these guidelines from taking effect. This year, in the wake of the rash of church burnings in the South, I strongly supported the legislation to increase penalties for those convicted of destroying houses of worship through arson.

During the 101st Congress, I was extremely proud of being a cosponsor of a comprehensive act containing three major parts. One was the Civil Justice Reform Act, which required selected U.S. courts to implement expense and delay reduction plans. A second part was the Federal judgeships Act, which created 85 new judgeships, thereby streamlining efficiency. The third major part of this act was the Federal Courts Study Committee Implementation Act, which put into place a number of the committee's recommendations. The act, which became Public Law 101–650 on December 1, 1990, also contained provisions dealing with television violence, computer software rental, judicial discipline, and the rights of visual artists.

One of the proudest achievements of my career occurred during the 102nd Congress, with the passage of my bill to name a Federal building in Montgomery, AL, after Judge Frank M. Johnson, Jr. Judge Johnson, one of the greatest jurists to have ever served on the Federal bench, did so much to promote racial progress in Alabama and the rest of the South that I could think of no more fitting tribute to honor his work and service. It became law on March 20, 1992. A new Federal courthouse was built in Birmingham and later named the Hugo Black Courthouse and the Montgomery courthouse is now being expanded.

That same year, the Federal Courts Administration Act of 1992 was signed into law (P.L. 102–572, October 29, 1992). This law encompassed four bills I sponsored: the Federal Courts Study Committee Implementation Act, the Judicial Survivors' Annuities Improvements Act, the State Justice Institute Reauthorization Act, and the Court of Claims Technical and Procedural Improvements Act. It also contained a provision cosponsored by myself and Senator GRASSLEY which created a new civil cause of action in Federal court for victims of international terrorism.

I supported the Violent Crime Control and Law Enforcement Act of 1994, which, among other things, provided funding for 100,000 policemen for communities all across the Nation. While there were several provisions in this bill with which I strongly disagreed, on balance, its good provisions far outweighed its bad. I saw it as a positive and comprehensive effort to stop the onslaught of crime and drugs in our society.

Of course, there have been disappointments over the years, such as the failure to pass a constitutional amendment to ban flag burning and one to require a balanced Federal budget. I and many others in Congress worked long and hard to pass these measures, and they came close in the most recent 104th Congress. I think especially in terms of the balanced budget amendment, that we will ultimately be successful. I will continue doing all in my power as a private citizen to see that these amendments are added to our Constitution.

Much of my time and energy in the 104th Congress was spent on a bill to establish an independent Court of Administrative Law Judges. I have always thought it absurd that Federal agencies were allowed to judge cases involving themselves and outside parties. How can a "judge", employed by the agency he is serving, be expected to decide cases fairly and impartially? The bureaucrats fought this proposal tenaciously, and again, we were unsuccessful. We did, however, come closer in 1996 than ever before, and I remain hopeful that the next Congress will see the wisdom of ensuring independence in Federal administrative law.

Another item which ultimately failed in the 104th Congress was comprehensive regulatory reform. I joined with Senators Dole and JOHNSTON in seeking to provide a cost-benefit analysis in terms of certain regulations whose economic impact exceeded $100 million. Regulatory reform should remain at the top of the congressional agenda.

One issue on which its opponents, including myself, were successful on was in preventing product liability reform from passing. So-called product liability reform legislation was billed as an effort to rein in errant juries and limit excessive awards to plaintiffs. While I do support tort reform, I believe it should be done at the State level and without weakening the jury system. The right of trial by jury is one of the most sacred rights we have as Americans, and nothing should be done to limit that right or restrict a citizen's access to the judicial system. The federalized product liability reform bills contained many provisions which would have immunized many tortfeasors in a manner which was grossly unfair. This type of legislation should continue to be defeated so that our jury system—imperfect as it may be—remains strong and the bulwark of our system of justice.

In 1979, I convinced members of the Judiciary Committee to kill the court annexed arbitration bill, which would force parties in personal injury, property, and contract cases under $100,000 to submit to mandatory arbitration in Federal court. I believed this bill was unconstitutional because it would deny the guarantee of a jury trial and the constitutional right of access to justice. An arbitration bill which doesn't penalize a party from seeking a trail de novo will go a long way toward minimizing the faults of the proposal.

In 1979, Congress passed an amended Federal Magistrates bill, which became Public Law 96-82. When it was first introduced, I criticized it as the third piece of a haphazard modification to the system in 10 years. Rather than amending it piecemeal, lawmakers should study and approach the whole system.

In 1979, we passed a law, Public Law 96-43, to amend the Speedy Trial Act of 1974 in order to limit the delay from charge to trial in the Federal courts to no more than 100 days.

In 1979, I opposed the Illinois Brick bill. After studying the case carefully, I concluded that Justice Byron White had issued a correct decision. I was fearful that if this legislation were adopted, class action antitrust cases would completely occupy the time of Federal judges and require a many-fold increase in the number of Federal judges in a short time.

In 1979, when it passed the judiciary committee, I called the Equal Access to Justice Act one of the best pieces of legislation I have seen. The bill would have allowed citizens whom the Government had taken to court unjustifiably or who contested unreasonable regulations to recover attorney fees. In other words, if a citizen is proven right, he doesn't have to pay for justice. The House never acted on this bill. But in 1985, Congress passed Public Law 99-80, similar to the Equal Access to Justice Act. This law allowed local governments, individuals, and small businesses to collect attorneys' fees if they won cases against Federal agencies.

In 1979, Congress passed the Justice System Improvement Act, Public Law 96-157, to reauthorize the Law Enforcement Assistance Administration. This bill created the Office of Justice Assistance, Research and Statistics [OJARS] which would coordinate the administration of the LEAA and two other, new agencies, the Bureau of Justice Statistics [BJS] and the National Institute of Justice [NIJ]. I had become a strong supporter of the LEAA during my tenure as the chief justice of the supreme court. In Alabama, our police and sheriff departments had been largely underfunded, undermanned, undertrained and unprofessional, but with the LEAA's help, they developed into well-disciplined and professional organizations. Unfortunately, the LEAA died in 1980 during budget debate.

In 1980, the Congress passed a bill to create the 11th U.S. Circuit Court of Appeals, which became Public Law 96-452. The old Fifth Circuit, which comprised six States, had become so overburdened that it could no longer handle its caseload. In fact, its en banc caseload was the largest in the country. We did have a great concern in the Congress about the implications of the split to civil rights, since this court generally handled the most important civil rights cases. Judge Frank Johnson served as an excellent advisor for the Court to ensure that the Congress handled the split with care.

In 1980, the Senate passed a bill calling for a "State of the Judiciary" speech by the Chief Justice. Congress as a whole largely ignores the third branch until some crisis situation demands that we provide additional Federal judges or implement some reorganization. This idea has not yet materialized into law, but I still think it is a good plan.

In 1980, I introduced another bill to create a National Court of Appeals to relieve the overburdened Supreme Court. During 1979, the Court heard less than 7 percent of the cases before it. This bill never passed either, but in the future, the Congress must arrive at some solution to the overwhelming caseload of the Court.

In 1982, we introduced legislation to amend Federal habeas corpus procedures by restricting the power of the Federal courts to review and overturn State criminal convictions. There is a crying need to achieve finality in our criminal justice system and to protect the integrity of the State judiciary. I had also included certain provisions regarding habeas corpus procedures in my Federal court study implementation bill. The Republican 104th Congress passed some provisions relating to habeas corpus reform, but it contained a number of questionable provisions.

Provisions to create a State Justice Institute, which I had first introduced in 1980, became part of Public Law 98-620. Specifically, with the Institute, we sought to provide education for judges and officers of the courts of the States as well as sound proceedings for managing and monitoring caseloads, and improvement of access to justice. Hoping to adhere to the doctrine of federalism and separation of powers, we designed the Institute to assure strong and effective State courts, and thereby improve the quality of justice available to the American people. These ends were all the more important since recently enacted Federal laws, including the speedy trial act, had increased the cases sent to State courts.

This law also amended title 28, United States Code, with respect to the places where court shall be held in certain judicial districts. It also included several other provisions. The first established an Intercircuit Tribunal. The second clarified the circumstances under which a trademark may be canceled or abandoned. The last pertained to the authority of the special counsel.

In 1980, Congress passed a bill to cut costs and delays in antitrust trials. This bill became Public Law 96-349.

In 1980, the Congress passed a bill to create a U.S. Court of International Trade and to reform the judiciary machinery relating to trade. This bill became Public Law 96-417.

In 1980, the Congress passed a bill to make certain that Federal courts hear all cases under their jurisdiction. Before this bill passed, the amount in controversy determined whether or not a Federal court would hear any given case. This bill became Public Law 96-486.

In 1982, Congress created the U.S. Court of Appeals for the Federal Circuit. A new law, Public Law 97-164, combined the U.S. Court of Customs and Patent Appeals and the U.S. Court of Claims. The new court had the same authority as the other 12 U.S. Circuits, but its jurisdiction was national, rather than regional, and determined by subject matter.

During hearings in the 96th Congress, I declared that it was time to declare a war on crime, and in the following Congress I introduced a number of measures I hoped might effectively reduce it. Elements of my package became law over the years immediately following. Public Law 97-285 set penalties for crimes against cabinet officers, Supreme Court Justices, and Presidential staff members. Public Law 97-291 created additional protections for and assistance to victims and witnesses in Federal cases. Public Law 98-127 dealt with tampering, as in the case of the Tylenol murders. Public Law 98-292 was designed to fight the sexual exploitation of children. Public Law 98-305 criminalized the robbery of a controlled substance.

In October 1984, several other elements of my war on crime package became Public Law 98-473. This law included the Justice Assistance Act to provide aid to State law enforcement, after the model of the defunct LEAA. It provided for victims' compensation. The law also included mandatory sentencing for use of firearms in a Federal crime, and other sentencing guidelines including the creation of a sentencing commission to establish standards for punishment in Federal crimes. Further, it provided for Federal prosecution of murders-for-hire, drug trafficking, pharmacy robbery, labor racketeering, computer fraud, and assaults on Federal officials. Last, the law included provisions which shifted the burden of proof in the insanity defense to the defendant. The Hinckley acquittal inspired this language. However, the act contained some questionable provisions which I opposed.

In 1984, Congress passed a bill to amend the Clayton Act, relating to antitrust laws, as it applied to local governments.

In 1984, Congress, passed Public Law 98-547 to fight auto thefts in which the criminals stripped and sold the vehicle as spare parts. The law required identifying numbers on the major parts.

In 1985, we extended the deadline for the sentencing commission, created by Public Law 98-473, to finalize its guidelines. This extension was included in

Public Law 99–417. Another law, Public Law 99–22, made minor changes to the commission.

In 1985, we passed another law, Public Law 99–218, regarding the Supreme Court Police and its authority to protect the Justices and officers of the Court.

In 1986, we passed Public Law 99–303 to fight sexual molestation in Indian Country.

In 1986, we reformed Federal justice and judges survivors' annuities with Public Law 99–336.

That year, we also amended the False Claims Act with Public Law 99–562 to strengthen enforcement provisions for making false claims to the Federal Government. This bill also included protections for whistleblowers, something that we had worked on for a long time. In our view, these protections were particularly important in preventing Government waste, in the Defense Department, and in other areas.

In 1986, we banned advertisements for child pornography with Public Law 99–628.

In 1986, Congress improved the delivery of legal services to indigents with Public Law 99–651.

In 1987, Congress passed Public Law 100–236 to amend the laws governing multiple appeals filed on orders from Federal agencies. Until that time, lawyers frequently filed appeals in different courthouses in order to draw a judge they thought would be favorable to their case. The new laws allow 10 days to appeal an order, and created a lottery system for selection of the judge if multiple appeals were filed.

In 1987, I introduced legislation to change the administrative law system. Congress has considered this language several times since, but it has not yet passed a bill. Administrative Law Judges are employed and housed by the agencies they oversee. This system represents a clear conflict of interest. I believe that judges must, instead, be independent, and for this reason I sought to create an independent corps of administrative law judges. I strongly recommend that Congress address the problem in the future.

In 1988, Congress passed the Permanent Federal Court Study Act, which I had originally introduced during 1980 as part of a package which had included the unsuccessful National Court of Appeals. The Federal court study committee language became part of Public Law 100–702. We designed the Federal court study committee to plan for the long range needs of the judiciary. I believe that reform must keep costs in mind, and it must avoid a careless, band-aid approach. These two conditions are required if we are to maintain public confidence in the judicial system.

Public Law 100–702 also included other significant provisions. It raised jurisdictional authority in Federal diversity cases from $10,000 to $50,000. It also reauthorized the State Justice Institute, created pilot programs of voluntary court-annexed arbitration, resolved district court jurisdictions under the Tucker Act, established methods of adopting recommendations of the Judicial Conference, and reformed jury selection. In a letter addressed to me, Chief Justice Rehnquist called the bill "probably the most significant measure affecting the operation and administration of the Federal Judiciary to be considered by the Congress in over a decade." Rehnquist also wrote that passage of the bill "with its many and varied provisions to improve different aspects of the judicial system, will significantly enhance the effectiveness of the Federal Judiciary as a whole."

In 1988, Congress passed another bill which had been part of the 1980 package which ultimately became Public Law 100–702. This bill gave the Supreme Court greater discretion in selection of its cases. This language took 8 years to pass, but it finally became part of Public Law 100–352.

In 1988, the Congress passed the Anti-Drug Abuse Act of 1988, which became Public Law 100–690. This new law included the creation of a drug czar, which had been eliminated from my 1984 crime package. This new law also included the Criminal and Juvenile Justice Partnership Act and the Child Protection and Obscenity Enforcement Act.

In 1988, Congress passed a new law, Public Law 100–694, to protect Federal employees from the threat of lawsuits based on their work performance. The bill was designed to overturn the 1988 Supreme Court decision, Westfall versus Erwin.

In 1988, we passed Public Law 100–700 to make it a crime to knowingly defraud or attempt to defraud the Government in contracts of $1 million or more.

I strongly supported a constitutional amendment to ban flagburning in the late 1980's, and I spent a great deal of time on it in the most recent Congress.

In 1990, Congress authorized the appointment of 74 new U.S. district and 11 new U.S. circuit judges with Public Law 101–650. Importantly, this new law also incorporated the Judicial Discipline Reform Act to improve procedures for disciplining Federal judges, and to establish a National Commission on Judicial Discipline. The final language to discipline judges short of impeachment was the culmination of years of work that had included a proposed constitutional amendment. I had also proposed another constitutional amendment in 1988 to reform the actual impeachment proceedings, which had proven themselves to be cumbersome.

Public Law 101–650 contained some other miscellaneous provisions. The law also contained language to address television violence by removing from antitrust laws any cooperation within the industry to reduce it. The law included provisions to deal with computer software copyright laws. This bill also contains S. 1198, the Visual Artists Rights Act, which gives creators of certain artistic visual works the right to prevent modification or destruction of their work.

In 1992, Congress passed the Administrative Procedure Technical Amendments Act, Public Law 102–354, to make technical corrections to Chapter 5 of title 5, U.S.C. This law also amended the Alternative Dispute Resolution Act (Public Law 101–552) to authorize Federal agencies to resolve disputes between two other parties.

In 1992, Congress passed the "Dead-Beat Dad" bill. This became Public Law 102–521.

In 1992, Congress passed the Federal Courts Administration Act of 1992, which became Public Law 102–572. This law was actually a conglomerate of several bills. It codified certain recommendations of the Federal Courts Study Committee, which I believe had turned out to be a valuable experiment. It reformed the judicial survivors' annuities system. It reauthorized the State Justice Institute for fiscal years 1993–1996. It altered the claims litigation procedure before a newly renamed U.S. Court of Federal Claims. Public Law 102–572 also included language Senator GRASSLEY and I wrote in order to create a new civil cause of action in Federal court for victims of international terrorism.

In 1992, Congress passed a bill to authorize the Juvenile Justice and Delinquency Prevention Act of 1974. This legislation became Public Law 102–586.

With Public Law 103–192, Congress extended pilot arbitration programs in 20 district courts for one year.

Public Law 103–420 reauthorized 10 mandatory and 10 voluntary court annexed arbitration pilot programs, and authorized the judiciary automation fund. It also extended the deadline for the Rand Corp.'s study of civil litigation.

Public Law 103–305 changed the rules on the EEOC's guidelines regarding religious harassment in the workplace. With this law, we sought to allow personal expressions of religious belief, which until that time had been prohibited. Similar language had stalled in the 102d Congress due to abortion controversies.

BANKRUPTCY

Our work in the Senate significantly affected the language in Public Law 96–56. This bill (H.R. 2807) originated in the House to amend the Bankruptcy Act to prohibit the discharge of federally insured or guaranteed student loans until 5 years after graduation. The Bankruptcy Reform Act (Public Law 95–598) had repealed this prohibition until the first day of fiscal year

1980, but Congress filled the gap with H.R. 2807. Specifically, before we attached our amendment in the Senate, the bill would only have covered loans repayable directly to the Federal Government or to a nonprofit educational institution.

In 1984, we passed a much more significant bankruptcy measure to bring Federal bankruptcy courts in line with the Supreme Court's Marathon decision. This bill became Public Law 98–353. With Marathon, the Court ruled that 1978 bankruptcy law was unconstitutional because the bankruptcy judges, who are not appointed for life, should not have the same authority as other judges. The bill put bankruptcy under the jurisdiction of the district courts, but gave the article I bankruptcy judges the power to hear these cases. With this law, we averted the need to appoint 200 new article III judges for life.

Notably, with this bankruptcy legislation, we also sought to protect farmers, catfish growers, and shrimpers who lost their crops in a processing or storage facility which went bankrupt. Further, the legislation was designed to prevent drunk drivers from escaping their liability through bankruptcy laws.

Passage of this bill took time, however, and under the Marathon decision, the extant system would collapse—leaving half a million unheard cases. For this reason, until the major bill became law, we needed to extend the temporary arrangement twice. We accomplished the extension with Public Law 98–249 and Public Law 98–271.

Another bankruptcy law which passed in 1984, Public Law 98–531, clarified laws on retirement for bankruptcy judges.

In 1986, the Congress passed another major bankruptcy law. This law, Public Law 99–554, provided for the appointment of 52 additional bankruptcy judges. The law also allowed for the appointment of trustees under the Department of Justice to handle the administration of bankruptcy cases. Last, the bill paid special attention to small farmers who went bankrupt and included language to help them avoid liquidation.

Two other bankruptcy bills became law in 1987. Public Law 100–99 pertained to protections under title 11. Public Law 100–202 included language to specify salaries for magistrates and bankruptcy judges.

There were four more bankruptcy bills which became law in 1988. The first clarified laws pertaining to insurance benefits under the bankruptcy code for retirees. It became Public Law 100–334. A second authorized additional bankruptcy judges in Colorado, Kansas, Texas, Alaska, and Kentucky. This bill became Public Law 100–587. A third clarified the bankruptcy laws as they applied to municipalities, including changes to the laws governing their bond issues for public works. It became Public Law 100–597. Last, Congress passed legislation to provide for retirement and survivors' annuity for bankruptcy judges and magistrates, etc. This bill became Public Law 100–569.

In 1990, we passed a bill to clarify the laws governing swap agreements and forward contracts. It became Public Law 101–311.

That year, Congress also passed a law to prohibit drunk-drivers from discharging debts arising from their actions under chapter 13. This became Public Law 101–581.

The 1990 crime bill included some bankruptcy provisions pertaining to the collection of debts to the U.S. Government and the discharge of debts in bankruptcy. This bill became Public Law 101–647.

In 1992, Congress passed a bill to authorize the appointment of additional bankruptcy judges. This bill became Public Law 102–361. Alabama was to receive another bankruptcy judge for the Northern district.

1994 saw the passage of a major bankruptcy reform bill. This bill became Public Law 103–394. It modified provisions concerning the rights of debtors and creditors and altered the relationship between secured and unsecured creditors. It increased the efficiency of the business reorganization procedures. It encouraged the use of procedures that allow individual debtors to pay their debts over time instead of facing liquidation. It also created a bankruptcy review commission to report on needed substantive changes. The bill sought to modernize the administration of the bankruptcy process by establishing clear authority for bankruptcy courts to manage their dockets activity through the use of status conferences. The bill strengthened extant law to encourage Federal appeals courts to establish a bankruptcy appellate panel to promote expedient bankruptcy appeals.●

TRIBUTE TO MARSHALL B. DURBIN, SR.

● Mr. HEFLIN. Mr. President, just before the sine die adjournment, the Alabama Business Hall of Fame at the University of Alabama announced that the late Marshall B. Durbin, Sr., would be inducted posthumously into the Alabama Business Hall of Fame. Marshall Durbin was the sort of business visionary blessed with the ability to turn his dreams into the reality of accomplishments.

Born to O.C. Durbin and Ola Culp Durbin February 27, 1901, in Chilton County, AL, Marshall Durbin, Sr., passed away in November 1971, leaving behind him then four brothers, five sisters, a widow, a son, and what is now one of the top poultry companies in the United States, with facilities in three States, markets as far flung as Russia and the Far East, annual sales of about $200 million, and more than 2,200 employees.

To gain a more complete understanding of Marshall Durbin, Sr., it helps to turn the pages of history back to the late 1920's when the enterprising young Alabamian—whose formal education ended at third grade—moved off the family farm to the big city of Birmingham to enter the real estate business. But the stock market crash of October 1929, followed by the Great Depression, led him quickly to the conclusion that this would not be the most profitable course to follow. Reviewing his options, Mr. Durbin decided that regardless of economic conditions, "People will want to eat." So in 1930, with $500 in funds borrowed from his bride, the late Eula Sims Durbin, he established a retail fish stand. Two years later, he added poultry—and a second stand.

From those small retail stands Marshall Durbin Cos., grew into its present-day status as a vertically integrated company, complete with its own hatcheries, breeder flocks, contract growers, warehouses, processing plants, cooking plants, feed mills, fleet, and distribution facilities. The growth in Marshall Durbin Sr.'s business was mirrored by that of the Alabama poultry industry, which today has a major impact on the State's economy. By producing more than 882 million broilers, it provides employment for some 55,000 Alabamians and income for almost 4,000 farmers—and has a total industry impact of almost $7.5 billion.

During his years of industry leadership Mr. Durbin actively supported organizations that would contribute to its growth—and the growth of his State. For example, he was a cofounder of the Southeastern Poultry and Egg Association, served as president of the Alabama Poultry Processors Association and was cofounder of the Alabama Poultry Industry Association. On the national level, he was a cofounder of the National Broiler Council and the first president of the National Broiler Marketing Association, plus he served 15 years as a member of the board of directors of the Institute of American Poultry Industries.

"His principle business philosophy was hard work and lots of it," remembers Marshall B. Durbin, Jr., who succeeded his father as head of Marshall Durbin Cos., after working in the business with him for many years. "In the early years, he would be on the streets making personal calls to hotels and restaurants at 4 a.m.—calling on the chefs in person. There was a lot of competition, and often the company that got the business was the first one there. "He always tried to be the first one there." Mr. Marshall, Junior, is a very good friend of mine and we have talked extensively about his father and his legacy over the years.

Another place Marshall Durbin came in first was in his belief that chicken could be a viable business in the South. In the pre-World War II era, the Midwest seemingly had a lock on the market due to the producers' close proximity to ample supplies of corn and grain. Mr. Durbin worked long and hard to help convince railway companies to move to larger railcars and concurrently reduce rates, selling them on the argument that by the reduction they could increase volume and profits. This led to a shift in agricultural economics, with the South producing more chickens and the Midwest focusing its efforts on growing more corn and soybean to feed those chickens. He also led the way in promoting the nutritional value of chicken; it was at his urging in the early 1960's that the National Broiler Council initiated, with Kellogg's Corn Flakes and the Cling Peach Association a joint advertising program centered around this theme and aimed at women's magazines.

Mr. Marshall, Junior, also remembers his father, who over the years furthered his education with such readings as "Plutarch's Lives" and Will Durant's "The Story of Civilization", as a fair man. "He was a good leader—a fair leader. I remember him as stern but friendly. Of course as happens in most businesses we sometimes disagreed on how things should be done because of the generational differences. But I can remember that for a while after he died when I had a problem I would still find myself getting up and going into his vacant office to ask for advice * * * by then I had learned that his counsel was generally right."

The son says he believes his father, who in his later years found time for fishing and always reserved his Sundays to take his granddaughters to the zoo and then out for hamburgers, would most like to be remembered for the way he helped set the course for the poultry industry in not only Alabama and the Southeast, but in the United States.

Perhaps Marshall Durbin, Senior's most significant legacy in that regard stemmed from his tenure on the U.S. Department of Agriculture National Advisory Committee in the middle 1960's. At the time, the USDA was in the process of introducing a proposal to impose production quotas and price controls on the poultry industry. Having seen what a detrimental effect similar policy measures had wreaked on the cotton industry, Mr. Durbin used his membership on the National Advisory Committee to position himself in the leadership of the opposition to quotas.

The result of those months of work in Washington, DC, are still felt today. Thanks to the efforts of Marshall Durbin, Senior and those who worked with him, no lids were imposed on poultry-production, and unlike King Cotton, long ago dethroned in the world market, the poultry business has grown exponentially. For example, when Mr. Durbin went to Washington to first battle for this cause, the United States was producing 2.3 billion chickens annually, while in 1995 some 7.3 billion birds were produced. And over the years, Alabama has been the beneficiary of much of this growth—as is evidenced by the fact it is now the third largest poultry-producing State in the Nation.

Even 25 years ago the relevance of Marshall Durbin Senior's national policy work in the District of Columbia was well known. As then said the Southeastern Poultry Times, "His influence there was credited with helping to keep the poultry industry free of production and price controls and today the poultry industry is among the remaining 'free enterprise' industries of agriculture."

Around the State, his efforts were also well recognized, as evidenced by his 1969 induction in the Alabama Poultry Hall of Fame. And upon his death in 1971, the trade magazine "Broiler Industry" drew upon the words of Ralph Waldo Emerson to best capture the industry leaders' accomplishments, writing, "if, as Emerson said, 'an institution is lengthened by the shadow of one man,' then Marshall Durbin, Sr., was such a man * * * he was a man who always knew where he was going, and how he was going to get there—a true natural leader * * *. He was one of the best integrated broiler operators in the United States."

But perhaps the final tribute to Marshall Durbin, Senior, is that he gave his vision the roots to continue to grow.•

TRIBUTE TO GOODWYN L. MYRICK

• Mr. HEFLIN. Mr. President, just before the sine die adjournment, the Alabama Business Hall of Fame at the University of Alabama announced that Goodwyn L. Myrick, the president and chief executive of the Alabama Farmers Federation and Alfa Insurance Co., would be inducted into the Alabama Business Hall of Fame.

Goodwyn is a native of Etowah County, AL, where he was born in 1925. He established his first dairy herd in 1944 with eight cows. Today, M & H Farms—a partnership between Goodwyn, his son, Greg, his daughter, Donna, and son-in-law, Tony Haynes—has over 400 Holstein dairy cows and 700 head of beef cattle. It encompasses two farms and more than 2,000 acres.

In 1978, he was elected president of the Alabama Farmers Federation, and is currently serving his ninth term as president of the federation and Alfa Insurance Co. During his tenure, Alfa has had the greatest amount of storm losses and the greatest amount of growth in its history, with $267 million in losses since 1978. At the same time, it has grown by 1,000 percent. The Alabama Farmers Federation has seen its membership grow from 223,000 in 1980 to nearly 400,000 today.

Goodwyn's previous positions include president of the Etowah County Farm Bureau Federation; the board of directors of the Alabama Farm Bureau Federation—predecessor organization to the Alabama Farmers Federation; and vice president of the federation.

Considered one of the most influential businessmen in the State, Goodwyn joins the ranks of over 100 other distinguished corporate leaders in the Alabama Business Hall of Fame. These previous inductees include George Washington Carver, Winton "Red" Blount, and Aaron Aronov.

I am pleased to commend and congratulate Goodwyn Myrick for receiving this most-deserved honor. The agricultural community of Alabama has never had such a strong leader and loyal friend.•

TRIBUTE TO BILL MITCHELL

• Mr. HEFLIN. Mr. President, just before the sine die adjournment, the Alabama Business Hall of Fame at the University of Alabama announced that Bill Mitchell would be one of its inductees this year. Bill is the retired president of First National Bank of Florence, which is now SunTrust Bank.

This University of Alabama Law School graduate has spent his life serving his community. He has served as president of the Muscle Shoals, Alabama, Regional Library Board, the Florence Chamber of Commerce, the Florence Rotary Club, and the Lauderdale County Chapter of the American Red Cross.

Bill has also been a member of the board of directors of the Alabama State Chamber of Commerce, the Alabama Department of Archives and History Board of Trustees, the University of Alabama System Board of Trustees, the University of Alabama College of Commerce and Business Administration Board of Visitors, and the University of North Alabama president's cabinet.

His rich heritage suits this honor well. He still attends First Presbyterian Church in Florence, where his great-grandfather, a Scotch-Irish immigrant, served as pastor during the 1850's. His grandfather served as a probate judge, a representative in the Alabama Legislature, and State tax commissioner. His father served in the State senate and as president of the Alabama State Bar.

Bill earned a noncombatant Bronze Star with Oak Leaf Cluster and a Legion of Merit award for his service during World War II. Before going into banking, he practiced law in Florence from 1946 to 1958.

According to an Alabama Business Hall of Fame report, the purpose of this award is to honor "the names and accomplishments of the State's most distinguished business leaders." Bill Mitchell certainly fits this description. He has succeeded by following his own advice: "Learn a lot about a lot of things, work hard and get to know people." He is a living example of the wisdom of that advice, for he has practiced it and lived it throughout his life.

In fact, few people have been as instrumental in making the city of Florence what it is today as he has. He has been involved in virtually every organized effort aimed at improving the quality of life for its residents. He has a lengthy list of leadership positions and career positions. He has often been called upon to serve as the president of charitable and civic organizations like those mentioned above. He has made his mark in business and has served his family and church faithfully.

I am pleased to commend and congratulate Bill Mitchell for being inducted into the Alabama Business Hall of Fame. He continues to bring honor to his city and its citizens who have been the beneficiaries of his many years of outstanding and selfless service.•

REGARDING H.R. 2505 ALASKA NATIVE CLAIMS SETTLEMENT

• Mr. MURKOWSKI. Mr. President, during the closing days of the 104th Congress, I spoke many times about how a single Senator, with or without cause, can prevent any piece of legislation from moving forward, even if it is noncontroversial. Unfortunately, this seems to be the case with a piece of legislation that is very important to me and the people of my State.

H.R. 2505 was passed by the House on September 26, 1996, at that time I had the legislation held at the desk in the Senate and continually tried to get it passed. Unfortunately, I was told that there was a Democratic hold on this legislation and it would not be able to move through the Senate in the final hours. I am deeply disappointed by this and am even more disturbed knowing that it was the result of a political decision and not one based on substance.

H.R. 2505 is a bill to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes. I supported all of the provisions in this package, Mr. President, and am very disappointed that it was not allowed to move forward on the floor of the U.S. Senate. The greatest consequence the failure to pass this legislation will have on the people of Alaska will be felt most severely in the Calista region.

Section 5 of H.R. 2505 implements a land exchange with the Calista Corporation, an Alaska Native regional corporation organized under the authority of the Alaska Native Claims Settlement Act. This exchange, originally authorized in 1991, by Public Law 102–172, would provide for the United States to acquire approximately 225,000 acres of Calista and village corporation lands and interests in lands within the Yukon Delta National Wildlife Refuge in southwestern Alaska.

The refuge serves as important habitat and breeding and nesting grounds for a variety of fish and wildlife, including numerous species of migratory birds and waterfowl. As a result, the Calista exchange will enhance the conservation and protection of these vital habitats and thereby further the purpose of ANCSA and the Alaska National Interest Lands Conservation Act.

In addition to conservation benefits, this exchange will also render much needed economic benefit to the Yupik Eskimo people of southwestern Alaska. The Calista region is burdened by some of the harshest economic and social conditions in the Nation. As a result of this exchange, the Calista Corporation will be better able to make the kind of investments that will improve the region's economy and the lives of the Yupik people. In this regard, this provision furthers and carries out the underlying purposes of ANCSA.

This provision, is, in part, the result of discussions by the various interested parties. As a result of those discussions, a number of modifications were made to the original package of lands offered for exchange. Chief among these were the addition of another 27,000 acres of surface estate—fee and conservation easements—of village corporation lands, as well as the Calista subsurface estate lying underneath those lands, and the removal of the Tuluksak mineralized parcel from the exchange.

In a last minute agreement to move the bill through the House, the total value of the exchange package was reduced by 25 percent to $30 million. Such a reduction was unwarranted and seriously undermined the utility and benefit of the provision for the public and for Calista and the 12 village corporations involved. I intend to do all I can to restore this value to the exchange package next year and will call on my colleagues on both sides of the aisle to assist in remedying this problem.

Mr. President, it is time to move forward with this exchange. It is my firm intent to see this exchange go forward so that the mutual benefits to Calista and to conservation of the natural resources within the region can be achieved.

Following are some of the letters of support from conservationist for implementing the land exchange with Calista.

The material follows:

NATIONAL AUDUBON SOCIETY,
Anchorage, AK, July 10, 1996.

Hon. DON YOUNG,
House Resources Committee,
Washington, DC.

DEAR CONGRESSMAN YOUNG: I'm writing on behalf of the National Audubon Society including its 2,200 Alaska members to support your legislative efforts to achieve a land exchange authorized in P.L. 102–172 for the benefit of the Calista Corporation on the Yukon Delta National Wildlife Refuge.

Audubon recognizes the Yukon Delta National Wildlife Refuge as among the premier waterfowl production areas on the continent. Its wetland habitats produce an annual fall flight of geese, ducks and swans that benefit thousands of hunters and other wildlife enthusiasts throughout the Pacific Flyway. Most importantly, these waterfowl along with millions of other migratory birds, fish and game animals constitute the mainstay of the region's subsistence economy.

After having worked with Calista and other partners for some 10 years on the Yukon-Kuskokwim Delta Goose Management Plan, we are convinced that the majority of their stockholders fully realize how essential the protection of fish and wildlife habitat through flyway-wide cooperation is to the future of their people and the wildlife that grace their lives. Through the goose management plan, and with Calista's cooperation, we are achieving great success in restoring seriously depleted goose populations to healthy levels. The proposed land exchange will further enhance these and other joint efforts to conserve refuge fish and wildlife.

We know that Calista has worked long and heard to negotiate a fair and equitable administrative land exchange with the Department of the Interior, but to no avail. Thus it appears congressional action is required to resolve the matter in a way that is most fair to Calista stockholders while providing greater protection to refuge resources of great state and national significance. We believe this can be accomplished by exchanging approximately 28,000 acres of surface and 182,000 acres of subsurface estate for certain excess or surplus government properties as P.L. 102–172 provides. With federal acquisition monies becoming increasingly scarce, this seems an innovative and practical approach to better conserve our nation's wildlife heritage while helping the Calista Corporation and its stockholders better secure their economic future. In other words, this should be a win-win solution for all concerned.

Thank you for your leadership on this important issue, Congressman Young, and for your consideration of our views.

Sincerely,

DAVID R. CLINE,
Senior Wildlife Counselor.

DUCKS UNLIMITED, INC.,
Washington, DC, June 21, 1996.

Hon. DON YOUNG,
Hon. GEORGE MILLER,
Committee on Resources, U.S. House of Representatives, Washington, DC.

DEAR MR. YOUNG AND MR. MILLER: We are aware of a pending land trade between the federal government and Calista Native Corporation. The area that would be acquired by the U.S. Fish and Wildlife Service in this swap is land that serves as a very important waterfowl breeding area for the Pacific and Central flyways of North America. Substantial portions of the populations of several waterfowl and other bird species use the

Yukon-Kuskokwim river delta for breeding and as staging and stopover habitat in their annual migratory cycle.

I understand that you have legislation under consideration that will facilitate a situation that allows the Fish and Wildlife Service to acquire these lands. Ducks Unlimited is in favor of assuring that these lands will be kept in a condition that will allow these birds maximum opportunity to complete their life cycle needs.

Sincerely,

SCOTT SUTHERLAND,
Director of Governmental Affairs.

HERNDON, VA, *September 18, 1995.*

Hon. DON YOUNG,
Chairman, House Resources Committee,
Washington, DC.

DEAR MR. CHAIRMAN: It has been brought to my attention that you are considering early actions to further the land exchange involving the Calista Regional Corporation (Calista) originally authorized by P.L. 102–172. As an individual with lengthy involvement in the implementation of the Alaska Native Claims Settlement Act, passage of the Alaska National Interest Lands Conservation Act, and numerous related Alaska issues including efforts to achieve completion of the Calista land exchange, I am writing this brief letter to express my support for actions that will further a fair and equitable exchange that benefits both the shareholders of Calista and the conservation interests of the Federal Government. You may recall that for nearly eight years I was in charge of the Fish and Wildlife Service efforts to support the Administration's proposals under Section 17(d)(2) of the ANCSA. In that capacity, I was directly involved with many discussions in the government and the Native leaders in the region and villages. Since leaving that FWS position, I continued having periodic involvements in Alaska matters. I am thoroughly familiar with the exchange provision in law and the efforts made by Calista to reach accord with the Department of the Interior.

It has been my intent to write you a more detailed analysis of the difficulties that have afflicted the Calista exchange and to offer my support for your efforts to remove major impediments. The suddenness of the potential actions in your committee necessitate sending this shorter communication on the subject.

The Calista Corporation has invested substantial resources and time in their efforts to resolve concerns within the Department of the Interior and to move forward with an exchange that represents fairness to the corporation and reasonable benefits to the government. Unfortunately, even with those tangible and resolute overtures by Calista, the exchange process never achieved the level of meaningful two-way communication necessary to resolve serious differences in approach. Thus, although I had sincerely hoped that a beneficial and just reconciliation of differences would be negotiated, there has been no real progress in this matter for more than a year.

Mr. Chairman, even while we have had differences through the years, each of us have worked in his own way for self-determination, fairness and equity for the Native peoples of your great state. I believe that Calista has made an honorable offer of lands and interests in lands that would benefit the long-term conservation and management of the Yukon Delta National Wildlife Refuge. They have sought fairness in the terms of the exchange, but they have been unable to engage the Interior Department representatives in meaningful negotiations. It appears necessary and important for you to assist Calista toward a just exchange arrangement that also provides the refuge with benefits at a fair cost. I will strongly support actions to accomplish those worthy goals.

Sincerely yours,

WILLIAM C. REFFALT.

ANCHORAGE, AK, *June 24, 1998.*

Speaker NEWT GINGRICH,
Rayburn House Office Building,
Washington, DC.

DEAR SPEAKER GINGRICH: I am writing to you in strong support of the Calista land exchange in H.R. 2505 and urge that you act on this measure as quickly as possible. As a long time resident of Alaska and someone concerned with conservation and sustainable economic development, I cannot overstate to you how important this exchange is—both to the people and the resources of the Calista region.

The Calista land exchange involves outstanding fish and wildlife habitat located within the Yukon Delta National Wildlife Refuge (YDNWR). The Yukon Delta is one of the most unique and productive delta ecosystems in the world. And, it is a place of my heart.

Twenty years ago, I first experienced the Yukon Delta as my brother and I paddled by canoe over two thousand miles from the Great Slave Lake in the Northwest Territories of Canada across the old fur-trade route to the Yukon river, and then down to the Bering Sea. To us, the Yukon Delta had become an almost mythical destination. But, by the time we had reached the delta, we had become excited about "ending" our expedition, sponsored by Old Town Canoe Company, and we were eager to fly out. What we found there surprised and delighted both of us—a gentle and calm beauty and abundance neither of us had anticipated. This was, in our two-thousand mile journey, one of the most special places we had encountered. We decided to stay awhile.

Later, as the University of Alaska's marine extension agent for western Alaska for several years based in Kotzebue, I returned to the area many times attempting to help the local people develop a commercial economy. I came to realize then what I learned at the end of our canoe expedition—that the highest and best use of this delta was in preserving it intact, just as it was.

This is something that I think the local people came to realize long ago. Thousands of geese, ducks, loons, cranes, and swans, as well as seabirds and shorebirds migrate to this spectacular refuge every summer to breed and raise their young. The wetlands that exist on the Calista inholdings within the refuge provide critical habitat for many species of birds, fish, and mammals, making these areas an integral part of the ecosystem. Because wildlife do not often subscribe to politically constructed boundaries, any consideration for conserving this extraordinary ecosystem as a national wildlife refuge must include the Calista lands. It is crucial that Calista lands be protected in a manner consistent with the management objectives of the refuge.

Unlike some Alaska Native corporations, it has been very difficult for the Native people of the Calista region to translate their land endowment into financial capital that can be used to provide shareholder dividends and to develop real, long-term cash economies.

Thus, the exchange proposed in H.R. 2505 is somewhat sublime—surplus federal property for conservation. It could well become the U.S. version of the debt-for-nature exchanges now underway between international lending institutions and third-world countries to preserve dwindling habitat.

This exchange, if approved, will help to protect ancestral lands and wildlife habitat, and it will provide Calista the money with which to hopefully jumpstart profitable business ventures elsewhere. I hope your action might also help alleviate other social problems in the region, such as the alarmingly high rates of suicide, infant mortality, hepatitis, meningitis, tuberculosis, alcoholism and unemployment.

This is a chance to do something right, that will be remembered as such in history. Seldom do we get such a chance. It is my sincere hope that this exchange will be the first of many, bringing conservation, social, cultural, and economic benefits to rural Alaska.

I urge that you take immediate action to ensure that this, and many other similar exchanges, are enacted.

Sincerely,

RICK STEINER,
The Coastal Coalition,
Anchorage, AK.

THE CONSERVATION FUND,
Shepherdstown, WV, September 22, 1995.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: As I understand it, you are considering legislative steps to implement the land exchange authorized in P.L. 102–172 for the benefit of the Calista Corporation and of the Yukon Delta National Wildlife Refuge. I am writing to you to voice my support for efforts in Congress to complete this exchange, which I believe would be of substantial benefit to the conservation of wildlife refuge resources in the Yukon Delta region.

By way of background, as you may know, I was with the U.S. Fish and Wildlife Service (USFWS) for 24 years. Three of those years were spent as the Alaska Regional Director of the USFWS from 1983 until 1987 and two years as the Associate Director in Washington, D.C. Since my retirement from government, I have served as the Director of Science for the Conservation Fund, a publicly supported non-profit organization dedicated to advancing land and water conservation.

From studying the Calista land exchange, it appears that approximately 28,000 acres of fee or fee entitlement would be involved and 182,000 acres of subsurface estate. Given the nature of the lands in the Yukon Delta region, acquiring the subsurface estate as proposed will go a long way toward conserving the resources of the surface estate which contains critical fish and wildlife habitat in the northern sector of the Pacific Flyway. This is a wildlife refuge of tremendous resources clearly worthy of special conservation efforts.

The exchange would make productive and creative use of certain excess or surplus government property in exchange for lands and interests in lands to be conserved. This seems to be a sensible approach to assist conservation while at the same time providing a means to enable an Alaska native Corporation to serve the most populous, undeveloped and the poorest Native region in the state. This is especially true considering the few dimes on the excess or surplus property dollar often associated with the sale of such lands in the Federal portfolio.

I know that it has been difficult bringing this exchange to a successful conclusion. I believe, as you apparently do, that the time has come to resolve this in an expeditious way that is fair and reasonable for the landowner and for the government. As in the past, when a process gets so bogged down for whatever reason, that is it unable to deal fairly and effectively with an issue, it is likely that the Congress will need to step in to help achieve an equitable resolution. It appears that is the case here.

Thank you again for your consideration of my views on this matter and I strongly urge you and your colleagues to take action soon to implement this land exchange.

Sincerely,

ROBERT E. PUTZ, Ph.D.

CALIFORNIA STATE DIVISION, THE IZAAK WALTON LEAGUE OF AMERICA,

June 11, 1996.

Hon. DON YOUNG,
Chairman, House Resources Committee,
Washington, DC.

DEAR MR. CHAIRMAN: The California Division of the Izaak Walton League of America is a non-profit grassroots organization whose members are dedicated to outdoor recreation and the conservation and the preservation of our natural resources. On behalf of the 500 members statewide, I am writing to offer my support of legislation that would facilitate the Calista Land transfers authorized by congress in 1991 and urge that this important measure be enacted expeditiously.

This measure would help conserve and protect critical wildlife habitat located within the Yukon Delta National Wildlife Refuge (YDNWR) in the Calista region of Alaska. Much of the terrain involved provides low lying coastal habitat for waterfowl, fish and other wildlife typical of the Calista Region and the YDNWR. The YDNWR was established in 1980, pursuant to the Alaska National Interest Lands Act, to protect nesting and breeding habitats for large numbers of migratory birds. Millions of geese, duck, loons, cranes, and swans, as well as shorebirds and seabirds migrate to the spectacular refuge every summer to breed and raise their young. The wetlands that exist on these in holdings are world class and serve as unparalleled habitat for many species of birds and other wildlife.

The specific wildlife that would be protected by this exchange is outstanding. For example, Pacific Bract, White Fronted Geese, Cackling Canada Geese and Emperor Geese nest on the parcels in the exchange. These birds are all "species of Concern" under the Migratory Bird Treaty Act. Their numbers have been declining precipitously. All waterfowl in the refuge, except for the Emperor Geese, use the Pacific flyway, wintering over at various locations along the U.S. West Coast and Mexico. In addition, most shorebirds nesting in the refuge also migrate along this flyway, wintering as far away as South America. Wintering overgrounds are where birds spend at least half of their lives. Securing the stability of these waterfowl populations' nesting and overwintering grounds must remain a priority if these populations are to thrive. The Calista land exchanges would enhance this overall protection.

The Calista exchange involves both surface and sub-surface estates. Given the access and other rights of the subsurface estate owner to use and otherwise disturb the surface estate, in order to adequately protect the wildlife and associated habitats, it is imperative that the subsurface estate be protected as well. Consequently, acquisition of subsurface estates is crucial to carrying out the overall purposes of the refuge.

In closing, if adequately protected, the wilderness lands offered by the Calista inholdings will create a legacy of the world class natural resources in the Yukon Delta National Wildlife Refuge that can be shared by anglers, hunters, boaters, ecotourists, wildlife viewers and subsistence users alike.

Sincerely,

SAMUEL A. CARR, Jr.,
National Director.●

ADDRESS BY AMBASSADOR RICHARD GARDNER: "FRANKLIN ROOSEVELT AND WORLD ORDER: THE WORLD WE SOUGHT AND THE WORLD WE HAVE"

● Mr. KENNEDY. Mr. President, Richard Gardner, the U.S. Ambassador to Spain and one of the Nation's most respected authorities on foreign policy, delivered an important address in Turin, Italy, last month at a conference on the legacy of President Franklin Roosevelt in modern international relations.

Ambassador Gardner's address is an eloquent and instructive analysis of President Roosevelt's remarkable leadership in leading the United States out of the isolationism that marked the years before World War II and his vision of a post-war world in which nations could and would work together to achieve common security, promote economic development, and protect human rights.

Ambassador Gardner also perceptively analyzes our current efforts with other nations to adapt these goals and ideals to the practical conditions and needs of the modern world.

At a time when some in Congress are inclined to prefer isolationism and unilateral action, Ambassador Gardner's address offers a compelling analysis that "practical internationalism" is the right approach for the future. I believe that his address will be of great interest to all of us in Congress and to many others in the country, and I ask that it may be printed in the RECORD.

The material follows:

FRANKLIN ROOSEVELT AND WORLD ORDER: THE WORLD WE SOUGHT AND THE WORLD WE HAVE

(Address by Richard N. Gardner, U.S. Ambassador to Spain, at the Conference on The Legacy of FDR)

January 6, 1941: Adolph Hitler and Benito Mussolini are the masters of Western Europe. Nazi armies have over-run Poland, occupied Denmark and Norway, invaded the Netherlands and Belgium, and conquered France. Russia stands aside, faithful to the Hitler-Stalin pact. Only England resists the onslaught of Fascist tyranny, bracing itself under terrifying air raids for the expected German invasion.

In Asia, the militarists of Japan are on the march. The United States is beginning, hesitantly, to give help to England, yet the Lend-Lease Act has not yet passed the Congress, and the American people are overwhelmingly against entering the European war. It is hard to imagine when or how peace and freedom can ever be restored to Europe—or the world.

In this dark moment an American President, Franklin Delano Roosevelt, appears before the Congress of the United States. He tells the American people they face an unprecedented threat to their freedom. He pledges all of America's resources to the defense of the democracies. And he inspires his countrymen with the following statement of what the historic struggle is all about:

"As men do not live by bread alone, they do not fight by armaments alone. Those who man our defenses, and those behind them who build our defenses, must have the stamina and courage which come from an unshakable belief in the manner of life which they are defending. The mighty action which we are calling for cannot be based on a disregard of all things worth fighting for.

"In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms. The first is freedom of speech and expression—everywhere in the world.

"The second is freedom of every person to worship God in his own way—everywhere in the world.

"The third is freedom from want—which, translated into world terms, means economic understandings which will secure to every nation a healthy peace time life for its inhabitants—everywhere in the world.

"The fourth is freedom from fear—which, translated into world terms, means a worldwide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world.

"That is no vision of a distant millennium. It is a definite basis for a kind of world attainable in our own time and generation. That kind of world is the very antithesis of the so-called new order of tyranny which the dictators seek to create with the crash of a bomb.

"To that new order we oppose the greater conception—the moral order. . . . The world order which we seek is the cooperation of free countries, working together in a friendly, civilized society."

What prompted Franklin Roosevelt to present this ambitious vision of a postwar world? What specific measures did he initiate to move toward that goal? What have been the results? What guidance can we find in his foreign policy legacy today? One could write a book about questions like these, but let me try, within the confines of one speech, to suggest some answers.

I believe it is fitting that we discuss such questions in Europe, and particularly in Italy. Had Roosevelt not been President of the United States, it is doubtful that the United States would have moved so firmly in 1941 to oppose the Axis powers. With a different President, committed to an isolationist policy, Japan might not have attacked Pearl Harbor; Hitler and Mussolini might not have declared war on the United States. Europe might have lived for decades under Fascist tyranny.

Moreover—and this is the point I wish to develop here—our postwar institutions for cooperation in peace and security, trade and development, and human rights might never have been created.

Franklin Roosevelt was an idealist. But he was also, to use John F. Kennedy's famous description of himself, "an idealist without illusions." He could be pragmatic—should I say even Machiavellian?—in accommodating to political realities, but he remained faithful to a consistent vision of the future. He understood only too well how hard it would be to realize the kind of postwar world he described, but he was equally convinced of the need to try.

As Democratic Vice-Presidential candidate in 1920, Roosevelt had campaigned, in vain, for Woodrow Wilson's League of Nations. In his view, the rise of Fascism and the coming of the Second World War were caused in large part by the failure of the United States to join the League. He also blamed the peacemakers at Versailles for failing to create effective international institutions to assure collective security, economic solidarity, and human rights.

He believed that the American people would never throw their full weight into the struggle against Fascism if they saw nothing better at the end of the road than more unrestrained military competition, more "spheres of influence," more depression and economic nationalism, more colonial aggrandizement—and more war. He was convinced that these misfortunes would inevitably result unless the United States once and for all renounced isolationism and took the leadership in constructing a new world order based on enduring moral principles.

As he told the Congress: "We shall have to take the responsibility for world collaboration, or we shall have to bear the responsibility for another world conflict."

THE WORLD WE SOUGHT

Thus it was that Roosevelt moved swiftly, even before the United States entered the war, to lay the basis for American leadership in a postwar peace system. In an historic meeting at sea with Winston Churchill in August 1941, the two leaders proclaimed in the Atlantic Charter "certain common principles . . . on which they base their hopes for a better future for the world."

The Charter contained eight fundamental propositions: no territorial aggrandizement; no imposed or undemocratic territorial changes; sovereign rights and self-government for all peoples; access, on equal terms, to the trade and raw materials of the world for "all States, great or small, victor or vanquished"; international economic collaboration to secure "improved labor standards, economic advancement and social security"; a postwar peace assuring safety to all nations and freedom from fear and want for all men; freedom of the seas; and, "pending the establishment of a wider and permanent system of general security," the disarmament of aggressor nations and "the reduction for peace-loving peoples of the crushing burden of armaments."

On January 1, 1942, the principles of the Atlantic Charter were subscribed to in a document promulgated in Washington by the 26 nations allied in the struggle against the Axis powers. That document was called the "Declaration by the United Nations"—a term invented by President Roosevelt. It was his inspiration to propose the same term to describe the permanent peace organization that would be founded by the victorious allies at San Francisco.

Roosevelt's conception of a postwar world order had three main elements—collective security, economic cooperation, and human rights. Each of these elements found its way into the United Nations Charter, and achieved concrete expression in global and regional institutions that remain with us today. We now take these concepts so much for granted that it is hard to realize how revolutionary they were when they were first set forth by Roosevelt and his Administration some 50 years ago.

To begin with, collective security. Roosevelt pressed a skeptical Winston Churchill and an unconvinced Joseph Stalin to accept the idea of a global organization to keep the peace. Churchill preferred several regional peace organizations; Stalin probably wanted none at all—just Big Three arrangements to keep the Axis powers disarmed and acceptance of a new Soviet Empire in Eastern Europe.

But Roosevelt prevailed. His postwar peace system seemed at the time a judicious blend of realism and idealism: Four so-called "policemen"—the United States, Britain, Russia and China—would put their forces at the disposal of the United Nations to keep the peace and would receive the special privilege of the veto (later these became the five Permanent Members of the Security Council with the addition of France). All UN members large and small would undertake common commitments to settle their disputes peacefully and refrain from the threat or use of force against the territorial integrity or political independence of other nations.

Roosevelt believed that the great powers should learn to live without colonial empires and spheres of influence, accepting the same obligations of international law as smaller countries. He applied this belief to the United States in Latin America just as he sought to apply it to the Soviet Union in Eastern Europe.

As he had written in the journal *Foreign Affairs* as far back as 1928: "The time has come when we must accept . . . a newer and better standard in international relations." Should disorder threaten a sister nation in Latin America, "it is not the right or the duty of the United States to intervene alone. It is rather the duty of the United States to associate with itself other American Republics, to give intelligent joint study to the problem, and, if the conditions warrant, to offer the helping hand or hands in the name of the Americas. Single-handed intervention by us in the affairs of other nations must end; with the cooperation of others we shall have more order in this hemisphere and less dislike."

An important part of Roosevelt's concept of collective security was the control and regulation of armaments. Roosevelt was no believer in unilateral disarmament—one need only recall his effective work as Assistant Secretary of the Navy during the First World War and his leadership in making the United States the "arsenal of democracy" in the struggle against Fascism. But throughout his life he was a passionate supporter of multilateral and reciprocal disarmament under international control wherever it was achievable, and he looked towards a world in which all nations would be disarmed except the "four policemen"—whose arms would be used only to safeguard the common security in accord with decisions of the Security Council of the United Nations.

Although he died a few months before the first atomic bombs were dropped on Japan, he had begun to think about the terrible destructive power of nuclear weapons. A year after his death President Truman, following in the spirit of Roosevelt's thinking on disarmament, offered to turn over the then U.S. monopoly of nuclear weapons to the United Nations, if other countries would also foreswear their development. Stalin's rejection of this proposal, known as the Baruch Plan, set us on the path of the nuclear arms race and opened up today's frightening prospects of nuclear proliferation.

There are those who believe that Roosevelt acquiesced in the domination by the Soviet Union of Eastern Europe is violation of the very universal principles he was espousing with the founding of the United Nations. The facts are to the contrary.

At the Yalta Conference, Roosevelt secured from Stalin pledges of "the earliest possible establishment through free elections of governments responsive to the will of the people" (Declaration on Liberated Europe) and, in the case of Poland, "free and unfettered elections . . . on the basis of universal suffrage and secret ballot" (Declaration on Poland).

The Soviet suppression of freedom in Eastern Europe was not the result of the Yalta Agreements—it took place in violation of them. In the weeks before his death, Roosevelt sent a stern message of protest to Stalin for his failure to honor the Yalta Agreements. But he was powerless to force the Russians out of countries their conquering armies had occupied.

As the historian Robert Dallek has written after an exhaustive examination of the historical record: "The suggestion that Roosevelt could have restrained this Soviet expansionism through greater realism or a tougher approach to Stalin in unpersuasive." To the same effect is George Kennan's judgment that as an aftermath of World War II "no one could deny Stalin a wide military and political glacis on his western frontier . . . except at the cost of another war, which was unthinkable."

Finally, we have the testimony of Averell Harriman, Roosevelt's wartime Ambassador to the Soviet Union: "It was Stalin's actions which brought on the Cold War. Roosevelt has been criticized for being taken in by Stalin and for unwisely trusting him. Nothing is more unfair. If he had failed to try, Roosevelt would have been held responsible for the breach between us."

Economic cooperation was the second essential element in Roosevelt's conception of world order. He was determined to put an end to the American tradition of economic nationalism and use American power to construct a new and cooperative international economic order. He had told his countrymen that American democracy could not survive if one-third of the nation were ill-housed, ill-clothed, and ill-fed; he now urged upon his countrymen the further recognition that American welfare could not be assured in a disordered and impoverished world economy.

The Second World War, Roosevelt believed, was caused in part by the wild currency disorders, mass unemployment and economic desperation that brought Hitler and Mussolini to power. This time priority must be given to laying the economic foundations of the peace. And these foundations, while preserving the system of private enterprise, could not consist of unregulated market forces either within or between nations. To assure high levels of employment, growth, trade and economic justice would require an active role by governments working together through new international organizations.

To this end, Roosevelt first of all rejected the idea of a Carthaginian peace—there were to be no war reparations exacted from Germany, Italy and Japan as Stalin and others wanted. On the contrary, the vanquished as well as the victor countries were to be given fair economic treatment and equal access to markets and raw materials. Not only that, but the peoples of vanquished as well as victor countries liberated from Fascism were to receive generous help from the United Nations Relief and Rehabilitation Agency (UNRRA), ably led by Herbert Lehman and later Fiorello La Guardia.

To prevent another divisive postwar argument over the repayment of war debts, Roosevelt invented the Lend-Lease program, which brought $27 billion in wartime aid to Britain and $11 billion to the Soviet Union, with nothing asked in repayment except for a few hundred million dollars representing the postwar value of materials remaining at the end of hostilities. Lend-Lease was truly, as Churchill put it, the "most unsordid act in history."

The heart of Roosevelt's plan for a new world economic order lay in three new organizations—the International Monetary Fund, the International Bank for Reconstruction and Development, and the International Trade Organization. Agreement on the first two of these institutions was reached at Bretton Woods, New Hampshire, in the summer of 1944, almost a year before the San Francisco Conference approved the UN Charter.

Roosevelt and his colleagues considered orderly currency arrangements and properly aligned exchange rates as basic to everything else—hence the International Monetary Fund which was to assure a system of stable but adjustable par values, the elimination of exchange controls on current transactions, and a pool of currencies that could give countries time to adjust their balance of payments problems without measures destructive of their own or other countries' economic stability.

Essential to the success of the par value system, however, was the harmonization of national monetary and fiscal policies. The original version of the White Plan was explicit in this regard—members were obliged "not to adopt any monetary or banking measure promoting either serious inflation or serious deflation without the consent of a majority of member votes of the Fund." In the negotiations leading to Bretton Woods, however, references to the limitation of national economic sovereignty were progressively weakened, in deference to political realities in Britain and the United States (and probably other countries).

The International Bank for Reconstruction and Development was mainly conceived as an agency for postwar reconstruction. With a relatively small amount of paid-in capital, it was to operate principally by issuing bonds on the private capital market. The Bank was conceived without much thought to the vast needs of the developing countries, though it provided a valuable framework that could eventually be adapted to assisting them. Its founders also underestimated the requirements of postwar reconstruction in Europe and Japan, which had to be dealt with through the Marshall Plan, whose 50th anniversary we celebrate next year.

When Roosevelt became President, the United States had only recently enacted the Smoot-Hawley Tariff, the highest in its history. Thanks to Roosevelt's reciprocal trade agreements program, under which Congress delegated broad tariff-cutting powers to the President, the United States was finally in a position to work with other countries for the removal of trade barriers and the elimination of trade discrimination. Thus, when the U.S. Congress refused to approve the International Trade Organization, the world was fortunate to be able to fall back on a multilateral trade agreement—GATT—which had been negotiated in 1947 under the authority of Roosevelt's trade legislation. GATT became the instrument for 50 years of largely successful negotiations to reduce tariffs and non-tariff barriers and resolve trade disputes.

In Roosevelt's concept of postwar economic cooperation, the International Monetary Fund, the World Bank and the International Trade Organization were to operate as largely autonomous "Specialized Agencies," loosely "coordinated" by the General Assembly of the United Nations and by the Economic and Social Council (ECOSOC). Other major Specialized Agencies that emerged as a result of Roosevelt's leadership included the Food and Agriculture Organization, the International Labor Organization, the World Health Organization, UNESCO, and the International Civil Aviation Organization. ECOSOC was empowered to receive reports from the Specialized Agencies, to undertake studies, to call conferences, and to issue recommendations on economic and social questions.

Human rights comprised the third element in Roosevelt's conception of world order. Roosevelt worked to establish a new and revolutionary concept in international relations—that how a nation treated its own people was no longer its own business alone, but the business of the entire international community. Thanks to Roosevelt, the United Nations Declaration of January 1, 1942, spoke of "human rights" as a fundamental objective of the struggle against Fascism. And it was largely due to his Administration, prodded by private American academics and religious leaders, that the concept of human rights was firmly embodied in the UN Charter.

Human rights meant, first of all, the rights of peoples to self-government and independence. Roosevelt was determined that the Second World War should put an end to colonial empires and to the centuries-old system of territorial aggrandizement by victorious powers.

Clark Eichelberger, the founder of the American Association for the United Nations, has written of a wartime conversation with Roosevelt: "The President said that when he had signed the Atlantic Charter, he had said we did not want more territory and that he was fool enough to mean it and would stand by it in the future." Even before the State Department developed its proposals for a United Nations organization it had at Roosevelt's urging, started work on the idea of an international trusteeship system, under which colonial territories conquered from the Axis powers (as well as other territories) would be administered for the benefit of the people and advanced toward independence.

But Roosevelt's conception of human rights was not limited to the self-determination of peoples. He knew too well that history is studded with examples of the unholy alliance between nationalism and tyranny. And he was convinced, with Hitler's campaign of genocide against the Jewish population of Europe as the most recent example, that violations of human rights could be a prelude to aggression and a cause of war. Thus his emphasis on individual rights as a postwar goal in the famous "Four Freedoms" speech. Hence the unprecedented commitment of UN members in the UN Charter to take joint and separate action in cooperation with the organization to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion."

The story is told of a little girl who was asked to name her favorite American President and answered: "Franklin Eleanor Roosevelt." The little girl was perhaps wise beyond her years. Mrs. Roosevelt undoubtedly played a part in deepening the President's commitment to human rights both at home and abroad. After her husband's death, Eleanor Roosevelt became Chairman of the UN's Human Rights Commission, and presided over the negotiation of the Universal Declaration of Human Rights, which was adopted by the General Assembly in 1948.

Mrs. Roosevelt also launched the UN on the drafting of the two basic human rights treaties—the Covenant on Political and Civil Rights and the Covenant on Economic, Social and Cultural Rights. But she knew that drafting human rights treaties was only part of what was needed: "It is not just a question of getting the Covenants written and accepted," she used to say. "It is a question of actually living and working in our countries for freedom and justice for each human being."

THE WORLD WE HAVE

How did it all turn out? It is impossible to do justice to 50 years of turbulent and complex events in the brief time that remains to me, but let me offer some very general observations.

PEACE AND SECURITY

As everyone knows, the ambitious concept of collective security embodied in the UN Charter quickly collapsed with the collapse of the wartime alliance and the outset of the Cold War. It proved impossible to negotiate the special agreements under Article 43 of the Charter under which the Five Permanent Members and others were to make units of their armed forces available to the UN Security Council for peace enforcement purposes. Roosevelt's concept of collective security had to be implemented after his death by a different organization—NATO—conceived as a shield against Soviet aggression.

Nevertheless, the United Nations, adjusting to the postwar realities, developed noncoercive peacekeeping in place of collective security. Despite the Cold War, its men in blue helmets played a vital role in containing conflict in such far-flung places as Kashmir, Cyprus, the Middle East and the Congo. The Security Council and the Secretary-General served as useful resources for the peaceful settlement of disputes when members had the good sense to make use of them.

As the Cold War came to an end and the Soviet Union collapsed, the United Nations found itself called on to respond to an unprecedented number of new conflicts, requiring major operations in places like Cambodia, Somalia and the former Yugoslavia. Between 1987 and 1993, the UN undertook more peacekeeping operations than in all the previous year of its history. In these six years the UN went from five peacekeeping operations with 10,000 soldiers and an annual peacekeeping budget of $200 million, to 18 missions with 70,000 troops and a peacekeeping budget of $3 billion.

These operations placed great strains on the UN's operational capacity and even more on the financial resources and political will of its members. The UN found itself going beyond classical peacekeeping—men in blue helmets patrolling borders or otherwise supervising agreements to end hostilities. It was now obliged to assume responsibilities for the delivery of humanitarian relief and the maintenance of order in the midst of civil wars and even outright aggression.

In Somalia and the former Yugoslavia, there were large gaps between the ambitous Security Council mandates and the capacity of the world organization to carry them out. The inevitable result has been disillusionment with the UN, particularly in the United States.

These UN operations, as well as the crisis in Rwanda, have called into question a central assumption of collective security—the willingness of democratic countries to risk casulaties in conflict situations "anywhere in the world," where they do not see their vital interests as being at stake.

UN peacekeeping missions will continue to be important in future years in helping to contain armed conflcit and deliver humanitarian aid. We need to explore practical ways to improve the training, equipment, financing and command and control of these missions. The UN can also improve its capacity for preventive diplomacy—working to resolve conflcits before they explode into violence.

But the time has come to recognize what the UN cannot do. Although the UN is still capable of traditional peacekeeping, it is not capable of effective peace enforcement against well-armed opponents who are not prepared to cooperate. This was amply demonstrated in Somalia and by UNPROFOR's experience in Bosnia.

For the foreseeable future, the defeat of aggression and the enforcement of peace will have to be undertaken by U.S.-led "coalitions of the willing" as in Desert Storm, or by NATO-led coalitions such as IFOR in Bonsia. These are clearly different instrumentalities than Roosevelt envisaged 50 years ago, but they are not inconsistent with the UN Charter which he made possible. That remarkably flexible instrument provides in Article 51 for the right of "individual or collective self-defense" and in Article 53 for the utilization by the Security Council of "regional agencies" for "enforcement action under its authority."

The United States and its European allies are now at work in building a new security architecture in Europe, which includes a new and enlarged NATO, the Partnership for Peace program with non-NATO members, a strengthened Organization for Security and Cooperation in Europe, and a broad Charter to govern NATO-Russian relations. A start has also been made at developing more effective regional institutions for the peaceful settlement of disputes and peacekeeping in Latin America, Africa and Asia, although much more needs to be done.

This is a far cry from Roosevelt's grand design of collective peace enforcement by the UN, but it is a pragmatic response in the light of political realities. Whether it will be enough to keep the peace in a disordered world will depend upon constructive behavior by the five Permenent Members of the UN Security Council and by regional middle powers, the willingness of the European Union and Japan to assure greater security responsibilities, and most of all, on skillful displomacy, backed by adequate military power, by the United States.

Roosevelt's ambitious hopes for the regulation and control of armaments by the United Nations have been frustrated by the same political forces that doomed a UN peace enforcement system. We have needed to rely, instead, on a decentralized system of agreements and institutions, some inside and some outside the United Nations. The START I and START II agreements, if fully implemented, will greatly reduce the number of nuclear weapons, and the renewal of the Non-Proliferation Treaty will help to check the spread of nuclear weapons. The Comprehensive Test Ban Treaty just concluded could also help reduce the danger of nuclear arms development.

The UN's International Atomic Energy Agency (IAEA) is playing a critical role in preventing nuclear weapons development in Iraq, North Korea, and other parts of the world. But still more can be done to strengthen the IAEA, to reinforce the export control efforts of the nucler suppliers club and to combat the growing black market in nuclear materials leaking from the stockpiles of the countries of the former Soviet Union.

The Chemical Weapons Convention, the UN efforts to eliminate the scourge of land mines, the Missile Technology Control Regime, and the post-Cocom export control arrangements to limit the spread of high-tech conventional weapons are other elements in the world's still evolving and still inadequate efforts to limit the production and spread of dangerous weapons.

Roosevelt saw the U.N. Security Council as the centerpiece of international cooperation for peace and security. It is increasingly recognized that altering the structure of the Council would be desirable if it is to continue to meet its responsibilities under the Charter.

The changes in power relationships in the half century since San Francisco have led a number of countries, including the United States, to propose adding Germany and Japan as Permanent Members, with the creation of three or four additional seats to permit more regular representation of middle powers from Asia, Africa and Latin America. So far the UN committee studying Security Council reform has not been able to achieve a consensus on this proposal or any other formula for making the Council more reflective of contemporary power realities. Whatever emerges must maintain the effectiveness of the Security Council as the operational arm of the United Nations in responding to challenges to international peace and security.

ECONOMIC COOPERATION

Roosevelt's grand design for economic cooperation has stood the test of time rather better than his design for peace and security, though not without profound changes that he could not have foreseen.

Instead of a system of fixed but adjustable exchange rates as conceived at Bretton Woods, we are now in a world of floating exchange rates for the world's major currencies, occasionally producing serious volatility and exchange rate misalignment. The International Monetary Fund was never able to assume its intended role as the primary supplier of liquidity to the world's developed countries, and it thus quickly lost any real influence over their monetary and fiscal policies. When the United States suspended gold convertibility in 1971, it put the world effectively on a dollar standard, and freed itself, at least in the short and middle run, from the necessity to balance its international accounts.

Unlike the world anticipated at Bretton Woods, we now live in a world in which capital flows have displaced trade flows as the principal determinant of currency relations; more than $1 trillion of exchange transactions take place every day, only about two percent of which are linked to trade in goods and services in our highly sophisticated 24-hour-day global capital market, the original IMF concept that members could regulate capital movements but not payments for current transactions has become totally obsolete.

Yet Roosevelt was right in his fundamental concept that open trade relations require a measure of currency stability, and that currency stability in turn requires a degree of coordination of the monetary and fiscal policies of the major economic powers. So far as the industrialized countries are concerned, the efforts for such coordination now take place largely outside the Fund through meetings of the Treasury Ministers and Central Bank Governors of the Group of Seven (the United States, the United Kingdom, Germany, France, Italy, Canada and Japan).

The practical results of efforts toward greater international management of the floating rate system have been limited so far by an obvious fact of international economic life: the governments of the major economic powers are not prepared to subordinate their domestic policy objectives to the goal of keeping their currencies in some agreed international alignment.

Nevertheless, the search for greater monetary stability continues. It has enjoyed a measure of success through more limited regional arrangements, the leading example being the exchange rate mechanism of the European Monetary System. We shall soon see whether the more ambitious goal of a European Monetary Union with a European Central Bank and a European common currency will be achieved by the target date of 1999.

Like the International Monetary Fund, the World Bank had a very different future than the one envisaged for it by Franklin Roosevelt. The Bank's resources were too limited to play any significant role in accomplishing its primary purpose—the postwar reconstruction of war-devastated Europe. That purpose had to be assumed by the Marshall Plan, in which the United States pumped $16 billion (the equivalent of $100 billion in today's dollars) into European economies from 1948 to 1952, thus laying the foundation for the "economic miracle" of the Continent in the 1950's and 1960's.

The Marshall Plan was conditioned on the dismantling of intra-European trade barriers and on other concrete measures toward European economic unity. It thus led directly to the establishment of the Organization for European Economic Cooperation and paved the way for the creation of the European Common Market and eventually the European Union. Some Europeans in the postwar years claimed that an "imperialist" United States had "hegemonical" designs on Europe, but it is surely a strange kind of "imperialism" that urges weak and divided countries to unite so that they can become powerful economic competitors.

The strong support that the United States continues to give to European efforts at economic and political unity has been motivated by its enlightened self-interest in having a strong European partner with which to share global economic and political responsibilities. In a very real sense, this is a contemporary expression of Roosevelt's concept of economic solidarity in pursuit of a better world order. The New Transatlantic Agenda signed at the U.S.-E.U. Summit in Madrid last December may thus be seen as the lineal descendent of the Atlantic Charter of 1941.

If the International Monetary Fund and World Bank were unable to play the roles that Roosevelt imagined for them in relations between the United States and Western Europe, they have nevertheless more than justified their existence in the substantial technical aid and financing that they have provided to the less developed countries. The World Bank, moreover, became a model for the establishment of Regional Development Banks in Europe, Latin America, Africa and Asia. And with the creation of the International Development Association, the Bank acquired the capability to provide large quantities of concessional aid to the world's poorest nations.

More recently, with the end of the Cold War, the Bretton Woods institutions have acquired yet another unexpected role—that of assisting the former Communist countries of Eastern and Central Europe in making the transition to successful market economies. Roosevelt's goal of a cooperative one-world economic system including Russia, which seemed so utopian during the Cold War, has once again become a serious policy objective, even if its achievement still faces serious obstacles and uncertainties.

The third instrument of Roosevelt's postwar economic design—an institution for the reduction of trade barriers—has been realized in the General Agreement on Tariffs and Trade, whose eight negotiating rounds have now brought average tariff levels in the industrialized countries down to four percent, while also subjecting non-tariff barriers such as quotas to greater international discipline. The recently completed Uruguay Round was the most ambitious trade negotiation in history, covering hitherto neglected sectors like agriculture, textiles, services and intellectual property rights.

Half a century after FDR's death, a worldwide consensus is emerging on the virtues of market economics, open trade, and private investment, the basic principles underlying the postwar economic institutions. Countries containing some three billion people have abandoned economic autarky and joined a one-world economy. The Bretton Woods institutions and GATT are no longer the preserve of a privileged few, but must now respond to the priorities of a larger and more diverse constituency. This is both a measure of their success and a challenge to their future.

The Uruguay Round also produced a World Trade Organization with an enhanced dispute settlement mechanism. Thus the plans for an International Trade Organization that were laid in the Roosevelt years have finally been realized—if 50 years late. Of course, the WTO still faces formidable difficulties, ranging from unfinished business of the Uruguay Round to new issues like trade and environment, trade and workers' rights, trade and competition policy, and the relation of the WTO to the multiplication of regional and subregional trade arrangements.

The comparative success of the Bretton Woods organizations and GATT stands in marked contrast to the relative ineffectiveness of the central economic institutions of the United Nations—the General Assembly and the Economic and Social Council. During the Cold War, these institutions were hampered by sterile East-West and North-South ideological debates.

Moreover, the UN economic system became a non-system afflicted by massive fragmentation of effort, with 16 Specialized Agencies, 5 Regional Commissions, 6 major voluntary funding programs, and 105 intergovernmental bodies of one kind or another. The restructuring of this system for greater effectiveness is obviously now a high priority.

Yet it would be wrong to write off the UN economic institutions as total failures. The UN Development Program, the UN Population Fund, UNICEF, and the UN High Commissioner for Refugees, to take just some examples, have made notable contributions to the alleviation of poverty and suffering. And the UN's recent global conferences—the Rio Earth Summit of 1992, the Cairo Population Conference of 1994, the Copenhagen Social Summit of 1995, the Beijing Women's Conference of the same year, and the Ankara Human Settlements Conference of 1996—have not only raised public consciousness about urgent global issues, they have produced action plans that can guide us to a better world in the 21st century if we have the political will to implement them with the necessary policies and financial resources.

Despite the considerable economic progress of the postwar years, there are still one billion people in the world living in abject poverty. Rapid population growth and the continued abuse of man's natural environment raise serious questions about the habitability of our planet for future generations.

So the moral of this economic part of the Roosevelt story is clear. The institutions he made possible, though flawed in many respects, contained the capacity for adaptation to changed circumstances and established the habits and mechanisms of international cooperation which are essential for the resolution of the huge economic problems that still lie ahead of us.

HUMAN RIGHTS

In the area of human rights, as in the other areas of Roosevelt's postwar vision, we find ourselves with a half century record filled with both accomplishments and disappointments.

One of Roosevelt's priorities that enjoyed rapid realization was that of decolonization. In our disillusionment with many aspects of the United Nations, we sometimes forget that it presided over a process that brought over a billion people in nearly one hundred countries to political independence. That this happened so swiftly—that it happened with so little bloodshed—and that the path to self-government was eased by the work of several dozen UN agencies engaged in public administration and technical assistance—all this owed much to Roosevelt's vision.

But FDR's commitment was to individual rights as well as to the rights of peoples, and here the record is a mixed one. On the positive side is the progress that has been made in the United Nations in developing clear human rights standards that UN members are supposed to respect. The Universal Declaration of Human Rights, adopted by the General Assembly in 1948 as a result of Mrs. Roosevelt's leadership, gave eloquent definition at the beginning to the political and economic rights that should be the legacy of every human being.

The Covenants that followed—one on Political and Civil Rights and another on Economic, Social and Cultural Rights—converted the main ideas of the Declaration into binding legal obligations and provided mechanisms to monitor members' performances. Other conventions such as those on Genocide, Torture, Racial Discrimination, and the Rights of the Child added to the rapidly growing body of human rights law that is supposed to govern the behavior of nations.

But as Mrs. Roosevelt insisted at the outset, the key question is what the international community will do to ensure that these fine words are actually implemented by UN members in their own countries. On this the UN started slowly. Many UN members, particularly those in the Communist world, Asia and Africa, did their best to make sure in the early years that the UN's Human Rights Commission was a toothless talk shop for talented lawyers and avoided criticism of any individual country.

A modest advance took place in the late 1960's with the adoption of Resolution 1503, which provided authority for the first time to investigate complaints of "a consistent pattern of gross violations of internationally recognized human rights." Gradually the Commission lost its inhibition against scrutinizing and criticizing individual countries.

Still later, the Commission began to establish "rapporteurs" or expert investigators to examine complaints in individual countries and in human rights areas such as summary executions, religious intolerance, freedom of expression, and violence against women.

After many years of frustrating debate, a UN High Commissioner for Human Rights was finally established in 1994, with the authority to conduct investigations and bring reports of human rights abuses to the attention of UN bodies. The High Commissioner is assisted in this work by a small UN Center for Human Rights in Geneva, which also provides advisory services to governments on how to implement the growing body of human rights standards.

The collapse of Communism removed a core group of UN members who could be counted on to oppose all efforts to apply human rights standards to individual countries in an objective and principled way. Nevertheless there are still countries that claim that many "Western" concepts of human rights are not appropriate for non-Western societies.

It is significant that this claim was resoundingly rejected at the World Conference on Human Rights in Vienna in 1993, which reaffirmed that human rights are "universal" and must be protected by all governments "regardless of their political, economic and cultural systems."

As the massive "ethnic cleansing" in Bosnia and the genocide in Rwanda have reminded us, the UN still lacks any way of preventing large-scale violations of human rights or even of investigating them adequately as they occur. It will continue to lack this capability until UN members agree to provide it with the necessary legal authority and financial resources.

In the meantime, we can at least take satisfaction at the creation of the War Crimes Tribunals for Yugoslavia and Rwanda that are investigating gross violations of international humanitarian law after the fact. It remains to be seen, of course, whether the principal perpetrators of these crimes will ever be brought before these tribunals for trial and punishment.

It is perhaps to be expected that a universal body composed of governments could be only partially successful in implementing the human rights vision of Franklin and Eleanor Roosevelt. Governments are the problem, and their commitment to human rights varies enormously in different parts of the world. Fortunately, we can also pursue human rights progress through regional instruments (such as the European Court of Human Rights and the Organization for Security and Cooperation in Europe) and through the growing body of non-governmental organizations (such as Freedom House, Amnesty International and Human Rights Watch) that are making their influence increasingly felt at both the international and the country level.

CONCLUSIONS

Let me suggest three conclusions from this undoubtedly imperfect effort to examine FDR's concept of world order and the extent to which it has been realized today.

First, it is clear that the institutions of global cooperation that we work with today were shaped more by Franklin Roosevelt than by any other individual. Indeed, it is obvious that without Roosevelt we would have no United Nations, no International Monetary Fund and World Bank, no WTO or GATT, and no treaties embodying minimum standards of human rights or procedures, however weak and tentative, to implement them. We all know what these international institutions have failed to achieve, but how much more dangerous, disagreeable and hopeless our world would be without them!

Second, I suggest that Roosevelt's basic philosophy of practical internationalism can still be a guide for mankind today, and nowhere more importantly than in the United States.

It is the policy of the Clinton Administration to strengthen international institutions for cooperative action in peace and security, trade and development and human rights, and to make use of these institutions whenever possible. This does not mean, in today's imperfect world, that the United States will never act except through international organizations. Our approach, as President Clinton put it in his 1992 election campaign, must rather be, "with others when we can, by ourselves when we must." It is a practical approach that FDR, that idealist without illusions, would surely have understood.

But there are some in our country who do not believe in this kind of practical internationalism. They think that with the Cold War behind us there is no need to dedicate significant attention or resources to international affairs. And there are others who see the UN and other international organizations as a threat to American sovereignty and advocate unilateral action not as a last but as a first resort.

FDR knew better. He saw as far back as 1941 that the United States could not pursue its vital interests or realize its highest values through isolation or a policy of acting alone. Isolationism and unilateralism, he knew, would not be sufficient to protect our fundamental interests—not in keeping the peace, not in controlling dangerous weapons, not in furthering currency stability or open markets, not in promoting fundamental human rights.

Were he alive today, I am confident he would tell us that isolationism and unilateralism would not enable us to cope with the new challenges that have emerged since FDR's time—the destruction of the global environment, population growth and migration, international drug trafficking, international crime, and international terrorism.

Third, I believe this idealist without illusions, this man whose spirit overcame the handicap of a devastating paralysis, would ask us not to abandon hope in the face of our current disappointments, nor seek refuge from our frustrations in a cynical passivity, but to meet our daunting challenges through creative and cooperative action.

As he himself put it in the speech he was preparing at the time of his death: "The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith."

The best way we can honor his memory is to work together with that "strong and active faith" to strengthen the institutions of a better world order which he has bequeathed to us.•

OMNIBUS APPROPRIATIONS BILL

• Mr. ABRAHAM. There is a section in H.R. 4278, the omnibus appropriations bill regarding which I am wondering if I could seek some clarification from the distinguished chairman of the Commerce, Justice, State, and Judiciary Subcommittee of the Appropriations Committee. My inquiry is directed to section 306 of the Commerce, Justice, State, Judiciary Title. that provision prohibits the use of any funds appropriated in fiscal 1996, fiscal 1997, or thereafter for costs related to the appointment of special masters in prison conditions cases prior to April 26, 1996. That was the date when the Prison Litigation Reform Act, which required that such expenses be paid from funds appropriated for the Judiciary, was signed into law.

First, I was wondering if section 306 is intended to operate as an exception to the requirement of the PLRA that expenses, costs, and compensation for special masters be paid by the courts.

Mr. GREGG. No, it is certainly within the discretion of the courts whether they see a need for a special master and wish to assume the responsibility for such payments.

Mr. ABRAHAM. From the Senator's response, I surmise that it was not his intention in the omnibus appropriation bill to allow the courts, contrary to 18 U.S.C. 3626(f)(4) as amended by the PLRA, to impose costs, expenses or compensation amounts for special masters appointed prior to April 26, 1996 on the parties to the litigation?

Mr. GREGG. No, we did not intend to override any portion of the PLRA or impose such costs on anybody else.

Mr. ABRAHAM. Finally, is it envisioned under the omnibus appropriation bill that special masters originally appointed before and subsequently reappointed after April 26, 1996 would be treated in the same fashion as those appointed after that date?

Mr. GREGG. That is correct.

Mr. ABRAHAM. Thus if a court wants to retain a special master appointed before that date and pay that individual, all it need do is reappoint that person consistent with the PLRA.

Mr. GREGG. Yes, it is my understanding that the interpretation of my colleague from Michigan of the PLRA is consistent with the omnibus appropriation bill.•

SECTION 1102 OF THE COAST GUARD AUTHORIZATION ACT OF 1996

Mr. STEVENS. As chairman of the Senate Oceans and Fisheries Subcommittee, I wish to comment on section 1102 of S. 1004, my bill to reauthorize the U.S. Coast Guard which was recently passed by both the House and Senate.

Section 1102 provides funding for the Prince William Sound Oil Spill Recovery Institute [OSRI] located in Cordova, AK. The OSRI was created under section 5001 of the Oil Pollution Act of 1990 [OPA '90] to identify the best available techniques, equipment, and material for dealing with Arctic and Subarctic oil spills and to assess the effects of the Exxon Valdez spill on Prince William Sound's natural resources and on the environment, economy, and lifestyle of its residents.

Section 1102 of S. 1004 amends OPA '90 so that the National Pollution Funds Center will make payments directly to the OSRI for these activities, rather than through the National Oceanic and Atmospheric Administration or annual appropriations. The OSRI will conduct its mission over the next 10 years using annual interest from $22.5 million that was transferred from the Trans-Alaska Liability Pipeline Fund to the Oil Spill Liability Trust Fund. The initial payment to OSRI, which will occur within 60 days after the enactment of S. 1004, will include the interest that has accrued from the date of the first transfer of funds from the Trans-Alaska Pipeline Fund to the Oil Spill Liability Trust Fund pursuant to section 8102(a)(2)(B)(ii) of OPA '90.

Section 1102 makes other changes to enhance the effectiveness of the OSRI. It reduces the size and changes the composition of the OSRI Advisory Board, broadens the OSRI's mission, and allows the OSRI Advisory Board to request a scientific review every 5 years by the National Academy of Sciences to be performed by the Academy in carrying out section 7001(b)(2) of OPA '90.

The conferees intend for the Interagency Coordinating Committee on Oil Pollution Research (established under section 7001 of OPA '90) to coordinate with the OSRI and the Arctic Research Commission in developing and overseeing the national oil spill research plan. By involving these two entities, the Interagency Committee will be able to ensure that Arctic and Subarctic prevention and mitigation research needs are being fully identified and met. The Interagency Committee should include relevant recommendations of the OSRI in its reports to Congress, and should include OSRI representatives in meetings and other activities regarding oil pollution.

REGARDING S. RES. 304

• Mr. LOTT. Mr. President, I would like to make some clarifying remarks regarding the resolution recently agreed to by the Senate, S. Res. 304. This resolution will approve certain regulations to implement provisions of the Congressional Accountability Act. These regulations are approved to the extent they are consistent with the Congressional Accountability Act. In that regard, section 220(c)(3) of that act allows for judicial review of negotiability issues, although it limits who may seek review. Also, the term "any matter" under section 220(c)(1) of that act clearly includes any and all petitions and other submissions submitted to the board under section 220(c)(1) of the act.•

ANNIVERSARY

• Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Bill and Alice Wynkoop of Aldrich, Missouri who on Saturday, October 26, 1996 will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Bill and Alice's commitment to the principles and values of their marriage deserves to be saluted and recognized.•

CONGRATULATIONS TO LAWRENCE SMITHSON CELEBRATING HIS 100TH BIRTHDAY

• Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Lawrence Smithson of Chilhowee, Missouri who celebrated his 100th birthday on Wednesday, October 16, 1996. Lawrence is a truly remarkable individual. He has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of his life has meant much more, however, to the many relatives and friends whose lives he has touched over the last 100 years.

Lawrence's celebration of 100 years of life is a testament to me and all Missourians. His achievements are significant and deserve to be recognized. I would like to join Lawrence's many friends and relatives in wishing him health and happiness in the future.•

HEARTFELT THANKS

• Mrs. FRAHM. Mr. President, I want to take just a moment to extend my heartfelt thanks to Chairman MURKOWSKI, Senator JOHNSTON, and their respective staffs on the Energy and Natural Resources Committee for including the designation of Nicodemus, KS, as a national historic site in the omnibus parks bill.

During the 1870's, Kansas was the scene of a great migration of southern blacks seeking their fortune in what some African-American leaders described as the "Promised Land." One of the most important settlements founded during that time was Nicodemus. From sod "burrows" carved out of the prairie by the original "colonists," Nicodemus flourished into a leading center of black culture and society through the turn of the century.

Today, a cluster of five buildings is all that remains of that once vibrant community. National historic landmark status has not halted the gradual decay of this monument to the struggle of African-Americans for freedom and equality. In fact, in its report entitled "Nicodemus, Kansas Special Resource Study," the National Park Service indicated that "[i]f Nicodemus is not protected and preserved by a public or private entity, it seems inevitable that the historic structures will continue to deteriorate and eventually be razed." It was that finding that prompted Senator Dole's original legislation granting the town of Nicodemus, KS, national historic site status.

Senators Dole and KASSEBAUM and Representative ROBERTS pursued historic site status for Nicodemus for years. As Kansans, they recognized that this little-known oasis of hope for blacks on the long road to true emancipation was on the verge of being lost forever to the ravages of time. Progress, however, was agonizingly slow. Familiar as I was with Nicodemus—it is located in my old Kansas senate district—I vowed to continue the fight. Ably assisted by Janet Sena, whom I was lucky enough to briefly inherit from Senator Dole, we piggybacked our freestanding bill onto the larger omnibus parks package to get it through the Senate and succeeded in incorporating it into the conference report to assure passage in the House.

Now, after a long and arduous struggle, the fight is won and we have taken the essential step toward saving this unique piece of American history. Descendants of the original Nicodemus settlers are convinced that historic site status will give the town the prestige necessary to raise preservation funds. I agree. For them, and for myself, let me once again offer my thanks to all who made the inclusion of Nicodemus possible.•

OMNIBUS PARKS BILL

• Mr. SMITH. Mr. President, I rise to speak in support of the Omnibus Parks and Public Lands Management Act, which was adopted unanimously by the Senate. This legislation contains numerous provisions affecting 41 States to preserve and protect our Nation's scenic rivers and historic land areas. I am pleased that, after many days of negotiations, we have reached agreement on this important environmental legislation.

Included in this comprehensive package is legislation that Senator GREGG and I introduced on August 10, 1995, to designate the Lamprey River in New Hampshire as part of the National Wild and Scenic Rivers System. The Lamprey Wild and Scenic River Act, S. 1174, will designate an 11.5-mile segment of the Lamprey River as wild and scenic. Following introduction, the Senate Energy and Natural Resources Committee held a hearing on the Lamprey bill, which was later approved unanimously by the committee.

The history of this legislation goes back almost 5 years when Senator Rudman and I introduced the Lamprey River study bill in February 1991, which was signed into law by President Bush later that year. Once the National Park Service determined the Lamprey River's eligibility for the National Wild and Scenic Rivers System, a local advisory committee was formed to work with local communities, landowners, the National Park Service, and New Hampshire's Environment Department in preparing a comprehensive management plan. This management plan was completed in January 1995.

The Lamprey River management plan was subsequently endorsed by the advisory committee as well as the local governments affected by this designation. The primary criteria for my sponsorship of this legislation was the support of the local communities. After the towns of Lee, Durham, and Newmarket all voted in favor of this designation, it received my enthusiastic support.

The Lamprey River is well deserving of this designation for a number of reasons. Not only is the river listed on the 1982 National Park Service's inventory of outstanding rivers, but it has almost been recognized by the State of New Hampshire as the "most important coastal river for anadromous fish in the State." Herring, shad, and salmon are among the anadromous species found in the river. In fact, New Hampshire fishing maps describe the Lamprey as "a truly exceptional river offering a vast variety of fishing. It contains every type of stream and river fish you could expect to find in New England."

The Lamprey is approximately 60 miles in length and serves as the major tributary for the Great Bay, which is part of the National Estuarine Research Reserve System. The Great Bay Refuge is also nearby, which was established several years ago following the closure of Pease Air Force Base. The preservation of the Lamprey is a significant component to protecting this entire ecosystem.

The 11.5-mile segment, as proposed by our legislation, has been the focus of local protection efforts for many years. The towns of Lee, Durham, and Newmarket, local conservationists, the State government, as well as the congressional delegation have all come together in support of this legislation. I believe the management philosophy adopted by the advisory committee best articulates our goals for this legislation: "* * * management of the river must strike a balance among desires to protect the river as an ecosystem, maintain the river for legitimate community use, and protect the interests and property rights of those who own its shorelands."

In conclusion, Mr. President, I congratulate Senate majority leader LOTT, Senator MURKOWSKI and others in negotiating an agreement on this comprehensive legislation. In addition, I commend all of the members of the Lamprey River Advisory Committee, especially Sharon Meeker of Lee, who served as committee chair, Judith Spang of Durham, and Richard Wellington of Lee. All have worked very hard on the Lamprey River legislation and have traveled to Washington to testify on its behalf. I am extremely pleased that, at last, the fruits of their labor will be rewarded with the adoption of the omnibus parks bill—one of the most significant environmental accomplishments of the 104th Congress.●

HUMAN TISSUES SAFETY ACT OF 1996

● Mr. WYDEN. Mr. President, I inadvertently neglected to ask that a copy of legislation I introduced with Senators DODD and SIMON be printed in the October 3, 1996, CONGRESSIONAL RECORD.

I request that this bill, the Human Tissues Safety Act of 1996, be printed in the CONGRESSIONAL RECORD to be dated October 21, 1996.

The bill follows:

S. 2195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HUMAN TISSUE.

(a) IN GENERAL.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(hh)(1) The term 'human tissue' means a collection of similar human cells which—

"(A) is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of a disease or condition in a human or for reproduction;

"(B) achieves its primary intended purpose through repair or replacement of bodily tissue by structural support or cellular function;

"(C) may have been propagated or otherwise processed before use;

"(D) may be combined with substances that are safe under conditions of intended use and not intended to provide a therapeutic effect; and

"(E) includes reproductive tissue, demineralized bone, heart valves, dura mater, and manipulated autologous cells.

"(2) The term 'human tissue' does not include vascularized human organs, gene therapy, blood, soluble blood components, milk, or products made by combining human tissue with biomaterials.

"(3) Human tissue is not a drug, biological product, or device unless reclassified by the Secretary pursuant to section 352A of the Public Health Service Act."

(b) REGULATION OF HUMAN TISSUE.—Subpart 1 of part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following section:

"REGULATION OF HUMAN TISSUE

"SEC. 352A. (a) SUBJECT TO REGULATION.—

"(1) IN GENERAL.—Human tissue shall be subject to regulation under this section only if the Secretary publishes a finding in the Federal Register, after a hearing before the Commissioner, that voluntary regulation under generally accepted scientific standards is inadequate to protect the public health with respect to any particular type of human tissue or human tissue generally.

"(2) EXCEPTION.—Human tissue shall not be subject to regulation as a drug, biological product, or device unless it is reclassified under subsection (f).

"(b) REGISTRATION.—

"(1) IN GENERAL.—Any person subject to regulation under this section who recovers, processes, stores, or distributes human tissue for transplantation or implantation in the United States shall register in accordance with the registration procedures established for drugs under section 510 of the Federal Food, Drug, and Cosmetic Act. Such registration shall contain the name of the person, the location of its facilities, a list of the types of human tissue recovered, processed, stored, or distributed by such person, and a brief description of the basic method or methods of processing of such tissue.

"(2) AUTHORIZED ACTIVITIES.—A person registered in accordance with paragraph (1) shall be deemed to be authorized to conduct human tissue recovery, processing, storage, and distribution activities as identified in the applicable registration unless—

"(A)(i) the Secretary determines, upon inspection, that such person fails to meet applicable operating standards under subsection (c);

"(ii) the Secretary notifies such person of a determination under clause (i), advises the person of the steps necessary to meet such standards, and provides the person with a reasonable opportunity to establish compliance with the standards;

"(iii) the Secretary determines, after an opportunity for an informal hearing, that the person has failed to establish compliance as provided for in clause (ii) within the applicable period and such failure constitutes a threat to the public health; and

"(iv) the Secretary suspends or revokes the authority to conduct such activities;

"(B) the Secretary determines, after an opportunity for an informal hearing, that such person has failed to comply with any patient registry or other retrospective patient data requirement, and the Secretary suspends or revokes the authority to conduct such activities; or

"(C) the Secretary determines that such person presents an immediate or substantial danger to the public health, and the Secretary suspends or revokes the authority to conduct such activities, in which case an informal hearing shall be conducted within 5 business days of the date of such suspension or revocation.

"(c) OPERATING STANDARDS.—The Secretary may establish, after notice and opportunity for comment, operating standards for human tissue that shall be limited to the following general requirements for the recovery, processing, storage, and shipment of human tissue.

"(1) Requirements for infection control designed to prevent transmission of disease.

"(2) Requirements for processing practices that assure the safety of, and prevent damage to, human tissue.

"(3) Requirements for labeling and recordkeeping to identify the type of tissue and any added foreign substance and to permit tracing.

"(d) LABELING AND ADVERTISING.—Statements made in labeling, advertising or promotional materials regarding clinical benefit with respect to human tissue shall consist only of accurate and balanced representations that are consistent with sound scientific information, including current data from a registry required or established under subsection (e), if available.

"(e) REGISTRY.—A person registered under subsection (b) may be required by the Secretary to maintain a patient registry or meet other retrospective patient data requirements if, after notice and an opportunity for comment, the Secretary determines that such tissue has been commercially available within the United States for a period of less than 5 years and that such data requirement is necessary to protect the public health.

"(f) RECLASSIFICATIONS.—

"(1) HUMAN TISSUE.—The Secretary may reclassify a particular type of human tissue as a drug, biological product or device if, after notice and an opportunity for comment, the Secretary determines that—

"(A) with respect to the particular type of human tissue—

"(i) the tissue is subject to a patient registry or other retrospective data requirement under which the collection of information has been required for at least 5 years (or such other time period as agreed to by the Secretary and the registered person); and

"(ii) the information received from such patient registry or other retrospective data requirement is insufficient to confirm the safety and clinical benefit from the use of such tissue; or

"(B) a particular type of human tissue should be reclassified because it presents an imminent hazard to public health.

"(2) UPON SECRETARIAL ACTION.—The Secretary may reclassify a human drug, biological product or medical device as human tissue if the Secretary determines, after notice and an opportunity for comment, that such previous classification is not necessary to protect public health.

"(3) UPON PETITION.—The Secretary may reclassify a drug, biological product, medical device, or human tissue upon the petition of the sponsor of such drug, biological product or device, or the registered person for such human tissue, if, after notice and an opportunity to comment, the Secretary finds that such reclassification is consistent with the protection of public health.

"(g) ENFORCEMENT.—

"(1) IN GENERAL.—If the Secretary determines that any person has violated any provision of this section or any regulations promulgated under this section, and the Secretary determines that the violation constitutes a significant risk to the public health, the Secretary may issue an order that such person cease distribution of human tissue, or that human tissue recovered, processed, stored or distributed by such person be retained, recalled, or destroyed. After receipt of such an order, the person in possession of the human tissue shall not distribute or dispose of the human tissue in any manner inconsistent with the provisions of the order.

"(2) HEARING.—A person subject to the order under paragraph (1) may obtain an informal hearing regarding the order if the person requests such a hearing not later than 5 days after receiving the order. If the person does make such a request within such period, the Secretary shall conduct the hearing within 30 days after receiving the request and shall issue an order not later than 15 days after the hearing is conducted. Such order shall be considered a final order of the Secretary.

"(h) INSPECTION.—Each person registered under subsection (b) shall be subject to inspection under section 704 of the Federal

Food, Drug, and Cosmetic Act. The Secretary may, with the concurrence of the registered person, authorize an inspection be conducted by any person specifically accredited by the Secretary to conduct such inspection under section 712 of such Act.

"(i) CORD BLOOD.—

"(1) IN GENERAL.—This section (including provisions regarding reclassification) shall apply with respect to cord blood to the same extent and in the same manner as this section applies with respect to human tissue.

"(2) IMPLEMENTATION.—The Secretary shall implement this section with respect to cord blood under regulations promulgated after notice and opportunity to comment.

"(j) EYES.—The Secretary shall not regulate eyes until such time as the Secretary makes a finding under this section that voluntary regulation under generally accepted standards is inadequate to protect the public health.".

(c) TRANSITION.—The requirements of the interim regulation, promulgated by the Secretary of Health and Human Services on December 11, 1993, shall remain in effect until amended or withdrawn by the Secretary. Any modifications to such regulations after the date of the enactment of this Act are subject to this Act and the amendments made by this Act.

(d) EFFECTIVE DATE.—The amendment made by subsection (c) shall take effect on June 30, 1997.

(e) CONFORMING AMENDMENTS.—

(1) ADULTERATION PROVISION.—Section 501 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351) is amended—

(A) in the first sentence by striking "drug or device" and inserting "drug, device or human tissue"; and

(B) by adding at the end thereof the following:

"(j) if it is human tissue and it is recovered, processed, stored, or distributed by—

"(1) a registered person under section 352A of the Public Health Service Act whose failure to comply with standards constitutes a threat to public health; or

"(2) a person who is required under such section to register but has failed to do so.".

(2) MISBRANDING PROVISIONS.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended:

(A) in the section heading, by striking "MISBRANDED DRUGS AND DEVICES" and inserting the following: "MISBRANDED DRUGS, DEVICES, AND HUMAN TISSUE"; and

(B) in the first sentence, by striking "drug or device" and inserting "drug, device or human tissue".

(3) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end thereof the following:

"(v) The adulteration or misbranding of any human tissue.".

(4) SEIZURE.—Section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) is amended

(A) in subsection (a)(2)(D), by inserting "or human tissue" after "device"; and

(B) in the first sentence of subsection (d)(1), by striking "or cosmetic" and inserting "cosmetic, or human tissue".

(5) INSPECTION.—Section 704(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)(1)) is amended—

(A) in the first sentence, by inserting "human tissue," after "device," each place such appears; and

(B) in the second sentence, by inserting "human tissue," after "drugs," each place such appears.●

THE NEED FOR BALLAST MANAGEMENT—H.R. 4283

● Mr. GLENN. I thank the Senator from South Dakota for his efforts in responding to the urgent national need for ballast management to prevent unintentional introduction of nonnative species into U.S. waters. As you know, some Senators raised concerns about the initial House-passed version of the National Invasive Species Act [H.R. 3217] because it does not give assurance that onerous requirements will not be imposed upon vessels that exercise the safety exemption from national ballast exchange requirements. This version, [H.R. 4283], rectifies that problem. The Great Lakes Program which already leaves sole discretion over safety to the ship master, and already requires alternatives if high seas exchange is not possible, will not be affected by this amendment. I ask the Senator, is it his opinion that the Coast Guard will actively seek to identify alternatives of which vessels may avail themselves in other coastal regions, and will it request vessels to conduct these alternative precautions on a voluntary basis in the new national program?

Mr. PRESSLER. As Chairman of the Senate Committee on Commerce, Science and Transportation that has jurisdiction of the U.S. Coast Guard, I would expect the Coast Guard to actively seek alternatives applicable to other regions, routinely identify those alternatives to ballast exchange for vessels which use the safety exemption, and encourage their use prior to discharging unexchanged water in the port of call.

Mr. GLENN. I also ask the Senator, if he believes that the Coast Guard will keep careful records regarding the extent to which the safety exemption is utilized, under what circumstances, and the extent to which vessels attempt in good faith to use alternatives that may be identified?

Mr. PRESSLER. Yes, I expect the Coast Guard to include each of those items in its reporting requirements, and to include a careful assessment of those matters in its report to Congress so that Congress can make decisions regarding the impact of this exemption and the need for revision of the law.

Mr. GLENN. As I mentioned, the Great Lakes Program currently requires alternatives to ballast exchange if high seas exchange is not possible due to safety concerns. While these alternatives are not overly onerous, I can understand industry's concern in other regions where the alternatives have not yet been developed.

A cooperative relationship between the Committee of Environment and Public Works at the Committee on Commerce, Science and Transportation is crucial to the passage of this legislation and its effective implementation. I hope that these two Committees that share jurisdiction over this issue continue to work together to evaluate progress under the National Invasive Species Act.

Mr. PRESSLER. I look forward to a continued cooperative relationship between the two committees as well as with the bill author and cosponsors.

Mr. GLENN. H.R. 4283 includes an exemption from the National Ballast Management Program for crude oil tankers engaged in coastwise trade. While the majority of this trade is conducted between Hawaii and Alaska, the risk to receiving waters of ballast water from these vessels may be significant. As the Senator knows, there is concern that fish pathogens may have been transported to Alaskan waters via this trade. I would hope that every effort will be made to study the baseline conditions of the Prince William Sound ecosystem to assure that invasive species problems in fact have not been arising from this trade, and will not arise in the future.

Mr. PRESSLER. I join the Senator in urging such a study.●

CHILDREN'S HEALTH INSURANCE FOR LONG-TERM DEVELOPMENT ACT

● Mr. KERREY. Mr. President, on September 30, 1996, I introduced S. 2167, the Children's Health Insurance for Long-Term Development Act—the CHILD bill. In simple terms, this legislation will require private health plans to cover all necessary health and screening services for infants and children through age 3. But it has a broader purpose. It will close the gap between two entities that serve America's children, the health system and the school system, by addressing an important health risk that has implications for children's education achievements and later development.

A significant body of research demonstrates that the first 3 years of life are critical to children's development—mentally, physically, and emotionally. In particular, during the first 3 years of life the human brain and central nervous system undergo their most rapid period of neurological development. This time period—the infant neurological risk exposure period—provides both a substantial risk and an important opportunity. If we can ensure that children receive the health care, parenting and environmental influences they need during their first 3 years, we can give our children a strong start in life. If, however, we neglect their physical and mental development during this crucial period, we have lost an important opportunity to promote learning and prevent damage to brain functioning.

Obviously, there are many influences on a child's early development, such as parental influence and childrearing practices, comprehensive health care, environment, mental stimulation, and community support. As a Nation, we have an opportunity and an obligation to provide children with a safe, healthy, stimulating environment during their early years. This bill takes an important step toward this goal.

First, this legislation identifies a critical period in children's development—the Infant Neurological Risk Exposure Period [INREP]. Brain and nervous system development during this period has a long-lasting impact on the child's life. I hope that by singling out this particular time-frame, this legislation will focus greater attention on improving health care and supportive services during infancy and early childhood.

Second, this bill will require private health insurers to cover comprehensive preventive and curative services through age 3. These third-party payors will therefore be financially responsible for the care children need to be adequately monitored and treated through this important developmental period.

I was startled to learn that 86 percent of children who are privately insured are not covered for comprehensive well-child care. Children who receive health coverage through the Medicaid Program are covered for a comprehensive array of well-child care, diagnostic assessments and treatment services through the EPSDT program, yet most children who are privately insured do not have similar coverage. Health screenings and periodic check-ups provide an important opportunity for physicians to ensure that a child's neurological development is progressing along normal patterns—and to intervene as appropriate if it is not.

This comprehensive approach will also address other problems in pediatric health care, such as ensuring that children are completely covered for immunizations through this time period. This coverage will counter current immunization trends that leave 60 percent of children in most States with incomplete immunizations at age 2.

I should also emphasize that this bill, by its very nature, cannot help children who are uninsured. We need to pursue further legislation that addresses this important problem. In a recent study on children's health insurance, the GAO noted that the proportion of children who are uninsured—14.2 percent, or 10 million children—is at the highest level since 1987. This decline in children's health insurance coverage has been concentrated among low-income children.

Mr. President, all children should have health insurance that covers their complete developmental needs. We are the wealthiest, most powerful, and most advanced Nation on this planet. But it is discouraging that we still have so far to go when it comes to caring for our own children.

My friend and respected colleague Senator JOHN KERRY has offered one approach to this problem using sliding-scale subsidies; we should explore this option and others in order to ensure that America's infants and young children achieve their highest potential. My proposal represents the first step toward this important goal—the next step is health coverage for all children.

Mr. President, I ask that the text of S. 2167 be printed in the RECORD.

The bill follows:

S. 2167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Health Insurance for Long-Term Development Act of 1996".

SEC. 2. PURPOSE.

The purpose of this act is to provide health insurance coverage for children during the Infant Neurological Risk Exposure Period (INREP). The INREP extends through age 3 and encompasses the period of most rapid neurological changes in young children. Health coverage will improve children's health, and, through routine health supervision, promote parents' caregiving skills through these critical years.

SEC. 3 FINDINGS.

Congress finds that—

(1) 86 percent of children with private health insurance are under-insured with respect to well-child care;

(2) because the human brain develops rapidly until the age of 3, children need regular screenings and follow-up care to detect neurological abnormalities and ensure normal development;

(3) regular pediatric visits enable physicians to provide guidance on parental activities, such as reading, that stimulate the brain development of infants; and

(4) children deserve health care coverage that promotes normal brain and nervous system development.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) BENEFICIARY.—The term "beneficiary" has the meaning given such term under section 3(8) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(8)).

(2) CHILD.—The term "child" means an individual who is age 3 or younger.

(3) EMPLOYEE HEALTH BENEFIT PLAN.—

(A) IN GENERAL.—The term "employee health benefit plan" means any employee welfare benefit plan, governmental plan, or church plan (as defined under paragraphs (1), (32), and (33) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002 (1), (32), and (33))) that provides or pays for health benefits (such as provider and hospital benefits) for participants and beneficiaries whether—

(i) directly;

(ii) through a health plan offered by a health plan issuer as defined in paragraph (6); or

(iii) otherwise.

(B) RULE OF CONSTRUCTION.—An employee health benefit plan shall not be construed to be a health plan or a health plan issuer.

(C) ARRANGEMENTS NOT INCLUDED.—Such term does not include the following, or any combination thereof:

(i) Coverage only for accident, or disability income insurance, or any combination thereof.

(ii) Medicare supplemental health insurance (as defined under section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1))).

(iii) Coverage issued as a supplement to liability insurance.

(iv) Liability insurance, including general liability insurance and automobile liability insurance.

(v) Workers' compensation or similar insurance.

(vi) Automobile medical payment insurance.

(vii) Coverage for a specified disease or illness.

(viii) Hospital or fixed indemnity insurance.

(ix) Short-term limited duration insurance.

(x) Credit-only, dental-only, or vision-only insurance.

(xi) A health insurance policy providing benefits only for long-term care, nursing home care, home health care, community-based care, or any combination thereof.

(4) GROUP PURCHASER.—The term "group purchaser" means any person (as defined in section 3(9) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(9))) or entity that purchases or pays for health benefits (such as provider or hospital benefits) on behalf of participants or beneficiaries in connection with an employee health benefit plan.

(5) HEALTH PLAN.—

(A) IN GENERAL.—The term "health plan" means any group health plan or individual health plan.

(B) GROUP HEALTH PLAN.—The term "group health plan" means any contract, policy, certificate, or other arrangement offered by a health plan issuer to a group purchaser that provides or pays for health benefits (such as provider and hospital benefits) in connection with an employee health benefit plan.

(C) INDIVIDUAL HEALTH PLAN.—The term "individual health plan" means any contract, policy, certificate, or other arrangement offered by a health plan issuer to individuals that provides or pays for health benefits (such as provider and hospital benefits) and that is not a group health plan.

(D) ARRANGEMENTS NOT INCLUDED.—Such term does not include the following, or any combination thereof:

(i) Coverage only for accident, or disability income insurance, or any combination thereof.

(ii) Medicare supplemental health insurance (as defined under section 1882(g)(1) of the Social Security Act).

(iii) Coverage issued as a supplement to liability insurance.

(iv) Liability insurance, including general liability insurance and automobile liability insurance.

(v) Workers' compensation or similar insurance.

(vi) Automobile medical payment insurance.

(vii) Coverage for a specified disease or illness.

(viii) Hospital or fixed indemnity insurance.

(ix) Short-term limited duration insurance.

(x) Credit-only, dental-only, or vision-only insurance.

(xi) A health insurance policy providing benefits only for long-term care, nursing home care, home health care, community-based care, or any combination thereof.

(E) CERTAIN PLANS INCLUDED.—Such term includes any plan or arrangement not described in any clause of subparagraph (D) that provides for benefit payments, on a periodic basis, for—

(i) a specified disease or illness; or

(ii) a period of hospitalization;

without regard to the costs incurred or services rendered during the period to which the payments relate.

(6) HEALTH PLAN ISSUER.—The term "health plan issuer" means any entity that is licensed (prior to or after the date of enactment of this Act) by a State to offer a health plan.

(7) PARTICIPANT.—The term "participant" has the meaning given such term under section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(7)).

(8) SECRETARY.—The term "Secretary" unless otherwise specified means the Secretary of Labor.

SEC. 5. REQUIRED HEALTH CARE COVERAGE FOR CHILDREN.

(a) IN GENERAL.—Except as provided in subsection (b), a health plan or an employee health benefit plan shall ensure that coverage is provided with respect to a child who is a beneficiary under such plan for all medically necessary health care and related services, including—

(1) appropriate screening services at intervals that meet reasonable standards of medical and dental practice;

(2) all appropriate immunizations;

(3) necessary case management, transportation, and scheduling assistance; and

(4) such other necessary health care, diagnostic services, treatment, and other measures to correct or ameliorate defects and physical and mental illnesses and conditions discovered by the screening services, whether or not such services are covered for participants or policyholders under the plan.

(b) EXCEPTION.—Notwithstanding subsection (a), a health plan or an employee health benefit plan shall not be required to provide coverage for health care and related services that are not safe, are not effective, or are experimental.

SEC. 6. PROHIBITIONS.

In implementing the requirements of this Act, a health plan or an employee health benefit plan may not use a service limitation, including a lifetime benefit limit, of the plan to deny medically necessary health care and related services described in section 4 to a child.

SEC. 7. NOTICE.

(a) EMPLOYEE HEALTH BENEFIT PLAN.—An employee health benefit plan shall provide conspicuous notice to each participant regarding coverage required under this Act not later than 120 days after the date of enactment of this Act, and as part of its summary plan description.

(b) HEALTH PLAN.—A health plan shall provide notice to each policyholder regarding coverage required under this Act. Such notice shall be in writing, prominently positioned, and be transmitted—

(1) in a mailing made within 120 days after the date of enactment of this Act by such plan to the policyholder; and

(2) as part of the annual informational packet sent to the policyholder.

SEC. 8. APPLICABILITY.

(a) CONSTRUCTION.—

(1) IN GENERAL.—A requirement or standard imposed under this Act on a health plan shall be deemed to be a requirement or standard imposed on the health plan issuer. Such requirements or standards shall be enforced by the State insurance commissioner for the State involved or the official or officials designated by the State to enforce the requirements of this Act. In the case of a health plan offered by a health plan issuer in connection with an employee health benefit plan, the requirements or standards imposed under this Act shall be enforced with respect to the health plan issuer by the State insurance commissioner for the State involved or the official or officials designated by the State to enforce the requirements of this Act.

(2) LIMITATION.—Except as provided in section 8(c), the Secretary shall not enforce the requirements or standards of this Act as they relate to health plan issuers or health plans. In no case shall a State enforce the requirements or standards of this Act as they relate to employee health benefit plans.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

SEC. 9. ENFORCEMENT.

(a) HEALTH PLAN ISSUERS.—Each State shall require that each health plan issued, sold, renewed, offered for sale or operated in such State by a health plan issuer meet the standards established under this Act. A State shall submit such information as required by the Secretary demonstrating effective implementation of the requirements of this Act.

(b) EMPLOYEE HEALTH BENEFIT PLANS.—With respect to employee health benefit plans, the standards established under this Act shall be enforced in the same manner as provided for under sections 502, 504, 506, and 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132, 1134, 1136, and 1140). The civil penalties contained in paragraphs (1) and (2) of section 502(c) of such Act (29 U.S.C. 1132(c) (1) and (2)) shall apply to any information required by the Secretary to be disclosed and reported under this section.

(c) FAILURE TO ENFORCE.—In the case of the failure of a State to substantially enforce the standards and requirements set forth in this Act with respect to health plans, the Secretary, in consultation with the Secretary of Health and Human Services, shall enforce the standards of this Act in such State. In the case of a State that fails to substantially enforce the standards set forth in this Act, each health plan issuer operating in such State shall be subject to civil enforcement as provided for under sections 502, 504, 506, and 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132, 1134, 1136, and 1140). The civil penalties contained in paragraphs (1) and (2) of section 502(c) of such Act (29 U.S.C. 1132(c) (1) and (2)) shall apply to any information required by the Secretary to be disclosed and reported under this section.

(d) REGULATIONS.—The Secretary, in consultation with the Secretary of Health and Human Services, may promulgate such regulations as may be necessary or appropriate to carry out this Act.

SEC. 10. PREEMPTION.

(a) IN GENERAL.—The provisions of sections 4, 5, and 6 shall not preempt a State law or regulation—

(1) that provides greater protections to patients or policyholders than those required in this Act; or

(2) that requires health plans to provide coverage for pediatric care in accordance with guidelines established by the American Academy of Pediatrics or other established professional medical associations.

(b) EMPLOYEE HEALTH BENEFIT PLANS.—Nothing in this section affects the application of this Act to employee health benefit plans, as defined in section 2(3).

SEC. 11. EFFECTIVE DATE.

Except as otherwise provided for in this Act, the provisions of this Act shall apply as follows:

(1) With respect to health plans, such provisions shall apply to such plans on the first day of the contract year beginning on or after June 1, 1997.

(2) With respect to employee health benefit plans, such provisions shall apply to such plans on the first day of the first plan year beginning on or after June 1, 1997.•

HONORING THE JOHNSONS ON THEIR 50TH WEDDING ANNIVERSARY

• Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Andrew and Dorothy Johnson of Kansas City, MO, who on Wednesday, October 2, 1996, celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Andrew and Dorothy's commitment to the principles and values of their marriage deserves to be saluted and recognized.•

CONGRATULATIONS TO FRANK PYTEL CELEBRATING HIS 100TH BIRTHDAY

• Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Frank Pytel of Kansas City, MO, who celebrated his 100th birthday on Friday, October 4, 1996. Frank is a truly remarkable individual. He has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of his life has meant much more, however, to the many relatives and friends whose lives he has touched over the last 100 years.

Frank's celebration of 100 years of life is a testament to me and all Missourians. His achievements are significant and deserve to be recognized. I would like to join Frank's many friends and relatives in wishing him health and happiness in the future.•

TRIBUTE TO NANCY ELKIS

• Mr. LAUTENBERG. Mr. President, a few days ago, New Jersey lost a very special woman and I lost a good friend when Nancy Elkis passed away.

Mr. President, few people in New Jersey have touched more lives, or made a greater contribution to their community than Nancy Elkis. Nancy was a woman of amazing energy and incredible warmth. Over the years, she involved herself in a very broad range of civic and philanthropic initiatives, and held a variety of positions of responsibility in government and community organizations. Yet throughout her life, Nancy always was able to find the time to help people on an individual basis. And, quietly and with little fanfare, she improved the lives of countless numbers of others who were in need.

Mr. President, Nancy Elkis was the first woman elected to the Woodbury City Council, and she served as a councilwoman for 22 years. Although she was a Democrat in an area of the city dominated by Republicans, she won the respect of her constituents and her colleagues because of her unselfish, caring attitude, and her dedication to her community and the public interest.

On the city council, she was especially active in overseeing the city's water department, and she continually worked to ensure that the city's water quality remained high. She also was vice chair of the Gloucester County Housing Authority. In that capacity, she came down to Washington regularly to discuss our State's housing needs, and we talked often. In all of those visits, it was obvious that Nancy cared deeply about publicly assisted housing, and was motivated by a deep commitment to improving the lives of residents.

Nancy also was a member of the county economic development committee, the human resources committee, the commission on women, and the parks and recreation committee. Additionally, she was a State Democratic committeewoman for Gloucester County and past chair of the Woodbury Democratic Committee.

Mr. President, Nancy's contributions extended well beyond the realm of government and politics. She also played a major role in several charitable organizations. For more than 20 years, she was active with the Gloucester County unit of the American Heart Association, and she was chairwoman of the board of the New Jersey affiliate division of the American Heart Association at the time of her death. Recently, she was named State Volunteer of the Year.

In addition, Nancy was on the board of the United Way of Gloucester County, and had served as former president of the Gloucester County Visiting Nurse Association. She also volunteered at Underwood-Memorial Hospital in Woodbury.

Mr. President, beyond her long list of accomplishments and contributions, Nancy Elkis was a woman of great warmth. She really cared about other people, especially her own family. But her love of others extended to her entire community, and she continually was looking for ways to help others in need.

Mr. President, I attended a memorial service for Nancy yesterday, and was struck by the exceedingly large number of people who attended. The chapel was literally overflowing. People recounted stories of how Nancy had helped them over the years and each one was a memorial to a service she performed. Nobody could come away from that service, Mr. President, without appreciating just how deeply Nancy was loved and respected throughout her community, and how many lives she touched.

Mr. President, I have a special personal connection to Nancy Elkis because her daughter, Karin Elkis, is the director of my Barrington, NJ, office. And as I attended yesterday's memorial service, I came to appreciate more than ever how Karin's boundless energy and tremendous warmth—and her deep commitment to her family and her community—is a reflection of her own mother. It would be hard to find two more special people, Mr. President. And if there is a personal testament to the kind of person Nancy was, it is Karin along with her three other children.

Mr. President, I want to express my appreciation for the contribution Nancy Elkis made to her community and our State and offer my deepest condolences to Karin, her father, Preston, her sisters, Lisa and Emily, her brother, Tony, Nancy's mother, Irene Zibelman, and the other members of Nancy's family. Although their loss is painful, I know they will be nourished by their wonderful memories of Nancy.

Mr. President, Nancy Elkis was an uncommon person whose legacy will live on for many years. I know I speak for literally hundreds of others in expressing my sorrow over her passing, and my deep appreciation for everything she did for her community. She will be greatly missed.•

TRIBUTE FOR CONNIE WOODRUFF

• Mr. LAUTENBERG. Mr. President, New Jersey recently lost a remarkable woman, Connie Woodruff, who passed away on October 20. A veteran leader of New Jersey's African-American community, she will be remembered by many as a friend, mentor and supporter. And her work on behalf of the women of our state constitutes a permanent legacy.

Mr. President, if Connie Woodruff had a motto, it was, undoubtedly, that we make a living by what we gain, but we make a life by what we give. And her life was an example of generosity and compassion which should serve as a benchmark for all of us. In West Orange, she was chairwoman of the Human Rights Commission. And she was active in the Essex County "Stamp Out Hate" campaign, sponsored by the American Jewish Committee. She was appointed to various commissions by six governors, including the state's Commission on Judicial Review and the New Jersey Martin Luther King Commemorative Commission. Governor Whitman also appointed her an Essex County Tax Court Judge.

Over the years, Connie served on the board of more than 20 organizations, including the NAACP, the Urban League of Essex County Guild, The Leaguers, Newark YMWCA and New Jersey Cities in Schools. For several years, she was chairwoman of the University of Medicine and Dentistry of New Jersey's Board of Concerned Citizens.

Mr. President, although everyone in New Jersey benefited from her compassion and caring, she will be especially missed by the women of our State. During her 20 years with the Ladies Garment Workers Union, she battled to improve the working conditions for thousands of workers, mostly women. Later, she was an adjunct professor of labor studies at Rutgers-Newark, before moving on to Essex County College, where she spent the last 10 years of her career in education. At ECC, she was credited with helping to turn the dream of a Women's Center into reality. The Center's Director has remarked that Woodruff's life was dedicated to helping women become personally and financially self-sufficient. She also established the Connie Woodruff Nursing Scholarships at Essex County College.

Mr. President, Connie Woodruff served 16 years as chairwoman of the New Jersey Commission on the Status of Women, and she won two terms as president of the National Association of Commissions on Women, becoming president emeritus by acclamation.

As a writer for the City News, one of the most important voices of the African-American community in New Jersey, she married her special wit and biting insight into all the black political players. And she was one of the most astute political minds I have ever known.

Mr. President, New Jerseyans will miss Connie Woodruff's scholarship and leadership, and I will also miss her friendship. Countless individuals were helped by her and touched by her. And she made a difference in the lives of thousands of ordinary people. A champion for women's rights, human rights and civil rights, Connie Woodruff proved that good and great can exist in the same individual.•

UNFAIR NONPROFIT COMPETITION

• Mr. SHELBY. Mr. President, language included in the Senate report of the Subcommittee on Treasury, Postal Service and General Government appropriations, and included by reference in the fiscal year 1997 Omnibus Appropriations bill, directs the Department of the Treasury to review the problem of unfair nonprofit competition with small firms. The language also directs the Treasury to take "steps, if necessary, to develop regulations clarifying the substantially related test as it applies to tax-exempt travel and tour activities." I want to speak briefly to the need for such regulatory clarification.

Mr. President, the travel and tour industry in this Nation is comprised predominately of the smallest entrepreneurial firms—tour operators and promoters, travel agents, hotel and motel owners, bus owners and operators. Small businesses that organize tours, small businesses that conduct tours, and small marketers that sell tours combined comprise one of the largest sectors of our economy. Although not often thought of as such, these entrepreneurs are vital exporters. By providing a large flow of service to foreign visitors they constitute one of the most successful exporting blocs in the United States. They export America and an understanding of America, from the national parks to our many other great attractions.

Mr. President, I raise these points not only to recognize the immense size and contribution of this industry, but to help us appreciate how important it is to ensure that our policies support and nurture a vibrant, competitive travel and tour industry. To an increasing extent these small businesses have been besieged by a source of unfair competition from nonprofit organizations, who now comprise more than 10 percent of our GDP. Some of the Nation's wealthiest tax-exempt organizations have discovered that travel and tour activities, albeit primarily a commercial venture, are an easy way to supplement income.

Now, Mr. President, small businesses support nonprofits in financing many of their endeavors. Small businesses recognize the important work of many nonprofits. They are partners with nonprofits. Indeed, while their contributions are not often publicized in the Conference Board, the U.S. Small Business Administration has determined that small firms are the largest contributors to nonprofits on an employee-by-employee basis. Small firms also do not fear competition from tax-exempt organizations, any more than they do from large firms, foreign firms, or any other entity. They embrace competition as a necessary part of their daily routine.

But what small businesses do resent, however, is competition where one party has been given an unfair advantage. And the competitive playing field between small firms and nonprofits has not been level for some time. Today, nonprofits make extensive use of privileged franking on mail, and they often cross-subsidize their travel activities using capital acquired for other purposes. And last but not least, when they directly compete against small firms they frequently enjoy the largest benefit taxpayers can bestow upon them—complete absolution from the income tax.

Mr. President, my concerns and the concerns expressed by this Congress are not new. Congress has tried to address this concern of unfair competition in the past. Indeed, more than 45 years ago, the Congress passed what is known as the unrelated business income tax, which taxes income that is not substantially related to the tax-exempt's mission. And, in 1986, the Supreme Court in *U.S.* v. *American Bar Endowment*, 477 U.S. 105, reiterated that "[t]he undisputed purpose of the unrelated business income tax was to prevent tax-exempt organizations from competing with businesses whose earnings were taxed."

However, growth in the number of nonprofits, an increased emphasis on commercial as opposed to donative sources of revenue, and most importantly, a paucity of guidance over what is meant by substantially related have combined to make that standard virtually meaningless.

The Congress is not alone in its concern over the failure of the law to prevent unfair competition. Even the IRS itself believes the substantially related standard, without adequate definition, is virtually unenforceable. And equally important, the U.S. Small Business Administration believes that guidance is necessary. I offer for inclusion in the RECORD a recent letter sent by the SBA chief counsel to the Department of the Treasury urging a regulation.

For many small tour operators, the discernible distinction between their activities and that of the nonprofit is not in the markets they serve or in the services they market, but rather in the inexplicable and unjustifiable distinction that, on the income predicted, one pays taxes and the other does not. And to make matters worse, a rationale for this cross-subsidization does not exist. As businesses point out, rather than enabling nonprofits to serve the needy for which an exemption is warranted, the exemption enables nonprofit travel and tour promoters to tap and maintain access to the high-end, most lucrative part of the market—the segment with the greatest disposable income, the greatest number of professionals, and the highest component of educated customers. When this competition occurs, there is a distinct and quantifiable competitive advantage nonprofits enjoy from total relief from the income tax.

Mr. President, for these reasons, the Senate report which accompanied the appropriations bill for the Treasury, Postal Service and General Government Appropriations Subcommittee, directed the IRS to review this situation. Action on this issue is requested by Congress. It is being requested by the U.S. Small Business Administration. It is sought by the IRS field agents. And last but not least, it is urged by the millions of small businesses that suffer from unfair competition.

The letter follows:

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, DC, June 27, 1996.

Re unrelated business income tax travel and tour-related services—need for clarification.

Hon. DONALD C. LUBICK,
Acting Assistant Secretary for Tax Policy, U.S. Department of the Treasury, Washington, DC.

DEAR ASSISTANT SECRETARY LUBICK: This office has heard from numerous small business groups for more than a decade about the problems that taxpaying small businesses have when they are in competition with tax exempt organizations. As you know, resolving this issue was a recommendation of the White House Conference on Small Business and, we believe, the intent of the unrelated business income tax (UBIT) was to maintain an equitable business environment when tax-exempt organizations produced income from activities that are beyond the activities on which their exemption status is based. Most recently, a concern has been expressed within the travel and tourism industry (an industry made up predominantly of small businesses) that the line has become so imprecise that their industry is being damaged. They fear that the area will be regulated or is being regulated in a manner which prevents their participation in the regulation drafting process. We share their concern.

I am writing to urge the Treasury Department to incorporate a rule-making into the 1997 IRS Business Plan that would clarify the "substantially related" test for purposes of determining unrelated business income arising from the travel and tour activities of tax-exempt entities. A regulation would provide guidance where there is little existing guidance and would address an important, persistent and growing concern of small businesses over an issue of fundamental fairness. It would raise additional revenue through greater compliance in an area of known non-compliance, and standardize inconsistent application of the law by clarifying a hazy area of the law.

As you know, whether or not income from a commercial travel and tour activity by a university, a museum or other nonprofit is taxable depends upon whether or not the activity is "substantially related" to the organization's exempt function.

Unfortunately, the inherently subjective nature of the "substantially related" test, difficulties in its administration, and extremely limited guidance have contributed to a perception of fundamental unfairness by the small business community, particularly in the travel industry. This helps to explain why the issue rose to such prominence in the 1995 White House Conference on Small Business (and, for that matter, in the 1986 White House Conference on Small Business). Rather than enabling nonprofits to serve traditional educational tour markets for which exemption is appropriate, small businesses complain that this exemption has emboldened tax-exempts to maintain and expand into those market segments with the highest disposable income, the largest number of professionals, the most educated customers, and the least need for tax exemption.

Under current guidance, Technical Advise Memoranda or Private Letter Rulings, the Service has a fairly well established set of criteria under which it has found such activity to be exempt. However, the industry tells us that the subjective nature of the criteria gives a little reliable guidance for determining when commercial tours and travel will be taxable. It is in the resulting gray area that most of the commercial activity is currently undertaken. Despite substantial increases in tax-exempt travel and tour activity and greater commercial character of that activity, the tax treatment of such activity remains largely undefined, fueling the perception of unfairness and increasing overlap in the travel and tour activities conducted by both sectors.

Guidance in the form of a regulation, with examples, would better define the contours of the "substantially related" test and fill these gaps. Promulgation of a proposed regulation will ensure that the issue is framed in terms of the central focus of the debate—the application of the UBIT to what are essentially commercial travel and tour activities. A rulemaking will attract the greatest level of factual input from both the for-profits and nonprofits. Moreover, a rulemaking may even save Federal resources by eliminating the need for extensive audits with limited guidance and negative and inconsistent court rulings that may result from inadequate guidance. Indeed, it is our understanding that guidance has also been requested by the nonprofit community in order to alleviate increased audit activity.

We understand that the Treasury, in its proposed 1997 business plan will be focusing on several issues affecting nonprofits. We would welcome your including the regulatory guidance under the "substantially related" test—already identified to be of central concern to small businesses—as one of the priorities under that plan.

The Office of Advocacy, and specifically Russ Orban of my staff, would welcome the opportunity to work with you, and would be pleased to discuss how such a regulation might be fashioned.

Sincerely yours,

JERE W. GLOVER,
Chief Counsel. •

EXTENSIONS OF REMARKS

PRESIDENTIAL AND EXECUTIVE OFFICE ACCOUNTABILITY ACT

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. MICA. Mr. Speaker, it is appropriate that as one of its last actions this historic 104th Congress will pass the Presidential and Executive Office Accountability Act. In one of its first legislative actions, this Congress took the unprecedented step of making itself subject to the same laws that govern private citizens and businesses. Now, this legislation, which I introduced, will make the White House obey those laws, too.

When the President signs this bill, the last plantation where American civilians toil beyond the reach of some of the basic labor and employment laws imposed on private enterprise will have fallen. As a result of the Congressional Accountability Act and this legislation, the political branches of government will be required to wrestle with the same knotty problems that private businesses face every day. They will face compliance with the same laws and edicts imposed on all Americans.

Make no mistake, Mr. Speaker, the bill we are passing today is not nearly as strong as the bill this House passed by a vote of 410 to 5 on September 24, 1996. It has been watered down in a number of areas, mostly as a result of administration pressure. Unlike Congress and the private sector, the White House will have the option of following the Federal sector version of some of these employment laws. That is, rather than obey the same law as the legislative branch and American businesses, the President may take advantage of special variations of those laws that apply to the executive branch.

Some very important provisions have been stripped altogether. One was a long overdue revision of the definition of "special government employee." These special government employees—who often serve without pay—are subject to conflict-of-interest statutes and financial disclosure requirements. Such checks on the activities of volunteer advisers to the President and White House employees are indispensable for safeguarding the integrity of governmental processes and decisions. Yet ambiguities in existing law were exploited by the Clinton White House and Justice Department to hold that Harry Thomason, whose questionable activities have been documented in the Committee on Government Reform and Oversight's report on the Travelgate scandal, was not a special government employee.

The President needs his personal and confidential advisors, but the American people need to hold such people accountable. Harry Thomason and other political operatives used this White House like a personal office annex. He should have been accountable to the ethics laws, conflict of interest, and other measures that ensure the integrity of the highest offices in the land. These abuses must be stopped.

Mr. Speaker, the bill this House passed on the 24th would have made it clear that such people are to be considered special government employees. Under that bill, they would have been subject to conflict-of-interest rules and financial disclosure requirements. It would have prevented future abuses. But those provisions have been stripped from the bill we will pass today. When the next Congress convenes, I will again introduce legislation to make future Harry Thomasons accountable to the American people.

Another key provision of the House-passed bill that is not found in the version passed by the Senate required the President to appoint a chief financial officer for the Executive Office of the President. The chief financial officer, which is found in other agencies throughout the Government, would review and audit the White House's financial systems and records. The Travelgate, Filegate, and hearings related to other White House scandals highlighted the shortcomings in this White House's financial responsibility.

We will need to strengthen this law during the 105th Congress. During our hearings last year, we learned that the White House's financial operations lacked structure, so we could not achieve accountability. Sometimes, the White House paid for equipment it no longer needed. Other times, it paid for items that were never delivered. These hearings also revealed other egregious examples of waste and abuse because accounting controls were so poor the White House Communications Agency recently had $14.5 million in unvalidated obligations. The Department of Defense's inspector general reported that the Agency paid only 17 percent of its bills on time, so taxpayers got stuck for penalties and interest on the other 83 percent of its obligations.

The House-passed bill also included provisions, advanced by Government Management, Information, and Technology Subcommittee Chairman Representative STEPHEN HORN and Representative CHARLES BASS, that would have placed an inspector general in the White House. The White House opposed this provision, even though other Government agencies must comply.

If you can believe it, Mr. Speaker, the same people who put a bar bouncer and political trickster in charge of White House personnel security insisted that they do not need to meet the same oversight standards as the rest of the Government. With the gross mismanagement and lack of accountability that we have uncovered in this White House, I can assure you that I will pursue these matters vigorously in the next Congress.

RELOCATION OF THE FEDERAL COMMUNICATIONS COMMISSION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Ms. NORTON. Mr. Speaker, I would like to speak in regard to the colloquy between Mr. LIGHTFOOT and Mr. TOM COBURN concerning the relocation of the Federal Communications Commission into the Portals Building, in Washington DC, and enter into the RECORD a letter from the Administrator of General Services Administration about this issue. In addition to summarizing the court proceedings which ruled that GSA reinstate the space procurement and proceed with the planned move for the FCC into the Portals, the Administrator of GSA details the costs associated with any delay in the move.

ADMINISTRATOR,
GENERAL SERVICES ADMINISTRATION,
Washington, DC, October 7, 1996.

Hon. ROBERT KERREY,
Ranking Minority Member, Subcommittee on Treasury, Postal Service, and General Government, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR KERREY: I am writing to express my most serious concerns regarding the delay of the consolidation of the Federal Communications Commission (FCC) at the Portals Complex in Washington, DC. This move was the subject of colloquies on the floors of the House and Senate on September 28, 1996, and September 30, 1996, respectively. Because I do not believe the colloquies reflected critical pertinent information, I would like to request that this letter be added to the RECORD. The Court of Federal Claims issued a specific ruling on this matter that was upheld by the U.S. Court of Appeals. Furthermore, a delay of the FCC's relocation will cost the Government over $19 million annually in rental costs.

It is in the best interest of the Federal Government to consolidate the FCC at the Portals complex for the following reasons:

1. The Federal courts instructed the General Services Administration (GSA) to award a lease at the Portals for the FCC, and GSA has complied with their instructions.

2. GSA signed a 20-year firm-term lease with Portals to consolidate the FCC headquarters. If the FCC is not relocated to Portals, it will cost the Federal Government more than $19 million annually for each year that the space remains vacant, with no resulting benefits.

3. The FCC is currently located in seven locations in Washington, DC. This has resulted in increased operating costs. Relocation to a consolidated site will eliminate this costly and undesirable condition.

4. The FCC's current space requirements are consistent with their space in the Portals Complex.

5. The Federal Government will pay $31.99 per rentable square foot (rsf) ($38.47 per occupiable square foot (osf)) for the FCC lease

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

consolidation. This is below the amount authorized by the Congress ($32.30 per rsf). In addition, this is at the low end of the rental range in Washington, DC, which is $29 to $40 per rsf.[1]

6. Both the House and Senate Public Works Committees authorized the consolidation of the FCC headquarters, indicating congressional support for the project.

Since 1987, the General Services Administration (GSA) has attempted to consolidate the FCC headquarters from dispersed locations in Washington, DC. On July 9, 1987, GSA submitted a lease prospectus totaling 260,416 osf for the FCC headquarters. The prospectus was authorized by the House Committee on Public Works and Transportation on September 23, 1987.

Subsequent to the approval of the lease prospectus, the FCC's space needs grew because of new programs such as the Cable Television Consumer Protection Act of 1992. As a result of this growth, GSA canceled the lease procurement on February 10, 1992. At the time of the cancellation, GSA had selected Parcel 49C Limited Partnership (Portals) as the successful offeror. The Parcel 49C Limited Partnership sued GSA because of the canceled lease procurement. On February 28, 1994, the Court of Federal Claims ruled in favor of 49C Limited Partnership, and returned the lease procurement to the point prior to lease award. In response to GSA's argument that resolution was necessary to accommodate the FCC's space needs, the Federal Circuit ruled specifically that resolicitation was not in the public interest and would "result in further, unnecessary expenditures of Government resources," and that the existing award could accommodate the FCC's prior and future space needs. GSA appealed the ruling, and on August 1, 1994, the United States Court of Appeals for the Federal Circuit upheld the Court of Federal Claims ruling.

On August 12, 1994, GSA awarded a lease to Parcel 49C for 260,416 osf, consistent with the fiscal year 1988 lease prospectus and in accordance with the court ruling. GSA negotiated a second lease reflecting the FCC's expanded requirement. This second lease would only be effective, following the approval of the Public Works Committees of the House and Senate. On September 23, 1994, GSA submitted a lease prospectus for 545,076 osf to meet the entire estimated FCC requirement. The House Committee on Public Works and Transportation, and the Senate Committee on Environment and Public Works, authorized 450,416 osf for the FCC headquarters on September 26, 1994, and October 10, 1995, respectively.

Because of the unacceptable cost implications of not moving the FCC to the Portals, we are continuing to explore alternative methods of paying for the FCC's relocation costs. It may well be that we can reduce the costs of moving and of fitting out the Portals Complex, and we will work with the FCC to try to reduce those costs while making sure that the FCC can function effectively at the Portals. GSA will report back to the Subcommittee when the new Congress convenes.

If you have any questions, please have a member of your staff contact Mr. David Bibb, Deputy Commissioner, Public Buildings Service, on (202) 501-1100.

Sincerely,

DAVID J. BARRAM,
Acting Administrator.

TRIBUTE TO THE 1996 INDUCTEES TO THE ENTREPRENEURSHIP HALL OF FAME

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to an outstanding achievement by a select group of Chicago area business people. I am proud to salute the entrepreneurs and founders of small and medium sized businesses on their induction to the 12th Annual Entrepreneurship Hall of Fame, which was held on Thursday, October 10, 1996, in Chicago, IL.

The Institute for Entrepreneurial Studies in the College of Business Administration at the University of Illinois at Chicago cofounded and sponsored the Entrepreneurship Hall of Fame honoring outstanding business leaders whose spirit helps keep America's business community strong and vital. In addition, I would like to commend the many cosponsors in the business community who have lent their considerable prestige and resources to making this hall of fame a success.

Today I would like to congratulate these business leader inductees, each of whom is listed below, for using their imaginations to foster an excellent program which enhances the quality of higher education and underscores the value of entrepreneurship in America.

The 1996 inductees include: Melvina Bechina, Thomas Burrell, Michael T. Clune, Philip J. Cooper, Walter G. Cornett III, Patrick J. Evans, John S. Gates, Jr., Emilio Gervilla, Hossein Jamali, Francois Sanchez, James Hanig, Letitia Herrea, Joe Jemsek, Edward Kaplan, Leonard H. Lavin, Michael Levy, Sandra Goeken Martis, William Merchantz, Ralph G. Moore, David W. Mulligan, Christopher C. Multhauf, Irv Shapiro, Joe Silverberg, Gene Silverberg, Richard A. Stein, Shari K. Whitley, and Phil Yeager.

Mr. Speaker, I would like to personally commend these entrepreneurs who have been such an inspiration in my community.

IN HONOR OF HERBERT STOKINGER

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, I am pleased to rise today in honor of an outstanding citizen from the State of Massachusetts, who is deserving of our congratulations on the forthcoming celebration of his 90th birthday.

Herbert G. Stokinger has been an outstanding and dedicated resident of Milton, MA. For the past 66 years he has been devotedly married to his lovely wife Esther and is a member of the Milton Academy Class of 1924, and Boston College Class of 1928.

Herbert was director of Milton Academy Boys' Sports and Physical Education, from 1928 through 1971. He was the coach of varsity football, basketball, and baseball, and has been inducted into the Massachusetts Football Coaches Hall of Fame. Stoky believed that every student should participate to the highest level of their ability and insisted upon the importance of fair play and good sportsmanship. His outstanding values and compassion have influenced countless Milton Academy graduates, such as myself.

Herbert has continued to show remarkable dedication, vigor, and commitment to Milton Academy and the town of Milton. I join all the friends of Herbert G. Stokinger, as we celebrate his 90th birthday and recognize this fine individual who has touched the lives of so many.

TRIBUTE TO JAMES COLLINS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. FARR of California. Mr. Speaker, I rise today with great sadness at the recent passing of my good friend, James Collins. Jim, who was a member of the Salinas City Council, died recently from complications caused by cancer. He was 66.

For much of the past 20 years Jim has loyally and faithfully served the people of his hometown of Salinas. He is remembered by myself and colleagues as an active and devoted public servant with a keen sense of humor that often lightened tense debates. His devotion to education and public service was unequaled.

Jim was born in Santa Rosa and moved to Salinas, CA, where he lived for 60 years. He attended the public schools in Salinas and graduated from San Jose State University in 1962. He taught physical education at local public schools in the Salinas Valley for 23 years.

He was first appointed to the Salinas City Council in 1975 and remained there until 1983 when he stepped down. He ran again for election in 1989 and remained on the council until his death. Jim served as mayor pro-tem four times and sat on numerous committees and boards throughout Monterey County. He was the chairman of the Monterey-Salinas Transit Board, and was a member of the Fort Ord Reuse Authority. He was also a member of the California Rodeo Board for 30 years.

Jim's commitment to the youth of Salinas was unsurpassed. He coached dozens of youth teams and spent many years officiating at high school football and basketball games. He was instrumental in creating the Breadbox Recreation Center for youth and he also helped to establish the Police Athletic League.

Jim Collins' commitment to the city of Salinas was commendable. He will be remembered by his family and all of the citizens of

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[1] Note: GSA utilizes two space measurements in lease prospectuses, occupiable and rentable square feet, (osf) and (rsf), respectively. OSF is a national standard for GSA, and is the space which is available for use by an agencies personnel or furnishings excluding hallways, restrooms, and vertical penetrations such as elevators and stairwells. RSF is usually a larger area than osf, and is calculated by measuring from inside wall to inside wall excluding any vertical penetrations.

Salinas for his 15 years of public service to the community. My thoughts and prayers remain with his family on his passing. He will be sorely missed by all of us.

UMATILLA BASIN PROJECT COMPLETION ACT

HON. WES COOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. COOLEY of Oregon. Mr. Speaker, over the course of the last year, I have worked diligently to resolve long-standing water disputes in the Umatilla Basin of northeast Oregon. With the help of Senator HATFIELD, affected irrigation districts in the Basin (the districts, the Confederated Tribes of the Umatilla Indian Reservation (the Tribes), and the State of Oregon (the State), we were able to fashion a compromise which struck the delicate balance between environmental enhancement and the needs of the local economy. However, this consensus could not have been reached if all sides were not willing to compromise. Because of this, I am somewhat puzzled by recent statements that place the blame for the bill's failure on the irrigation districts.

H.R. 2392, my bill to adjust the boundaries for the four irrigation districts in the Umatilla Basin, has undergone many changes in the past year. The original draft of the bill would have simply adjusted these boundaries upon enactment. However, it has always been my intention to listen carefully to all members of the community in the hopes of ultimately crafting a proposal which has unanimous support. So, when the Confederated Tribes of Umatilla Indian Reservation (the Tribes) raised concerns about the need for a continued commitment to environmental enhancement, and a new NEPA study prior to boundary adjustment, I added those provisions to the bill.

The compromise agreed to by the Tribes, the districts, and the State of Oregon would make the boundary adjustments contingent upon completion of a NEPA study and approval of the Secretary of the Interior—a major concession on the part of the districts who were seeking long-term stability. In addition, I added language that requires the districts to donate 6,500 acre feet of water per year for environmental enhancement—as their interim contract requires—until a portion of Phase III of the Umatilla Basin Project large enough to exchange 90 cubic feet per second is completed and operational. These provisions were added in a good faith attempt to address the concerns of the Tribes.

Unfortunately, despite the agreement of all affected interests in the Basin, the Clinton Administration threatened to veto the bill. They wanted to alter the bill so that the Secretary of the Interior had full discretion to not only adjust the boundaries, but to alter the size of the new boundaries. In short, they wanted the authorization to do something for which they are already authorized, but have failed to accomplish. The Administration wanted more spending authority without addressing the basic issue of boundary adjustments. In short, they wanted to have their cake and eat it too. I could not support a change that would render the status quo.

The compromise reached by all of the interests in the Umatilla Basin would have succeeded because each of the parties had an economic stake in seeing that the other parties' objectives were attained. The districts' opposition to the Administration's request to negate the one section of the bill in which they have an interest should not be viewed as uncooperative. By removing sections from the bill that pertain to the districts, we would be left with an unbalanced, unworkable solution that would not solve the complex problems in the Basin, or provide long-term stability for all who live there.

Even more troubling than the Clinton Administration's threatened veto over a procedural technicality, are some of the statements that have been made since the bill failed to pass. These statements argue that the districts' failure to compromise was responsible for the bill's inability to win Administration support. Nothing could be further from the truth.

Once again, I would point out the progress we have made in the last year. What once was a bill that only contained boundary adjustments upon enactment for the four districts, eventually contained provisions that first, authorized $64 million for construction of Phase III of the Umatilla Basin Project; second, authorized $6.5 million for the Tribes' share of a joint City of Pendleton/Tribes' water storage facility; third, authorized $500,000 for development of a water management plan, and a ground water/surface water model of the Umatilla Basin; fourth, authorized $400,000 annually for the operation of Phases I, II, and III; fifth, required that the Secretary of the Interior enter into negotiations with the State of Oregon to determine the Tribes' water right claim; sixth, required the districts to donate 6,500 acre feet of water for environmental enhancement until a portion of Phase III is built large enough to exchange 90 cubic feet per second; and seventh, required a NEPA study to be conducted prior to the adjustment of the districts' boundaries.

Many of these provisions, particularly numbers 6 and 7, constitute substantial movement on the part of the districts, and should not be discounted in the rush to lay blame on any one party.

I still maintain that the only way to address the Umatilla Basin's long-standing water issues is to work together in a cooperative effort—something I felt was accomplished this year. Although I will not be returning for the 105th Congress, I hope that my successor—whoever it may be—builds upon the agreements reached in the last year, and helps to foster long-term stability for the environment and the local economy in the Umatilla Basin.

HONORING HOUSTON'S FIREFIGHTERS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. BENTSEN. Mr. Speaker, I rise today to join Sigma Gamma Rho Sorority, Incorporated, Gamma Phi Sigma Chapter, in honoring Houston's firefighters for their outstanding service to our community. The chapter will honor Houston's firefighters at their 16th annual Status of Women Luncheon on October 26, 1996.

We seldom think of firefighters unless we hear a screaming siren or see the flashing light of a fire engine. But the fact that we don't often think about firefighters is a testament to how well they do their job—we comfortably go about our everyday lives because we know that these dedicated people stand ready to respond quickly and effectively in an emergency. Much of firefighting is undramatic—keeping equipment in condition, teaching fire prevention, anticipating causes of fire. But a life-and-death emergency is always only a 911 call away, and firefighters and their families live with that constant risk. For that we say thank you.

I salute the Houston firefighters honorees who have served the community so well: Clifford J. Thompson, Willie S. Bright, Milton Alfred, Samuel Kemp, Willie D. Cooper, Walter T. Brooks, James Johnson, Jr., Rudolph Cline, Aaron Bernard, Otis L. Burns, Edward Jackson, Bricey Childress, James Perry, James Haekney, Larry Kaperhart, Albert D. Robinson, Sr., Julio Terry, Charles Wheeler, Herb Kimbrel, Otis Jordan, Chief Hershel Julian, Thomas E. Patterson, Ozell Love, Robin Allen, Annette Thomas, Maria Jordan, Capt. Gary Cooper, Chief John Mayes, Wilmer Monmouth, Jr., Robyn Waller, and Frank Jackson.

Again, I would like to congratulate and thank the Houston firefighters and the men and women who have dedicated themselves to serving others and keeping our city safe.

TRIBUTE TO RAYMOND TESTA

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. MARTINI. Mr. Speaker, I rise today in recognition of an outstanding member of the Young Italian (Athletic, Cultural, Educational, Social/Service) Club of UNICO National—Raymond Testa.

Mr. Speaker, for the past 7 years, UNICO has been sharing fellowship, support, benevolence, friendship, and hope with those less fortunate. It provides a living example of what the Roman Statesman Seneca meant when he wrote "that whenever there is a human being, there is an opportunity for kindness."

Mr. Raymond Testa is an ideal example of the type of person that UNICO represents. He graduated from Providence College in 1959 with a bachelor of arts degree in biology and a minor in chemistry. After working for his father in his wholesale fruit and produce store in Waterbury, CT, Raymond decided to attend graduate school. He enrolled in Syracuse University and received a master's degree (1964) followed by a doctorate degree (1966) in microbiology, with a minor in biochemistry.

In the years since his graduation, Raymond has been involved in fermentation yield improvement, biosynthesis, and in vitro and in vivo evaluations of new antibiotics for medical and agricultural uses. Furthermore, he is the coauthor of numerous publications, has delivered notable presentations at national and international conferences and is the co-inventor of many patents related to new antibiotics and their utility. He is presently the section director of infectious disease research.

Furthermore, Raymond is a family man and civic leader. He has been active in numerous organizations, including past president of the Society for Industrial Microbiology and Chair of the Cedar Grove Advisory Council. Finally, along with his wife Carmel, Raymond is expecting his second grandchild at the beginning of October.

Mr. Speaker, I rise today to honor Raymond Testa for his tremendous contributions in the field of microbiology and for being a compassionate human being.

TRIBUTE TO OUR LADY OF THE RIDGE VOLLEYBALL CHAMPIONS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding group of volleyball players in my district. This special group of players are students at Our Lady of the Ridge High School in Chicago Ridge, IL. What makes this group stand out and shine is that when other schools were out for the summer, this group of players extended their season into late June and captured their program's first national title. This is truly a momentous triumph and I am very proud to represent such a fine group of young women in Congress.

This year's Amateur Athletic Union Junior National Volleyball Championships were held in Des Moines, IA, on June 21–25. This year, a division was started which included volleyball players ages 10 years and younger. The division was created to allow younger players to compete in the national competition. This year 10 young ladies from last season's fourth grade team received maximum benefit from the exposure.

The team was led by tournament MVP Jessica Strama and All-Americans Kellie and Katie Pratl. Additionally, Elizabeth Rutan, Cori Omiecinski, Megan Liston, Laura Dirschl, and Katherine Casey played an important role in their aggressive floor play during the game. Stefanie Krawisz and Lauren Uher were top in their field for their outstanding serving ability during the game. The Our Lady of the Ridge team was coached by Milena Strama and Ron Pratl. The team ended its season with an impressive 77–23 record. Finally, the team could not have come as far as they did if it were not for their many sponsors and supporters from the parish community of Our Lady of the Ridge. As the team coach Ron Pratl said, "There was a team of supporters that made it possible for us to get here, and then there was the team that won the gold. My hat goes off to all of them."

Mr. Speaker, I am very proud to have such a fine group of players and supporters in my district. This group of hard working young volleyball players are truly an inspiration and I am pleased to be given the opportunity to honor their hard work today.

TRIBUTE TO EUGENE A. DELLEA

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, one of the pleasures of serving this great body, is the opportunity to recognize outstanding individuals from across the Nation. It is with great pride that I rise to congratulate Eugene A. Dellea of Massachusetts.

On October 16 of this year, the Hillcrest Educational Centers, Inc., dedicated two student dormitories in Lenox, MA, in Mr. Dellea's name. The Hillcrest Educational Centers is a nonprofit residential treatment facility for abused children from around the country. During his long tenure as a member of Hillcrest's Board of Directors, Mr. Dellea has always worked hard to ensure that the children at Hillcrest receive the best care possible. It is fitting that he is being honored in this way for his many years of dedication and compassion.

Mr. Speaker, I am sure that I speak on behalf, of everyone who has ever worked with Mr. Dellea or benefited from his good works, when I offer my warmest congratulations.

TRIBUTE TO BARBARA AND DAVID DANBOM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. FARR of California. Mr. Speaker, I rise today to recognize a remarkable couple who have served and protected ocean waters and resources. They are impressive figures who have served the local economy as well as the local environment, both being strong participants in the fishing industry. I am proud to announce that Barbara and David Danbom have been named "Ocean Heroes" in conjunction with the Smithsonian Institution's Ocean Planet exhibition now on display in San Francisco.

Barbara and David are among a group of 10 individuals and families on the west coast who have been bestowed with this honor. The Danboms, the only commercial fishing family among those honored, have fished out of Moss Landing, CA, for over 30 years. Those selected for the "Ocean Hero" honor were chosen for their outstanding work in protecting ocean waters and resources.

The Danboms are well known for the top quality frozen troll kings they process aboard their boat the *Vega II*: they are one of the few at-sea salmon freezing operations along the California coast, serving an upscale restaurant chain in southern California. As impressive as their business operation has been, their dedication to a sustainable fishery has been even more notable. Dave Danbom, was a member of the first California Citizens Advisory Committee on Salmon & Steelhead Trout formed in 1970; and has served briefly on the committee when it was reestablished in 1984.

Dave Danbom was also a founding director of the Pacific Coast Federation of Fishermen's Associations and vice president for 9 years. An early proponent of California's commercial salmon stamp, in 1982 Danbom instigated the expansion of that highly successful program, which is now the State's single largest source of dollars for salmon restoration. He currently sits on the committee overseeing the expenditure for monies from that fund. In 1983 Dave was a "Highliner of the Year" recipient, the fishing industry's highest award. He was the first salmon troller appointed to a seat on the Pacific Fishery Management Council, serving two terms.

Barbara Danbom, an accomplished vessel skipper and fisherman in her own right, works alongside husband Dave during the fishing season. In the off season she tends to much of the business and correspondence while Dave is in meetings. Her support has made it possible for Dave Danbom to dedicate as much time as he has to the betterment of the fishery.

In recent years the Danboms worked with myself and my predecessor to this office, now White House Chief of Staff, Leon Panetta, for the establishment of the Monterey Bay National Marine Sanctuary, which stretches from San Luis Obispo County to Point Reyes and is managed out of both Monterey and San Francisco.

The Danboms' devotion to the preservation of ocean waters and resources is exemplary. It is an honor to have David and Barbara Danbom on the Central Coast of California. I know I am speaking for the residents of the 17th District when I say that we are proud of Barbara and David Danbom.

SIERRA CLUB'S ANTI-GOP EFFORTS ASSISTED BY REP. BOEHLERT

HON. WES COOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. COOLEY of Oregon. Mr. Speaker, during my tenure in Congress, I have been astounded by the intensity of partisan political activities by national environmental groups. The Sierra Club has clearly been among the most partisan and politically active of all these groups.

According to the Federal Election Commission's records from July 1995, the Sierra Club has contributed a total of $8,500 to four Republican candidates for Congress and $85,162 to 47 Democratic candidates during the current election cycle. The September/October 1996 issue of Sierra magazine reported the group had endorsed 131 candidates for House and Senate. Not surprisingly, only 7 of these were Republicans.

Moreover, during last winter's special U.S. Senate race in my State, the Sierra Club reported spending $168,454 in independent expenditures on behalf of Democratic nominee RON WYDEN. Many similar independent expenditures are currently underway throughout the Nation.

I was dismayed, but not surprised, to learn that Representative SHERRY BOEHLERT, co-chairman of the Speaker's Task Force on the Environment, has aided and abetted the Sierra Club in its efforts to defeat Republicans this November. Consequently, I signed the following letter along with many other free market and conservative groups asking the Speaker to discipline Representative BOEHLERT for his unforgivable actions. I urge my colleagues to read this letter and learn more about Representative BOEHLERT's efforts to help the Sierra Club elect a Democrat majority in Congress.

SEPTEMBER 16, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We are writing to express our concerns about recent activities of Representative Sherwood Boehlert, which we believe undermine the mission and credibility of your Speaker's Task Force on the Environment. You have stated that the value of your Task Force is that it offers a forum in which members with widely varying views on environmental and regulatory issues can learn from each other in an atmosphere of mutual trust and respect. Rep. Boehlert has poisoned that atmosphere.

On August 13 during the Republican National Convention, Rep. Boehlert was the featured guest at a Sierra Club fundraising reception at the Harbor Island West Hotel in San Diego. The Sierra Club presented him with their "highest award for elected officials." In his remarks, Rep. Boehlert concluded by telling the audience that a "cleaner, healthier, safer environment is what I am working for. That is what you are working for, and we are partners."

Rep. Boehlert's partners at the Sierra Club are doing something else besides working for a cleaner, healthier, safer environment. They are also engaged in a massive effort to "take back the Congress," which their president, Adam Werbach, recently described as "the worst Congress ever, period." The political director of the Sierra Club, Daniel J. Weiss, has described their election strategy as a "multi-million dollar educational campaign." Of 131 House and Senate candidates officially endorsed by the Sierra Club in the current issue of *Sierra* magazine, seven are Republicans. The challenger is endorsed in Georgia's sixth Congressional district. FEC reports in July show that in the current election cycle the Sierra Club had contributed a total of $8,500 to four Republican candidates and $85,162 to 47 Democratic candidates. In addition, the Sierra Club reported spending $168,454 in independent expenditures during last winter's special Senate election in Oregon on behalf of Ron Wyden. Similar independent expenditures are planned for the fall campaign in many races.

Media packets distributed by the Sierra Club at their San Diego fund-raiser viciously and unfairly lambasted Congressional attempts to reform and improve federal environmental laws and attack you personally in the most outrageous terms (as do Sierra Club fundraising letters). Immediately before their fund-raiser, Rep. Boehlert's partners at the Sierra Club sponsored a protest rally and walk along the harbor in San Diego to "take back the Congress." One protester carried a homemade banner that depicted a bulldozer driven by you with the words "Private Property Rights" emblazoned on the blade. Underneath were the words "Stop GOP Terrorism" with a swastika drawn inside the O in GOP.

It should also be mentioned that Sierra magazine featured Representative Richard Pombo, the other co-chairman of your Task Force on the Environment, as its first "Eco-Thug of the Month." It has also featured at least five other members of your Task Force as Eco-Thugs of the Month: Representatives Billy Tauzin, Andrea Seastrand, Nathan Deal, Helen Chenoweth, and Jimmy Hayes. In addition, the Sierra Club has officially endorsed the opponents of two other members of the Task Force's Steering Committee, Representatives James Longley and Brian Bilbray.

The Sierra Club is not the only radical organization Rep. Boehlert has been working with to thwart Congress's environmental reform efforts. In a January 30 letter to the legislative director of the Natural Resources Defense Council thanking NRDC's staff for their help, he wrote, "At this time in 1995, the prospects for environmental protection looked bleak." On July 23, the news service Greenwire reported that, "Starting this week, the Natural Resources Defense Council will air 60-second radio ads against 16 House members with 'anti-environmental voting patterns.'" An Associated Press story published in the November 2, 1995 Atlanta *Constitution* reports that Rep. Boehlert attended an environmental protest rally on the Capitol steps and "joined in the chant 'Stop the rollback. Free the planet.'"

We enthusiastically applaud the efforts made by the 104th Congress to reform our nation's disastrous command-and-control environmental policies. Given Rep. Boehlert's actions outlined above to stymie those efforts and to defeat those who support them, we respectfully suggest that it is inappropriate for him to serve as co-chairman of your Task Force on the Environment, a position of great responsibility that gives him power to control what environmental legislation can come to the floor.

We are enclosing relevant supporting materials. We look forward to working with you to address these concerns.

Sincerely yours,

Malcolm Wallop, Chairman, Frontiers of Freedom; Paul M. Weyrich, President, Free Congress Foundation.

Joseph M. Phillips, Director, Federal Affairs, National Rifle Association I.L.A.; Dennis Hollingsworth, Director of Natural Resources, Riverside County Farm Bureau; Peter T. Flaherty, Chairman, Conservative Campaign Fund; Amy Moritz, President, National Center for Public Policy Research; Carol W. LaGrasse, President, Property Rights Foundation of America, Inc.; Nancie G. Marzulla, President and Chief Legal Counsel Defenders of Property Rights.

Morton C. Blackwell, Republican National Committeeman for Virginia; David Ridenour, Director, Environmental Policy Task Force; Chuck Cushman, Executive Director, American Land Rights Association; Fred L. Smith, President, Competitive Enterprise Institute; Margaret Ann Riegle, Chairman, The Fairness to Landowners Committee; Jeffrey P. Harris, Exec. Director, National Coalition for Public Lands and Natural Resources.

Met Johnson, Executive Director, Western States Coalition; G. Ray Arnett, President, Arnett & Associates; David B. Howard, President, Land Rights Foundation; The Honorable Donald Amador, Commissioner, OHMVR Div., Calif. Department of Parks and Recreation; Douglas Domenech, Executive Director, Madison Project; Kathleen Marquardt, Chairman, Putting People First.

Dr. S. Fred Singer, President, Science and Environmental Policy Project; The Honorable Wes Cooley, Member of Congress, Oregon, Second District; Karen Kerrigan, President, Small Business Survival Committee; Clark L. Collins, Executive Director, Blue Ribbon Coalition; Henry Lamb, Exec. Vice President, Environmental Conservation Organization; Thomas A. DeWeese, President, American Policy Center.

David M. Rothbard, President, Comm. for a Constructive Tomorrow; Bruce C. Grefrath, Washington Representative, National Inholders Association; Y. Leon Favreau, President, Multiple Use Association; Caren Cowan, Executive Director, New Mexico Wool Growers Inc.; William T. Riley, Northwest Council of Governments; Robert L. Gardner, President, Curry County Oregon Project.

Edmund Peterson, Chairman, Project 21; William E. Theis, Steering Committee, Stop Taking Our Property; Jack E. Phelps, Executive Director, Alaska Forest Association; Helen A. Baker, Director, Women For California; William Pickell, General Manager, Washington Contract Loggers Assn.; Randal L. Pelton, Chairman, Chelan County Citizens Coalition.

Edward H. Waldheim, President, California Off-Road Vehicle Association; Peggy A. Wagner, Director, Montanans for Multiple Use; Dr. Bonner R. Cohen, Editor, EPA Watch; R.O. Voight, President, Maine Conservation Rights Institute; Adam Dubitsky, President, ABD Communications; Robert MacMullin, President, MacMullin Forestry & Logging.

William J. Murray, Chairman, Government Is Not God PAC; Barbara Mossman, Spokesman, American Loggers Solidarity; Chuck Chase, Director, Eastern Oregon Mining Association; Patricia A. Bradburn, President, Virginians for Property Rights; Darlene Slusher, President, Accord Chapter, People for the West!; Karl W. Mote, Retired, Mining Industry; Harry A. Baker, Jr., Chief Instructor, California 44 Education & Training; Robert J. Smith, Senior Environmental Scholar, Competitive Enterprise Institute; Mike Dail, President, Federal Land Bank Association of Mason.

TRIBUTE TO MSGR. LOUIS BIHR

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. MARTINI. Mr. Speaker, I rise today to pay tribute to a real American hero. I am talking of Msgr. Louis Bihr, pastor of Immaculate Heart of Mary Church in Wayne, NJ.

Mr. Speaker, Monsignor Bihr ("Father Lou") has devoted over 25 years of his life to preaching god's word. Known for his devotion to mass, prayer, love and kindness, Father Lou has served at Blessed Sacrament Parish, t. Joseph's Parish, St. Boniface Parish and St. Gerald's Church. Mr. Speaker, he has been cherished by countless numbers of individuals in the religious world.

Apart from his preaching in the church, Mr. Speaker, he has continued to spread the word of God in surrounding communities. He moved from director of the Diocesan Youth Department/CYO to the elected position of assistant chairman of region II of the National CYO Federation. He led the development of a diocesanwide high school retreat. He brought Youth Haven, a shelter for runaway teenagers, to the community. Finally, Father Lou initiated the opening of a children's day care center, El Mundo del Nino.

Mr. Speaker, Msgr. Louis Bihr has been chosen as "Man of the Year" by St. Gerald's Church. He is also man of the year in my eyes. I ask that we all acknowledge the work and life of this man. He has fought for the good of our country, our hearts, and our souls.

HONORING SOUTH POST OAK BAPTIST CHURCH ON ITS 37TH ANNIVERSARY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. BENTSEN. Mr. Speaker, I rise to honor South Post Oak Baptist Church in my district as it celebrates its 37th anniversary, and I extend to Pastor Remus E. Wright a special congratulations for all that he has done for the church and for our community.

Under Pastor Wright's leadership, the church has experienced rapid growth. Once as small as 150 members, the church today serves more than 2,000 members. Pastor Wright has established 20 new ministries and enhanced several others so that the church can better fulfill its mission of Christian service to our community.

Pastor Wright's concern for people goes far beyond the membership of South Post Oak Baptist Church. He is extensively involved in the community around the church. He currently serves on community boards for two high schools in Houston. In May 1994, the city of Houston and Mayor Bob Lanier proclaimed Rev. Ramus E. Wright Day in Houston in recognition of the work he has done at South Post Oak and in the community.

Pastor Wright has been an example for all of us through his community leadership, his caring for others, and his deep and abiding faith. By following that example, the members of South Post Oak Baptist Church have enriched our community for all of us. As the church celebrates its 37th anniversary, I want to express may deep appreciation to Pastor Wright and the members of the church for their good work, and I wish them well in the future. I have no doubt that their many ministries will continue to flourish and prosper to the betterment of us all.

TRIBUTE TO THE VILLAGE OF BURR RIDGE ON ITS 40TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding community in my district that is celebrating its 40th anniversary, Burr Ridge, IL.

Burr Ridge was incorporated October 30, 1956, as a 1-mile square area. The village was originally called Harvester in honor of the International Harvester plant located nearby. The village steadily expanded and was renamed Burr Ridge in 1961 in honor of a stand of Burr Oak trees located on a small ridge in the community.

Through wise planning and controlled growth, the village has combined light industrial areas with subdivisions of single family homes in all price ranges. From the original 300 residents, Burr Ridge has grown to nearly 9,000 inhabitants.

Mr. Speaker, I salute the Village of Burr Ridge on 40 years of serving as a model community in suburban Chicago.

TRIBUTE TO THE URBAN PULSE MAGAZINE SHOW

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, I would like to take this opportunity to recognize the Urban Pulse Magazine Show. The Urban Pulse Magazine Show will celebrate its expansion from its grass-roots in Boston cable to a New England regional cablecast which will be viewed on WNDS–50TV. The show is committed to excellence in the production of quality urban contemporary programming. Serving 356 surrounding communities, the Urban Pulse magazine's programming reflects the needs, interests and diverse lifestyles of urban America.

Since its inception in January of 1996, the energetic and committed staff of the Urban Pulse magazine, have provided entertaining, educational, and informative African American programming. The Urban Pulse magazine creatively mixes such public affairs issues as education, youth, and local and national politics, with series such as "Mo-Jazz" and "The Urban Roundtable."

I ask my colleagues to join me in paying a special tribute to the Urban Pulse magazine and their continued success.

TRIBUTE TO ROBERT H. STEINER

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to the treasurer of the charter township of Clinton, MI, Mr. Robert H. Steiner. After 33 years of devoted service to the people of Clinton Township, Bob Steiner has decided to retire.

For over three decades, the residents knew they could count on Bob Steiner to perform his responsibilities with professionalism and competence. In addition to his role as the township treasurer, Bob Steiner has served as a member of the Planning Commission for 9 years and as a township trustee for 4 terms of office. In his ongoing attempt to serve the public more ably, he has taken numerous other leadership positions.

For example, Bob is currently the director of three groups vital to the well-being of everyone in the community: the Clinton Township Economic Development Corp., the Michigan Townships Association, and the Grosse Pointes Clinton Refuse Disposal Authority.

The list of other organizations in which Bob has been involved, is simply too lengthy to include. But it is safe to say that if there was a concern raised in Clinton Township, Bob was responsive to it.

His many civic responsibilities did not prevent him from devoting his time, energy, and talents to many community projects through volunteer work. Bob and his family have been active in their church and in the Clinton Valley and Chippewa Valley Kiwanis Clubs. He has worked on behalf of the Clinton Township Goodfellows organization and many school, academic, and sports activities.

It was nearly 25 years ago that I first knocked on the Steiner door and met Bob and his wonderful wife, Alice. Since that time, Bob and I have enjoyed a close working relationship on local, State, and Federal issues. I have watched with respect as the township has grown under his steady leadership. The true measure of his commitment to the people of Clinton Township, is his son's similar interest in public service, obviously learned and nurtured at home.

After 33 years of public service, I thank Bob for his fine work and commend him for his exceptional dedication and outstanding contributions. He will be missed by us all. We wish him the very best in the future as he enters a well-deserved retirement. As family and friends and associates gather on Friday, November 8, 1996, to honor Bob and Alice on this special occasion, I join in the chorus of congratulations and appreciation.

TRIBUTE TO THE ITALIAN TRIBUNE COLUMBUS DAY PARADE

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. MARTINI. Mr. Speaker, I rise today in recognition of the 26th Annual Columbus Day Celebration and Parade in Newark, NJ, sponsored by the Italian Tribune.

As we all know, Christopher Columbus crossed the Atlantic Ocean in search of a New World. Shunned by skeptics and ridiculed by less adventurous souls, Columbus embarked on his trek armed with little more than a vision of the future and an irrefutable desire for success.

Christopher Columbus was born to a family of weavers and merchants in the Genoa Republic of northern Italy. He soon became a man of the world as he traveled through Spain and Portugal. Throughout his travels, Columbus became fascinated with the lore of the Orient. He soon became consumed with the idea of discovering a new quicker way to the shores of Asia. He believed that way was toward the oceans of the west.

On September 6, 1492, Columbus set sail from Palos in search of a more direct route to Asia, but only God knew his journey would bring even more wondrous discoveries. Two minutes after midnight on October 12, 1492, the screams of "Land! Land!" broke the silence of the night. As the *Pinta,* sailing ahead of the other ships, approached the sandy white beach, the crew raised the flag to its highest mast and fired a cannon to alert the other ships of the discovery.

While Columbus originally thought he had found a more direct route to Asia, he soon realized that he made a more remarkable discovery—a New World.

Mr. Speaker, over the last 26 years, this parade has been a cornerstone of the Italian-American and Newark community. Similar to the way Columbus breached the gap between the Old and the New Worlds, the parade brings together members of Newark's diverse population in a celebration of Christopher Columbus. This parade, in the spirit of Christopher Columbus, shows how the Newark community can overcome cultural differences to gather and celebrate with each other.

Mr. Speaker, I would like to recognize the Italian Tribune, and thank them for their continued support of this important community event.

"I AM ME"

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. OBERSTAR. Mr. Speaker, I am very pleased to share with my colleagues the national award winning essay of Arlene Helderman from International Falls, MN. I offer Arlen's superb presentation, "I Am Me" to serve as an enlightened statement to the Nation on the sanctity of human life. I want to offer my profound congratulations to Arlene and the Koochiching County Right-to-Life Committee and the Minnesota Citizens Concerned for Life organization for their sponsorship of this annual competition.

I AM ME

(Pro-Life Speech by Arlene Helderman)

I am me.
In all the world, there is no one else exactly like me.
There are persons who have some parts like me,
  But no one adds up like me,
Therefore, everything that comes out of me,
Is authentically mine, because I alone chose it.
I own everything about me:
  My body—including everything it does,
  My mind—including all its thoughts and ideas,
  My eyes—including all the images they behold,
  My feelings—whatever they may be,
  And all of my actions—whether they be to others or to myself.
I own my fantasies, my dreams, my hopes, my fears.
I own all my triumphs and successes, all my failures and mistakes.
I own me, and therefore I engineer me,
  To work in my best interests,
I can see, hear, feel, think, say and do.
  I am me.

I am here today to talk about life. I am here, I am alive, and I am me because of a choice my mother made. Her choice is what accounts for many of the decisions I make now, because of the love present in her choice. I am me because my mom chose life.

Everything that makes me me, was decided at conception, when forty-six human chromosomes laid out my genetic code. All characteristics were then determined, such as sex, eye color, shoe size, intelligence—many characteristics we now take for granted. But it was then that they were laid out, to create the me that I am. Only twelve weeks later during my precious development, I had the ability to experience pain—the same pain I would one day experience at age twelve, when I would clumsily break my nose, I had tiny fingernails—the same fingernails I would paint so precariously years later, the night before my first formal dance. And my feet were perfectly shaped by this time—the same feet that I use now, to flex and point and dance and leap during my gymnastics routines. It's amazing, but at an early six weeks of my development, I had brain waves—brain waves that today enable me to create stories for English and calculate statistics for Math. And at an unbelievable three weeks, I had a heartbeat—the same heart which beats at seventeen, in anticipation of future dreams and aspirations. I am me, whether it be then or now. But I am only me because my mom chose life. The story of my mother's choice to keep my life is like no story you have ever heard, and you will probably never hear another quite like it.

Everything was so normal. My mother was twenty-nine years old, and she and my father were a young couple with a four-year-old little girl, a white house, (with no picket fence), but picture perfect in their eyes. As springtime neared, she discovered she was pregnant with her second child, which was good news. The first couple months went well, and she had lots of energy. But as time crept on into summer, she felt tired all the time and became ill with bronchitis. She started to lose weight, and she constantly prayed for the doctors to find out exactly what was wrong with her. After many tests and many wrong answers, the doctors diagnosed my mother with leukemia. The doctors told her it was crucial to start chemotherapy treatments right away, because she would only live six weeks without them. Unfortunately, they also said the baby would not survive with the treatment, and that her best chance would be to abort the unborn child.

It was fall, a time when things die naturally—leaves, flowers, grass; but what about—unnaturally? My mother had started her fifth month. She could feel the baby move inside her and it was like someone was trying to tear her heart out. She had to make a choice. Did she want to destroy her baby so she could have a greater chance at living, or did she want to continue on and hope, only to be told she'd have a greater chance at dying? Despite her threatening condition, she chose life.

In the next month, my mother experienced more pain than most people could ever imagine. She had a bone marrow test taken, a test so painful, that my petite mother, tore a metal railing from the hospital bed in the midst of her agony. She endured over twenty shots a day, forced herself to eat for the sake of her baby, was hooked up to IV's, and lost so much weight, that even at five months pregnant she only weighed eighty pounds. She endured so much pain, and she did it all for me. I don't know how I can ever thank my mom for the sacrifices she made for me, but the faith and love she had in me is something that will live in my heart, forever.

Another month passed, and my mother was feeling a little better. At seven months of the pregnancy, November twenty-fifth started out like any other day. She was weighed, and her IV's were changed, but by ten o'clock that morning, she was starting labor. The Doctors explained that most likely the baby would not survive, and for her safety, my mother should be flown to a larger hospital with better medical facilities. The hospital in her small town did not have the proper equipment if the baby was to survive. And so, although my mom persisted there was not enough time to make it to the hospital, they boarded her, a nurse, and a pilot onto a small air ambulance for an unforgettable journey. Halfway to the hospital I was born and I could not breathe. The nurse encouraged my mom to pray as she gave me resuscitation to try and keep me alive. The pilot radioed ahead for ambulances and to the hospital so everyone was ready for my arrival. The rest of the flight, forty minutes, was the longest forty minutes in my mother's life; but as we neared the landing, she thought she saw my tiny lip quiver, and it gave her hope.

For days, I was placed on oxygen to breathe, and time pressed on with the unavoidable question of survival. The doctors again said it did not look promising. They suggested to my parents to pick a name for me, therefore I was named after the nurse-Arlene, and the pilot-Frances, who were both so courageous during my birth. I was hooked up to oxygen and heart machines, and there were so many IV's in my tiny arm, that at fourteen inches long, two and half pounds, you could barely see me under all that equipment. When my mom entered the intensive care unit I was in, my heart monitor became extremely active, perhaps because I could feel her presence. It was then that my mom knew I would be okay.

After two months in an incubator, and weighing in at five pounds, I went home to a family that was anxiously waiting my arrival. My mom endured three more years of chemotherapy treatment. To this day, there is not a single trace of cancer in her body. Despite all of the odds and even when it looked like it couldn't get any worse, my mom and I broke medical history. We are alive, and we did it together.

And today, because my mom chose life, I am me. My mom was given practically no chance, but she still underwent painful experiences, emotionally and physically, to give me life. I am who I am today, because of her. She had to make a choice. And she chose me!

Because of the enormous obstacles overcome in my struggle, many people have deemed my birth to be a miracle. However, I have learned that life itself, is truly the miracle. Sometimes I forget how precious life is and we all tend to overlook the magic of every day. But then I remember. I remember that there are children not as fortunate as I am. I remember the dream that lies in every moment, and the expectation born in every thought. I remember that I am me. But most importantly, I remember the day I learned to fully appreciate the value of life. It was the day when my mom told me that the result of her choice had turned out to be priceless!

TRIBUTE TO SAINTS PETER AND PAUL EVANGELICAL LUTHERAN CHURCH ON ITS 95TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to an outstanding church in my congressional district celebrating 95 years of service to its community this year.

Founded just after the turn of the century, Saints Peter and Paul Evangelical Lutheran Church in Riverside, IL, has served the spiritual needs of its congregation and the community at large since then.

As we know, churches are the backbone of any community and Saints Peter and Paul has been one of the more important supporting structures of Riverside for more than nine decades.

Mr. Speaker, I congratulate Saints Peter and Paul on its 95th anniversary and wish the church many more years of service to its congregation and community.

COMMENDING THE SAVE THE DUNES COUNCIL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. VISCLOSKY. Mr. Speaker, it is my honor to commend the Save the Dunes Council, and its executive director, Tom Anderson, as they celebrate their 44th anniversary. The Save the Dunes Council is primarily responsible for the creation of the Indiana Dunes National Lakeshore, which celebrates its 30th anniversary this year.

The Save the Dunes Council was formed to establish a dunes national park. Its main goal was to fight off plans of powerful political and economic interests to industrialize the entire Hoosier shoreline on Lake Michigan. In 1952, Dorothy Buell, a citizen of Ogden Dunes, invited two dozen area women to a meeting in her house on the first day of the summer. This fledgling group was called the Save the Dunes Council. Their main focus was to raise money to buy the 5 miles of beach and dunes generally located between the towns of Dune Acres on the east and Ogden Dunes on the west. These women did succeed in purchasing a piece of the unprotected land at a 1953 Port County tax sale, which now stands as Cowles Bog.

From these early beginnings, the council, which included Herb and Charlotte Read, and Illinois Senator Paul Douglas, traveled to Washington, DC, to fight plans to industrialize the area. As a result, on November 5, 1966, the first Indiana Dunes bill was enacted to create the 5,800-acre Indiana Dunes National Lakeshore. Since 1983, Dale B. Enquist has been superintendent of the Indiana Dunes National Lakeshore. This year, Mr. Enquist received the Department of the Interior's highest honor, the Meritorious Service Award.

The Council fought corporate interests and the entire Indiana legislative and congressional delegations in the days before the National Environmental Policy Act and open meetings law. While two steel plants and a deep water port on Lake Michigan now sit in the heart of the dunes, 14,000 acres of Indiana's dunes are forever protected as a State and national parkland.

The Save the Dunes Council developed tactics and strategies that were never used before. It stood up to corporate America and won the battle. The Save the Dunes Council has preserved one of the country's most beautiful and precious assets to ever exist. Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending the Save the Dunes Council, as well as the hope it embodies in its continuing effort to preserve our environment.

TRIBUTE TO MR. J. GENE CHAMBERS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Mr. J. Gene Chambers for being honored with scouting's Distinguished Citizen award by the Clinton Valley Council, Boy Scouts of America. The award will be presented to Mr. Chambers on October 16, 1996 in Clinton Township, Michigan.

J. Gene Chambers began his career in the newspaper industry as a sales representative and was promoted through the ranks to become the business manager of a local paper. In 1982 , he became publisher of the Macomb Daily and was promoted to executive vice president and CEO of South Eastern Michigan Newspapers. Mr. Chambers has been credited with rescuing the Macomb Daily and its affiliate papers from financial failure.

The list of community services that Mr. Chambers is involved with is extensive. He annually supports the Wertz Warriors Snowmobile Endurance Ride which benefits the winter Special Olympics and the Macomb County Child Advocacy Center, and was a past board member of the Macomb County Crippled Children's Association. In 1993 he was honored as "Business Citizen of the Year" by the Mount Clemens Business Association for his role in fostering community development.

Taking an active role in one's community is a responsibility we all share, but few fulfill. Mr. Chambers' time, talents, and energy are appreciated by all of us. I thank him for his efforts and commend him for his good work. I applaud the Boy Scouts of Clinton Valley Council for recognizing Mr. Chambers. He has provided outstanding leadership to our community and I know he is proud to be honored by the Scouts.

On behalf of the Boy Scouts of America, I urge my colleagues to join me in saluting J. Gene Chambers.

TRIBUTE TO FRED LANG

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. MARTINI. Mr. Speaker, I rise to pay tribute to Fred Lang, for displaying outstanding efforts on behalf of young adults in his community.

Mr. Speaker, Mr. Lang will be honored at the Allied Health Industry for the Benefit of the Exploring Division of Passaic Valley Council, Boy Scouts of America. This branch of the Boy Scouts specializes in career development, citizenship training, social activities, service projects, and outdoor and fitness activities.

Fred Lang is also extremely active in other areas of our community, Mr. Speaker. Mr. Lang serves as a member of the governing boards of the Greater Paterson Chamber of Commerce, Jewish Family Services of Northern New Jersey and Paterson Education Fund, as well as an executive board member of the Passaic Valley Council of Boy Scouts.

Mr. Speaker; as we all know, educating and preparing the youth of this country is a great responsibility. That is why I rise today and commend Frederick Lang for his efforts. His commitment to our young Americans is an investment in our country's future.

CONFERENCE REPORT ON H.R. 3005, NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. DINGELL, Mr. Speaker, in connection with the passage of H.R. 3005, the National Securities Markets Improvement Act of 1996, I offer the following extension of my remarks to clarify the congressional intent underlying two key components of the legislation.

SEC EXEMPTIVE AUTHORITY AND FRAUD

The House bill and Senate amendment contained substantially identical provisions granting the Securities and Exchange Commission [SEC] general exemptive authority under both the Securities Act of 1933 and the Securities Exchange Act of 1934. *See* H. Rept. 104-622 at 38; S. Rept. 104-293 at 28. The conference agreement adopted those provisions.

By the express terms of the exemption provisions, any exemption must be necessary or appropriate in the public interest and consistent with the protection of investors.

In that regard, Congress intends the public interest test to include the national public interests noted in the underlying statutes, the prevention of fraud and the preservation of the financial integrity of the markets, as well as the promotion of responsible financial innovation and fair competition. Clearly exemptions from the antifraud provisions would not be in the public interest nor consistent with the protection of investors. This is consistent with the explanation that was before this body when it passed H.R. 3005 (*see* Congressional Record, June 18, 1996 at H6447): " * * * this bill does not grant the SEC the authority to grant exemptions from the antifraud provisions of either act. In determining the public interest, Congress has expressed the public interest through the express provisions of law that it has enacted. The SEC may not administratively repeal these provisions by use of the new exemptive authority."

QUALIFIED PURCHASER EXCEPTION

The Investment Company Act of 1940 (Investment Company Act) establishes a comprehensive federal regulatory framework for investment companies. Regulation of investment companies is designed to: prevent insiders from managing the companies to their benefit and to the detriment of public investors; prevent the issuance of securities having inequitable or discriminatory provisions; prevent the management of investment companies by irresponsible persons; prevent the use of unsound or misleading methods of computing earnings and asset value; prevent changes in the character of investment companies without the consent of investors; ensure the disclosure of full and accurate information about the companies and their sponsors. To accomplish these ends, the Investment Company Act requires the safekeeping and proper valuation of fund assets, restricts greatly transactions with affiliates, limits leveraging, and imposes governance requirements as a check on fund management.

Congress has been reluctant to exempt pooled investment vehicles from the Investment Company Act unless sufficient alternative protections have been established. Thus, Congress has acted cautiously in enacting any new exemptions, appreciating the perils to the public investor, including sophisticated investors, and the American capital markets that can arise from the operation of pooled investment vehicles outside the Investment Company Act. The following examples are part of the record: Last year, an investment fund, Foundation for New Era Philanthropy, collapsed after reportedly running a "Ponzi scheme" that left its investors, including at least 180 nonprofit organizations, with an estimated $200 million in losses.

The collapse of the Orange County investment fund last year, reportedly due to overleveraging, portfolio illiquidity, and mispricing of assets, harmed many "sophisticated" investors, including more than 180 local governmental bodies that had invested in the pool.

Last year, David Askin, a failed hedge fund manager, settled administrative proceedings in which the SEC charged him with fraudulent conduct in the collapse of his $600 million hedge funds. It was reported that the collapse caused serious harm to at least one large personal estate, a pension fund, major state universities, and large insurance and brokerage houses.

In 1992, Steven Wymer pleaded guilty to nine felony counts for defrauding his clients, including a state investment pool in which 88 governmental units reportedly had invested.

Section 3(c)(1) of the Investment Company Act currently exempts from regulation any pooled investment vehicle with up to one hundred investors that has not made and does not propose to make a public offering. The conference agreement would create a new section 3(c)(7) exemption from the Investment Company Act for pooled investment vehicles that sell their securities only to "qualified purchasers" defined as persons with at least $5 million in investments and institutional investors with at least $25 million in investments. The term "investments" must be defined by the SEC.

The conferees believed that invester protections could be maintained under more liberal thresholds than the House bill's $10 million in "securities" for natural persons and $100 million in securities for institutional investors. However, for investor protection reasons, the conferees rejected the Senate amendment's provisions that would have allowed the SEC by rule to specify additional qualified purchasers who did not meet the statutorily defined standards of financial sophistication but nonetheless would be taken outside the protections of the Investment Company Act.

Given this record and the purposes of the Investment Company Act, it is not the intention of Congress that the SEC would use its authority under section 6(c) of the Act to reduce the thresholds or to ease the statutorily-established conditions to this exemption.

Moreover, the grandfather provision in section 3(c)(7) was intended to allow existing section 3(c)(1) pools to open themselves up to qualified purchasers without having to terminate longstanding relationships with investors that are not qualified purchasers. The grandfather provision was not intended to allow sponsors to nominally "convert" that pool to a section 3(c)(7) pool in order to raise additional funds through another section 3(c)(1) pool without regard to section 3(c)(1)'s 100 person limitation. In the absence of new, bona fide qualified purchaser investors in the "grandfathered" section 3(c)(1) pool, this would be an abuse of the grandfather provision that Congress did not intend. The grandfather provision also was not intended to override existing interpretative positions concerning the circumstances under which two or more related section 3(c)(1) pools would be integrated for purposes of determining whether section 3(c)(1)'s requirement that the voting securities of a section 3(c)(1) company be owned by no more than 100 persons. Such an abusive practice would not be protected by the "non-integration" provision of new section 3(c)(7)(E) which explicitly provides that that provision does not address the question of whether a person is a bona fide qualified purchaser.

SALUTING THE REOPENING OF THE SACRAMENTO MEMORIAL AUDITORIUM

HON. ROBERT T. MATSUI
HON. VIC FAZIO
HON. JOHN T. DOOLITTLE
HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. MATSUI, Mr. FAZIO, Mr. DOOLITTLE, Mr. POMBO. Mr. Speaker, we rise today to pay tribute to all parties responsible for the grand reopening of the Sacramento Memorial Auditorium.

Originally opened in 1927, this landmark building served for almost 60 years as a multipurpose venue for all manner of public gatherings, a forerunner of our modern community convention center. Besides hosting everything from operas, rock concerts, and religious revivals to circuses, conventions, and boxing matches, it is perhaps best remembered as the primary location for generations of school graduations.

In 1986, the city was forced to close the building due to code violations and structural hazards. Sorely missed, the voters approved an initiative in 1992 to restore and reopen the auditorium in its original, multi-purpose configuration.

Phase I of the renovation began in November of 1994. The project was unique in that rather than commission a set of architectural plans to be put out to bid, the city first established a minimum scope of work and a maximum project budget. Then a list of secondary renovation priorities was developed, with instructions to address as many of these items as possible within the budget. Finally, the city asked engineering, design and construction firms to form partnerships to bid on the job, and instructed the winning team to work in tandem to design and build the project. This design/build concept gave them flexibility, which was essential because the cost of some of the work, such as seismic retrofitting, would vary depending on the methods used. Money saved on essential renovations has been applied to secondary priorities.

The result is extraordinary. In addition to the esthetic restoration of the building, alterations have been made to meet modern standards of earthquake and fire safety, and new electrical, mechanical, and environmental systems were installed. Accessibility was enhanced by adding ramps at the front and side entrances, space for wheelchairs in seating areas throughout the main level, new signage, and accessible restrooms. Today, the building looks better than ever and is more safe and functional than ever. Perhaps most importantly, the project has been completed within its budget of $10.8 million.

For many, the auditorium represents a priceless link with the city's past and the history of its cultural development. Newly refurbished, it is one of Sacramento's's most beloved historical landmarks, especially among our community of veterans.

Sacramento Memorial Auditorium is dedicated to the memory of all Sacramento County residents who give their lives in service to the United States in any of America's wars, past or future. The names of these men and women are inscribed in a permanent honor roll displayed within the building, a reminder of the terrible cost of war and a tribute to the price and patriotism of Sacramento residents. As part of the restoration, a new and expanded honor roll has been added, listing our fallen heroes and heroines from the Spanish-American War through the Persian Gulf War.

Mr. Speaker, we ask our colleagues to join us in honoring the men and women who worked to make this project such and overwhelming success. We are proud to have such a beautiful and utilitarian monument to our country's fallen heroes and look forward to many years of continued use and enjoyment.

TRIBUTE TO THE LATE THEODORE R. (TEDD) McCANN

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. REGULA. Mr. Speaker, on September 12, 1996, a former employee of the National

Park Service, Theodore R. (Tedd) McCann passed away. Tedd's passing is mourned by his many friends and family, but his legacy lives on and is reflected in many of our Nation's National Parks across the country.

Tedd was a park planner, but he was also a poet and an artist. His park plans were touched with his gift of words and his vision. One park that Tedd helped plan and that Congress subsequently established in 1974, is the Cuyahoga Valley National Recreation Area in northeast Ohio. He began studying the area in 1971. When Tedd was first given the assignment, he was skeptical. The Cuyahoga River was, after all, the river that caught fire in 1969 and was an icon for environmental pollution. Yet later, in Tedd's report back to Interior Secretary Rogers C.B. Morton, he called it "a green shrouded miracle." He saw in the Cuyahoga Valley the potential of being what it has become today, a great urban national park that now serves over 3 million people a year who hike its trails and marvel at its scenery and enjoy its rich history.

Tedd also had dreams for a much larger area, one that would extend further down the Ohio & Erie Canal and serve even more people throughout the region. But good things often need to start with smaller steps and he recognized that fact. Fortunately, at the end of the 104th Congress we were able to take that next big step, and establish the Ohio & Erie Canal Heritage Corridor which encompasses the Cuyahoga Valley National Recreation Area but extends north and south from Cleveland to Zoar Ohio and will truly create a ribbon of wilderness in urbanized northeast Ohio. The heritage corridor is a relatively new concept, which allows for more flexibility in how the area is managed and provides for increased local participation. It is a concept which I believe Tedd would be proud of and the Ohio and Erie Canal Heritage Area will further enhance the "green-shrouded miracle" he so aptly described more than 2 decades ago.

But Tedd's legacy extends beyond northeast Ohio as he had a hand in many other parks across the country. Because of that and especially for the legacy he left us in Ohio I want to share some of the details of his life.

Tedd was born on May 29, 1929, in Jeannette, PA to Lawrence Vernon McCann and Lois Mumma McCann. His family later moved to Pontiac, MI. At the age of 18, Tedd caught a train and went to Chicago to study art. He joined the Air force during the Korean War and was stationed at Langley Air Force Base in Hampton, VA. He later attended the Corcoran Art School in Washington, D.C. and received a degree in art history and painting from George Washington University. He was a graphics designer for the Bureau of Reclamation from 1957 to 1960, and later headed his own house restoration business.

In 1963, Tedd joined the National Park Service as art director. He helped put together a graphics and cartography unit in the publications office; it received a gold medal from the First Federal Design Assembly as the best in government. Many of the maps and brochures he designed are still in use. In 1967 Park Service Director George Hartzog set up the Office of Urban Affairs, and Tedd worked on initial plans for the then-proposed Wolf Trap Park, VA; Georgetown Waterfront and Fort Lincoln, Washington, DC; Indiana Dunes National Lakeshore; Delaware Water Gap National Recreation Area; and Jefferson National Expansion Memorial, St. Louis, MO.

In 1968 in the wake of the riots in Washington, DC, he and designer Russell Wright conceived of and developed the "Summer in the Parks" program, which provided cultural and recreation activities in parks throughout the region and became the model for similar programs throughout the Nation.

Tedd's park planning days began in 1969, when he served on the planning team that came up with the plan and legislation to establish the Gateway National Recreation Area in New York/New Jersey. He subsequently served as head of planning for other new urban national parks, including the Golden Gate National Recreation Area in San Francisco and of course, the Cuyahoga Valley National Recreation Area between Akron and Cleveland, OH. He also did the early studies of the Lowell National Historic Park, MA; Chattahoochee River National Recreation Area, Atlanta; Santa Monica Mountains National Recreation Area, near Los Angeles; and Ellis Island and Statue of Liberty, NY. He conducted a study of President Roosevelt's summer home in Warm Springs, GA and a study of the Rockefeller estate in Pocantico Hills, NY. He also led a study of potential African-American historic sites throughout the country, several of which including the Maggie Walker home in Richmond, VA, Congress subsequently included in the National Park System. As his last project before retiring in 1984, he served on the management planning team for the Women's Rights National Historical Park, Seneca Falls, NY.

Tedd lived with his wife Loretta Neumann in Washington, DC. Tedd was one of the founders of Plan Takoma, a neighborhood organization for which he helped develop a comprehensive plan for the area surrounding the proposed Metrorail station. He was also active in Neighbors Inc. He was one of the founders in the late 1970s of the Takoma Park Folk Festival, and for many years was a member of its coordinating committee. He was for many years treasurer of the Committee of 100 on the Federal City and Takoma Park Horticultural Club.

Tedd's first marriage was to Marilyn Hudson, with whom he had three children: Christopher, Carol Lynn, and Clair (Behrens). He has one grandson, Charles Behrens. He also has a sister, Patricia (Rososky), and brother, Lawrence.

Just over a week ago, I participated in a ceremony to mark the reopening and completion of the renovation of the historic "Boston Store" in the Cuyahoga Valley. It was a great day and all of us who were present including John Seiberling, the author of the legislation creating the Cuyahoga Valley noted how bipartisan the creation and continued operation of the park has been. The "green-shrouded miracle" Tedd knew would one day be a park has brought much joy to millions in our region of the country and his vision has left an indelible mark throughout the country.

TRIBUTE TO BRIG. GEN. ALLAN W. NESS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Brig. Gen. Allan W. Ness. On November 23, 1996, he will be honored on the occasion of his retirement as commander of Selfridge Air National Guard Base, MI.

Brigadier General Ness' distinguished career includes a yearlong tour in Tuy Hoa, Republic of Vietnam where he flew 247 combat missions. In 1988, he was selected to attend the NATO Defense College in Rome and shortly thereafter became deputy commander for operations of the 127th Tactical Fighter Wing. The promotion to brigadier general was effective as of September 1994.

General Ness has served as commander of the 127th Wing and Selfridge Air National Guard Base for 3 years. He is responsible for successfully leading Selfridge through some of its greatest challenges since the opening of the base. General Ness implemented the conversion and consolidation of the 191st Fighter Group and 127th Fighter Wing which occurred because of significant downsizing of the units at Selfridge. He diligently fought an Army recommendation to pull out of the base and maintained a high state of readiness throughout the process.

Through General Ness' leadership, a nationally recognized equal opportunity diversity training program was implemented. Selfridge has led the State and Nation in developing innovative programs to monitor, mentor, and motivate their members to appreciate diversity.

I commend him for his years of service to the Selfridge Air National Guard Base and the citizens of our great country. I urge my colleagues to join me in showing appreciation for a job well done by offering a final salute on the event of his retirement.

TRIBUTE TO FRANK CORRADI

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. MARTINI. Mr. Speaker, I rise today to recognize Mr. Frank Corradi of Cedar Grove for his outstanding public service record. Mr. Corradi is currently serving in the capacity of councilman/deputy mayor for the city of Cedar Grove in the Eighth Congressional District.

Mr. Corradi's current public office is not his first involvement with his community. He participated on the church level through his position as parish finance council member, which he held from 1986 until 1990. In 1992, Mr. Corradi served on the Zoning Board of Adjustment in Cedar Grove, and in 1994, he held a seat on the Planning Board. Mr. Speaker, these positions reflect Mr. Corradi's qualities of responsibility, fiscal integrity, and dedication, which no doubt played a large role in his 1994 election to councilman/deputy mayor.

Over the past 2 years, Mr. Corradi has accomplished a number of projects to better the lives of the people of Cedar Grove. He worked to increase the awareness of the residents with regard to the need for an expanded recycling program. Mr. Corradi sponsored legislation to eliminate cigarette machines in all nonliquor serving establishments. He also helped to more thoroughly integrate the needs of the business community by creating committees to provide them with support.

Mr. Speaker, these are just a few of Mr. Corradi's achievements. The people of Cedar Grove have benefited greatly from his constructive and fiscally responsible actions. I encourage Mr. Corradi to continue his noteworthy agenda. He is a truly respectable public servant who should serve as an example to others.

CONFERENCE REPORT ON H.R. 3610, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. DAVIS. Mr. Speaker, I rise in support of the provision in the final Conference Agreement to the FY 1997 Department of Defense (DOD) Appropriations Bill, which encourages the Department to pay particular attention to pediatric patients as it explores telemedicine initiatives that would provide cost-effective, accessible, and high quality services for DoD beneficiaries.

The Department of Defense in the past decade, has experienced many of the same challenges confronting the Nation's private health care system—increasing costs, uneven access to health care services, and disparate benefit and cost-sharing packages for similarly-situated categories of beneficiaries. As DoD responds to these challenges, there is a particular need to ensure that the transition to managed care for pediatric patients within the Military Health Services System is handled with a high level of professionalism and care.

The requirements of a reformed health care delivery system and the emergence of new medical and information technologies have radically changed the manner in which health care is provided and delivered to pediatric patients. Therefore, it is critically important for the Department to develop a partnership with a pediatric hospital which has the proven expertise and track record in the diagnosis and treatment of sick children.

Children's National Medical Center (CNMC), located in the Nation's capital, offers significant benefits to DoD and to countless citizens in Northern Virginia, Washington, DC, and Maryland. CNMC has had a longstanding relationship with the Department of Defense through collaboration with DoD facilities, and through the provision of patient care services to a large number of military dependents and the children of DoD civilian employees. CNMC currently has affiliation agreements with Walter Reed Army Medical Center and Bethesda Naval Medical Center. Through these relationships, CNMC serves as a major regional source of training for military physicians, nurses, technologists, therapists, and other allied health professionals.

In recent years, CNMC has worked closely with DoD to develop pediatric quality assurance criteria for emergency medical care services to acutely ill and injured children who are military dependents referred by area military medical treatment facilities. This pilot study involved the development and application of screening criteria designed to assess the process and outcome of pediatric emergency care for head trauma, seizures and respiratory distress due to upper airway construction. The criteria was applied to a sample of six military treatment facilities in the United States. The findings from the study revealed specific aspects of pediatric emergency medical care which would benefit from clinical and/or administrative educational programs.

Given the specific expertise which Children's National Medical Center brings to pediatric health care, its longstanding successful relationship with DoD, the National Institutes of Health, and other Federal agencies in health policy and research matters, CNMC is eminently qualified to work with DoD in establishing a state-of-the-art telemedicine network to ensure that pediatric military dependents have access to the most advanced standards of American health care.

Telepediatrics demonstration of this nature will provide DoD with otherwise inaccessible state-of-the-art pediatric medical advice and services to providers and their patients. It will also provide the broadest range of pediatric specialty services allowing for the phased integration of target specialties (trauma, radiology, psychiatry), it will develop broad or segmented demonstration of the utility of various telemedicine technologies in the field of pediatric medicine across the range of primary, chronic, and acute care services, and it will demonstrate the cost-effectiveness of telemedicine technologies in enhancing the quality of services and access to pediatric populations in urban, suburban, rural, and regionally dispersed, as well as transitional communities.

Mr. Speaker, I strongly support the effort by the Department of Defense to explore telemedicine initiatives which will bring new insights and services to the care of pediatric patients.

TRIBUTE TO THE AMERICAN ASSOCIATION OF HOMES AND SERVICES FOR THE AGING ON THEIR 35TH ANNIVERSARY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay special tribute to the American Association of Homes and Services for the Aging who will celebrate their 35th anniversary this October in Philadelphia.

On November 26, 1961, a group of dedicated long-term care professionals met for 4 days at New York's Arden House to discuss the future role and mission of nonprofit providers in long-term care. Out of those discussions came the American Association of Homes and Services for the Aging.

From its earliest days, the association and its members believed in a philosophy of care and service to the Nation's elderly. Its leaders coined the phrase "social components of care" to describe how significant both the nurturing and spiritual aspects of long-term care were in ensuring quality of care for residents of the Nation's health care and senior housing organizations. The association also pioneered the concept of resident decisionmaking, believing in the right of residents of homes for the aging to have a voice in their care and in the activities of the facility.

The association's vision for the future is one in which every community offers an integrated and coordinated continuum of high quality, innovative and affordable health care, housing and home, and community-based services. Within this framework the qualities of compassion, benevolence, individual dignity, self-determination, diversity, and social responsibility will be most highly valued.

As 1996 draws to a close, there are 5,000 full members of the AAHSA, 39 State association partners, and 800 affiliate members. Its membership includes not only nursing homes and continuing care retirement communities, but also subsidized and market-rate housing for low- and moderate-income elderly as well as home and community-based service organizations. The association sponsors a nationally recognized accreditation program for continuing care retirement communities and initiated the International Association of Homes and Services for the Aging to share the knowledge of aging services across international borders.

From October 28 to 31, the AAHSA will hold its annual meeting in Philadelphia. In light of this organization's commitment to continuing improvement in the care of our Nation's elderly we are honored to host this event which will draw over 5,000 people to our city. Mr. Speaker, I ask that my colleagues join me in congratulating this association on 35 years of service to the Nation's elderly.

THE 40TH ANNIVERSARY OF THE 1956 HUNGARIAN REVOLUTION—REFLECTIONS OF CHARLES GATI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. LANTOS. Mr. Speaker, as we approach the end of October, we will mark the 40th anniversary of the outbreak of the 1956 Hungarian Revolution. This is a particularly significant event because that uprising of the Hungarian people against communism and against the Soviet domination of the Hungarian nation was one of the most dramatic and critical events of the cold war era.

As we reach the last days of October when the dramatic events unfolded 40 years ago, it is appropriate that we here in the United States—and particularly that we as Members of Congress—remember the events of 1956. It is most appropriate that we pay tribute to the brave people of Hungary who rose up against Soviet tanks and the heavily armed Red Army in an effort to win their freedom and regain their national independence.

Mr. Speaker, one of the individuals who was a young man in Budapest at the time of those tumultuous events four decades ago was Dr. Charles Gati, who was one of the hundreds of thousands of Hungarians who fled their country in the aftermath of that tragic revolution. We are fortunate, indeed, to have him here as an American today, one of our finest scholars and analysts of Central and Eastern Europe.

TRIBUTE TO DR. MARCO BRUNO AND JOSEPH ALESSI

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. MARTINI. Mr. Speaker, as we approach October, National Italian-American Heritage Month, being an Italian-American myself, I would like to commend two distinguished individuals from my congressional district for their dedication to increasing the awareness of Italian-American heritage. These two gentlemen, Dr. Marco Bruno and Mr. Joseph Alessi, were recently recognized by the Belleville Chapter of UNICO National for their accomplishments.

Dr. Bruno is extremely active in the Italian-American community. He is a founder and charter member of the Center for Italian and Italian-American Culture, Inc. He has served as the center's vice president, a member of the board of trustees, chairman of the membership committee, participant and chairman of several other cultural and fundraising activities. Currently, Dr. Bruno is serving his third year as president of the executive board. He is a member of the National Italian American Foundation [NIAF]. Dr. Bruno has been a member of Cedar Grove UNICO for over 10 years and has served as chairman of the Heritage Committee. In addition, he has held the offices of vice president and president. In 1992, Dr. Bruno was honored as the Cedar Grove UNICO Man of the Year. His numerous activities with UNICO include various heritage programs, coordinator of the Columbus Day Parade, Christmas Toy Drive, and director of Italian language classes in Cedar Grove. He is a member of the UNICO Once Voice Committee and has assisted in the organization of Italian-American Heritage Day at Montclair State College, and the One Voice Seminar at Seton Hall University. Finally, Mr. Speaker, Dr. Bruno has most recently served as co-chairman of the A–T Children's Project Family Day fundraiser.

Mr. Speaker, the second notable Italian-American, Joseph Alessi served as Essex County Condemnation Commissioner and an Arbitrator for the Essex County Court Special Civil Part. He became a member of Cedar Grove UNICO in 1986 and served as president from 1988 to 1990. He founded the Heritage Committee of Cedar Grove UNICO and was instrumental in procuring educational videos on Italian heritage. Mr. Alessi served on the UNICO scholarship committee and was active in various fundraising events. He was appointed to the honorary advisory committee for the Newark Public Library's International Cultural Festival in Italy. Mr. Alessi serves with Dr. Bruno as a trustee for the Center for Italian and Italian-American Culture. In addition, he also holds the position as co-chairman of the center's annual gala. Finally, Mr. Alessi is a member of One-Voice, an organization founded by Dr. Emanuel A. Alfano, who is dedicated to eradicating negative Italian stereotyping and defamation.

Mr. Speaker, I cannot express enough appreciation and admiration for these two gentlemen. They have already contributed more to their communities than most people could even dream of accomplishing in a lifetime. Their actions and characters carry the highest level of integrity and should be noted by all. Mr. Speaker, Italian-Americans have suffered many hardships over the years, and it is thanks to individuals such as Dr. Bruno and Mr. Alessi that we begin to reestablish our rich and notable heritage. Thank you gentlemen, and may you continue your noble efforts to propel the heritage of Italian-Americans.

THE INTERSTATE INSURANCE RECEIVERSHIP COMPACT

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. MOORHEAD. Mr. Speaker, the Interstate Insurance Receivership Compact is the product of the efforts of a group of state insurance regulators and legislators that were concerned about the problems that have been presented by the administration of multistate insurance receiverships. After examining the compact and its plan of operation, I became convinced that the compact would make an important contribution to the regulation of insurance by the States. As a result, I introduced House Joint Resolution 189 for the purpose of granting the explicit consent of Congress to the compact. I have come to believe, however, that the Interstate Insurance Receivership Compact does not actually require congressional consent to be valid.

The compact has now been adopted by four States, in addition to my home State of California, Illinois, Michigan, Nebraska, and New Hampshire. The compact is in the process of organizing its commission and establishing its rules so that it can fulfill its intended purpose of facilitating the open, fair, and efficient administration of insurance receiverships that have a multistate impact.

A hearing on House Joint Resolution 189 took place before the Commercial and Administrative Law Subcommittee of the Judiciary Committee of the House of Representatives on September 18, 1996. The testimony presented at the hearing, and the written submissions received both before and after the hearing, were, without exception, supportive of the compact and in some cases, enthusiastic. Testimony was personally presented by Senator Leo Fraser, of New Hampshire, a legislator who was instrumental in advocating the compact concept, and Robert Lange, director of insurance of the State of Nebraska and the first chairman of the compact commission.

Written testimony was submitted by Peter Gallanis, special deputy receiver for the State of Illinois. In addition, Gov. Jim Edgar, of Illinois, and Gov. Ben Nelson, of Nebraska, wrote to Judiciary Chairman HENRY HYDE and expressed their active support for the agreement. Significantly, no opinions to the contrary were expressed at the hearing.

A number of important points were made in support of the compact. First, the purpose of the compact and its operation are fully consistent with the State regulation of insurance as set forth in the McCarran-Ferguson Act of 1945. The compact facilitates and enhances what the States are already doing. It merely allows them to do so more efficiently.

Second, the terms of the compact clearly establish that there is no usurpation of any Federal prerogative by the compact and there is no unlawful delegation of State authority to the compact or its commission. The drafter of the compact carefully provided that each State would have the opportunity and ability to withdraw from the compact if it should decide to do so. In addition, each State has the ability to opt out of a rule promulgated by the compact commission if that State finds the rule to be undesirable.

Interstate compacts have made an important contribution to the ability of the States to govern and to regulate, and, therefore, to the constitutional system of federalism. Many compacts have received explicit congressional consent. Many others have not received consent because the law, as interpreted by the U.S. Supreme Court, does not require it. The testimony, letters of support, and the language of the compact itself have now convinced me that the Interstate Insurance Receivership Compact is one of those compacts that does not require the explicit consent of Congress.

TRIBUTE TO CLAREMONT McKENNA COLLEGE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. DREIER. Mr. Speaker, I want to take this opportunity to salute my alma mater on the occasion of its 50th anniversary.

Claremont McKenna College was founded in 1946. Most of its students were returning veterans who were given a chance to earn a college education thanks to the GI bill.

Those young men, including my father, were determined to take the lessons of war and build a peaceful and prosperous Nation.

Founding President George Benson, who will celebrate his 89th birthday in January, kept Claremont McKenna College focused on its mission to educate young men and women for responsible leadership in business and government.

Today, Claremont McKenna is recognized as one of the Nation's finest colleges and enrolls nearly a thousand students from across the country and the world.

Among its graduates are leaders in business, the arts, education, science, medicine, and of course, public service.

I am proud to be a graduate of Claremont McKenna College and invite my colleagues to join me in saluting a remarkable institution.

TRIBUTE TO DR. ARMAND LEONE

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. MARTINI. Mr. Speaker, I rise today to pay tribute to an outstanding individual of the Eighth Congressional District of New Jersey, Dr. Armand Leone.

Dr. Leone has given a great deal of time and care to the people of Paterson through his undying service at Wayne General Hospital. A native of Paterson, Dr. Leone began his medical career in his hometown after graduating from New York Medical College in 1947. His first position was as a rotating intern at Wayne General, followed by a residency in pathology. With these experiences, Dr. Leone realized his inner calling to practice at Wayne General Hospital.

Next, Dr. Leone served as the first radiology resident at St. Barnabas Hospital. His enthusiasm and dedication led him to serve a residency in radiation therapy and two preceptorships in nuclear medicine. Dr. Leone fulfilled his practicing desire in 1951 when he was appointed to the medical staff of Wayne General Hospital—then Paterson General. Later, he was appointed clinical professor at New York Medical College in Westchester. Currently, Dr. Leone serves as chairman of the department of radiology at Wayne General and chairman of the Wayne General Hospital Foundation.

Mr. Speaker, it is overwhelmingly apparent that Dr. Leone's dedication to the practice of medicine warrants utmost admiration. His devotion to Wayne General Hospital and the individuals it serves goes above and beyond the call of normal doctors. I applaud the achievements of Dr. Armand Leone and wish him many more years of excellence in practicing medicine.

SOUTH DADE/HOMESTEAD MOTORSPORTS EXHIBITION CENTER

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. DEUTSCH. Mr. Speaker, I want to join my colleagues from south Florida in support of a new, significant economic development project which is planned for Homestead, FL. This project involves the establishment of a Motorsports Exhibition and Education Center as part of the existing South Dade/Homestead Motorsports Complex.

Mr. Speaker, in 1992, Homestead and South Dade County experienced extreme damage from Hurricane Andrew which destroyed countless homes and businesses. In the years since the hurricane, we in south Florida have worked hard to restore and revitalize the economy of this community. It takes a true partnership of government and business to make such an economic recovery. The Motorsports Exhibition Center is an example of such a partnership. The city of Homestead and a number of businesses involved in the Motorsports Speedway have joined together in a nonprofit foundation to seek funding for establishment of the exhibition center which is expected to draw some half million tourists to the Motorsports Complex each year. The project will create hundreds of jobs throughout the South Dade area.

Mr. Speaker, the city of Homestead has indicated that it plans to approach the Economic Development Administration [EDA] for partial funding of the Exhibition Center. We are hopeful that the agency will move expeditiously to review the project so that it may consider funding in fiscal year 1997.

Finally, Mr. Speaker, I want to express my support for the job that EDA has been doing in Florida and around the country in addressing local economic development needs. I look forward to working with the EDA officials in our region on the Motorsports Exhibition Center project.

TRIBUTE TO DAUGHTERS OF MIRIAM CENTER

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. MARTINI. Mr. Speaker, I rise today to pay tribute to The Daughters of Miriam Center, a nonprofit geriatric and rehabilitation center, which will be celebrating 75 years of excellence, with the opening of the Gallen Institute for Subacute Care on October 27, 1996.

Mr. Speaker; as you know, one of America's greatest assets is the wisdom of our seniors. As Supreme Court Justice Felix Frankfurter once said, "Wisdom too often never comes, and so one ought not to reject it merely because it comes late." The Daughters of Miriam Center realizes the same sentiments that Justice Frankfurter once espoused. The 13 acre Daughters of Miriam Center campus consists of 340 beds with various services available to over 700 elderly persons.

Mr. Speaker, the Daughters of Miriam Center was founded in 1921 by Nathan Bennet, a former Paterson mayor. It served as a shelter for elderly persons and orphaned children. Today, the Daughters of Miriam Center is acknowledged as one of the leading facilities in the Nation for the care of the elderly. It offers a nursing facility, subacute unit, the Gallen Institute for Subacute Care, sheltered workshop, medical day care, program for the elderly with outpatient alzheimer disease unit, two apartment buildings which offer congregate services, and the B.I. Cohen Family Building.

Mr. Speaker; on behalf of my colleagues in Congress, I wish the Daughters of Miriam Center success in the opening of the new Gallen Institute and another 75 years of continued success.

TRIBUTE TO HISPANIC BUSINESS WEEK

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1996

Mr. MARTINI. Mr. Speaker, I rise today in acknowledgment of the upcoming Hispanic Business Week in New Jersey.

Mr. Speaker, America is a hardworking society. We are a society built on the principles of growth for the individual, as well as advancement of our community as a whole. Within this context, we can see the vital importance for activists, community builders, and skilled professionals. This, Mr. Speaker, is what the New Jersey Hispanic Chamber promotes.

Mr. Speaker, in an era with significant economy shifts, the statewide Hispanic Chamber of Commerce has led our community in the effort to educate the Hispanic Business Community and its consumers. They have sought to encourage and support the entrepreneurs, the individuals, and the community as a whole. Through their education, our community has the opportunity to grow and develop into a better community.

This year, Mr. Speaker, the statewide Hispanic Chamber of Commerce will sponsor Hispanic Business Week from October 21 to October 26. I am grateful to be invited to their sixth annual convention and exhibition during this historical week. Today, in acknowledgment and appreciation for their great efforts, I rise to recognize Hispanic Business Week—a step toward the future.